

Resolution 1997-2
of the
Fox Canyon Groundwater Management Agency
Board of Directors

A RESOLUTION
CONCERNING
GROUNDWATER EXPORTS OUTSIDE OF THE FOX CANYON
GROUNDWATER MANAGEMENT AGENCY BOUNDARIES

WHEREAS, the Fox Canyon Groundwater Management Agency Board of Directors recognizes that the City of San Buenaventura, the Alta Mutual Water District, the Pleasant Valley County Water District, the Balcom-Bixby Water Company, Camrosa Water District, Water Works District Number 1, Calleguas Municipal Water District and the Del Norte Water Company all had service areas outside the boundaries of the Agency since before the Fox Canyon Groundwater Management Agency was established on January 1, 1983; and

WHEREAS, the Board intends to recognize this export of water subject to the provisions of Agency Ordinance 5 and its successors; and

WHEREAS, those well owners or purveyors who export groundwater are limited by established annual allocations and subject to periodic allocation reductions and/or efficiency standards per ordinance or restriction established by the Agency; and

WHEREAS, the Board does not desire to approve the exportation of groundwater by any additional groundwater purveyors or pumpers whose service areas did not extend beyond the Agency boundary prior to the formation of the Agency;


NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Fox Canyon Groundwater Management Agency authorizes those purveyors with service areas outside the Agency boundaries, which were established prior to the formation of the Agency, to continue to supply groundwater from wells inside the Agency boundary to their service area. This authorization shall be regulated by, and subject to, all Ordinances and regulations adopted by the Agency.

On motion by Director McIntyre, seconded by Director Conroy, the foregoing resolution was passed and adopted on this 17th DAY OF DECEMBER 1997.



DANIEL NAUMANN for Lynn E. Maulhardt, Chair, Board of Directors
Fox Canyon Groundwater Management Agency

ATTEST: I hereby certify that the above is a true and correct copy of Resolution 1997-2.



Karen Schoonover, Clerk of the Board

FOX CANYON GROUNDWATER MANAGEMENT AGENCY

BOARD OF DIRECTORS

Lynn E. Maulhardt, Chair
John K. Flynn
Michael Conroy
Sam McIntyre
Bernardo Perez

AGENCY COORDINATOR

Lowell Preston, Ph.D.

April 23, 1997

Board of Directors
Fox Canyon Groundwater Management Agency
800 South Victoria Avenue
Ventura, CA 93009

**SUBJECT: USE OF GROUNDWATER FROM INSIDE THE GMA OUTSIDE THE GMA
BOUNDARY**

RECOMMENDATION:

Direct the preparation of a Resolution approving the use of groundwater from inside the GMA outside the boundary in four known cases:

1. City of San Buenaventura- State Well numbers 2N/22W-20KO1, LO3, L02, JO1.
2. Alta Mutual Water Company- State Well number 2N/22W-O2RO5.
3. Del Norte Mutual Water Company.
4. Balcom-Bixby Water Association (Balcom-Bixby) to parcel numbers AP 108-0-110-120, 108-0- 120-010, 108-0-130-030, 108-0-130-050 outside the GMA boundary.

DISCUSSION:

Ordinance 4.2 specifically restricts the use of groundwater from inside the GMA at a location outside the GMA boundary. Ordinance 4.2 was adopted on October 25, 1995. Prior to the adoption of Ordinance 4.2, both Ordinance 4 and Ordinance 4.1 placed no restriction on serving groundwater outside the GMA boundary. When Ordinance 4 was originally adopted, there were three instances where groundwater from inside the GMA boundary was transported for use outside the GMA boundary. These uses were and remain, the City of San Buenaventura- State Well numbers 2N/22W-20KO1, LO3, L02, JO1, Alta Mutual Water Company- State Well number 2N/22W-O2RO5 and Del Norte Mutual Water Company. Although these uses may have been known at the time Ordinance 4 was drafted, there is no wording in the Ordinance that included a grandfather clause. The issue with Balcom-Bixby is similar to those known historical uses because on January 7, 1988 the Balcom-Bixby Water Association sold shares in the company specifically for use on parcel numbers AP 108-0-110-120, 108-0- 120-010, 108-0-130-030, 108-0-130-050. These parcels are partially or

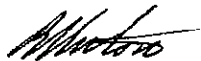
wholly outside the GMA boundary. At the time these shares were sold, January 7, 1988, there could have been no knowledge that Ordinance 4.2 would prevent Balcom-Bixby from serving these parcels some seven years later.

The recommendation is to exempt those known uses listed above because they began either in fact or contractually prior to the effective date of Ordinance 4.2. It is further recommended that the exemption be executed by a resolution rather than modifying the ordinance.

Approving this recommendation will set a precedent for exempting those instances that can be proven to have been physically in place and actually serving water prior to the effective date of Ordinance 4.2 and those agreements to serve water outside the boundary that can be shown to have been contractually complete before the ordinance was adopted. There are no additional cases known to exist at this time.

Should there be any questions, please call me at 805 648-9204.

Very truly yours,



Lowell Preston, Ph.D.
Agency Coordinator

Credits should be steady, predictable, and not subject to easy change.
Credits have become a management tool with inherent value.
Any redemption policies should have a net gain to the aquifer or basin.
Any credit or redemption policy should be a stable and reliable guideline sufficient to provide security for substantial capital investments, with expectation of some return.
All credit or redemption policies must allow reasonable, beneficial, and equitable use of groundwater, while meeting the basic purpose of the Ordinances.
Credit policies must not create an undue financial burden on historical users.
Redemption policies should not impact other local users.

Per Chairman Maulhardt, staff was requested to take the information given in response to both of the questions, and break them down into useful, orderly information which will be utilized at the meeting on May 14th. The next meeting will also deal with staff issues, assuming Director Flynn can be present. Director McIntyre added that credits today may need to be handled differently than when they were first issued. We have so much more knowledge of the basin, things have changed.

There was no vote or action taken on this item.

13. Use of Groundwater from inside the GMA, Outside of the GMA Boundaries

Dr. Preston and staff recommended a resolution, or an amendment, to Ordinance 4.2 regarding the grandfathering of pre-existing conditions of GMA water being used outside of the GMA boundaries. There is an issue with a Mr. Ortega concerning a contract that he entered into with Balcom-Bixby Mutual Water Agency (BMWA) prior to the adoption of Ordinance 4.2. The contract states that he will be able to acquire water for some of his properties which are partially outside of the GMA boundaries. This situation is an historical use situation which was not recognized when Ordinance 4.2 was drafted. BMWA is adhering to Ordinance 4.2 by not fulfilling their contract with Mr. Ortega, which has led to a lawsuit for breach of contract.

Lindsay Nielson, Attorney for BMWA, stated that the trial could end today, if the Board allows them to supply Mr. Ortega with the water that they have agreed to supply him. BMWA has enough water, and are within their allocation, and can use the water that they have available, as per the contract.

Al Keep, Attorney for Mr. Ortega, stated that the situation is an exception, and that the water should continue to be delivered to Mr. Ortega by way of a grandfather clause.

Director McIntyre stated that he is concerned that by allowing GMA water to be delivered outside of the GMA boundaries in this situation, that a Pandora's Box will be opened. Mr. Waters indicated that this would not be the case, since the use had to be prior to Ordinance 4.2.

Chairman Maulhardt noted, in response to the question of Director Perez regarding the fact that this has never been addressed, that the GMA was unaware of this situation. He asked for a motion to direct staff to prepare either a Resolution or an Ordinance change to clear up this issue, and requested roll call. All Directors present agreed, and the motion was approved.

FOX CANYON GROUNDWATER MANAGEMENT AGENCY

BOARD OF DIRECTORS

Lynn E. Maulhardt, Chair

John K. Flynn

Michael Conroy

Sam McIntyre

Bernardo Perez

AGENCY COORDINATOR

Lowell Preston, Ph.D.

NOTICE OF MEETING

NOTICE IS HEREBY GIVEN that the Fox Canyon Groundwater Management Agency (GMA) Board of Directors will hold a scheduled meeting at 1:30 P.M. on **Wednesday, May 28, 1997**. This **Board Meeting** will be held in the **Board of Supervisors Hearing Room, Main Plaza Level, Ventura County Government Center, Hall of Administration, 800 South Victoria Avenue, Ventura, California.**

Board Members: Please contact the Agency Coordinator by phone at (805) 648-9204 or via FAX at (805) 654-3350 by Monday before the meeting if you are unable to attend.

MAY 28, 1997 AGENDA

1. **Call to Order** - Board Chairman or Acting Chairman will call the meeting to order.
2. **Pledge of Allegiance** - Please follow Board Chairman in reciting the Pledge of Allegiance.
3. **Roll Call** - Clerk of the Board will take attendance from Board members.
4. **Approval of Minutes** - from Special Wednesday, May 14, 1997 GMA Board Meeting.
5. **Public Comment** - Anyone who wishes to do so may speak about GMA related matters not on today's Agenda. (Comments will be limited to five (5) minutes per topic).
6. **Board Member Comments** - (An opportunity for Board Members to communicate with other directors, staff and the public on non-agenda or water-related matters).

ACTION ITEMS:

7. **Ordinance 5.6** - Conduct second reading of Ordinance 5.6 as amended to; 1) defer billing of accounts less than \$50.00, 2) waive reduction in extraction allocation for small domestic users that are not required to have meters, 3) clarify transition of properties from farming to M&I use, and 4) waive surcharges for special cases requiring dewatering. *Recommendation: Formally Adopt Ordinance 5.6 as written.*
8. **City of Oxnard plans to conduct an Injection Well Test for a Seawater Intrusion Barrier Project** - Project presentation by City consultant, Malcolm-Pirnie Engineering)

Dr. Preston stated that the budget does not need to be acted on today, but will need to be acted on before July 1, 1997. There are funds for the well destruction program, and funds to pay the USGS for the data they are providing. Dr. Preston stated that there are no notable changes.

Director McIntyre asked that the budget be prepared showing funds for a full time Coordinator, in the County. Dr. Preston stated that this will be prepared for the next special meeting.

INFORMATIONAL ITEMS

13. Use of Groundwater from Inside the GMA Outside the GMA Boundaries

Dr. Preston explained that staff is gathering information on the specific parcels that are being served and this item will be discussed when all information is available.

14. Efficiency Allocations for M&I Providers

There were no questions or comments.

15. County Water Well Permits Issued 4-10-97 through 5-21-97

There were no questions or comments.

16. Monthly Financial Report for April 1997

There were no questions or comments.

17. Adjournment until the next Special Meeting on Thursday, June 12, 1997

The scheduled meeting of Thursday, June 12, 1997, may be canceled due to conflicting schedules.

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FOX CANYON GROUNDWATER MANAGEMENT AGENCY

BOARD OF DIRECTORS

Lynn E. Maulhardt, Chair
John K. Flynn
Michael Conroy
Sam McIntyre
Bernardo Perez

AGENCY COORDINATOR

Lowell Preston, Ph.D.

August 27, 1997

Board of Directors
Fox Canyon Groundwater Management Agency
800 South Victoria Avenue
Ventura, CA 93009

SUBJECT: Use of GMA water outside GMA boundaries

RECOMMENDATION:

Recognize historic exporters of groundwater from GMA wells to areas outside the Agency.

DISCUSSION:

Language within Paragraph 5, Section 1.C., of Article 2, in Ordinance 4.2 specifically addresses Extraction Prohibitions, and says in effect, that groundwater from inside the Agency shall not be used on any other area outside the Agency boundary. Five known water purveyors have been exporting groundwater to parcels outside the GMA boundaries since before Ordinance 4.2 was adopted in October 1995. In most cases, these pumpers were providing water to the affected areas prior to creation of the GMA. To deny further water service to these properties would not be in the best interest of the Agency, nor would it serve to achieve any real conservation or management goals.

The quantity of water involved is not a major portion of annual GMA extractions. A potential for further development of these areas exists, therefore a volume limit on water exports by these suppliers should be considered. An official exemption for the affected areas served prior to October 1995 is recommended.

If you have any questions, please call me at 648-9204.

Sincerely,



Lowell Preston, Ph.D.
Agency Coordinator

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Chairman Maulhardt, after reading items no. 5 and 6 of the draft policy, questioned whether we actually need these items in this policy. Rob Saperstein commented that item no. 5 and 6 are linked, and do not need to be a part of this policy. Chairman Maulhardt instructed staff to redraft the policy keeping items no. 5 and 6 at the very end until we are sure that they are needed.

There was no vote on this item.

8. Irrigation Standards for Chloride and Salinity

Director McIntyre spoke of the more than 11 studies attesting to the chloride problems with regard to agriculture. The idea is to provide the Regional Water Quality Control Board (RWQCB) with essential information to enhance their educated decision making with regard to chloride levels in our water.

Dave Panaro stated that there will be an opportunity to provide the RWQCB with the necessary chloride information at their workshop on September 11, 1997 at 8:00 am, at which time the GMA can make a formal presentation and recommendation. Dave Panaro stated that he does have some packets with the 11 studies in his office, and can prepare more if others need them.

Chairman Maulhardt stated that Dr. Preston should make the decision as to who should handle the presentation. A concern is that no more than two Board members be at the workshop representing the GMA.

Tom Smith, City of Camarillo, stated that at a prior GMA meeting, the decision was that the recommendation would not be made until the agencies that would be effected by these chloride levels had the opportunity to review the 11 studies that Director McIntyre mentioned.

Chairman Maulhardt stated that there will be no decision made at the RWQCB workshop, and because Tom Smith's comment is accurate, no decision can be made today by the GMA as to an acceptable chloride level to present to the RWQCB. It is necessary to first allow the affected parties to view the studies for themselves. He requested that this item should be put on the agenda for the next regular GMA Board meeting.

There was no vote on this item.

9. Award Et Data Weather Station Contract

Dr. Preston covered information that was received from three individual proposals for the 3-year consulting contract. He completed a rating system to grade the qualifying proposals, seeking the highest. Peek Electronics had the highest rating. He recommended that the Board approve the contract for Peek Electronics, noting that the contract required automated voice, a web page, and automatic updating of the Et station data. Director McIntyre made a motion to award the contract to Peek Electronics, seconded by Director Conroy. Roll was taken per Chairman Maulhardt, all members approved the motion.

10. Use of GMA Water Outside GMA Boundaries

Dave Panaro stated that since the last time this was discussed at a GMA meeting, he discovered that there are at least five providers supplying water outside of the GMA boundaries. They include the City of San Buenaventura, Alta Mutual Water Company, Del Norte Mutual Water Company, Balcom-Bixby Water Association, and Pleasant Valley County Water District. It is unknown how much water is being

pumped to areas outside of the GMA boundaries. All of these companies have serviced these areas, in most cases before the GMA was formed. Dr. Preston then stated that it should be made clear, if the Board approves the grandfathering of the present water use outside of the GMA boundaries, that the decision was made strictly because these agencies have been serving water outside of these boundaries before the GMA was formed. New services of this type will not be entertained or be covered under any type of grandfathering clause for these specific agencies. Dr. Preston was directed by the Board to correct the language of Ordinance No. 4, and he will work with Mr. Waters on this.

Chairman Maulhardt stated that this grandfathering is recognized as a situation of an historical nature. He said that he is open to suggestions as to how to adjust the language to clarify this situation. It must be written stating its historical nature, with fixed boundaries not to be expanded. He recommended a change of the Ordinance, and therefore, there will be no vote today on this issue.

11. Agency Budget Format

Dr. Preston stated that he has provided the Board with a new budget format, and requested comments on the items included.

Directors McIntyre and Conroy stated that they would like to see more detail with regard to "Public Works Charges", and Chairman Maulhardt stated that Directors McIntyre and Conroy should let Dr. Preston know what they want.

There was no vote on this item.

12. Efficiency Allocations for M&I Providers

Dr. Preston gave a visual presentation with the hope of answering two questions; 1) are the pumpers in the Las Posas Basin to be treated on the same basis as others throughout the GMA, and 2) if these pumpers are treated the same, is an increase in the use of groundwater going to be allowed. There needs to be a balance. His presentation encompassed more that Water Works Districts 1 and 19, and included all the purveyors that want to serve agriculture from a meter. Agriculture uses a blend of waters, and if the GMA allows them to go on efficiency, their needs will not change, and therefore there will be an increase in pumping. The Water Works District has an historical allocation of 2080 AF. For Ag, 285 AF of MWD water is supplementing 1395 AF of groundwater, and M&I will use 685 AF. Unless more water were imported, or if there was a decrease in the amount of water that is pumped by M&I, there would be an increase of water use by Water Works District No. 1 and 19.

Reddy Pakala, Manager of Water Works Districts No. 1 and 19, stated that of the 1680 AF, 1395 AF is pumped from local groundwater. He is proposing that the efficiency allocation be applied to only the 1395 AF. The rest of the AF used (285 AF) would be subject to GMA Ordinance No. 5. He does not believe that there will be an increase in water use. He added that at the present time Water Works is importing the 285 AF, and does not believe that it would be fair to apply for an efficiency allocation for the non-imported water. Dr. Preston concurred.

Chairman Maulhardt reiterated that the 685 AF will be re-allocated and the 285 AF will come out of that. The difference then between the 685 AF and the 285 AF will either be used with penalties or make up the difference by importing more State water. So that the pumping pattern then shifts from groundwater required to meet Ag needs, and this will be balanced out. Conceptually this is acceptable. It would be best to put this all in writing and bring it back to the Board for their approval on the wording.

FOX CANYON GROUNDWATER MANAGEMENT AGENCY

BOARD OF DIRECTORS

Lynn E. Maulhardt, Chair
John K. Flynn
Michael Conroy
Sam McIntyre
Bernardo Perez

AGENCY COORDINATOR

Lowell Preston, Ph.D.

October 22, 1997

Board of Directors
Fox Canyon Groundwater Management Agency
800 South Victoria Avenue
Ventura, CA 93009

SUBJECT: Use of GMA water outside GMA boundaries

RECOMMENDATION:

Direct staff to draft a Resolution (97-2 pending) to recognize, limit, and regulate historic exporters of groundwater.

DISCUSSION:

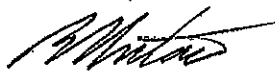
Ordinance 4.2 specifically addresses Extraction Prohibitions, and basically states that groundwater from inside the Agency shall not be used on any other area outside the Agency boundary. At least five known water purveyors have been exporting groundwater to parcels outside the Agency. These exports originated before Ordinance 4.2 was adopted in October 1995, and in some cases even prior to creation of the GMA.

To deny further water service to these properties would not be in the best interest of the Agency, nor would it serve to achieve any real conservation or management goals. The quantity of water involved is estimated to be about 2,500 acre-feet per year.

A potential for further development of these outside areas exists, however the pumpers and/or purveyors are limited somewhat by their historical allocation. Staff and legal counsel recommend a Resolution to handle this situation.

If you have any questions, please call me at 648-9204.

Sincerely,


Lowell Preston, Ph.D.
Agency Coordinator

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ACTION ITEMS

7. Water Use Survey

The proposed GMA Water Use Survey will be included with the annual extraction statements to be mailed in December. The Survey will include an informative Cover letter to explain the request for information.

Director Perez offered to provide review and input regarding the Survey's format.

8. Use of GMA water outside GMA boundaries

Chairman Mulhardt directed GMA staff and Counsel to draft either a Resolution (97-2) or an amendment to Ordinance 4 to deal with this issue.

Mr. Nielson, reminded the Board that Balcom-Bixby has a pending lawsuit with a shareholder and that any further delays would only cause more problems. He also complimented Dr. Preston and the GMA staff for efforts thus far.

Lee Miller, Pleasant Valley County Water District, said any pending amendment to Ordinance 4 or a Resolution would have no affect on P.V.C.W.D.

9. Credit Redemption Policy

Director Flynn praised the hard work and cooperation of all those involved to date concerning the credit policy, and suggested some changes to the Management Plan, such as including mention of the unique accomplishment of adopting an ordinance that required meters on all wells. He reminded everyone what the original intent of the GMA was, to control seawater intrusion, reach safe yield, etc. He asked if penalties and credits were really needed. Perhaps they should be abolished, since the U.S.G.S. RASA study basically said the groundwater basins were in the best shape yet. Maybe Ordinance 5.6 should have the penalties and restrictions removed, since this management tool has served its purpose.

Directors McIntyre and Perez stated that they were prepared to vote on the item as presented.

Roger Orr, representing Alta Mutual Water Co. cautioned the Board to carefully consider any changes to Ordinance 5, as they would have serious consequences.

Wayne Hasty, Balcom-Bixby Water Association, suggested a change to past year averaging instead of the current annual allocation system if we are going to consider a complete reworking of the credits system.

Ron Calkins, City of Ventura, asked for a set limit on how much groundwater could be pumped out using credits, and stated a need to establish rules on quantitative extraction from each basin before a drought occurred.

Ramon Guizar, legal counsel representing Del Norte Water Co., said some limits and penalties need to be in-place, or anything could happen. He expressed concern that water conservation efforts would suffer if credits are eliminated.

Mr. Lindsay Nielson, attorney for Balcom-Bixby, felt certain restrictions should be used, but that they could be selective to area.

FOX CANYON GROUNDWATER MANAGEMENT AGENCY

BOARD OF DIRECTORS

Lynn E. Maulhardt, Chair
John K. Flynn
Michael Conroy
Sam McIntyre
Bernardo Perez

AGENCY COORDINATOR

Lowell Preston, Ph.D.

November 19, 1997

Board of Directors
Fox Canyon Groundwater Management Agency
800 South Victoria Avenue
Ventura, CA 93009

SUBJECT: Use of GMA water outside GMA boundaries

RECOMMENDATION:

Adopt GMA Resolution 97-2 to recognize, limit, and regulate historic exporters of groundwater.

DISCUSSION:

At the last regular GMA Board meeting held October 22, 1997, you asked for further information and explanation concerning use of groundwater outside the GMA boundary. Staff has attempted to answer some general questions below.

1. Why has a Resolution been proposed instead of an Ordinance change?

When staff was directed by the Board to research and suggest a solution to this situation, we consulted with Agency legal counsel. It was agreed that a Resolution would legally solve or handle the situation much more quickly and efficiently than an Ordinance change. Part of the reluctance to revisit Ordinance 5 (where such a change would need to be inserted) was due to the fact that it had taken almost one-and-a-half years to effect a change or update from Ordinance 5.5 to 5.6, which had just been approved recently.

2. Who are the well owner's that are known to be exporting water outside the GMA boundary?

At the present time, there are five (5) known exporters; Pleasant Valley County Water District, Balcom Bixby Mutual Water Association, Del Norte Mutual Water Company, Alta Mutual Water Company, and the City of Ventura Water Department.

3. How much water is being pumped outside the GMA boundary annually?

*The best information staff has on water volumes is as follows;
PVCWD - supplies approx. 17 parcels outside the GMA comprising about 1,600 acres with irrigation-only quality water. Exact annual volume varies with crop type, acres*

irrigated, individual farmer preference and need, etc. and could be as high as 3,600 AFY for this mostly row-crop farming area near the Broom Ranch section of the southeast Oxnard Plain. (Up to 3 plantings of row crops/yr./parcel may be possible in some cases)

Balcom Bixby Mutual Water Association - supplies groundwater-only to 31 land owners north of Bradley Road, and west of the City of Moorpark. Service includes at least one single family residence, irrigation of citrus, avocado, and greenhouse use, and sole-supply to the Waters Road Users Group (13 homes and connected acreage). Areas outside the GMA are estimated to be small, and may include a corner on the west end, along with the eastern half of the Waters Road Users Group portion (perhaps less than 200 acres total using 100-180 AFY outside the GMA boundary).

Del Norte Mutual Water Company - has 40 agricultural connections and 49 domestic hookups, but areas outside GMA are nominal. Has a contract with landowner north of boundary (above La Loma Road in the extreme western end of the North or West Las Posas Basin), to supply water to avocado and/or citrus orchards there. This agreement is presently under litigation because of Del Norte reluctance to honor contract for fear of being in violation of GMA Ordinance 4, which precludes exports. Annual volumes exported probably amount to less than 300 AFY.

Alta Mutual Water Company - supplies 60 shareholders from 36 agricultural and 3 domestic connections covering about 1,500 acres total. Areas outside GMA north of Saticoy comprise agricultural property totalling most of this acreage, however wells inside GMA pump very little water to outside zones (less than 200 AFY estimated).

City of Ventura Water Department - owns 13 wells and receives surface water from Lake Casitas, but distributes this water through a large and complex network of blending stations and pipelines. Only a few dozen acres of service area are actually within the GMA, and only 2 wells pump water outside the boundary as needed. Actual volume and end-point of water deliveries from these two wells is almost impossible to estimate since water is mixed, blended, and may go into or out of the GMA at any one time, often simultaneously. Probably less than 400 AFY involved.

- 4. The original Board letter addressing Agency exports mentioned that some of the areas outside the GMA may have future development potential, but that this development was limited to some extent. Exactly how such future development could be limited was questioned.**

The limit on GMA groundwater use outside the GMA boundary is the Historical Allocation. The unlimited factor is the development of acreage that is not on or outside the Las Posas Outcropt that could use a tradeoff of an efficiency allocation.

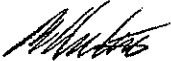
Please keep in mind that none of the outside water users have provided actual water export figures, so the Agency staff had to estimate outside water use volumes and acreage based on available data. Exact property sizes and water volumes may be higher

or lower. To the best of our knowledge, all of the firms listed above have been exporting water since before the GMA was created and/or any Ordinances were passed.

Staff and legal counsel recommend adoption of Resolution 97-2 to address this situation.

If you have any questions, please call me at 648-9204.

Sincerely,



Lowell Preston, Ph.D.
Agency Coordinator

6. **Board Member Comments** - Chairman Flynn introduced Resolution 97-3 (a Tribute to Carla Bard) motioned by Director Conroy and seconded by Chairman Flynn. Fox Canyon GMA and Board Members offered condolences to the family of Carla Bard.

ACTION ITEMS:

7. **McGrath Farms Water Well Agreement** - McGrath family attorney, Charles Conway, Jr., detailed how the family trust has divided their water allocation from four wells and shared it equally among their various properties. This change of ownership meets GMA requirements for transfer of allocations, but requires Board approval because it involves a transfer of allocation. Director McIntyre motioned for approval and Director Conroy seconded, with Chairman Flynn concurring. The motion carried.
8. **West Farms Request to Waive Penalty Fees** - Director McIntyre motioned to deny the request to waive fees, which Director Conroy seconded. Unanimous denial by the Board.
9. **Web Site Information and Data** - Information available on the web site was considered.

The Board determined that the web site should start with evapotranspiration, include biographies of Board members (without photos), ordinances, agendas, and CIMIS data, with Agency background, and enabling legislation to be added later. Credit, allocation and other specific well data will not be included.

Director Conroy motioned, Director McIntyre seconded. The motion carried.

10. **Use of GMA Water Outside GMA Boundaries** - Proposed Resolution 97-2 required the pumpers to specify how much water is going outside the GMA boundaries.

Greg Morehead, City of Ventura, stated that the City of Ventura could not comply with the requirements of the Resolution.

Lee Miller, General Manager of P.V.C.W.D. stated that P.V.C.W.D. cannot comply with the Resolution as written.

John Matthews, Attorney for P.V.C.W.D., also does not agree with the Resolution. He suggested changes to the text before they could endorse it.

Roger Orr, representing Alta Mutual Water Co., does not agree with the GMA involvement in historical use of water. He suggested the Resolution should only be 1 or 2 statements and that it should be based on Section 402 of the original legislation: "no provision of this act shall be construed as denying to the county, United or any other member agency any rights or powers they already have or which they may be granted".

Doug Breeze, City of Port Hueneme, suggested Section 402 of the legislation should be taken entirely, not just a passage, when writing the Resolution. He pointed out that P.V.C.W.D. surface water diversions from the Freeman Diversion were also being used outside the GMA boundary, and exporting surface water should be mentioned in the Resolution. He also wanted to specify how much water would be allowed to be exported. He also noted that this Resolution provides no limits, no guidelines, no discussion on the aquifers if maximum historical allocation extraction occurs.

Rob Saperstein of Hatch & Parent, Attorney for the City of Oxnard, reminded the GMA that they have no control outside the GMA boundary, and a simple but cumbersome answer would be for the GMA to change its boundary to historical allocation boundaries.

Chairman Flynn directed staff to re-work the Resolution and to bring it back next meeting. Director Conroy agreed, and Director McIntyre seconded. With no objections, the motion carried.

11. **Well Destruction Grant Funding** - Dr. Preston recommended that the well destruction program be adopted as categorically exempt under Section 15307 of the California Environmental Quality Act. A motion was made by Director McIntyre to adopt the recommended action and seconded by Director Conroy. The motion was adopted.
12. **Draft Management Plan** - Dr. Preston explained the proposed Draft Management Plan (DMP) and Key Strategies.

Reddy Pakala, Manager of Waterworks 1 and 19, agrees with most of the Key Strategies in the DMP, but has objection to the South Las Posas Basin plans on page number 22. The item to maintain recharge from the Moorpark and Simi Valley Wastewater Treatment Plants (the only two plants considered in this strategy) does not give consideration for the several thousand acre feet of water recharge. If the GMA is saying they should devote water to percolation, this Key Strategy is flawed. Written comments will be submitted to Dr. Preston.

Dr. Preston noted that reducing recharge is the same as pumping water.

FOX CANYON GROUNDWATER MANAGEMENT AGENCY

BOARD OF DIRECTORS

Lynn E. Mauhardt, Chair
John K. Flynn
Michael Conroy
Sam McIntyre
Bernardo Perez

AGENCY COORDINATOR

Lowell Preston, Ph.D.

December 17, 1997

Board of Directors
Fox Canyon Groundwater Management Agency
800 South Victoria Avenue
Ventura, CA 93009

SUBJECT: Use of GMA water outside GMA boundaries

RECOMMENDATION:

Adopt GMA Resolution 97-2 as revised to address and recognize any exporters of groundwater to lands outside established GMA boundaries.

DISCUSSION:

A proposed Resolution (97-2) was presented at the last GMA Board meeting held on November 19, 1997 to address the use of groundwater outside the GMA boundary. Staff has revised the resolution language, and presents the new version for approval.

Every attempt to answer the concerns expressed at the last Board meeting have been incorporated into the new document. There are currently eight (8) known exporters; Pleasant Valley County Water District, Balcom Bixby Mutual Water Association, Del Norte Mutual Water Company, Alta Mutual Water Company, Ventura County Waterworks District No.1, and the City of Ventura Water Department. Camrosa and CMWD have also been added to the list since they can meet the stated requirements and have the ability to serve water outside the GMA.

The total volume of water that can be exported is limited by the pumpers present and future allocation or irrigation efficiency.

If you have any questions, please call me at 648-9204.

Sincerely,



Lowell Preston, Ph.D.
Agency Coordinator

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PUBLIC WORKS AGENCY
county of ventura

-Page 9-

Director
Arthur E. Goulet

Representing Ex-officio:

Ventura County Flood Control District
Ventura County Waterworks Districts
No. 1, 16, 17, and 19
Lake Sherwood Community Services District
Fox Canyon Groundwater Management Agency

Deputy Directors

William B. Britt
Transportation

John C. Crowley
Water Resources & Development

Robert E. Quinn, Jr.
Engineering Services

Paul W. Ruffin
Central Services

Alex Sheydayi
Flood Control

December 3, 1997

Lowell Preston, Ph.D., Agency Coordinator
Fox Canyon Groundwater Management Agency
800 South Victoria Avenue
Ventura, CA 93009

Subject: USE OF GROUNDWATER OUTSIDE GMA BOUNDARIES

Dear Dr. Preston:

At the November 19, 1992 regular GMA Board meeting, a resolution of the Fox Canyon Groundwater Management Agency in the matter of Groundwater exports outside the Fox Canyon GMA boundaries was considered, extensively discussed, and continued. The proposed resolution was completely revised by the Board. It is our understanding that you will be bringing a revised resolution for the Board's consideration.

As you are aware, Ventura County Waterworks Districts No. 1 and 19 own and operate several groundwater wells located within the GMA boundary. Recently, we verified the geographic boundaries for both Districts and compared them to GMA boundary. We determined that Waterworks District No. 19's current boundary is within GMA. We also determined that a portion of the Waterworks District No. 1 current boundary is outside GMA. Enclosed is a map showing Waterworks District No. 1 and No. 19 boundaries and GMA boundary.

Any water system would have a complex network of piping system, pump stations, pressure reducing stations, reservoirs, and sources of water supply like groundwater wells and/or connections to other (imported) water supplies. It is impossible to quantify and document as to how much of local or imported water is used in a given area. It should also be pointed out that depending on availability of water and demands in the system, local/imported water may be moved to different parts of the service area at different times of the year. Waterworks District No. 1 has allocations from GMA. We believe that GMA should be concerned about the total production by Waterworks District No. 1 compared to its allocation, and now how and where the water is used. Therefore, we are requesting that GMA include Waterworks District No. 1 in the

Lowell Preston

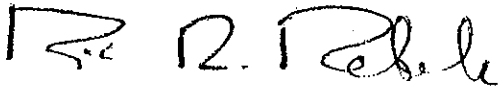
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December 3, 1997

proposed resolution to allow continued use of groundwater extracted from its wells within its service area.

Should you need additional information, please call me at (805) 584-4830.

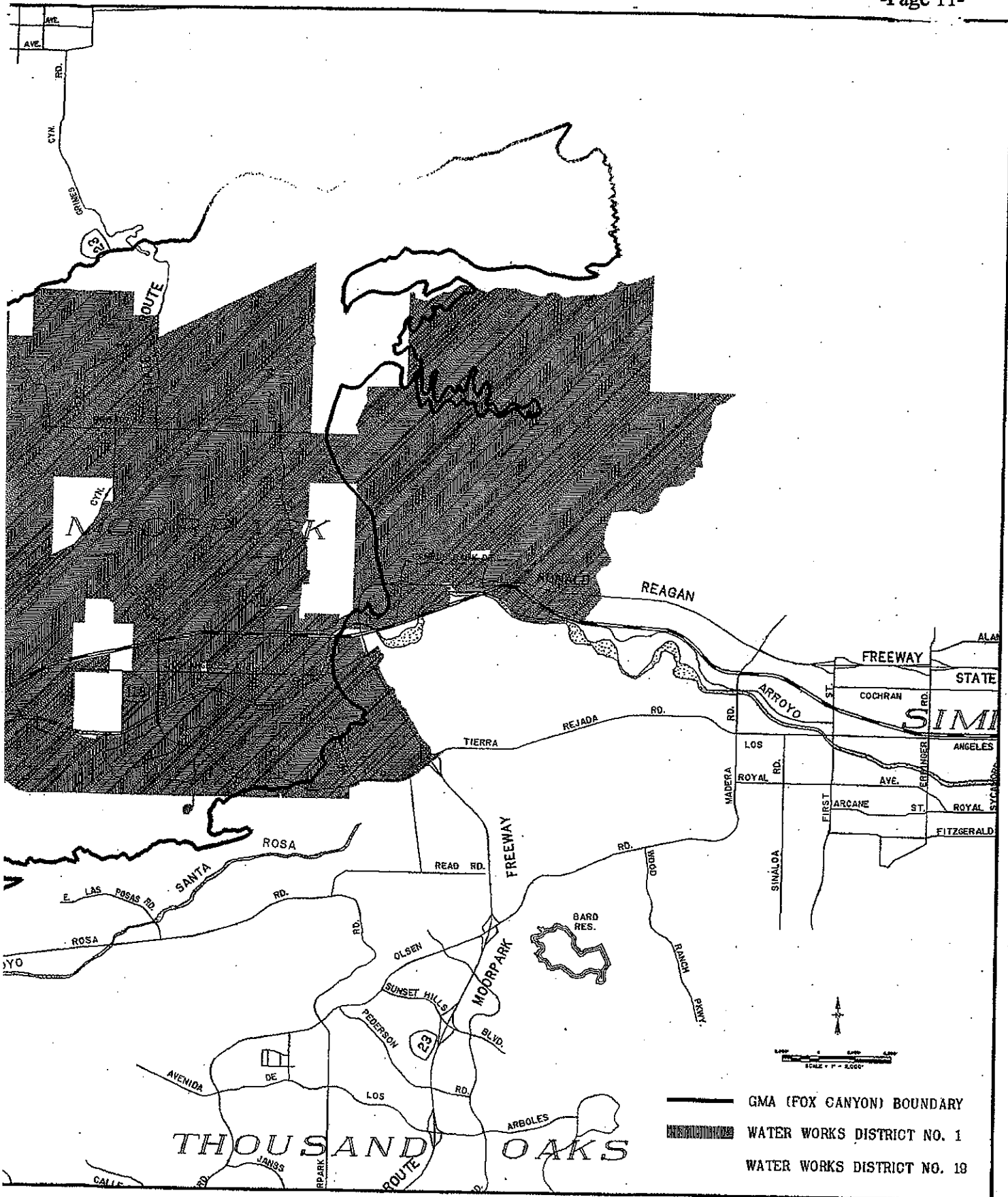
Very truly yours,

A handwritten signature in cursive script, appearing to read "R. R. Pakala".

R. R. Pakala, Manager
Water and Sanitation Services Division
Water Resources and Engineering Department

RRP:ks

cc: John C. Crowley



ARNOLD, BACK, MATHEWS, WOJKOWSKI & ZIRBEL

ATTORNEYS AT LAW

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WESTLAKE OFFICE

100 N. WESTLAKE BLVD.
SUITE 201
WESTLAKE VILLAGE, CA 91362
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FAX (805) 495-6212

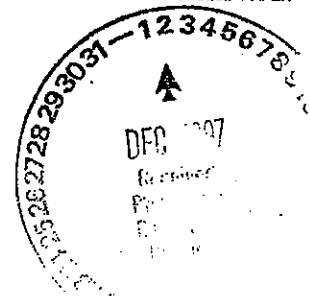
GARY D. ARNOLD
BRIAN J. BACK
JOHN M. MATHEWS
JAMES WOJKOWSKI
MARK A. ZIRBEL
DAVID R. WORLEY
DENISE B. ROTHWELL
WAYNE K. BALDWIN
ELLEN S. ROSENBERG
DENNIS P. MCNULTY

OF COUNSEL
KATHLEEN J. BACK

December 1, 1997



RECYCLED PAPER



Lowell Preston, Ph.D.
Agency Coordinator
Fox Canyon Groundwater
Management Agency
800 South Victoria Avenue
Ventura, California 93009

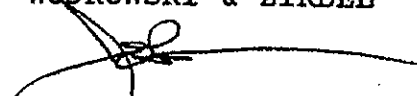
Dear Lowell:

Enclosed please find a proposed resolution regarding the exportation of groundwater. Lee Miller and I feel that this addresses the issue presently before the Board.

If you have any questions, please call me.

Very truly yours,

ARNOLD, BACK, MATHEWS,
WOJKOWSKI & ZIRBEL


John M. Mathews

JMM/jw

Enc.

cc: Mr. LeRoy A. Miller

**RESOLUTION OF
THE FOX CANYON GROUNDWATER MANAGEMENT AGENCY**

RESOLUTION 97-2

**A RESOLUTION OF THE FOX CANYON GROUNDWATER MANAGEMENT
AGENCY IN THE MATTER OF GROUNDWATER EXPORTS OUTSIDE THE
FOX CANYON GROUNDWATER MANAGEMENT AGENCY BOUNDARIES**

NOW, IT IS HEREBY PROCLAIMED AND ORDERED:

1. That the Fox Canyon Groundwater Management Agency Board of Directors recognizes that certain parcels located outside the Fox Canyon Groundwater Management Agency boundaries have been supplied by groundwater extraction wells located inside the Fox Canyon Groundwater Management Agency boundaries since before the Agency was established on January 1, 1993,
2. That the parcels have been within the service area of certain groundwater purveyors prior to the formation of the Fox Canyon Groundwater Management Agency, that those purveyors have been continuously providing those parcels with groundwater from groundwater extraction wells located inside the Agency, and the Board hereby authorizes those parcels to continue to receive groundwater from those purveyors subject to the ordinances adopted by the Fox Canyon Groundwater Management Agency,

On motion by Director _____, seconded by Director _____, the following resolution was passed and adopted on _____, 1997.

**RESOLUTION 97-2
OF THE FOX CANYON
GROUNDWATER MANAGEMENT AGENCY**

A RESOLUTION OF THE FOX CANYON GROUNDWATER MANAGEMENT AGENCY IN THE MATTER OF GROUNDWATER EXPORTS OUTSIDE OF THE FOX CANYON GROUNDWATER MANAGEMENT AGENCY BOUNDARIES.

WHEREAS, the Fox Canyon Groundwater Management Agency Board of Directors recognizes that the City of San Buenaventura, the Alta Mutual Water District, the Pleasant Valley County Water District, the Balcom-Bixby Water Company, Camrosa Water District, Calleguas Municipal Water District and the Del Norte Water Company all had service areas outside the boundaries of the Agency since before the Fox Canyon Groundwater Management Agency was established on January 1, 1983; and,

WHEREAS, the Board intends to recognize this export of water subject to the provisions of Agency Ordinance 5 and its successors; and,

WHEREAS, those well owners or purveyors who export groundwater are limited by established annual allocations and subject to periodic allocation reductions and/or efficiency standards per ordinance or restriction established by the Agency; and,

WHEREAS, the Board does not desire to approve the exportation of groundwater by any additional groundwater purveyors or pumpers whose service areas did not extend beyond the Agency boundary prior to the formation of the Agency;

NOW, THEREFORE, IT IS HEREBY PROCLAIMED AND ORDERED THAT:

The Board of Directors of the Fox Canyon Groundwater Management Agency authorizes those purveyors with service areas outside the Agency boundaries, which were established prior to the formation of the Agency, to continue to supply groundwater from wells inside the Agency boundary to their service area. This authorization shall be regulated by, and subject to, all Ordinances and regulations adopted by the Agency.

On motion by Director _____, seconded by Director _____, the foregoing resolution was passed and adopted on _____, 1997.

Lynn E. Maulhardt, Chair, Board of Directors
Fox Canyon Groundwater Management Agency

ATTEST: I hereby certify that the above is a true and correct copy of Resolution 97-2.

by: _____
Karen Schoonover, Clerk of the Board

ACTION ITEMS**7. Use of GMA water outside GMA boundaries-**

Dr. Preston presented a revised Resolution recognizing and approving historical use of GMA water outside the GMA boundary.

Greg Morehead, City of Ventura, stated that according to the City of Ventura, City Attorney, the GMA has no authority to regulate water outside the GMA boundary.

Lee Miller, General Manager of P.V.C.W.D., stated he was satisfied with the proposed Resolution 97-2 as amended.

Lindsay Nielson, attorney for Balcom-Bixby, thanked Dr. Preston and the GMA staff for Resolution 97-2.

Director McIntyre moved to adopt the revised Resolution, Director Conroy seconded. Chairman Naumann asked for a roll call, where all voted to adopt Resolution 97-2.

8. Water Quality Objectives for 1998-

Fred Gientke, General Manager for United Water Conservation District, stated that it would be a good idea to review the proposed Water Quality Objectives before they were adopted.

Dr. Preston stated the proposed Water Quality Objectives were reviewed and approved in the previous Board meeting.

Director Conroy, stated the word "adopt" was not appropriate for a plan or schedule of implementation, and perhaps a more appropriate wording could be used instead.

Roger Orr, representing Alta Mutual Water Co., stated it should be ongoing objectives, not yearly objectives.

John Matthews, Attorney for P.V.C.W.D., stated the word "adopt" does not bind the Fox Canyon GMA. The GMA Board always retains the power to modify any objective that is adopted.

Dr. Preston stated the Los Angeles R.W.Q.C.B., is a superior authority in water quality standards and before any water quality standards can be provided, a relational data base needs to be established via the adoption of the Los Angeles R.W.Q.C.B.

Rob Saperstein of Hatch & Parent, Attorney for the City of Oxnard, suggested language for Objective 1 "Consider for adoption of . . ." and for Objective 2 "Complete and consider for adoption of . . ."

Dana Wisehart, United Water Conservation District, stated GMA staff contact UWCD staff on current position for Objective 4 (a) and asked for "Only UWCD has declined to provide funding assistance", be stricken from Objective 4 (a). The Board directed staff to strike the sentence as requested.

Fred Gientke, General Manager of United Water Conservation District, stated Objective 4 (b) and 5 (a) should include "cooperation with other cities and agencies to combat seawater intrusion".

Director McIntyre moved and Director Conroy seconded to change as directed and implement schedule.

A roll-call resulted in all (4) four Board members present voting to make changes as suggested and to forward a copy of these quality objectives to the Grand Jury.

**RESOLUTION 97-2
OF THE FOX CANYON
GROUNDWATER MANAGEMENT AGENCY**

A RESOLUTION OF THE FOX CANYON GROUNDWATER MANAGEMENT AGENCY IN THE MATTER OF GROUNDWATER EXPORTS OUTSIDE OF THE FOX CANYON GROUNDWATER MANAGEMENT AGENCY BOUNDARIES.

WHEREAS, the Fox Canyon Groundwater Management Agency Board of Directors recognizes that the City of San Buenaventura, the Alta Mutual Water District, the Pleasant Valley County Water District, the Balcom-Bixby Water Company, Camrosa Water District, Water Works District Number 1, Calleguas Municipal Water District and the Del Norte Water Company all had service areas outside the boundaries of the Agency since before the Fox Canyon Groundwater Management Agency was established on January 1, 1983; and,

WHEREAS, the Board intends to recognize this export of water subject to the provisions of Agency Ordinance 5 and its successors; and,


WHEREAS, those well owners or purveyors who export groundwater are limited by established annual allocations and subject to periodic allocation reductions and/or efficiency standards per ordinance or restriction established by the Agency; and,

WHEREAS, the Board does not desire to approve the exportation of groundwater by any additional groundwater purveyors or pumpers whose service areas did not extend beyond the Agency boundary prior to the formation of the Agency;

NOW, THEREFORE, IT IS HEREBY PROCLAIMED AND ORDERED THAT:

The Board of Directors of the Fox Canyon Groundwater Management Agency authorizes those purveyors with service areas outside the Agency boundaries, which were established prior to the formation of the Agency, to continue to supply groundwater from wells inside the Agency boundary to their service area. This authorization shall be regulated by, and subject to, all Ordinances and regulations adopted by the Agency.

On motion by Director McIntyre, seconded by Director Conroy, the foregoing resolution was passed and adopted on Dec. 17, 1997.



DANIEL NAUMANN for Lynn E. Maulhardt, Chair, Board of Directors
Fox Canyon Groundwater Management Agency

ATTEST: I hereby certify that the above is a true and correct copy of Resolution 97-2.

by:

Karen Schoonover
Karen Schoonover, Clerk of the Board