



## Oceano Community Services District

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December 5, 2018

Water Resource Advisory Committee  
County of San Luis Obispo  
Department of Public Works

Subject: Agenda Item #6 - Comments on the 2016-2018 Water Section of the Resource Summary Report (RSR)

Committee Members,

The following are comments that have been prepared on behalf of the Oceano Community Services District.

1. Support for comments from Jim Garing P.E., District Four Representative.
2. Page #17 - Lopez Lake / Reservoir - the RSR states that "supply contracts with the District are based on a percentage of the safe yield of the Reservoir." This is incorrect. The Water Supply Contracts provide specific quantified delivery commitments, which is 303 acre feet per year in Oceano. Although the contracts also recognize that the reductions in deliveries may occur as a result of drought or other conditions, the contracts are not written based on a percentage of safe yield.
3. Page #60 - South County Area - The RSR states that "SGMA does not apply to the portion of the Santa Maria Basin that is at issue in the litigation ("adjudicated area") (Water Code Section 10720.8)." This statement is a legal determination that may be incorrect. Water Code Section 10720.8(a) begins with "Except as provided in subdivision (e),...". Water Code Section 10720.8(e) states "If an adjudication action has determined the rights to extract groundwater for only a portion of a basin, subdivisions (a), (b), (c), and (d) apply only within the area for which the adjudication action has determined those rights."

Although we understand that some have expressed an interpretation that 10720.8(e) only applies to the fringe areas, it is important to recognize that the statute does not expressly state that it applies to the areas where the boundary of an adjudicated basin differs from the boundary determined by the Department of Water Resources in Bulletin 118. As a result, it is possible that 10720.8(e) applies in other situations as well - potentially within the boundary of an adjudicated basin if that adjudication did not determine rights to extract groundwater for some areas. A careful review of the stipulations and judgment of the Santa Maria Groundwater Basin may indicate that this situation exists and may be subject to future judicial interpretations.



## Oceano Community Services District

Board of Directors Meeting

4. Page 62/63 - bullet points on "Going forward, the NCMA water purveyors plan to implement several initiatives to improve long-term management and sustainability of their water supplies..." An additional bullet should be added that states, "Amend Lopez Water Supply contracts to obtain storage rights in Lopez reservoir and enhance multi-year water resource planning." This is a conjunctive use strategy that could also be reflected in the section of the RSR on Lopez Lake / Reservoir starting on page #17. Oceano CSD has drafted contract amendments and distributed them to other related agencies.
5. Please provide reference on Page 63 for Oceano CSD "Forecast Demand in 15 Years (AFY) - 1,348" and "Forecast Demand in 20 Years (AFY) - 1,348."
6. Consider providing a discussion on the Public Trust responsibilities of the County in issuing new well permits, and related implications if any, as a result of the State's Third Appellate District Court of Appeal determinations on Environmental Law Foundation et al. v. State Water Resources Control Board and County of Siskiyou.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paavo Ogren".

Paavo Ogren  
General Manager

cc: Director Cynthia Repogle, WRAC Committee Appointee  
Director Shirley Gibson, WRAC Committee Alternate  
Jeffrey A. Minnery, District Legal Counsel