

TULARE COUNTY WATER COMMISSION
3:00 p.m. on Monday, August 14, 2017
MEETING NOTES

Members Present:

Pete Vander Poel, Board Representative and Chairman
Richard L. Schafer, District 5 Appointee
Dale Brogan, District 2 Appointee
Paul Boyer, At-Large Appointee
Zack Stuller, District 1 Appointee
Kayode Kadara, At-Large Appointee
Kuyler Crocker, Board Alternate Representative
Tamara Kelly, District 3 Appointee
Chad Wegley, District 4 Appointee

Members Absent:

Larry Peltzer, At-Large Appointee
Rudy Mendoza, TCAG Representative

Staff Present:

Carrie Monteiro, Tulare County Board of Supervisors
Marit Erickson, County Counsel

Members of the Public Present:

Bill Wallace	Roger Strichline
David Kahn	Roy Sension
Michael Prado	Aaron Fukuda
Ken Bowers	Mike Hurley
Nilsa Gonzalez	Michael Tharp
Bruce Howarth	Richard Garcia
Denise Kadara	Mark Larson
Tricia Blattler	Bob Ludakens
Brittney Blankinship	Adriana Renteria

Others present

1. Call to Order

The meeting was called to order at 3:00 pm.

2. Public Comment Period

None.

3. Approve July 10, 2017 minutes (Action item)

Motion for approval of the July 10, 2017 minutes was made by Commissioner Kadara second by Commissioner Kelly. Commissioner Wegley abstained. Motion approved.

4. Receive a report and discussion from staff on proposed changes to Water Commission duties and ordinance. (Discussion, Possible Action)

Staff provided a redlined document of the latest version of the Water Commission ordinance and duties to review. Discussion followed.

Documents related to the items on this Agenda, submitted to the Board after distribution of the Agenda packet, are available for public inspection in the Board of Supervisors Office, 2800 W. Burrell Avenue, Visalia, CA during normal business hours. Such documents are also available online, subject to staff's ability to post the documents before the meeting, at the following website: <http://www.tularecounty.ca.gov/cao/index.cfm/water-commission/agenda-minutes/>

As a courtesy to those in attendance, please turn off or place in alert mode all cell phones and pagers.

Motion for approval of the proposed changes to Water Commission duties and ordinance was made by Commissioner Schafer second by Commissioner Kelly. Motion approved.

5. State Legislation Update (Discussion, Possible Action)

No report.

6. Subcommittee Reports

- a. Receive a report from the Groundwater Subcommittee on the Tulare County Groundwater Ordinance Draft (Discussion, Possible Action)

Staff provided a redlined document of the draft ordinance from the Groundwater Subcommittee. Commissioner Brogan shared the changes made at the Groundwater Subcommittee meeting and the subcommittee recommends the Water Commission approve the noted changes to the draft ordinance. Discussion followed.

Commissioner Schafer noted a need for clarification on how the ordinance applies to unincorporated communities in the County and a better definition of the terms irrigated and unirrigated lands. Clarification is also needed under the section of exemptions pertaining to landowners serviced by a public water district.

Commissioner Brogan suggested it be clear in the language that this Tulare County Groundwater Ordinance will sunset when the Sustainable Groundwater Management Act (SGMA) goes into effect.

Commissioner Schafer questioned how this effects lands not covered in a Groundwater Sustainable Agency (GSA) or lands above the alluvium. It was suggested that a separate provision be made for the lands not within a designated SGMA GSA. Discussion followed.

Commissioner Boyer asked if we needed to include language on well separation and spacing. Discussion followed.

Ed Needham from the Agricultural Policy Advisory Committee (APAC) shared the committee recommended to not adopt the draft Tulare County Groundwater Ordinance. The basis of APAC's recommendation are as follows:

- The Ordinance does not address surface water;
- The Ordinance is dependent upon an honor system;
- There is no basis for the authority cited for making the conclusion in section 4-14-00S(h): the conclusion that extraction of groundwater for the purpose of irrigating Unirrigated Land is currently presumptively inconsistent with the California Constitution and the California Water Code;
- Unirrigated Land is a very narrow class of land;
- When SGMA is enacted in 2020 this Ordinance will be moot. In the meantime, this Ordinance invites litigation. Unnecessary attorney fees, costs and valuable court time will be wasted on litigation prior to SGMA's trigger date;
- This Ordinance may trigger the unintended consequence of agriculture land being transferred into urban development;
- Singling out one segment of those using water is disparate treatment.

APAC recommends the Board of Supervisors consider a moratorium on the transfer of groundwater out of

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the County.

Tricia Blatter, Executive Director of the Tulare County Farm Bureau, this ordinance would prevent the drilling of new wells that would irrigate land that has never been irrigated before, it would prohibit a landowner of exercising an overlying groundwater right. The Farm Bureau Board of Directors oppose the advancement of this ordinance draft.

Allen Lombardi of Visalia, stated the problem of this proposed ordinance is that it allows sharing amongst some by majority, but it greatly discriminates the minority. Encourages the Water Commission not pass this ordinance as drafted.

Discussion followed.

A motion to not recommend adoption of the drafted Tulare County Groundwater Ordinance without considerable amendments was made by Commissioner Schafer seconded by Commissioner Stuller. Motion approved.

7. Staff Reports

- a. Sustainable Groundwater Management Act
 - i. Implementation in Tulare County

Supervisor Vander Poel reported on the status of the Greater Kaweah GSA, and they are now an exclusive GSA. East Kaweah GSA is working on it.

Commissioner Schafer reported the Tule Subbasin was able to form six GSAs with no overlaps, there are a couple of white areas that need to be resolved. An MOU is underway with the County. A Coordination Agreement is being developed with all GSAs in the Tule Subbasin.

Commissioner Wegley reported the Kings Subbasin now has seven GSAs. Work is underway on developing the Groundwater Sustainability Plan.

8. Commissioners Comments

Supervisor Crocker announced the San Joaquin Valley Water Infrastructure Authority JPA submitted its application today for Prop 1 funding to build the Temperance Flat Dam project requesting \$1.3 billion dollars of Prop 1 funding.

9. Adjourn

Meeting adjourned at 4:08 pm.

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