



MEETING NOTES – Merced GSP

SUBJECT: Merced GSP Coordinating Committee Meeting

DATE/TIME: October 22, 2018 at 1:30 PM

LOCATION: Castle Conference Center at Castle Airport, 1900 Airdrome Entry, Atwater, CA 95301

Coordinating Committee Members In Attendance:

	Representative	GSA
<input type="checkbox"/>	Stephanie Dietz	Merced Irrigation-Urban GSA
<input checked="" type="checkbox"/>	Justin Vinson	Merced Irrigation-Urban GSA
<input checked="" type="checkbox"/>	Daniel Chavez	Merced Irrigation-Urban GSA
<input checked="" type="checkbox"/>	Ken Elwin (alternate)	Merced Irrigation-Urban GSA
<input checked="" type="checkbox"/>	Bob Kelley	Merced Subbasin GSA
<input checked="" type="checkbox"/>	Nic Marchini	Merced Subbasin GSA
<input type="checkbox"/>	Rodrigo Espinoza	Merced Subbasin GSA
<input checked="" type="checkbox"/>	George Park (alternate)	Merced Subbasin GSA
<input checked="" type="checkbox"/>	Larry Harris	Turner Island Water District GSA #1
<input type="checkbox"/>	Scott Skinner (alternate)	Turner Island Water District GSA #1

Meeting Notes

1. Call to order
2. Approval of minutes for September 24, 2018 meeting
 - a. Meeting minutes were approved.
 - b. A request was made and approved to have the Self-Help Enterprises and the Leadership Counsel for Justice and Accountability as the next agenda item.
3. Update from Self-Help Enterprises (SHE) and Leadership Counsel for Justice and Accountability (Leadership Counsel)
 - a. Maria Herrera (SHE) and Amanda Monaco (Leadership Counsel) provided an overview of their organizations' outreach activities in the Merced Subbasin DACs and the funding received from DWR for reaching disadvantaged communities.
 - b. Leadership Counsel works mostly within unincorporated communities and low-income communities that often lack basic infrastructure. Their work includes: outreach and education, GSP development assistance, identification of community water projects, and procurement of professional services.
 - c. Funding for Leadership Counsel's SGMA-related work has come from the DWR Prop 1 grant and the Water Foundation.
 - d. Leadership Counsel activities conducted in the Merced Subbasin included presentations to Neighbors United for a Better South Merced and to a community group in Delhi. Work has also included a GSP Workshop in April together with SHE and the Union of Concerned Scientists.



- e. Maria Herrera (SHE) provided an overview of SHE activities. SHE works in outreach and education, direct community assistance, and GSP development assistance. Their work in the Merced Subbasin includes the SGMA Workshop held in August, outreach to 5 different communities, and support for development of workshop materials including translation.
 - i. SHE's outreach also provides information on concerns voiced by local communities (e.g. including concerns for having large wells permitted near their communities).
 - ii. SHE will continue to coordinate with Woodard & Curran and Catalyst in preparation for the upcoming public workshops.
- 4. Stakeholder Committee update
 - a. Update from October 22 morning meeting was provided. There was a slightly smaller turn out than normal, but good discussion. Many questions were asked about groundwater rights. A CASGEM update was provided. There was a brief discussion of discuss projects and management actions.
- 5. Presentation by Woodard & Curran on GSP development
 - a. Next Steps in GSP Development
 - i. Alyson Watson (Woodard & Curran) gave an overview of the GSP development timeline.
 - ii. The path for sustainability requires overcoming the challenge of reducing groundwater pumping while minimizing how much reduction has to be made in total use.
 - iii. There are three steps to this process: 1) determine extent of groundwater pumping that is sustainable, 2) determine available surface water, and 3) identify potential deficit between demand and available resources.
 - iv. Water budgets and modeling that has gone into these estimates are being refined. The initial estimates do not yet reflect changes to flow projections resulting from FERC relicensing.
 - v. Two areas should be addressed to achieve sustainability: reducing groundwater pumping (e.g. though an allocation framework); and identifying projects and management actions (e.g. recharge groundwater, enhance surface water availability, and reduce demand).
 - vi. Question asked by Alyson whether the information provided is understandable and provides committee members with enough and adequate information to be able to answer questions and talk about this issue with others. Members agree that content is understandable.
 - b. Groundwater Rights Primer
 - i. Brad Herrema (Brownstein Hyatt Farber Schreck) provided an informational presentation on groundwater rights and allocation frameworks. A brief list of key points is provided below (see full presentation on Merced SGMA website):
 1. In California, a water right is a usufructuary right in which there is a prohibition against waste and unreasonable use.
 2. California has a dual system of riparian rights and appropriative rights for both surface water and groundwater.
 3. Overlying rights: these rights have the highest priority and are analogous to riparian rights for surface water. All overlying land owners have the right to pump, but this is a correlative right (limited to reasonable use).
 4. Appropriative rights: non-overlying owners are allowed to extract surplus water not being used by overlying owners. It is a first in time, first in right use (whoever has



the right first, has priority over other appropriative right users). These can be subject to loss for non-use.

5. If water is imported into the basin this is covered by a “developed water” theory: those who develop means to import the water are entitled to use it.
 6. Prescriptive rights: water right acquired through adverse possession of someone else’s water right. There are several required elements. Often this is a result of someone taking someone else to court.
 7. SGMA does not alter and is not determinative of water rights.
 8. Brad Herrema recommends reviewing the Environmental Defense Fund paper on groundwater rights and the pros and cons for different allocation methods ([link here](#)).
 - a. The comprehensive allocation method has the best chance of surviving judicial challenge but can be highly stakeholder engagement intensive.
 - b. Allocation based on Fraction of Historic Pumping does not take into account the correlative nature of groundwater rights, and it can be difficult to get data for this.
 9. Question: do you see much of the Central Valley undergoing adjudication in the future? Answer: Brad would not be surprised, but the GSP process does a lot of relevant work.
 10. Clarification provided that water rights and allocation are two different things. Example provided by Alyson Waterson (W&C): your correlative water right is the straw (your ability to take water), how much you take (your allocation) is the amount you are using.
- c. Projects and Management Actions
- i. Alyson Watson (W&C) gave a high-level overview for the projects and management actions section to enable adequate time for the CASGEM update. This will be revisited in the next meeting. An overview was given of what background work has been conducted and what projects information has been collected. The list presented provided information on projects the consultant team knows currently exist.
 - ii. A request made to the committee to contact Woodard & Curran regarding any individuals or groups that should be contacted to collect information on more projects.
 - iii. An example list of criteria was given for assessing projects.
 - iv. Alyson Watson (W&C) asked the committee whether there are other criteria that should be considered. Several responses from the committee members were provided as follows:
 1. Have specific environmental benefits listed out individually.
 2. Question: if someone already has a project and it is completed how is this taken into account for allocation? Answer: will have to determine how to take this into account and determine if/how this will be credited.
- d. Other Updates
- i. Groundwater Data templates and instructions for submitting data have been updated and are available on the MercedSGMA [homepage](#).



6. CASGEM Update provided by Matt Beaman (MID)
 - a. Merced Area Groundwater Pool Interests (MAGPI) collects data and submits this to the California Statewide Groundwater Elevation Monitoring program (CASGEM). CASGEM facilitates between DWR and the public.
 - b. Data is used to established and create contour maps in groundwater elevations on a seasonal and long-term basis.
 - c. DWR determines if Merced is in compliance with groundwater elevation reporting.
 - d. CASGEM is still in effect and GSAs need to be in compliance with CASGEM to receive funding and loans. DWR provides monitoring guidelines (e.g. number of wells per area, how often monitoring, and what kind of wells). These guidelines are posted on the Merced SGMA website under the “Guidelines for Submitting Groundwater Data” on the [homepage](#).
 - e. The previous plan provided ways to minimize gap areas. Several maps are shown highlighting how wells have been filling gap areas. There are new wells from MID and 4 of the 5 wells are CASGEM wells.
 - f. Stevenson Water District has some private wells that could be monitored. Hicham EITal (MID) stated that these could be included within the datum created with upcoming grant funding for all public wells.
7. Public Outreach update
 - a. Charles Gardiner (Catalyst) provided information on the two public workshops that will take place in December:
 - i. Dec. 4th Community Workshop – Planada
 - ii. Dec. 13th Community Workshop – Franklin-Beechwood
 - b. Topics anticipated to include water budgets, where we are with the project, and a brainstorming of projects and management actions.
8. Coordination with neighboring basins
 - a. Chowchilla and Delta-Mendota Subbasins will be ready early next year to continue coordination.
9. Public comment
 - a. No public comments.
 - b. Hicham EITal offered that MID can provide a presentation on Flood-MAR during the next meeting.
10. Next steps and adjourn
 - a. Several GSP development items anticipated to be discussed in the next meeting including: water budgets and documented assumptions, the Hydrogeological Conceptual Model (HCM) GSP section, sustainable yield analysis, and assessment of projects and management actions.

Next Regular Meeting

November 26, 2018 at 1:30 p.m.

Merced, CA – Castle Conference Center at Castle Airport (subject to change)

Information also available online at mercedsgma.org

Action may be taken on any item

Note: If you need disability-related modification or accommodation in order 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.