

**TEHAMA COUNTY FLOOD CONTROL & WATER CONSERVATION
DISTRICT
MEETING MINUTES OF SEPTEMBER 23, 2008**

Present: Directors; Bob Williams; George Russell; Ron Warner; Charles Willard; Gregg Avilla. Also present: Gary Antone, Director of Public Works; Ernie Ohlin, Deputy Director of Public Works - Water Resources; Dan McMannus, DWR; Arthur Wylene, Tehama County Counsel; Lester Messina, Glenn County; Thad Bettner, General Manager of the Glenn-Colusa Irrigation District.

1. CALL TO ORDER: The meeting was called to order by Chairman Bob Williams at 8:30 am.
2. APPROVAL OF MINUTES: Motion by Director Avilla, second by Director Warner, to approve the September 23, 2008 minutes. Carried 5-0 with 0 absent.
3. PUBLIC COMMENT: None
4. PL 84-99 CORPS OF ENGINEERS REPAIR OF THE DEER AND ELDER CREEK LEVEE SYSTEMS: Ernie Ohlin discussed the 2006 PL 84-89 request for assistance in three locations on the Deer and Elder Creek levee systems. Classified as an "Order 3 site," a 400' erosion site on the Deer Creek Levee was completed by the Corps of Engineers in August of 2008 as well as 300' on Elder Creek. The areas are now up to date and ready for winter.

With regard to Elder Creek, Ernie continued, DWR is responsible for channel maintenance and hand crews are currently removing growth in the channel. DWR has also provided surface water modeling on the channel to check capacity. Gravel removing may be done in the area.

The Deer Creek Watershed Conservancy will present at a future meeting information regarding their flood reduction and restoration project on Deer Creek. Working with DWR, they are examining the possibility of setting the levee back by widening the floodplain several hundred feet on both sides.

Director Williams stated if a heavy rainfall is expected, Mill Creek may be impacted by the fires in the upper watershed. Staff will check on the areas to address issues discussed by Director Williams.

6. STONY CREEK FAN CONJUNCTIVE WATER MANAGEMENT PROGRAM: Thad Bettner, General Manager for GCID, updated the Board on the project. Mr. Bettner began by saying projects are overlapping more than they would like. The Stony Creek test project will install seven test production wells, primarily in the area of the Stony Creek Fan. Last year an environmental document was completed, for the two year project. One set back has been the BMO process in Glenn County. The BMO has two purposes, but it loses regional connection.

With the realization that the aquifer does not sit under just one county, GCFD is proposing to install test wells, gain understanding, and all with oversight from DWR, Allan Fulton, UC Davis Extension, and Chico State.

The purpose of the Lower Tuscan Integrated Planning Program was to examine a better way to look at the groundwater system in relation of our surface water systems, and create a possible new water supply. A public meeting was held at GCID. Essentially, it was committed that we fully intend to have more public meetings. We do not want to depend on the groundwater system as a source of supply, however, there are ways to operate the surface water systems more aggressively and use the groundwater system as a backstop. This is not a conjunctive use program.

Butte County's program received a Prop. 50 grant to conduct a Lowe-Tuscan investigation. We envision the efforts will be rolled together. Essentially, a reliable supply of water is needed and to keep the water in Northern California. There is need for new water and with the increase of orchards, demand is hardening in Northern California.

Director Warner attended the GCID meeting in Capay and concerns expressed by the Tehama Farmers was if water levels drop on the Tehama County side, and they, the farmer, must drill lower, who has power to shut off the test wells if damage is experienced on the Tehama County side.

The test program is landowner friendly, Mr. Bettner continued. If there are problems the test program will stop. There could be a point where someone would say they are injured, and maybe compensation could be done. But, there is still validity in doing the test. The goal is to test for impacts, examining the amount of background pumping going on, and making sure it does not affect existing wells.

Mr. Bettner continued by discussing the lawsuit filed by Butte Environmental Council, which has caused a substantial. Also, each well has increased in price to \$100,000.

Director Warner said, another question was asked at the meeting. If you pump the water will it stay within your District and Mr. Bettner answered, "We anticipate the water will stay within the three Districts in Glenn County."

Director Warner felt that this was not the answer perceived from the meeting in Capay and questioned when the EIR will begin.

Mr. Bettner answered that with regard to the court case, in Glenn County it was understood the agreement signed by the three Districts has been for testing. That is the limit of the agreement. When the environmental documentation was done, it said it was committed to test pumping. The current project is not to

pump long term, only for the test pumping program. Essentially, after reviewing documents, the judge said it was a test and if wells were used for any other purpose other than testing and EIR/EIS would then be required.

Arthur Wylene, County Counsel for Tehama County questioned if Mr. Bettner considered the test or information generated the first step in a bigger water diversion project, a conjunctive use project, or enroute transfer project.

Mr. Bettner couldn't say at this point. There are internal needs in our Districts with regard to shortages. Our basin, TC District's and the Sacramento Valley will be short and "I don't know how ultimately this water gets used. That is going to be for the public to determine". "I think we can put out a program, but if there are other needs in other areas of the basin, then that is possibly a use.

Arthur Wylene questioned if Mr. Bettner could identify any bench marks to determine when it stops being a test and becomes a water project.

Questions as to how water moves, Mr. Bettner continued, could be one. Everyone has their own perception on how the water flows. Those are questions that need to be answered.

Director Bob Williams said the two year program, as represented, GCID has a history of following ground and selling surface water south. The question I have been asked in that area is what guaranty does anyone have that GCID will not use this groundwater to supplement or replace surface water that they sell south.

Mr. Bettner said this is something we will have to deal with. As an example, a pump station and well was installed approximately 3-years ago in the lower Tuscan. That well was under a Notice of Exemption and has only been used twice for testing purposes. We are going to do what we say.

On a broader strategy, Mr. Bettner continued, as far as water transfers; ground water substitution, that is a dialogue that needs to continue from this Board as well as others. The north is perceived as hoarding water. The question is how do you tell these people that we are short of water up here. If there are ways to move water under our terms, we will, but absent that, it will be, "Well, we know you have water up there and if you aren't going to let us have a little, we are just going to come take it". Somehow we need to overcome that. The State Board could come up here. You don't have a right to the water under your property line. You can use it, but the rest goes somewhere else. I think that if we don't do something proactive up here, you will see the State Board get into groundwater and manage it for you. That is a possibility, especially with the present shortages.

Arthur Wylene questioned, that it was his understanding that for purposes of sale of water, that there would be additional water review. Mr. Bettner answered yes,

a full EIR/EIS.

Ernie Ohlin added, there are many issues we are faced with. It is part of the emphasis and why the 4-County and Multi-Party MOU's were established so as to work together regionally. As this individual process moves on, our interest would be to establish a mechanism as to who landowners in the County would go to when they feel there are changes.

Lester Messina with Glenn County Water Resources added, he could answer specific questions and presented of a history of the BMO process. The BMO's in Glenn County were set up in 2001. The wells that were utilized in the BMO process had a 20-year history from the dry 70's to the wet period of the 90's. Most of the wells use an average and standard deviation from the low to the high, providing trigger levels. All those wells, for the most part, were in the Tehama formation.

In 2001, Mr. Messina continued, little was known of the Tuscan formation. Wells installed by GCID, Orland-Artois Water District, and the Orland Water Users Association, were a network of dedicated monitoring wells with a plan for future use. This is the future to use them now. In 2007, thirteen dedicated monitoring wells were correlated and seen as a hydrograph for correlation using dedicated wells in summer time. During the first year, we saw that quite possibly, in some areas, we had under-estimated in some and over estimated in other areas. In 2008, they were examined again utilizing the same method. It was then realized that there was difficulty with the method. Land use changes are 20,000 more acres of orchards using groundwater. With these changes and the dedicated monitoring network in place, we come to the point that maybe we need to change the reporting time of these monitoring wells and go into a spring, summer, and fall. To answer the question, how does the Stony Creek Fan pumping test fit in with the BMO process, it really does not. There is nothing really set up during the time of year that the pumping will occur. It will be left to GCID to answer to those having impact.

The BMO, Mr. Messina continued, is set up now, and most are in the spring. People will use the groundwater to the extent they need to. We are depending on this testing process to help us with our dedicated monitoring network and possibly identify weak points and data gaps. The BMO process does not go below 500 ft. except for the interim summertime measurements. Seeing that for the second year, land use changes and agricultural production has changed, modifications will make it a more effective process.

Director Avilla added that DWR does come out and examine production wells to receive information. Is this information coordinated with these test wells or is that information separate. Mr. Bettner answered that it is coordinated with DWR.

5. AB 3030 GROUNDWATER MANAGEMENT PLAN TAC REPORT: Allan Fulton provided information from the September meeting.

- ◆ No Quorum due to harvesting season
- ◆ Contact with Capay landowners to discuss location of a monitoring well in their area.
- ◆ Monthly column in newspaper by Colin Klienstecker.
- ◆ Background documents on technical memorandum to set trigger levels.
- ◆ Draft pamphlet distributed.
- ◆ Kick-off Roundtable before public meetings.
- ◆ Bids for copying pamphlet.

7. DELTA VISION STRATEGIC PLAN: Ernie Ohlin reviewed the Governor's Blue Ribbon Task Force. Through the process they have developed strategy and plans regarding the Delta. They know they need more water in the Delta for environmental use, change the point of diversion, causing questions by the North State if the new facility is put in. Also in the documentation, they mentioned about maybe not buying water from willing sellers, more the Public Trust Doctrine. All of us feel like we need to have representation with our existing water laws and not have it circumvented. The North State could face, through the process, a threat to water rights through diversion and using more groundwater if the surface water has to go south.

Director Williams added his concern on the process is when people in Sacramento talk about reasonable use and public trust and ignoring areas of origin legislation. The proposed system, if built, will divert north of the Delta and go around. There will still be a need to bypass the dual conveyance system to keep the Delta flushed out and the only place it will come from is Northern California. When they speak of public trust, I see what is coming. If no new storage is built north of the Delta, there will be no water available unless they take it from water users in the north. NCWA has been watching and commenting on this issue and the comments are similar to this letter. I thank staff for drafting the letter and it is a very good letter.

Director Russell questioned public trust. Who owns the water would be resolved in the courts, right?

Ernie Ohlin answered, ultimately it could if someone were to challenge our area of origin/water rights.

Motion by Director Willard and second by Director Avilla to approve the correspondence to the Delta Task Force and be signed by the Chairman.

Carried 5-0 with 0 absent.

8. CLAIMS: Motion by Director Russell and second by Director Willard to approve the September claims in the amount of \$18,608.39. Carried 5-0 with 0 absent.
9. ADJOURN: With no further business, the meeting adjourned at 9:43 am.