



# Koch California Ltd.

662 Eucalyptus Road, P.O. Box 1127  
Nipomo, CA 93444

Mobile: (805) 440-8362  
Phone: (805) 929-4153  
Fax: (805) 929-5598  
Email: kochcal@earthlink.net

October 25<sup>th</sup>, 2011

San Luis Obispo Board of Supervisors  
Room D-430, County Government Center  
San Luis Obispo, California 93408

(805) 781-5450  
(805) 781-1350 fax

RE: October 25<sup>th</sup>, 2011 Item D-2 Consideration of a request to provide staff direction to return to the Board with a final resolution to allow the Nipomo Community Services District (NCSD) to create an assessment district to fund capital improvements for the NCSD's Supplemental Water project (WIP) for the Nipomo Mesa Management Area; 4th District.

**Dear Supervisor Paul Teixeira and other Board members:**

I request that the Board not approve moving forward with a resolution that will allow NCSD to form an assessment district outside it's boundary.

If the board intends to proceed with the resolution I request that the parcel shown on page D-2 page 35 be removed from the "WIP Assessment District Project Basemap" (assessors parcel number 091-311-032 which is also known as APN, 091-031-019, 091-031-032 or 662, 664, 666 or 668 Eucalyptus Road)

The parcel does not have Golden State Water Company Service is not part of any alleged Golden State Water Company Service area. The Map used as a source for the "WIP Assessment District Project Basemap" was not intended to be accurate to a parcel level.

Note the 4/4/2000 letter from Golden State Water Company Service clearly states:

"Our maps may or may not follow the exact property lines when they are drawn on a scale of this size. While this map shows the location of the westerly tariff boundary on the north side of Eucalyptus as extending to Scenic View Way, **in actual practice the boundary stops at the last parcel westerly on Eucalyptus that has requested water service. In this case, the most westerly parcel we serve is owned by the Aquinos.** If you have further questions, please call me directly at 937-1010. Roger W. Brett Customer Service Superintendent enc: Map"  
(Please note the "Aquinos" parcel is one parcel east of the parcel at 662 Eucalyptus Road)

(Please see documents and specific comments in the attached comments on this issue)

In any case I would like the Board/Staff to clearly indicate the alleged "Nexus" between the benefit and assessment for that parcel that makes it in the assessment and the "Nexus" that makes the parcel just to the west not in the proposed resolution for an assessment.

Thank You



John Snyder

CC

District 1: Frank R. Mecham  
(805) 781-4491  
1-(800) 834-4636  
[fmecham@co.slo.ca.us](mailto:fmecham@co.slo.ca.us)

District 2: Bruce S. Gibson  
(805) 781-4338  
[bgibson@co.slo.ca.us](mailto:bgibson@co.slo.ca.us)

Legislative Assistant is Cherie Aispuro  
District 3: Adam Hill  
781-4336  
[ahill@co.slo.ca.us](mailto:ahill@co.slo.ca.us)

District 4: Paul Teixeira  
(805) 781-4337  
[pteixeira@co.slo.ca.us](mailto:pteixeira@co.slo.ca.us)

District 5: James R. Patterson  
(805) 781-4339  
[jpatterson@co.slo.ca.us](mailto:jpatterson@co.slo.ca.us)

Attached:

SLO BoS 10/25/11 D-2 page 35 with indication of parcel that should be removed.

September 17, 2010 letter

RE: September 21, 2010 Item A-2 Request to approve: 1) Memorandum of Understanding with Nipomo Community Services District (NCS D) Assessment District for the Waterline Intertie project (WIP)"

February 2<sup>nd</sup>, 2010 letter 2 of 2 to BOS

February 2<sup>nd</sup>, 2010 letter 1 of 2 to BOS

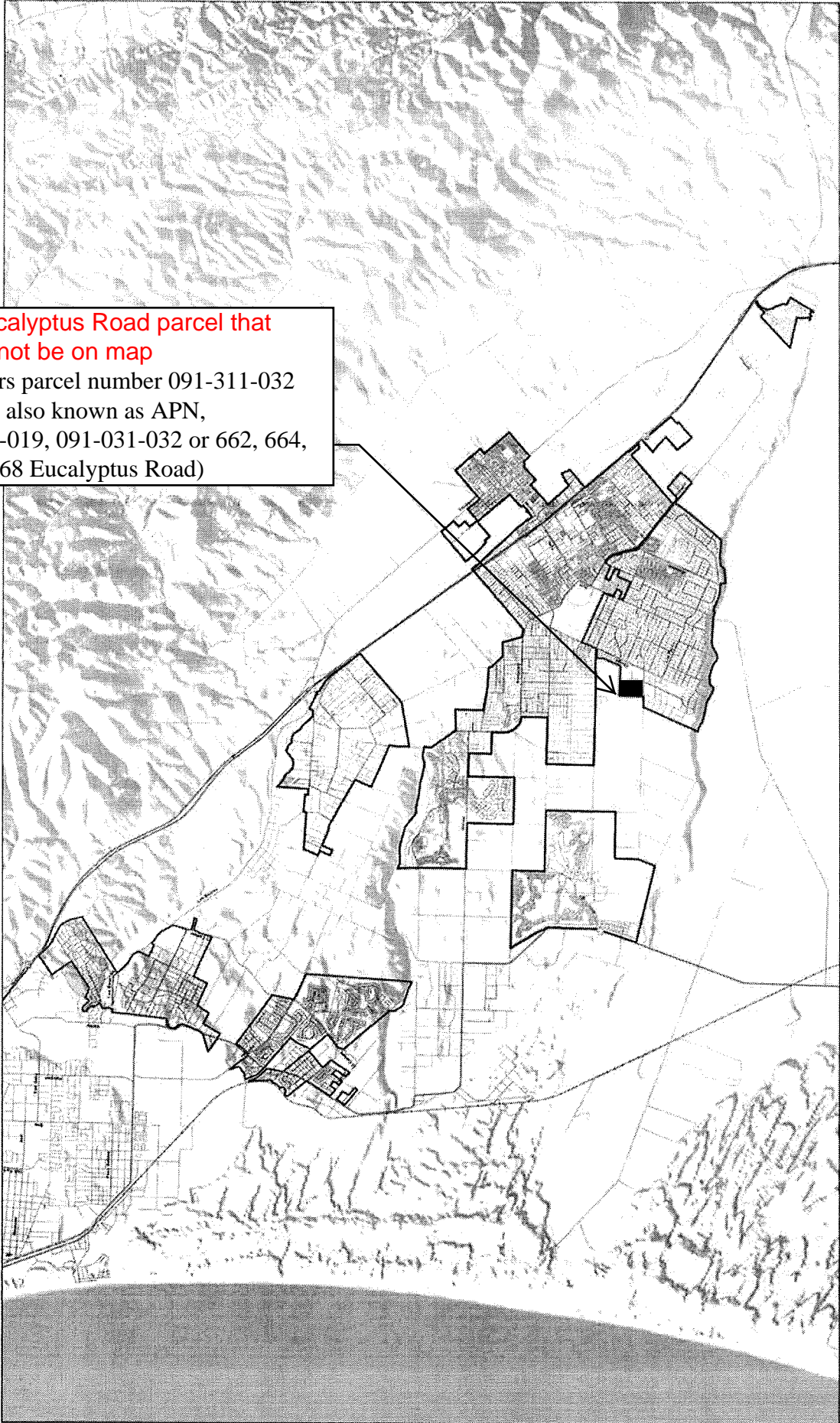
September 23, 2009 letter to the BOS.

RE: September 22, 2009 Item C3 "recommendations regarding water resource planning efforts associated with ..... the Nipomo Community Services District (NCS D) and City of Santa Maria (SM) Waterline Intertie project (WIP)"

September 17, 2009 comments to the BOS hearing on September 22, 2009 Item 3.

RE: September 22, 2009 Item C3 “recommendations regarding water resource planning efforts associated with ..... the Nipomo Community Services District (NCSD) and City of Santa Maria (SM) Waterline Intertie project (WIP)”

**662 Eucalyptus Road parcel that should not be on map**  
 (assessors parcel number 091-311-032 which is also known as APN, 091-031-019, 091-031-032 or 662, 664, 666 or 668 Eucalyptus Road)



THIS MAP WAS COMPILED FROM DATA PROVIDED BY THE COUNTY OF SAN DIEGO AND IS NOT A LEGAL DOCUMENT.

MAP PRODUCED: JANUARY 2010



**WIP ASSESSMENT DISTRICT PROJECT BASEMAP**

- Legend**
- GRIC Assessment Boundary
  - HCSO Assessment Boundary
  - MTRC Assessment Boundary
  - RVC Assessment Boundary
  - Assessment Point

NOVUS GROUP  
 10000 North Torrey Pines Road, Suite 100  
 Torrey Pines, CA 92034  
 Phone: 949.451.1000  
 Fax: 949.451.1001  
 Website: www.novusgroup.com



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## September 17, 2010, Letter 1 of 1

San Luis Obispo Board of Supervisors  
Room D-430, County Government Center  
San Luis Obispo, California 93408

(805) 781-5450  
(805) 781-1350 fax

RE: September 21, 2010 Item A-2 Request to approve: 1) Memorandum of Understanding with Nipomo Community Services District (NCS D) Assessment District for the Waterline Intertie project (WIP)"

### Dear Supervisor Katcho and other Board members:

Once again the map provided as part of the staff report is not accurate. (see item A-2 page 10 attached below) Although the map is drawn by a different source (the non-public NMMA Technical Group) it is still a "copy" of the area from the known inaccurate map provided by what is now Golden State Water Company. The proposed assessment still lists my parcel for taxing. (see attached map and page of costs from the assessment calculations)

So once again Koch California Ltd officially protests and objects to NCS D or the County of San Luis Obispo placing the parcel with assessors parcel number 091-311-032 (which is also known as APN, 091-031-019, 091-031-032 or 662, 664, 666 or 668 Eucalyptus Road) as any part of the Water Intertie Project (WIP) property tax assessment.

I had made several written comments regarding this issue on the NCS D WIP tax assessment in the past. Those comments still apply. Please see attached letters dated 02/07/10, 9/17/09 and 9/9/09.

In addition to the comments already made, that you should not approve the project, I would like to make the following comments.

1. The Superior Court Decision that includes the Judgment and "Settlement" has been appealed and is stayed pending the outcome of the appeal. The appeal is now on file at:  
Title: "Appellants Landowner Group Parties?? ("LOG") Opening Brief"  
Filing Date: 09/14/2010, Submit Date: 09/14/2010  
<http://www.sccomplex.org/cases/noticelink.jsp?FormCaseId=VAE2661C98F&FormDocId=D7514E67A05D>
2. In discussing the agreement between NCS D and Santa Maria. It came out the Santa Maria would be making a "profit" on the water being sold. To quote the Santa Maria Water system manger Mr Sweet, and Mayer Lavagnino:

Sweet: "The agreement to sell water to Nipomo, the funds derived from that, will in the worst case scenario will pay the for delivery of water to Nipomo, in best case scenario there will be money for the city to utilize as they choose, **in most cases 99%, 90%, 95%**

**cases or better, there will be more money for the city** then there was before, so it should serve the city as a benefit.”

Lavagnino: “If you want to talk about money **if we make a few bucks** on one end long time then and we solve our own problem with the of the depression then **so be it**, and then council will make a decision on how to allocate that money.” Please provide these comments to the Consultant working on the Assessment process so they can be sure to remove my parcel from the assessment.

And also please note that even with my parcel is removed the all the other attached objections still apply to the Assessments in general and my objections.

Thank you.

Thank You



John Snyder

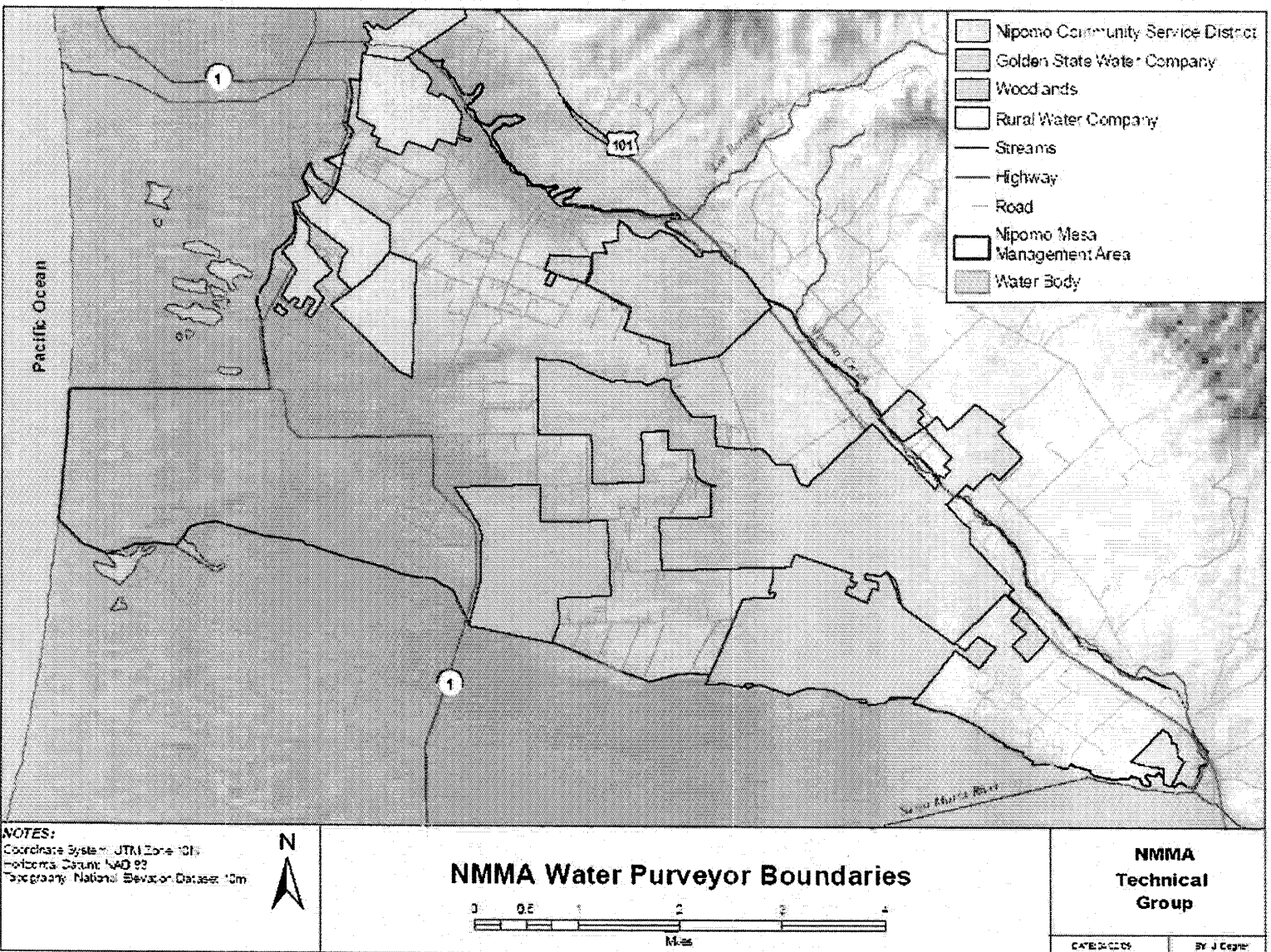
CC District 1: Frank R. Mecham  
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District 2: Bruce S. Gibson  
[bgibson@co.slo.ca.us](mailto:bgibson@co.slo.ca.us)  
District 3: Adam Hill  
[ahill@co.slo.ca.us](mailto:ahill@co.slo.ca.us)  
District 4: K.H. Katcho Achadjian  
[kachadjian@co.slo.ca.us](mailto:kachadjian@co.slo.ca.us)  
District 5: James R. Patterson  
[jpatterson@co.slo.ca.us](mailto:jpatterson@co.slo.ca.us)

Attached:

February 2<sup>nd</sup>, 2010 letter to BOS

September 23, 2009 letter to the BOS.

September 17, 2009 comments to the BOS hearing on September 22, 2009 Item 3.



**NOTES:**  
 Coordinate System: UTM Zone 10N  
 Vertical Datum: NAVD 83  
 Topography: National Elevation Dataset 10m

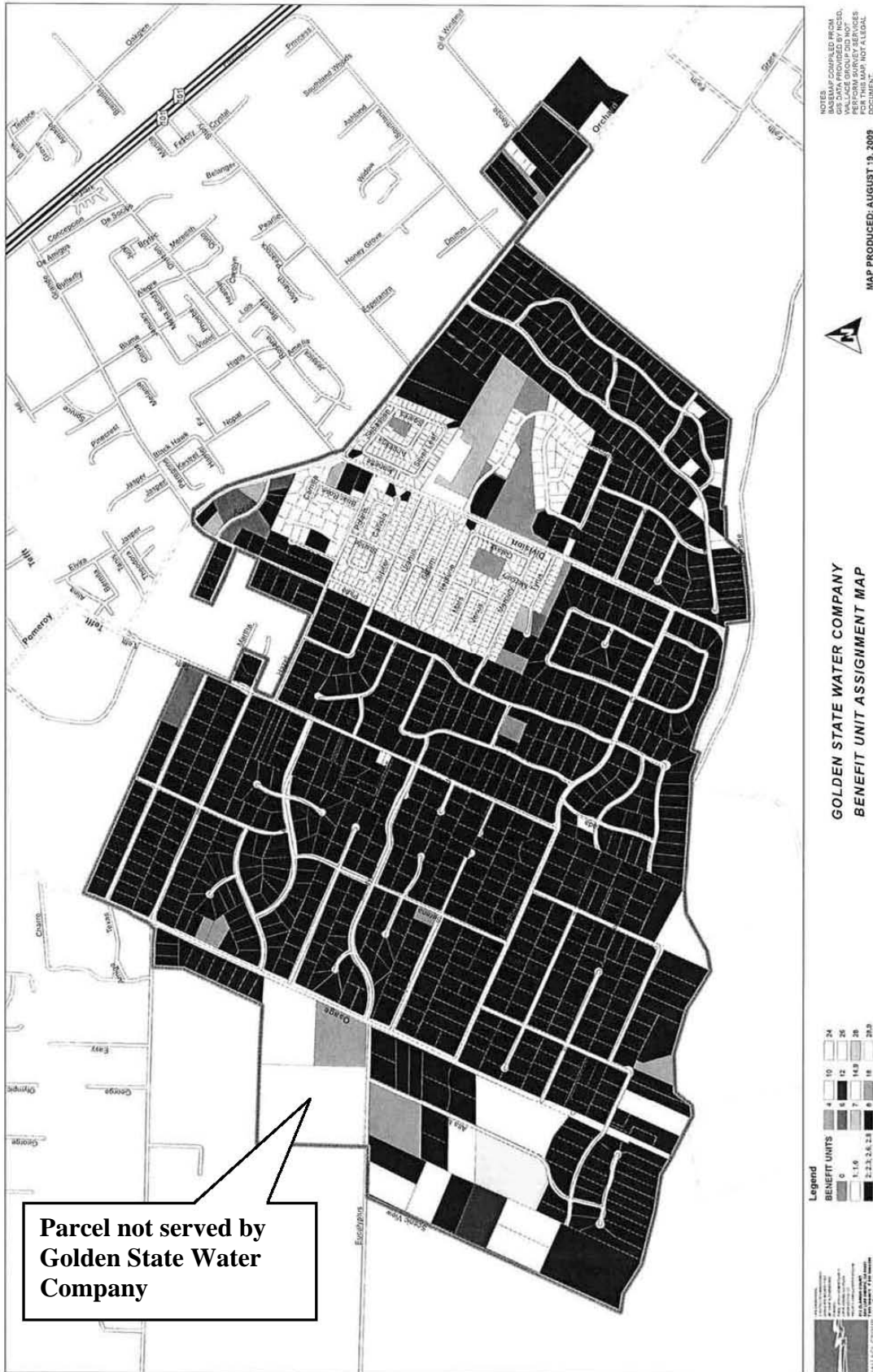
**NMMA Water Purveyor Boundaries**



**NMMA  
 Technical  
 Group**

DATE: 09/21/2010 BY: J. Ceylan

Incorrect map and assessment research results for WIP project:  
 NCSA AGENDA ITEM E-2 SEPT. 9, 2009 WIP CONSTRUCTION FUNDING --  
 ASSESSMENT RESEARCH





APPENDIX B

Golden State Water Company  
Supplemental Water Supply Assessment District

APN	ASSEESSEE	ACREAGE	PHYSICAL LAND USE	BENEFIT UNIT	MONTHLY COST	ANNUAL COST
090271020	TANNER JACQUELINE C FAMILY TRUST	16.4	winery	2.3	\$20.47	\$245.61
090271021	VALENZUELA LIVING TRUST	2.6	RSF	2.3	\$20.47	\$245.61
091311020	CRISWELL 1996 TRUST	13.9	RSF	26.0	\$231.37	\$2,776.50
091311032	KOCH CALIF LTD	28.9	Ag	28.9	\$257.19	\$3,086.29
091311033	AQUINO DAVID S	9.4	RSF	18.0	\$160.18	\$1,922.19
091312001	ZOLD BELA	1.0	RSF	2.0	\$17.80	\$213.58
091312002	YOCKEY LARRY D	1.0	RSF	2.3	\$20.47	\$245.61
091312003	HAYNES CAROLE	1.0	RSF	2.0	\$17.80	\$213.58
091312004	EHLERS CAROL A	1.0	RSF	2.0	\$17.80	\$213.58
091312005	AURORA LOAN SERVICES LLC	1.1	RSF	2.3	\$20.47	\$245.61
091312006	MERCIER CONSTANCE J	1.1	RSF	2.0	\$17.80	\$213.58
091312007	ANTONIO CIRENIA	1.0	RSF	2.0	\$17.80	\$213.58
091312008	LAURINGSON INGMAR D	1.0	RSF	2.0	\$17.80	\$213.58
091312009	HARRINGTON CAROL A	1.0	RSF	2.0	\$17.80	\$213.58
091312010	HOFFMAN EDWIN & MARGARET TRUST	1.0	RSF	2.0	\$17.80	\$213.58
091312011	GRAHAM KIMBERLY A	1.0	RSF	2.0	\$17.80	\$213.58
092091001	BILTZ THOMAS E & LINDA L	0.1	RSF	1.0	\$8.90	\$106.79
092091002	FLEMING RAYE E FAMILY TRUST	0.1	RSF	1.0	\$8.90	\$106.79
092091003	ATILANO DOMINGO	0.1	RSF	1.0	\$8.90	\$106.79
092091004	NIX JOHN	0.1	RSF	1.0	\$8.90	\$106.79
092091005	COLLARO LINDA	0.1	RSF	1.0	\$8.90	\$106.79
092091006	ROUSE ERNA E TR	0.1	RSF	1.0	\$8.90	\$106.79
092091007	EVANS DAVID R	0.1	RSF	1.0	\$8.90	\$106.79
092091008	MALIN FAMILY TRUST	0.1	RSF	1.0	\$8.90	\$106.79
092091011	BRILEY LINDA	0.1	RSF	1.0	\$8.90	\$106.79
092091012	STUART 1994 FAMILY TRUST	0.1	RSF	1.0	\$8.90	\$106.79
092091013	VINN CHUCK	0.1	RSF	1.0	\$8.90	\$106.79
092091014	NEEL DIANE C	0.2	RSF	1.0	\$8.90	\$106.79
092091016	GRASSLE LISA V	0.1	RSF	1.0	\$8.90	\$106.79
092091017	BARRAGAN HOMERO	0.1	RSF	1.0	\$8.90	\$106.79
092092001	CARDONA NOEL	0.2	RSF	1.0	\$8.90	\$106.79
092093001	GARIBAY LUIS	0.2	RSF	1.0	\$8.90	\$106.79
092093002	ALBANO JAMES T	0.1	RSF	1.0	\$8.90	\$106.79
092093003	BELMEDIA CLIFFORD J & BELMEDIA E LIVING TRUST	0.1	RSF	1.0	\$8.90	\$106.79
092093004	HUNSTAD MARGIE E TRUST	0.2	RSF	1.0	\$8.90	\$106.79
092093005	GRISWOLD DONALD & ELEANOR TRUST	0.2	RSF	1.0	\$8.90	\$106.79
092093006	SANCHEZ FELICITAS	0.2	RSF	1.0	\$8.90	\$106.79
092093007	PENA SANTOS	0.2	RSF	1.0	\$8.90	\$106.79
092093008	DOUGLAS GERALD L	0.2	RSF	1.0	\$8.90	\$106.79
092093009	MAGANA SONIA	0.2	RSF	1.0	\$8.90	\$106.79
092093010	MARKE KENDRA	0.2	RSF	1.0	\$8.90	\$106.79
092093011	SI O C O OF	2.2	basin	n/a	n/a	n/a



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## February 7, 2010, Letter 2 of 2

San Luis Obispo Board of Supervisors  
Room D-430, County Government Center  
San Luis Obispo, California 93408

(805) 781-5450  
(805) 781-1350 fax

RE: September 22, 2009 Item C3 "recommendations regarding water resource planning efforts associated with ..... the Nipomo Community Services District (NCS D) and City of Santa Maria (SM) Waterline Intertie project (WIP)"

Dear Supervisor Katcho and other Board members:

I would like to re-request the comments provided by the staff attorney on the NCS D to SM Water intertie Project (WIP) assessment. See attached request letter.

I would also like to know when the NCS D-SM WIP assessment item will come back to the board for consideration, or when it is currently proposed to be on the BoS schedule.

Thank you for help in keep us all informed.

Thank You

John Snyder

CC District 1: Frank R. Mecham  
[fmecham@co.slo.ca.us](mailto:fmecham@co.slo.ca.us)  
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District 5: James R. Patterson  
[jpatterson@co.slo.ca.us](mailto:jpatterson@co.slo.ca.us)

Attached:

September 23, 2009 letter to the BOS requesting public records.

September 17, 2009 comments to the BOS hearing on September 22, 2009 Item 3.



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September 23, 2009

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RE: September 22, 2009 Item C3 "recommendations regarding water resource planning efforts associated with ..... the Nipomo Community Services District (NCSD) and City of Santa Maria (SM) Waterline Intertie project (WIP)"

Dear Supervisor Bruce S. Gibson, Supervisor Katcho and other Board members:

I had made several written comments regarding the new NCSD WIP tax assessment. As I recall the Board asked the staff attorney if he had reviewed the comments and had any response. The staff attorney said he had not reviewed the document, but would make comments to the board in about a week.

I am making a public record request for a copy of those comments when they are provided by the staff to the Board members.

Thank you for help in keep us all informed.

Thank You

John Snyder

CC District 1: Frank R. Mecham  
[fmecham@co.slo.ca.us](mailto:fmecham@co.slo.ca.us)  
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September 17, 2009

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RE: September 22, 2009 Item C3 “recommendations regarding water resource planning efforts associated with ..... the Nipomo Community Services District (NCSD) and City of Santa Maria (SM) Waterline Intertie project (WIP)”

Dear Supervisor Katcho and Board members:

I am a landowner in Nipomo, I am also in what Golden State Water company claims is their “Service Area” and I have noted that in the agenda packet there is a buried and cryptic reference to NCSD forming a JPA with San Luis Obispo County to create a parcel tax outside of NCSD’s jurisdiction for the WIP. I object to any parcel tax to support the WIP.

Before any action is taken there needs to be full disclosure of the status of this JPA request.

- A. I have heard that NCSD board members have talked to board members.
- B. Several assessment studies have been done on assessment amounts per parcel.
- C. Proposed JPA agreements have been drafted.
- D. Letters have been sent to board members, staff and the county Debt Advisory Committee

None of this information has been made public as part of the board packet/staff report to allow proper public input. With the lack of proper public information and notice I make the following comments:

**1) There is considerable misrepresentation being made by NCSD and GSWC in the above listed information.**

**It is a misrepresentation by NCSD that the Santa Maria Groundwater Litigation decision titled “JUDGMENT AFTER TRIAL, 2008” (Judgment) is final.** That decision, made only by the lower Superior Court of California, County of Santa Clara is being appealed at this time and so reliance on any part of the Judgment is speculative at this time.

**It is a misrepresentation by NCSD that the Santa Maria Groundwater Litigation settlement titled “SETTLEMENT (June 30, 2005 version), (Settlement) is final.** The purveyors requested the settlement be placed into and made part of that Judgment and that has resulted in the settlement being subject to the appeal process. Reliance on any part of the Settlement is speculative at this time.

Parties in the Santa Maria Groundwater Litigation case filed a petition for writ of supersedeas to preserve the status quo. Other parties including the County of San Luis Obispo have been put on notice that they will be full responsible for there actions if future changes are made.

Documents found on:

<http://www.sccomplex.org/cases/noticelink.jsp?FormCaseId=VAE2661C98F&FormDocId=W30846810F32>

**It is a misrepresentation by NCS D that Santa Maria (SM) has agreed to sell “WIP” water to NCS D.** I just requested that agreement from NCS D and NCS D does not have an actual agreement at this time. So any proposed benefit of the project is speculative at this time.

**Even if SM did have an agreement, the rights and nature of all the sources of water that SM proposes to sell (see WIP EIR) are still being contested,** as the recently filed papers in the Santa Maria Groundwater Litigation show. So any proposed benefit of the project is speculative at this time. Documents found on: [www.sccomplex.org](http://www.sccomplex.org) and

<http://www.sccomplex.org/cases/noticelink.jsp?FormCaseId=VAE2661C98F&FormDocId=W30846810F32>

**It is a misrepresentation by NCS D that NCS D has agreed to purchase “WIP” water from SM.** I just requested that agreement from NCS D and NCS D does not have an agreement at this time. So any proposed benefit of the project is speculative at this time.

**It is a misrepresentation by NCS D that Golden State Water Company (GSWC) has agreed to purchase “WIP” water from NCS D.** I just requested that agreement from NCS D and NCS D does not have an agreement at this time. So any proposed benefit of the project for the Golden State “service area” is speculative at this time.

**It is a misrepresentation by NCS D that NCS D alone does not have the full responsibility to build the WIP if it is to be built.** The Settlement (found on [www.sccomplex.org](http://www.sccomplex.org), submitted 2/7/08, <http://www.sccomplex.org/cases/noticelink.jsp?FormCaseId=VAE2661C98F&FormDocId=ZE16528D17E8> Santa Maria Groundwater Litigation Case No. 1-97-CV-770214 Judgment After Trial, Exhibit 1 Settlement, section VI. A. 1. Clearly states that NCS D agrees to purchase and transmit the water. The WIP is exactly the project to do the Transmission of that water.

Settlement VI. A. 1. :

“The NCS D agrees to purchase and transmit to the NMMA a minimum of 2,500 acre-feet of Nipomo Supplemental Water each Year.”

And the Settlement VI. A. 6. clearly states that non-NCS D parties to the settlement only pay “Once the Nipomo Supplemental Water is capable of being delivered” which can only happen after the Pipe built, which can only happen after NCS D funds the project.

Settlement VI. A. 6. :

“Once the Nipomo Supplemental Water is capable of being delivered, those certain Stipulating Parties listed below shall purchase the following portions of the Nipomo Supplemental Water Yearly: NCS D - 66.68%, Woodlands Mutual Water Company - 16.66%, SCWC - 8.33%, RWC - 8.33%”

And the County of San Luis Obispo has signed the same Settlement and agreed to the same terms. The County can not and should not go back on that agreement and attempt to transfer the

obligation of NCSD to others.

**It is a misrepresentation by NCSD that Golden State Water Company (GSWC) represents their “service area”.** GSWC is a for profit public utility. In any hearing concerning recovery of costs, for GSWC obligations, the California Public Utilities Commission (CPUC or PUC) assigns an independent set of attorneys to represent the interests of the ratepayers of the “service area” making them an opposing party. As such GSWC never represents the ratepayers when it comes to money.

**It is a misrepresentation by NCSD that the majority of people agreed to and signed the Settlement of the Santa Maria Groundwater Litigation.** Not more than 300 people in Nipomo signed the Settlement out of a population over 12,626 (2000 Census). GSWC can not and does not speak for all its customers or potential customers.

**It is a misrepresentation by NCSD that Golden State Water Company (GSWC) when signing the settlement agreed for the people within their “service area” to comply with the settlement terms or cover any costs including the terms and costs for the Water Intertie Project.** Any such obligations in the settlement are obligation of the corporate entity that signed only. Costs can only be transferred to the ratepayers after a CPUC hearing and a CPUC approval with a finding of being a reasonable cost to provide needed water. No such approval has happened.

**It is a misrepresentation by NCSD that the WIP water can be beneficial to, or used by others** the settlement states: VI. A. 1.

**“All water delivered pursuant to the MOU for delivery by NCSD to its ratepayers shall be applied within the NCSD or the NCSD's sphere of influence as it exists at the time of the transmission of that water.”** (MOU Being the 2004 NCSD/SM MOU)  
[http://www.sccomplex.org/docfiles/court/Judgment\\_ex1.pdf](http://www.sccomplex.org/docfiles/court/Judgment_ex1.pdf)

**It is a misrepresentation by NCSD that the WIP is a joint project that can be part of a JPA** because the MOU gives NCSD exclusive control:

MOU 2.1

“In exchange for payment of a reservation fee as provided for in Section 3.1 of this MOU, City will reserve for NCSD an exclusive right to the Supplemental Water until such time as NCSD has completed the necessary infrastructure and is able to take delivery of the Supplemental Water. Thereafter, City shall provide the Supplemental Water to NCSD as provided in the Agreement.”

MOU 3.3 :

“Remarketing of Supplemental Water. NCSD shall be free to remarket the Supplemental Water to other parties who either use or serve water within the NHSA, without restriction as to price and terms.”

[http://ncsd.ca.gov/Library/Supplemental\\_Water/MOU%20ERR%208-27-04.pdf](http://ncsd.ca.gov/Library/Supplemental_Water/MOU%20ERR%208-27-04.pdf)

**It is a misrepresentation by NCSD that Golden State Water Company (GSWC) can participate in the WIP project** because the CPUC has already denied recovery of any costs for

State Water of which the WIP as proposed will deliver. Even if it is just a percentage of the total. (Application 92-06-044 and final decision)

**It is a misrepresentation by NCS D that Golden State Water Company (GSWC) can participate in the WIP project** because the GSWC has requested and the PUC did not approve recovery of costs for the WIP specifically in proceeding A0602026. <http://docs.cpuc.ca.gov/published/proceedings/A0602026.htm> any future request and it's result is speculative making any benefit speculative.

**It is a misrepresentation that NCS D can participate in the WIP project** because the NCS D held an election on participating in State Water and it failed.

**It is a misrepresentation that even if Golden State Water Company (GSWC) can participate in the WIP project there will be a benefit to the service area**, because that capital cost paid for the pipe is only useful to the service area, if there is water delivered to the service area and that is conditional on future PUC approval of rate recovery for GSWC.

2) **NCS D is requesting that the county "bypass" the PUC** and create an assessment so that ratepayers (or their landlords) will cover the costs of GSWC's obligations under the settlement. The PUC is the sole regulator of GSWC and the County should not unlawfully aid and abet NCS D and GSWC in bypassing the required PUC hearings.

3) **NCS D is requesting that the county modify the terms and obligations of the Settlement** and the County should not unlawfully aid and abet NCS D, GSWC, Rural Water and Woodlands in changing the terms of the settlement.

4) **All the above comments that apply to GSWC apply to Rural Water Company.**

5) **There are not the statutory required conditions to create a JPA** for the WIP between NCS D, the County, GSWC, Rural Water Company and Woodlands Water Company in each of the following authorities: the authority to jointly fund, the authority to jointly build, authority to jointly control and run the WIP project.

6) **It would be improper for the county to proceed with an assessment before the actual agreements to sell and buy water that define the benefit of the project are complete.**

7) **There has not been adequate notification** of the proposal for a JPA given to the people in GSWC service area. I myself and no one else I know have received any direct notification. I note no agenda of the South County Advisory Committee (SCAC) of which this has been an item on.

8) **In the past, San Luis Obispo County board members have made a number of representations that the county would not proceed with any agreements with NCS D** without a considerable number of meetings and consensus, which does not exist at this time. This is the Second time NCS D has attempted to get the county to create an agreement to allow NCS D taxing power outside its boundaries.

Given that it also seems fairly clear that NCS D would like to have just this one obscure hearing to have the "staff" write up a document and then move the documents and discussion to closed session outside of public view.

It would be best to have an item come back after proper public notice and local meetings if NCSD can provide the county and the public correct information.

On a second thought, In the past my comments to the Board have been forwarded to others early enough that then have a chance to rebut my points at public comment on the item, But I have not received a copy of their comments and have no chance to comment on them. I think that creates a unfair bias and I request that all written comments be forwarded to all commenter's if comments are to be forwarded.

Thank You



John Snyder

CC	Frank R. Mecham	District 1	Bruce S. Gibson	District 2
	Adam Hill	District 3	James R. Patterson	District 5

Attached:

Comments submitted to NCSD on the hearing of draft assessment amounts.





## Koch California Ltd.

662 Eucalyptus Road, P.O. Box 1127  
Nipomo, CA 93444

Phone: (805) 929-4153  
Mobil: (805) 440-8362  
Fax: (805) 929-5598  
Email: kochcal@earthlink.net

September 9, 2009

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

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

Dear NCSD Board:

Agenda item E-2 on the Board meeting agenda for 9/9/09 includes a parcel owned by Koch California Ltd. Koch California Ltd officially protests and objects to NCSD or the County of San Luis Obispo placing the parcel with assessors parcel number 091-311-032 (which is also known as APN, 091-031-019, 091-031-032 or 662, 664, 666 or 668 Eucalyptus Road) as any part of the Water Intertie Project (WIP) property tax assessment.

For anyone and/or all of the following reasons:

1. The parcel is not served water from Golden State Water Company. NCSD was asked for and could not provide a PUC approve of a map that shows the parcel has Golden State Water Company (GSWC) service.
2. NCSD was asked for and could not provide a PUC approve of a map that shows the parcel is within the Golden State Water Company (GSWC) service area.
3. The Assessment drafter the Wallace Group admits that it did not check the map data.
4. The Assessment drafter, the Wallace Group, incorrectly assumes "all parcels within the (district or GSWC in this case) are, or will be, served by Community Water..", There is no requirement that Ag parcels be supplied with community water. In fact "ag development" is exempt from the Title 22 requirements.
5. The parcel has its own independent water supply system and could/would not benefit from the WIP project or Assessment.
6. Mike Winn, a board member from NCSD has admitted that the WIP water and capacity funded by the tax will not be used for future development.
7. Mike Winn, a board member from NCSD has admitted that the WIP water and capacity funded by the tax will be used by NCSD for existing purveyors past obligation for "over pumping" (2500AF) or for a small amount of future build out within NCSD (500AF). This leaves no water do benefit the parcel.
8. The settlement assignees the obligation to build (and their for fund) the WIP to solely to NCSD.
9. If the settlement does not assignee the obligation to build the WIP to solely to NCSD, the settlement assignees the obligation to the corporate entity of Golden State Water Company and not the underlying parcels.
10. Golden State Water Company can only seek recovery costs of it's obligations through the PUC process of approval for reasonable costs and not through the County with an assessment.

11. Golden State Water Company is required to spread the cost over the "Santa Maria Service Area", the proposed benefit and tax assessment incorrectly attempts to spread the costs over just the Nipomo portion of the total service area.
12. The Judgment specifically states that this parcel will not benefit from the settlement.
13. The Judgment specifically states that the settlement will have no effect on this parcels.
14. The Judgment is being appealed and any action effect this parcel is stayed during the appeal.
15. Per the settlement all the water is to be used "with in NCSD's sphere of influence" and this parcel is outside of NCSD's sphere of influence and can not benefit from the WIP. See settlement Page 21 line 14 section VI A 1. which states:

**VI. PHYSICAL SOLUTION: PROVISIONS SPECIFIC TO NIPOMO MESA MANAGEMENT AREA**

As supplemented by the provisions of this Stipulation that apply to all Management Areas, the following terms shall apply to the Nipomo Mesa Management Area.

**A. Supplemental Water**

1. *MOU*. NCSD has entered into a Memorandum of Understanding ("MOU") with Santa Maria which contemplates the wholesale purchase and transmission from Santa Maria to the NMMA of a certain amount of water each Year (the "Nipomo Supplemental Water"). **All water delivered pursuant to the MOU for delivery by NCSD to its ratepayers shall be applied within the NCSD or the NCSD's sphere of influence as it exists at the time of the transmission of that water.**

16. Golden State Water Company only agreed to purchase the "Project Water", not to fund the WIP itself. See letter of admission by NCSD to the County via the Honorable Katcho Achadjian, August 26<sup>th</sup>, 2009 from Bruce Buel of NCSD, in attachment of Joint powers agreement Page 1, whereas (5).
17. The letter by NCSD to the County via the Honorable Katcho Achadjian, August 26<sup>th</sup>, 2009 from Bruce Buel of NCSD, in attachment of Joint powers agreement Page 2, whereas (8) admit the project is to provide water to existing customers and water for a small amount of development within NCSD. Leaving no water to benefit this parcel.
18. The NCSD board has already pre-agreeded to "support" the WIP in the settlement and can not make a proper decision concerning any proposed Nexus for the WIP project at this time.
19. The San Luis Obispo Board of Supervisors has already pre-agreeded to "support" the WIP in the settlement and can not make a proper decision concerning any proposed Nexus for the WIP project.
20. The NCSD has admitted that this parcel has no obligation, and this parcel is relying on the statements made by NCSD before the court in the posted document:

Document Title: "Opposition to Petition for Writs of Supersedeas "  
 Parties: Nipomo Community Services District, Submit Date: 08/07/2009  
<http://www.sccomplex.org/cases/noticelink.jsp?FormCaseId=VAE2661C98F&FormDocId=X3336F5DB7218>

Purveyor Response page 5:

Petitioners are not parties to the stipulation and have **no obligation there under except potentially to provide data concerning their water production** to the three technical committees for use in the monitoring of Basin conditions. **They cannot be assessed and their water production cannot be impeded by the operation of the stipulation no matter how far well elevations drop, no matter how great the threat of sea water intruding into the Basin and no matter how Basin conditions may deteriorate in any other way.** In that regard, the Judgment provides in pertinent part:

21. There is no basis for a nexus to assess 1 unit of benefit per acre for the only ag parcel within what is claimed to be Golden State Water Companies service area. There has been no consideration of water use or relative benefit as compared to the other parcels.
22. The County of San Luis Obispo has a separate agreement with this parcel and parcel owners in the Santa Maria Ground Water Litigation that does not include payment for any portion of the WIP.
23. The all the water that is “extra” to the City of Santa Maria, that it is proposing to sell to NCS D with the WIP is being contested in court and not available to provide benefit to this parcel.
24. There is no agreement between the City of Santa Maria and NCS D to actually sell water on which to base a nexus or basis of benefit on at this time, and so no benefit can be made to this parcel.
25. Golden State Water Company only agreed to pay cost after “water is capable of being delivered” The pipe would need to have financing before “water is capable of being delivered” and so clearly no WIP capital costs were agreed to by the four pueveyors including Golden State Water Company (GSWC which was SCWC). See settlement Page 21 line 14 section VI A 1. which states:

**VI. PHYSICAL SOLUTION: PROVISIONS SPECIFIC TO NIPOMO MESA MANAGEMENT AREA**

As supplemented by the provisions of this Stipulation that apply to all Management Areas, the following terms shall apply to the Nipomo Mesa Management Area.

**A. Supplemental Water**

**6. Once the Nipomo Supplemental Water is capable of being delivered,** those certain Stipulating Parties listed below shall purchase the following portions of the Nipomo Supplemental Water Yearly: NCS D - 66.68%, Woodlands Mutual Water Company - 16.66%, SCWC - 8.33%, RWC - 8.33%

26. The state requirements 20 by 2020 to conserve water was not considered in the Nexus. It will result in a “existing water use” reduction, such that 2500 AF for “existing shortage/overpumping” is not needed. This will result in the water being used for new development. So there will be no Nexus for “existing” connections to pay (or pay nearly as much)as proposed in the assessment.
27. Not considering the above objections, Ag parcels are allowed only 1 caretaker residence per 10 acres so at 28 acres there are only two allowed residences. The proposed assessment rate of 1 per ag acre in not reasonable. And only two benefit units should be assessed for this parcel.
28. Due to the limited time and failure of NCS D to comply timely to public record request before the hearing not all objections could be listed. And So we object for any and all other reasons or reasons discovered in the future that could be considered an objection to this parcel being assessed for a “Benefit”.
- 29.

Thank You



Harold John Snyder III  
Vice President



# Koch California Ltd.

662 Eucalyptus Road, P.O. Box 1127  
Nipomo, CA 93444

Mobile: (805) 440-8362  
Phone: (805) 929-4153  
Fax: (805) 929-5598  
Email: kochcal@earthlink.net

## February 7, 2010, Letter 1 of 2

San Luis Obispo Board of Supervisors  
Room D-430, County Government Center  
San Luis Obispo, California 93408

(805) 781-5450  
(805) 781-1350 fax

RE: September 22, 2009 Item C3 “recommendations regarding water resource planning efforts associated with ..... the Nipomo Community Services District (NCSD) and City of Santa Maria (SM) Waterline Intertie project (WIP)”

Dear Supervisor Katcho and other Board members:

Once again Koch California Ltd officially protests and objects to NCSD or the County of San Luis Obispo placing the parcel with assessors parcel number 091-311-032 (which is also known as APN, 091-031-019, 091-031-032 or 662, 664, 666 or 668 Eucalyptus Road) as any part of the Water Intertie Project (WIP) property tax assessment.

I had made several written comments regarding the new NCSD WIP tax assessment, Please see attached letters dated 9/17/09 and 9/9/09.

I had to look back through a decade of documents to **locate the 4/4/00 letter from Golden State Water Company that indicates the maps are not accurate and that my parcel is not part of Golden State Water Company's service area**, as it is the second parcel west of Osage on the north side of Eucalyptus Road. (West of the Aquino parcel mentioned as the last parcel with Golden State Water Company's service.)

The actual map from Golden State Water Company also states:

“This map shall not be considered by the Public Utilities Commission of the State of California or any other public body as a final or conclusive determination of establishment of the dedicated are of service, or any portion thereof.

Showing territory within which duly established and regularly filled Tariff schedules applicable to water service are in effect.”

This Golden State Water Company letter is positive proof that the comments I made on 9/9/09 are correct:

1. The parcel is not served water from Golden State Water Company.
2. NCSD was asked for and could not provide a PUC approve of a map that shows the parcel is within the Golden State Water Company (GSWC) service area.
3. The Assessment drafter the Wallace Group admits that it did not check the map data.
4. The Assessment drafter, the Wallace Group, incorrectly assumes “all parcels within the (district or GSWC in this case) are, or will be, served by Community Water..”, There is no requirement that Ag parcels be supplied with community water. In fact “ag development” is exempt from the Title 22 requirements.
5. The parcel has its own independent water supply system and could/would not benefit from the WIP project or Assessment.

Please provide these comments to the Consultant working on the Assessment process so they can be sure to remove my parcel from the assessment.

And also please note that even with my parcel is removed the all the other attached objections still apply to the Assessments in general and my objections.

Thank you.

Thank You



John Snyder

CC District 1: Frank R. Mecham  
[fmecham@co.slo.ca.us](mailto:fmecham@co.slo.ca.us)  
District 2: Bruce S. Gibson  
[bgibson@co.slo.ca.us](mailto:bgibson@co.slo.ca.us)  
District 3: Adam Hill  
[ahill@co.slo.ca.us](mailto:ahill@co.slo.ca.us)  
District 4: K.H. Katcho Achadjian  
[kachadjian@co.slo.ca.us](mailto:kachadjian@co.slo.ca.us)  
District 5: James R. Patterson  
[jpatterson@co.slo.ca.us](mailto:jpatterson@co.slo.ca.us)

Attached:

Letter to California Cities Water Company (now Golden State Water Company) 4/1/00  
Letter from California Cities Water Company (now Golden State Water Company) 4/4/00

Comments submitted to BOS on September 22, 2009 Item C3  
Comments submitted to NCSD on the hearing of draft assessment amounts.



## Koch California Ltd.

662 Eucalyptus Road, P.O. Box 1127  
Nipomo, CA 93444

Phone: (805) 929-4153  
Fax: (805) 929-5598  
Email: [kocheal@earthlink.net](mailto:kocheal@earthlink.net)

---

April 4, 2000

Roger Brett  
California Cities Water  
4854-F South Bradley  
Santa Maria CA, 93445

(805) 937-2007 Phone  
(805) 934-3240 Fax

Dear Roger Brett:

I was reviewing a copy of the Southern California Water Company's March 10<sup>th</sup>, 2000 Application to add to it's Santa Maria Customer Service Area the Community of Cypress Ridge.

I am requesting a copy of that document that includes a color map of the areas in the Nipomo system

It looks to me that there was a map alignment or scale error at the Eucalyptus Road / Osage area of the boundary.

Is there a better / more detailed map of the parcels and the boundary where the boundary crosses Eucalyptus Road?

I am requesting a copy of the better map.

If you have any questions please let me know.

Thank You

John Snyder  
Vice President

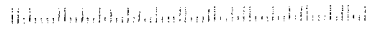
CC: Southern California Water Company  
630 East Foothill Boulevard  
San Dimas, California 91773  
(909) 394-3600  
(909) 394-7427

CALIFORNIA CITIES WATER  
A SUBSIDIARY OF AMERICAN STATES WATER COMPANY  
4854 F BRADLEY ROAD • SANTA MARIA, CA 93455



Mr. John Snyder, Vice President  
KOCH CALIFORNIA LTD.  
P.O. Box 1127  
Nipomo CA 93444

93444X1127



**CALIFORNIA CITIES WATER**

4854 F BRADLEY ROAD • SANTA MARIA, CA 93455 • (805) 937-2007 • FAX (805) 934-3240

April 4, 2000

Mr. John Snyder, Vice President  
KOCH CALIFORNIA LTD.  
662 Eucalyptus Road, P.O. Box 1127  
Nipomo, CA 93444

RE: MAP BOUNDARIES

Dear John:

Enclosed please find color copy of current tariff map, dated July 26, 1997.

Our maps may or may not follow the exact property lines when they are drawn on a scale of this size. While this map shows the location of the westerly tariff boundary on the north side of Eucalyptus as extending to Scenic View Way, in actual practice the boundary stops at the last parcel westerly on Eucalyptus that has requested water service. In this case, the most westerly parcel we serve is owned by the Aquinos.

If you have further questions, please call me directly at 937-1010.

Sincerely,



Roger W. Brett  
Customer Service Superintendent

enc: Map



SOUTHERN CALIFORNIA WATER COMPANY  
630 EAST FOOTHILL BOULEVARD  
SAN DIMAS, CALIFORNIA 91773



(To be inserted by Utility)

Advice Letter No. 978-W

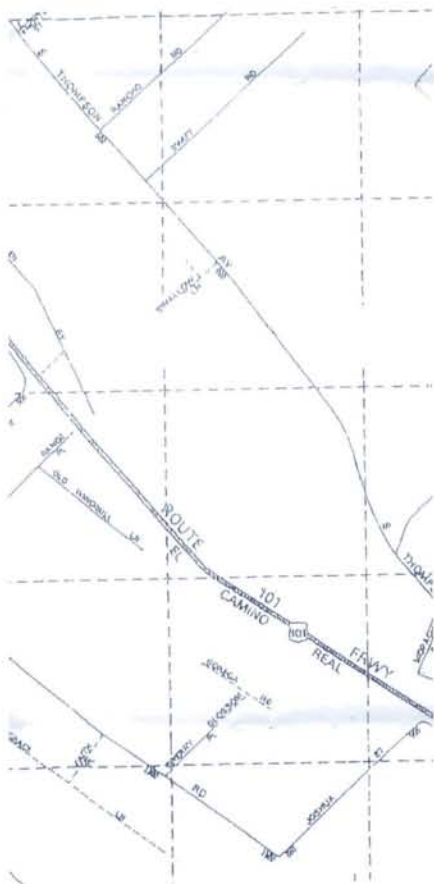
Decision No. 95-07-018

ISSUED BY

F. E. WICKS

PRESIDENT

# SANTA MARIA DISTRICT Nipomo System



- Indicates Existing Service Area
- Indicates Service Area Added by the filing of this Map

This map shall not be considered by the Public Utilities Commission of the State of California or any other public body as a final or conclusive determination or establishment of the dedicated area of service, or any portion thereof.

SHOWING TERRITORY WITHIN WHICH DULY ESTABLISHED AND REGULARLY FILED TARIFF SCHEDULES APPLICABLE TO WATER SERVICE ARE IN EFFECT.

ISSUED BY  
**F. E. WICKS**  
PRESIDENT

(To be inserted by Cal. P.U.C.)  
Date Filed **JUN 16 1997**  
Effective **JUL 26 1997**  
Resolution No.



## Koch California Ltd.

662 Eucalyptus Road, P.O. Box 1127  
Nipomo, CA 93444

Mobile: (805) 440-8362  
Phone: (805) 929-4153  
Fax: (805) 929-5598  
Email: kochcal@earthlink.net

September 17, 2009

San Luis Obispo Board of Supervisors  
Room D-430, County Government Center  
San Luis Obispo, California 93408

(805) 781-5450  
(805) 781-1350 fax

RE: September 22, 2009 Item C3 “recommendations regarding water resource planning efforts associated with ..... the Nipomo Community Services District (NCSD) and City of Santa Maria (SM) Waterline Intertie project (WIP)”

Dear Supervisor Katcho and Board members:

I am a landowner in Nipomo, I am also in what Golden State Water company claims is their “Service Area” and I have noted that in the agenda packet there is a buried and cryptic reference to NCSD forming a JPA with San Luis Obispo County to create a parcel tax outside of NCSD’s jurisdiction for the WIP. I object to any parcel tax to support the WIP.

Before any action is taken there needs to be full disclosure of the status of this JPA request.

- A. I have heard that NCSD board members have talked to board members.
- B. Several assessment studies have been done on assessment amounts per parcel.
- C. Proposed JPA agreements have been drafted.
- D. Letters have been sent to board members, staff and the county Debt Advisory Committee

None of this information has been made public as part of the board packet/staff report to allow proper public input. With the lack of proper public information and notice I make the following comments:

**1) There is considerable misrepresentation being made by NCSD and GSWC in the above listed information.**

**It is a misrepresentation by NCSD that the Santa Maria Groundwater Litigation decision titled “JUDGMENT AFTER TRIAL, 2008” (Judgment) is final.** That decision, made only by