



MEETING MINUTES – Merced GSP

SUBJECT: Merced GSP Stakeholder Committee Meeting #9

DATE/TIME: January 28, 2019 at 9:30 AM

LOCATION: Castle Conference Center, 1900 Airdrome Entry, Atwater, CA

Stakeholder Committee Members In Attendance:

	Representative	Community Aspect Representation
<input type="checkbox"/>	Alex McCabe	City of Livingston
<input checked="" type="checkbox"/>	Arlan Thomas	Merced Irrigation District Advisory Committee (MIDAC), growers
<input checked="" type="checkbox"/>	Ben Migliazzo	Live Oak Farms, growers
<input checked="" type="checkbox"/>	Bill Spriggs	City of Merced, Merced Irrigation District
<input checked="" type="checkbox"/>	Bob Salles	Leap Carpenter Kemps Insurance, insurance industry and natural resources
<input checked="" type="checkbox"/>	Brad Robson	Buchanan Hollow Nut Co. Le Grand-Athlone Water District, growers
<input checked="" type="checkbox"/>	Breanne Ramos	Merced County Farm Bureau
<input type="checkbox"/>	Brian Carter	D&S Farms, growers
<input type="checkbox"/>	Carol Bonin	Winton M.A.C.
<input checked="" type="checkbox"/>	Daniel Machado	Machado Backhoe Inc., construction industry
<input checked="" type="checkbox"/>	Darren Olguin	McSwain MAC
<input checked="" type="checkbox"/>	Frenchy Meissonnier	Rice Farmer, rice growers
<input checked="" type="checkbox"/>	Galen Miyamoto	Miyamoto Farms
<input checked="" type="checkbox"/>	Gino Pedretti III	Sandy Mush Mutual Water Company
<input type="checkbox"/>	Greg Olzack	City of Atwater resident
<input type="checkbox"/>	James (Jim) Marshall	City of Merced
<input checked="" type="checkbox"/>	Joe Scoto	Scoto Bros Farms / McSwain Union School District
<input type="checkbox"/>	Ladi Asgill	East Merced Resource Conservation District / Sustainable Conservation
<input type="checkbox"/>	Maria Herrera	Self-Help Enterprises
<input type="checkbox"/>	Mark Maxwell	University of California, Merced
<input checked="" type="checkbox"/>	Maxwell Norton	Retired agricultural researcher
<input type="checkbox"/>	Parry Klassen	East San Joaquin Water Quality Coalition, growers
<input checked="" type="checkbox"/>	Rick Drayer	Drayer Ranch, Merced cattlemen
<input checked="" type="checkbox"/>	Simon Vander Woude	Sandy Mush Mutual Water Company, dairies

Meeting Minutes



1. Welcome, Introductions, and Agenda Review
 - a. Alyson Watson (Woodard & Curran) welcomed the group and went over ground rules.
2. Flood-Managed Aquifer Recharge (Flood-MAR)
 - a. Hicham ElTal (MID) gave a presentation on Flood-MAR. The presentation included an explanation of public benefits of Flood-MAR and what is required for Flood-MAR to be put into place. He explained current plans and activities for Flood-MAR.
 - i. Hicham described the components of the MIDH2O Model (Res-SIM & RAS), as well as the analysis conducted to investigate favorable recharge areas. This analysis included consideration of hydrology and favorable soils. Many areas are already built as residential. Some favorable areas exist around Planada.
 - ii. Hicham explained that MID is working with DWR on a tool that the GSAs could own that puts all of these components together. This is called a GRAT (Groundwater Recharge Assessment Tool). This is initially funded by DWR, and then maintained via funding through GSAs. The tool helps determine where are the best areas for recharge, when and how much surface water can be recharged, and costs.
 - iii. Water Rights for both surface and groundwater must also be considered. Hicham explained that South of Bear Creek MID has licenses received with the annexation of El Nido, but this is restricted water. State regulation says you can take water if the flow is 90% range of the flow for that day. For example, if you have a creek with capacity of 1000 cfs, can only take water when this is above 900 cfs.
 - iv. Hicham explained that there are difficulties including: 1) if water is put on someone's parcel it is difficult to determine whether water is it getting to the groundwater or not, and 2) it is difficult to forecast storm events. Having good forecasting is important because there are a limited number of strong storms during the year, and the Subbasin should use good forecasting to get best use of these storms.
 - v. Question: How does Flood-MAR work in practice? Answer from Hicham (MID): The typical scenario is that a storm comes in, flood control dams are put to use, and there is a window of time to notify folks as the water backs up. MID contacts those who are part of Flood-MAR and asks who needs this water. This can be on a rotation basis. The GSAs would have to agree on the diversion. 800-900 cfs can happen often from a storm.
 - vi. Question: how would this (Flood-MAR) work as a project on the GSP? Answer from Hicham (MID): this might be hard to quantify but looking at the Merced Study is a good start.
 - vii. Question: Is there a Merced streams group now? Answer from Hicham: Yes, there is. However, it does not extend to Deadman and Dutchman, but does go to Sandy Mush.
 - viii. Question: Is there a way to make the capacity higher during wet seasons and store water? Reply from Hicham: The Army Corps of Engineers owns the dams. The flood control dams are small. The Mariposa Flood Control Dam near Le Grand may be an option to forecast and store 5,000 AF. The cost of making the other dams larger might not be worth it.



- ix. Question: What about the project like the Margarita Dam? Answer from Hicham: This was a very expensive project with very small acreage. More efficient projects should be sought.

3. Presentation by Woodard & Curran on GSP development

a. Next Steps in GSP Development

- i. Alyson Watson (Woodard & Curran) reviewed the development and the decision-making timeline. Alyson explained that the goal is to discuss and determine an allocation framework and have the CC make a recommendation for the GSA boards. The SC should come up with recommendations to take to the CC group in the afternoon.
- ii. With the allocation framework, the Subbasin attempts to divide the sustainable yield amongst the GSAs. The GSAs will need to determine projects and management actions. The allocations are not likely to take place within the first 10 years of the GSP implementation because there are many technical analyses that will need to take place before the allocations are officially implemented.
- iii. Alyson (W&C) explained that within the first 5 years, the GSP will be focused mostly on monitoring and reporting. Alyson explained a further breakdown of potential activities including project implementation over time periods leading up to 2040.
- iv. Question: Has DWR seen this potential timeline breakdown? Answer from Alyson (W&C): No, this was brought to the CC last week. SGMA legislation allows GSAs to determine how to implement and over what timeframe.
- v. Question: How do we incentivize farmers to not aggressively pump? Answer (W&C): The GSAs will have to determine how to handle this. As allocations are discussed and drafted, there could be a maximum set for how much people are drafting to avoid aggressive pumping, but not penalize inappropriately.

b. Water Allocation Frameworks

- i. Alyson (W&C) reviewed the list of requests and follow ups from the last meetings with respect to considerations for allocation. She also provided a brief overview of the definition of overlying and prescriptive water rights.
- ii. Question: Is prescriptive a stronger right? A: No, the prescriptive rights are junior to overlying rights.
- iii. Alyson (W&C) explained the meaning of developed water and that the entity that has created the canals to import water into the basin are the owners of that supply.
- iv. Water for the Subbasin comes from 3 buckets: overlying use, appropriation of groundwater, and recovery of seepage of developed surface water supply. These cannot be double-counted.
- v. Alyson (W&C) explained the process for the allocation framework. This includes determining the sustainable yield, subtracting developed supply, and allocating remaining sustainable yield to overlying and appropriative users. The end goal is to come up with a framework for basin-wide management.
- vi. Alyson (W&C) provided an illustration of the allocation framework using numbers estimated from the current analysis.



- vii. Alyson explained potential allocation between overlying and appropriative allocations using an analysis of different historical averaging periods.
- viii. Question: What are the implications for the GSAs? Answer (W&C): There are slides with this information. Choosing different historical averaging periods results in slightly different allocations between overlying and prescriptive users which would result in different allocations to GSAs depending on their proportion of types of users. This is a policy decision, there is no “right” answer.
- ix. Several comments from the SC were provided and are summarized as follows:
 - 1. The drought really influences the overlying more than the appropriative. If we have to pick one would this should be the 10-year period 2006-2015.
 - 2. This is important for the cities as appropriators and for city planning. We will want to think about how this impacts growth of cities.
 - 3. The farther out the time period, the less impact on the drought. A 40-year time frame would be possible. Response (W&C): Yes, but the issue is data, especially for land use change.
 - 4. There should be have more than one drought in the calculation if we consider that these might become more frequent. Response (W&C): True, but again the issue is lack of data to support that analysis.
- x. At the end of discussion, the general consensus was that a 10-year period 2006-2015 seems to make sense and will enable including the drought. This can be adjusted later.
- xi. Question: For the seepage credit, what if the canal is over some else’s (not MID’s) property? Answer (W&C): The water itself is still MID’s property as the creator of the developed water, it does not matter where on the surface the seepage enters the basin.
- xii. Alyson (W&C) explained that in addressing unirrigated lands there is no consistent legal precedent or formal guidance. These lands may have “sleeping” or dormant water rights.
- xiii. Alyson (W&C) provided a brief follow up on the Mojave Adjudication example. An individual who was involved in the Chino adjudication stated that millions of dollars are spent on the adjudications. He does not recommend pursuing an adjudication. Suggests if possible, to avoid it.
- xiv. Question: What about all of the landowners who have riparian rights? Is there seepage that should be taken into account? Answer (W&C): Not unless they have a developed supply that we can quantify. They are exercising their overlying right and are not an appropriative user. Follow up comment: They could give you what they have submitted to the state board? Answer (W&C): Yes, but the percolation for the conveyance would need to be accounted for as the losses.
- xv. Comment: Diagrams would be helpful to better understand seepage and conveyance (how this works).
- xvi. Previously, the group had requested an illustration of how partial allocations to currently unirrigated lands would affect overall allocations. W&C provided an illustration based on available data showing partial allocations of 0, 25%, 50%, and 100%. There are roughly 300,000 acres of developed/irrigated acres, and 200,000 acres of undeveloped in the basin.



Key questions are: should there be an allocation for acres that have not historically used groundwater? If so, what is appropriate for a partial allocation? And how can future pumpers be added at a later time?

- xvii. Comment from Hicham (MID): The MID Advisory Committee (MIDAC) which is made up of growers is in favor of a 0% allocation for grazing/pasture lands.
 - xviii. Question: How do management areas work into this? Answer (W&C): We will be looking at these as a next step, after we are able to determine where to look for specific reasons such as avoiding undesirable results.
 - xix. Question: Are the CSDs included in these breakdowns? Answer (W&C): Some of the CSDs are included, but we are still gathering data for the remaining CSDs.
 - xx. Question: What about refuge land? Answer (W&C): They are counted within the undeveloped lands. If they have had historical use, they have prescriptive rights.
- c. Question and Discussion for Water Allocation Framework recommendations to CC:
- i. Clarification (W&C): We are trying to determine if there should be an allocation given to the acres that currently don't use groundwater.
 - ii. Comment: Some SC members in favor of not giving an allocation (following MIDAC's recommendation). But we should keep the conversation going.
 - iii. Question: If you own an irrigated acre and a non-irrigated acre – can you transfer this between your properties. Response (W&C): This is something needs to be considered.
 - iv. Comment: If you have non-irrigated water allocation, there should be language to direct how this water can be used (e.g. how this can be sold and used).
 - v. Question: How can overlying rights be taken away for undeveloped land? And how can these lands be added for allocation? Answer (W&C): There will need to be a process for how to add these lands. If there is a water market, the undeveloped land owner would stand to lose their ability to sell water allocation.
 - vi. Comment: Can see the undeveloped land as banking water for irrigated lands. If undeveloped lands don't use it or sell it, they can bank this for use later when irrigated users have greater need and have this be available on a transfer basis. Does not see 100% allocation as feasible but likes the 50%.
 - vii. Comment: The long term goal should be that we are not worried about allocation, because we have managed sustainably and have implemented projects.
 - viii. Question: Of the acreage within MID, how much of that acreage is farmed? Answer from Hicham (MID): There is very little undeveloped land left.
 - ix. Question: Irrigated and non-irrigated land has to be defined. Are drip systems with trees counting as irrigated? Answer from Hicham (MID): Yes. There are a lot of nuances with what is irrigated, or not. We will have to agree on definition of this.
 - x. Clarification: Fallowed acreage should maintain its allocation
 - xi. Comment: Along with allocation, we still need to know what we are actually pumping.



- xii. Comment: We need to come up with a recommendation, an idea, but this is going to be changed. More importantly, we need meters.
- xiii. Comment: 100% allocation is never going to be true for grasslands. It's going to have to be between 50% and 25%.
- xiv. Comment: There are MID land owners that pump but could use surface water.
- xv. Comment: There should be a starting point for non-irrigated in the middle, not 0%. There should also be language to add non-irrigated lands in the future.
- xvi. Comment: Concern that the water for irrigators is a "live or die by water" situation. Should have a 1.25 AF/A amount allocation for irrigated lands.

4. Data Management System

- a. Alyson Watson (W&C) gave a brief introduction to the beta link for the DMS. This has been sent out to the group via email.

5. Other Updates

- a. Projects are being reviewed. There are currently 40 in the draft list as of this meeting. These will be reviewed in more detail in the next meeting.

6. Public Outreach Update

- a. Feedback provided from the SC that the summary of the workshops is done well.

7. Interbasin Coordination Update – none.

8. Public Comment on Items not on the Agenda

- i. Breanne Ramos gave information on the Water Symposium Hosted by the Merced County Farm Bureau.

9. Next Steps and Next Meeting

Next Regular Meeting
February 25, 2019 at 9:30 a.m.
Castle Conference Center, 1900 Airdrome Entry, Atwater, CA
Information also available online at mercedsgma.org

Note: If you need disability-related modification or accommodation to participate in this meeting, please contact Merced County, Community and Economic Development staff at 209-385-7654 at least 48 hours prior to the start of the meeting.