

TO: BOARD OF DIRECTORS

FROM: MARIO IGLESIAS
GENERAL MANAGER



DATE: MARCH 8, 2019



PRESENTATIONS AND REPORTS

The following presentations and reports are scheduled:

- C-1) DIRECTORS' ANNOUNCEMENTS OF DISTRICT AND COMMUNITY INTEREST AND REPORTS ON ATTENDANCE AT PUBLIC MEETINGS, TRAINING PROGRAMS, CONFERENCES AND SEMINARS.
[RECEIVE ANNOUNCEMENTS AND REPORTS FROM DIRECTORS]

- C-2) RECEIVE PUBLIC COMMENT ON PRESENTATIONS AND REPORTS PRESENTED UNDER ITEM C AND BY MOTION RECEIVE AND FILE PRESENTATIONS AND REPORTS

TO: BOARD OF DIRECTORS

FROM: MARIO IGLESIAS
GENERAL MANAGER

DATE: MARCH 8, 2019

AGENDA ITEM

D

MARCH 13, 2019

CONSENT AGENDA

The following items are considered routine and non-controversial by staff and may be approved by one motion if no member of the Board wishes an item removed. If discussion is desired, the item may be removed from the Consent Agenda by a Board member and will be considered separately at the conclusion of the Administrative Items. Individual items on the Consent Agenda are approved by the same vote that approves the Consent Agenda, unless an item is pulled for separate consideration. The recommendations for each item are noted in bracket. Members of the public may comment on the Consent Agenda items.

**Questions or clarification may be made by the Board members
without removal from the Consent Agenda.**

- D-1) WARRANTS
[RECOMMEND APPROVAL]
- D-2) APPROVE FEBRUARY 27, 2019 REGULAR BOARD MEETING MINUTES
[RECOMMEND APPROVE MINUTES]
- D-3) EUREKA WELL REPLACEMENT PROJECT WELL DRILLING
IMPLEMENTATION ASSISTANCE [RECOMMEND AUTHORIZE TASK ORDER
WITH CANNON CORPORATION IN THE AMOUNT OF \$44,988]
- D-4) AUTHORIZE STAFF TO BID SOUTHLAND WASTEWATER TREATMENT
FACILITY STORAGE BUILDING PROJECT AND AMEND FY 2018-2019
BUDGET [RECOMMEND ADOPT RESOLUTION AUTHORIZING STAFF TO
ADVERTISE PROJECT FOR BID AND APPROVING BUDGET AMENDMENT]
- D-5) ACCEPT SOUTHLAND WASTEWATER TREATMENT FACILITY SLUDGE
DRYING BED COVER PROJECT [RECOMMEND, BY MOTION AND ROLL CALL
VOTE, ACCEPT PROJECT AND DIRECT STAFF TO FILE NOTICE OF
COMPLETION]

TO: BOARD OF DIRECTORS

REVIEWED: MARIO IGLESIAS
GENERAL MANAGER

FROM: LISA BOGNUDA
FINANCE DIRECTOR

DATE: MARCH 8, 2019

AGENDA ITEM
D-1
MARCH 13, 2019

WARRANTS

HANDWRITTEN CHECKS
None

VOIDS – NONE

TOTAL COMPUTER CHECKS
\$219,307.55

COMPUTER GENERATED CHECKS – SEE ATTACHED



Nipomo Community Services District

Item D-1 Warrants MARCH 13, 2019
By Payment Number

Payment Dates 03/13/2019 - 03/13/2019

Vendor Name	Description (Payable)	Payable Number	Payment Date	(None)	Amount	
Payment: 4628						
Abalone Coast Analytical, Inc.	Lab tests	4540	03/13/2019		6,507.50	
					Payment 4628 Total:	6,507.50
Payment: 4629						
Alexander's Contract Services,	Meter reading	201902270871	03/13/2019		3,431.79	
					Payment 4629 Total:	3,431.79
Payment: 4630						
AmeriPride	Uniforms	1502343280	03/13/2019		248.32	
AmeriPride	Uniforms	1502333947	03/13/2019		259.26	
AmeriPride	Uniforms	1502347545	03/13/2019		252.54	
					Payment 4630 Total:	760.12
Payment: 4631						
Applied Technology Group, In	SCADA survey	16684	03/13/2019		987.60	
					Payment 4631 Total:	987.60
Payment: 4632						
AT&T	Telephone	12655004	03/13/2019		166.02	
AT&T	Telephone	12655003	03/13/2019		27.92	
AT&T	Telephone	12655005	03/13/2019		227.74	
					Payment 4632 Total:	421.68
Payment: 4633						
Baumgarten, Michael	CWEA membership renewal r	FEB2019	03/13/2019		188.00	
					Payment 4633 Total:	188.00
Payment: 4634						
Brenntag Pacific, Inc.	Sodium hypochlorite	922738	03/13/2019		574.41	
Brenntag Pacific, Inc.	Ammonium sulfate	918841	03/13/2019		1,457.56	
Brenntag Pacific, Inc.	Sodium hypochlorite	918427	03/13/2019		862.44	
					Payment 4634 Total:	2,894.41
Payment: 4635						
Cable, Ralph & Lynne	Washer rebate	FEB2019	03/13/2019		75.00	
					Payment 4635 Total:	75.00
Payment: 4636						
CalPERS	Quarterly OPEB contributions	MAR2019	03/13/2019		21,842.50	
					Payment 4636 Total:	21,842.50
Payment: 4637						
Cannon Corporation	Nipomo Palms LS rehab	68271	03/13/2019		1,357.75	
Cannon Corporation	Woodgreen LS rehab	68272	03/13/2019		1,136.75	
					Payment 4637 Total:	2,494.50
Payment: 4638						
Charter Communications	Internet - Shop and/or Office	MAR2019A	03/13/2019		214.97	
Charter Communications	Internet - Shop and/or Office	MAR2019B	03/13/2019		224.97	
					Payment 4638 Total:	439.94
Payment: 4639						
Dahl Air Conditioning	HVAC service at treatment pla	35879	03/13/2019		915.00	
Dahl Air Conditioning	HVAC diagnostic	35880	03/13/2019		880.00	
Dahl Air Conditioning	Replacement HVAC unit-Yard	67441	03/13/2019		10,280.00	
					Payment 4639 Total:	12,075.00
Payment: 4640						
Excel Personnel Services, Inc.	Employment agency	2723256	03/13/2019		434.00	
					Payment 4640 Total:	434.00

Item D-1 Warrants MARCH 13, 2019

Payment Dates: 03/13/2019 - 03/13/2019

Vendor Name	Description (Payable)	Payable Number	Payment Date	(None)	Amount	
Payment: 4641						
Famcon Pipe and Supply, Inc.	Sample stations	1404	03/13/2019		778.64	
					Payment 4641 Total:	778.64
Payment: 4642						
Farm Supply Company	Cat litter, Roundup	60329	03/13/2019		215.88	
					Payment 4642 Total:	215.88
Payment: 4643						
FGL Environmental	Lab tests	980033	03/13/2019		494.00	
FGL Environmental	Lab tests	980476	03/13/2019		115.71	
FGL Environmental	Lab tests	980032	03/13/2019		521.00	
					Payment 4643 Total:	1,130.71
Payment: 4644						
GLM Landscape Management	Landscape maintenance	FEB2019	03/13/2019		405.00	
					Payment 4644 Total:	405.00
Payment: 4645						
Great Western Alarm and Co	Alarm monitoring service	190202107101	03/13/2019		67.00	
Great Western Alarm and Co	Alarm monitoring service	190202062101	03/13/2019		67.00	
Great Western Alarm and Co	Alarm monitoring service	190200640101	03/13/2019		35.00	
					Payment 4645 Total:	169.00
Payment: 4646						
Hach Company	WIMS training	11348668	03/13/2019		7,200.00	
Hach Company	CHEMKEYS	11343913	03/13/2019		3,685.68	
					Payment 4646 Total:	10,885.68
Payment: 4647						
Manuel, Tony & Christianson,	Washer rebate	FEB2019	03/13/2019		75.00	
					Payment 4647 Total:	75.00
Payment: 4648						
Miner's Ace Hardware	Supplies	FEB2019	03/13/2019		370.25	
					Payment 4648 Total:	370.25
Payment: 4649						
More Office Solutions	B&W/Color copies	2404098	03/13/2019		52.13	
More Office Solutions	B&W/Color copies	2404099	03/13/2019		192.52	
					Payment 4649 Total:	244.65
Payment: 4650						
Newton Geo-Hydrology Cons	Litigation support through 02-	FEB2019	03/13/2019		10,078.28	
					Payment 4650 Total:	10,078.28
Payment: 4651						
Nichols, Kenneth	Washer rebate	FEB2019	03/13/2019		75.00	
					Payment 4651 Total:	75.00
Payment: 4652						
Nunley & Associates, Inc.	PCIA - Tract 2441 Blume St.	5293	03/13/2019		347.94	
Nunley & Associates, Inc.	PCIA - Tract 2650 Westgate	5315	03/13/2019		170.00	
Nunley & Associates, Inc.	JRPS ESDC	5316	03/13/2019		1,418.75	
Nunley & Associates, Inc.	Southland WWTP Screw Press	5342	03/13/2019		2,479.00	
Nunley & Associates, Inc.	Supplemental Water Project I	5265	03/13/2019		1,994.50	
Nunley & Associates, Inc.	Sludge Drying Bed Covers ESD	5320	03/13/2019		5,480.25	
Nunley & Associates, Inc.	2017 Water Audit Validation	5266	03/13/2019		2,260.34	
					Payment 4652 Total:	14,150.78
Payment: 4653						
Office Depot	Office supplies	279311264001	03/13/2019		47.80	
Office Depot	Office supplies	276064424001	03/13/2019		98.22	
					Payment 4653 Total:	146.02
Payment: 4654						
Praxair Distribution, Inc.	Cylinder rental	87797278	03/13/2019		50.76	
					Payment 4654 Total:	50.76

Item D-1 Warrants MARCH 13, 2019

Payment Dates: 03/13/2019 - 03/13/2019

Vendor Name	Description (Payable)	Payable Number	Payment Date	(None)	Amount
Payment: 4655					
Santa Maria Ford Lincoln	Vehicle repair/maintenance	176827	03/13/2019		1,547.89
Santa Maria Ford Lincoln	Vehicle repair/maintenance	177272	03/13/2019		72.18
Santa Maria Ford Lincoln	Vehicle repair/maintenance	177286	03/13/2019		52.85
Santa Maria Ford Lincoln	Vehicle repair/maintenance	177334	03/13/2019		56.49
Santa Maria Ford Lincoln	Vehicle repair/maintenance	177318	03/13/2019		43.45
Payment 4655 Total:					1,772.86
Payment: 4656					
Santa Maria Sun, LLC	Conservation ads	293995	03/13/2019		396.00
Payment 4656 Total:					396.00
Payment: 4657					
SLO County Clerk-Recorder	Consolidated General Election	FEB2019	03/13/2019		549.31
Payment 4657 Total:					549.31
Payment: 4658					
SoCalGas	Heat - shop/office	FEB2019B	03/13/2019		97.64
Payment 4658 Total:					97.64
Payment: 4659					
Southwest Valve, LLC	PSW rings	5036	03/13/2019		1,309.30
Payment 4659 Total:					1,309.30
Payment: 4660					
Special District Risk Managem	Deductible	FEB2019	03/13/2019		488.90
Payment 4660 Total:					488.90
Payment: 4661					
Spieß Construction Co.	Southland WWTF Drying Bed	2	03/13/2019		78,517.50
Payment 4661 Total:					78,517.50
Payment: 4662					
Tesco Controls, Inc.	SCADA upgrade	0066891	03/13/2019		36,930.00
Payment 4662 Total:					36,930.00
Payment: 4663					
US Bank National Association	Flumetech devices	FEB2019G	03/13/2019		223.43
US Bank National Association	Computer expense - Domain	FEB2019D	03/13/2019		350.00
US Bank National Association	Storage unit	FEB2019F	03/13/2019		168.50
US Bank National Association	Training - German, Wallravin	FEB2019C	03/13/2019		667.96
US Bank National Association	Travel & meals	FEB2019A	03/13/2019		216.47
US Bank National Association	Employment ads	FEB2019E	03/13/2019		485.00
US Bank National Association	Board meeting and training	FEB2019B	03/13/2019		111.80
Payment 4663 Total:					2,223.16
Payment: 4664					
USA Bluebook	Pressure gauge	825766	03/13/2019		256.27
USA Bluebook	CHEMKEYS	821768	03/13/2019		1,276.70
USA Bluebook	Pressure gauge	799692	03/13/2019		258.66
USA Bluebook	Credit memo for INV#799692	CM812784	03/13/2019		-258.66
Payment 4664 Total:					1,532.97
Payment: 4665					
Verizon Wireless	Cell service	9824780991	03/13/2019		1,215.33
Payment 4665 Total:					1,215.33
Payment: 4666					
Waste Connections	Waste collection - Office	6379753	03/13/2019		41.23
Waste Connections	Waste collection - Olde Towne	6380733	03/13/2019		218.69
Waste Connections	Waste collection - Southland	6381128	03/13/2019		193.27
Payment 4666 Total:					453.19
Payment: 4667					
Alexander's Contract Services,	Meter reading	201901300872	03/13/2019		2,493.70
Payment 4667 Total:					2,493.70

TO: BOARD OF DIRECTORS
FROM: MARIO IGLESIAS
GENERAL MANAGER
DATE: MARCH 8, 2019



**APPROVE FEBRUARY 27, 2019
REGULAR BOARD MEETING MINUTES**

ITEM

Approve action minutes from previous Board meetings. [RECOMMEND APPROVE MINUTES]

BACKGROUND

The draft minutes are a written record of the previous Board Meeting action.

RECOMMENDATION

Approve Minutes

ATTACHMENT

- A. February 27, 2019 draft Regular Board Meeting Minutes

MARCH 13, 2019

ITEM D-2

ATTACHMENT A

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

DRAFT REGULAR MINUTES

FEBRUARY 27, 2019 AT 9:00 A.M.

JON S. SEITZ BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

BOARD of DIRECTORS

ED EBY, PRESIDENT
DAN ALLEN GADDIS, VICE PRESIDENT
BOB BLAIR, DIRECTOR
CRAIG ARMSTRONG, DIRECTOR
DAN WOODSON, DIRECTOR

PRINCIPAL STAFF

MARIO IGLESIAS, GENERAL MANAGER
LISA BOGNUDA, FINANCE DIRECTOR
WHITNEY MCDONALD, GENERAL COUNSEL
PETER SEVCIK, DIRECTOR OF ENG. & OPS.

Mission Statement: The Nipomo Community Services District's mission is to provide its customers with reliable, quality, and cost-effective services now and in the future.

A. CALL TO ORDER AND FLAG SALUTE

President Eby called the Regular Meeting of February 27, 2019, to order at 9:00 a.m. and led the flag salute.

B. ROLL CALL, AND PUBLIC COMMENT FOR ITEMS NOT ON AGENDA

At Roll Call, Director Woodson, Armstrong, Gaddis and Eby were present. Director Blair had a planned absence.

There were no public comments.

C. PRESENTATIONS AND REPORTS

C-1) NIPOMO COMMUNITY SERVICES DISTRICT STRATEGIC PLAN REVIEW [RECEIVE PRESENTATION]

Mario Iglesias, General Manager, presented the strategic plan review and answered questions from the Board.

C-2) DIRECTORS' ANNOUNCEMENTS OF DISTRICT AND COMMUNITY INTEREST AND REPORTS ON ATTENDANCE AT PUBLIC MEETINGS, TRAINING PROGRAMS, CONFERENCES AND SEMINARS [RECEIVE ANNOUNCEMENTS AND REPORTS FROM DIRECTORS]

Director Woodson

- February 25, attended Nipomo Arts Council meeting.
- February 25, attended SCAC meeting and SCAC special meeting.

Director Gaddis

- February 19, attended Board Officer's meeting.
- February 20, attended NCSD sponsored Harassment and Ethics training.

Director Eby

- February 19, attended Blacklake Management Association meeting.
- February 19, attended Board Officer's meeting.
- February 20, attended NCSD sponsored Harassment and Ethics training.

C-3) RECEIVE PUBLIC COMMENT ON PRESENTATIONS AND REPORTS PRESENTED UNDER ITEM C AND BY MOTION RECEIVE AND FILE PRESENTATIONS AND REPORTS

SUBJECT TO BOARD APPROVAL

**Nipomo Community Services District
DRAFT REGULAR MEETING
MINUTES**

There were no public comments.

*Upon the motion of Director Gaddis and seconded, the Board unanimously approved receiving and filing presentations and reports.
Vote 4-0.*

YES VOTES	NO VOTES	ABSENT
Directors Gaddis, Woodson, Armstrong and Eby	None	Blair

D. CONSENT AGENDA

D-1) WARRANTS [RECOMMEND APPROVAL]

D-2) APPROVE FEBRUARY 13, 2019 REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVE MINUTES]

D-3) APPROVE REVISED BOARD BY-LAWS AND POLICIES [RECOMMEND REVIEW AND IF APPROPRIATE, ADOPT RESOLUTION APPROVING BOARD BY-LAWS AND POLICIES]

President Eby pulled Item D-3 for separate discussion.

There were no public comments.

*Upon the motion of Director Gaddis and seconded, the Board unanimously approved Consent Agenda Items D-1 and D-2.
Vote 4-0.*

YES VOTES	NO VOTES	ABSENT
Directors Gaddis, Woodson, Armstrong and Eby	None	Blair

President Eby requested clarification on conditions for which a Board Member may abstain from voting pursuant to Section 2.8. Director Gaddis also requested clarification on recording a "silent" vote in this same Section 2.8, and pursuant to Section 4.2, how the votes are recorded in the minutes need to include abstain and absent. Additionally, Director Gaddis requested historical background information pursuant to Section 9 regarding Director Compensation. Staff will research the items as requested and bring back edits and information for Board review and, if necessary, action.

E. ADMINISTRATIVE ITEMS

NONE

F. GENERAL MANAGERS REPORT

Mario Iglesias, General Manager, presented the item and answered questions from the Board

There were no public comments.

G. COMMITTEE REPORTS

Nipomo Community Services District
DRAFT REGULAR MEETING
MINUTES

NONE

H. DIRECTORS' REQUEST TO STAFF AND SUPPLEMENTAL REPORTS

NONE

I. CLOSED SESSION ANNOUNCEMENTS

- 1. CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC §54956.9
 - a) SMVWCD V. NCSD (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750 AND A LITIGATION PURSUANT TO GC §54956.9 ALL CONSOLIDATED CASES)
 - b) SMART, ET AL. V. NCSD (SAN LUIS OBISPO COUNTY SUPERIOR COURT, CASE NO. 18LC-0908)

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There were no public comments.

The Board took a 10 minute recess.

K. ADJOURN TO CLOSED SESSION

L. OPEN SESSION
ANNOUNCEMENTS OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

Whitney McDonald, District Legal Counsel, announced that the Board discussed Item 1(a) and 1(b). The Board took no reportable action

ADJOURN

President Eby adjourned the meeting at 11:25 a.m.

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	1 hour 25 minutes
Closed Session	1 hour 00 minutes
TOTAL HOURS	2 hour 25 minutes

Respectfully submitted,

Mario Iglesias, General Manager and Secretary to the Board

Date

TO: BOARD OF DIRECTORS
REVIEWED: MARIO IGLESIAS ~~MI~~
GENERAL MANAGER
FROM: PETER V. SEVCIK, P.E. PVS
DIRECTOR OF
ENGINEERING & OPERATIONS
DATE: MARCH 8, 2019

**AGENDA ITEM
D-3
MARCH 13, 2019**

**EUREKA WELL REPLACEMENT PROJECT
WELL DRILLING IMPLEMENTATION ASSISTANCE**

ITEM

Authorize contract for well drilling implementation assistance for the Eureka Well Replacement Project in the amount of \$44,988 with Cannon Corporation. [RECOMMEND AUTHORIZE TASK ORDER WITH CANNON CORPORATION IN THE AMOUNT OF \$44,988].

BACKGROUND

The Eureka Well had historically been one of the District's largest producing wells. The well was drilled in 1979 and the 2007 Master Plan Update identified a nominal flow capacity of 890 gallons per minute (gpm) for the well based on the long-term average of flow records. In late 2016, the well casing failed and staff determined that well was no longer serviceable. The well needs to be properly abandoned and replaced with a new well. The replacement well will be drilled on the same site as the existing well since the existing well had excellent water quality and quantity characteristics. In addition, using the existing site for the replacement well will maximize use of the District's investment in support infrastructure at the site.

In July 2017, the Board authorized a Task Order with Martin Feeney for professional hydrogeological services to assist in the design and drilling of the new well. The Board also authorized a Task Order with Cannon Corporation to assist in the design, bidding, and equipping of the new well.

Subsequently, Mr. Feeney prepared the concept design report for drilling the replacement well and developed estimates of the quantity of water must be disposed during the well development process. The estimated quantity of water that will need to be disposed of is greater than originally envisioned. An estimated 3 to 4 million of gallons of water used to drill and develop the well must be disposed during the well construction process and establishing a means for managing this development water is critical in planning the project. The District can haul the water off-site or lease neighboring properties to dispose of the water. Hauling water can be problematic, as there needs to be a recipient accepting the water and a fleet of water tenders to transfer the water. Spray fields or land base disposal is generally less expensive than hauling water off-site and considered a preferred method by staff.

The District is negotiating with a neighboring landowner to lease property for a spray field. The property being assessed for District use as a spray field is generally leased as farmland and, as such, is leased on an annual basis. The growing season, and therefore the leasing time period, runs from September through August. The District will need to lease the parcel for one year. The growing season dictates the timing for entering into a one-year lease agreement. Leasing the site any earlier in the summer months exposes the District to the cost of purchasing the product growing on the site. This was the District's experience with the Joshua Road Pump

**ITEM D-3 EUREKA WELL DRILLING
IMPLEMENTATION ASSISTANCE
MARCH 13, 2019**

PAGE 2

Station project and the District had to compensate the farmer for lost product. Staff anticipates to finalize the lease and have access to the neighboring property on September 1, 2019.

In addition, the preliminary project design work identified other issues that need to be addressed in order to prepare the site for the well drilling phase including temporary removal of the existing power, construction of piping for the pumping of the development water to the leased spray field, and demolition and grading work. Some of this work needs to be integrated into the bid documents for the well drilling phase of the project.

Staff requested a proposal from Cannon to assist in the well drilling implementation phase of the project. Staff reviewed the Cannon proposal and feels the proposed cost of services are reasonable. Cannon is uniquely and extensively experienced with the District's production wells and water system. Attached is the proposed scope of work and budget for the well drilling implementation phase of the project.

FISCAL IMPACT

The District's 2018/2019 Budget includes \$1,000,000.00 for Eureka Well replacement.

STRATEGIC PLAN

Goal 1 – WATER SUPPLY – Actively plan to provide reliable water supply of sufficient quality and quantity to serve both current customers and those in the long-term future.

Goal 2. FACILITIES THAT ARE RELIABLE, ENVIRONMENTALLY SENSIBLE AND EFFICIENT. Plan, provide for and maintain District facilities and other physical assets to achieve reliable, environmentally sensible, and efficient District operations.

RECOMMENDATION

Staff recommends that the Board, by motion and roll call vote, adopt Resolution 2019-XXXX Eureka Well Replacement Project Implementation Assistance, authorizing a Task Order with Cannon in the amount of \$44,988 for implementation assistance services for the well drilling phase of the Eureka Well Replacement Project.

ATTACHMENTS

- A. Resolution 2019-XXXX Eureka Well Replacement Project Implementation Assistance
- B. February 20, 2019, Cannon Proposal and Scope of Work, Eureka Well - Well Drilling Implementation Assistance

MARCH 13, 2019

ITEM D-3

ATTACHMENT A

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2019-XXXX**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AUTHORIZING A CONTRACT WITH CANNON CORPORATION FOR WELL DRILLING IMPLEMENTATION
ASSISTANCE SERVICES IN SUPPORT OF THE EUREKA WELL REPLACEMENT PROJECT**

WHEREAS, the Eureka Well was drilled nearly forty years ago and has historically been one of the Districts largest water production well; and

WHEREAS, the Eureka Well has exceeded its service life and is now inoperable; and

WHEREAS, the Board authorized a Task Order with Martin Feeney for professional hydrogeological services to assist in the design and drilling of the new well; and

WHEREAS, the Board authorized a Task Order with Cannon Corporation for professional engineering services to assist in the design, bidding, and equipping the new well; and

WHEREAS, the preliminary project design work identified other issues that need to be addressed in order to prepare the site for the well drilling phase and additional work that needs to be integrated into the well drilling phase of the project; and

WHEREAS, District Purchasing Policy Resolution 2010-1201 provides for the procurement professional services through non-competitive negotiations in limited situations; and

WHEREAS, Cannon Corporation has assisted the District with various water supply and well projects in recent years and is uniquely knowledgeable and qualified to assist with the well drilling phase of Eureka Well Replacement Project; and

NOW THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE NIPOMO COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS AS FOLLOWS:

- 1) The above recitals are true and correct and constitute findings for the exclusive use of the Cannon Corporation to provide well drilling implementation assistance in support of the Eureka Well Replacement Project.
- 2) The District Board of Directors does hereby direct District staff to execute a Task Order to Cannon Corporation in the amount of \$44,988.

On the motion of Director _____, seconded by Director _____, and on the following roll call vote, to wit:

AYES:
NOES:
ABSENT:
CONFLICTS:

The foregoing resolution is hereby adopted this 13th day of March 2019.

ED EBY
President, Board of Directors

ATTEST:

APPROVED AS TO FORM
AND LEGAL EFFECT:

MARIO IGLESIAS
General Manager and Secretary to the Board

WHITNEY G. MCDONALD
District Legal Counsel

MARCH 13, 2019

ITEM D-3

ATTACHMENT B



February 20, 2019

Peter V. Sevcik, P.E.
Director of Engineering and Operations
Nipomo Community Services District
148 South Wilson Street
Nipomo, CA 93444

PROJECT: EUREKA WELL – WELL DRILLING IMPLEMENTATION ASSISTANCE

Dear Mr. Sevcik:

This proposal is in response to the Nipomo Community Services District's (District's) request for assistance in preparing and obtaining documents needed to implement the well drilling phase of the Eureka Well No. 2 Project. The scope of work includes:

Site Preparation

1. Coordinate with PG&E and District to activate temporary power and remove existing overhead power drop and abandoned electrical equipment;
2. Update the demolition and grading plans to ready the site for well drilling;
3. Assist the District in selecting an on-call contractor to perform the demo and rough grading of the site;
4. Prepare design (plans and specifications) and geotechnical investigation and report for a subterranean irrigation pipe crossing (casing and carrier pipe) under Highway 1 to provide the well-drilling contractor a means for discharging well-development water, and a design of an overflow drainage pipe for the well site to drain to Caltrans swale;
5. Prepare a legal description and easement exhibit for APN 091-192-044;

Caltrans Encroachment Permits

6. Submit plans and specifications and encroachment permit applications to Caltrans for the drainage pipe and irrigation pipe crossing;

Well-Drilling Bid Documents

7. Coordinate with District to finalize the scope of work to include in the well-drilling bid documents; and
8. Finalize the front-end bid documents for construction of Eureka Well No. 2.

Please contact me with any questions regarding this proposal or to further discuss project details.

Sincerely,

Larry P. Kraemer, P.E.

A handwritten signature in black ink, appearing to read "Larry P. Kraemer".

Director of Public Infrastructure Division
RCE #44813



SCOPE OF WORK

Cannon's approach to successful completion of this project consists of providing professional services in three concurrent phases: Site Preparation, Caltrans Permitting, and Well-Drilling Bid Documents. Services will include meetings, utility research and mapping, topographic survey, geotechnical evaluation, design, construction documents, well-drilling bid documents and processing an HDD crossing of Highway 1 through Caltrans for approval. Descriptions of our proposed involvement and proposed deliverables are summarized below within each corresponding project task.

SITE PREPARATION

Task 1 – PG&E Coordination

Cannon will work closely with District staff to coordinate the connection of temporary power to the site and the de-energizing of the existing service and removal of overhead power lines and the on-site power drop.

Task 2 – Demolition and Rough Grading Plan for Well-Site

Cannon will work closely with District staff to summarize the scope of work to prepare the site for the well drilling contractor. This will include updating the rough grading plan and identifying which on-site equipment and infrastructure needs to be removed.

Task 3 – Evaluation of Contractor Bids for Demolition

Cannon will attend an informal pre-bid meeting with District on-call contractors to review the proposed work; and, will assist the District in reviewing the quotations and making a selection.

Task 4 – HDD Irrigation Pipe Crossing and Site Overflow Drainage Design

4.1 - Kickoff Meeting - We will orchestrate and attend a Project Kick-Off Meeting with appropriate personnel from the District. This meeting agenda will focus on project understanding, team involvement, project constraints, and the anticipation of design development impediments. We anticipate that a field review meeting will be of value and we have incorporated a field walk with the District to close out the meeting.

4.2 – Utility Research - We will review applicable utility documents, topographic survey, as-built drawings and other available materials provided by the District and utility companies to compile an electronic base map to use in the design plans. Potential utility conflicts and/or relocation requirements will be identified and evaluated as needed to minimize unexpected design modifications or construction delays.

4.3 – Geotechnical Investigation - We will retain the services of Earth Systems Pacific to prepare a soils evaluation report for the project. To evaluate the subsurface conditions of the site, one boring will be drilled on the east side of Highway 1 along the approximate alignment of the proposed irrigation water line. A 6-inch hollow-stem auger will be used to drill to depths of 20-feet. This information will be used to provide thickness of existing surface material and depth to groundwater, if any. This evaluation will provide valuable information for project design, meeting Caltrans submittal requirements, and assist the contractor in determination of the drilling fluid mixture for horizontal directional drilling.

4.4 – Design and Construction Documents - We will submit a "Review Submittal" Design Plans Package at a design and detail level approximately equal to 90 percent of the anticipated



final construction documents for your review and comment. The Design Package will consist of three drawing sheets (24" x 36") as listed below, technical specifications, and a preliminary opinion of probable construction costs.

Anticipated Improvement Plan Set:

1. Title Sheet
2. One (1) Plan and Profile Sheet (HDD Undercrossing)
3. One (1) Plan and Profile Sheet (Well-Site Overflow Drain)
4. Technical Specifications
5. Opinion of Probable Construction Costs

This design package will contain the necessary plan, profile, and details to connect an irrigation water pipe between the two parcels being leased by the District for use in disposal of well development water during the construction phase of the replacement well. In addition, we will prepare a plan for the well-site overflow drain pipe. Upon receipt of comments from the District and Caltrans, we will incorporate the necessary changes to the plans and specifications and issue a package for construction.

Task 5 – Legal Description and Exhibit

Cannon will prepare a Metes and Bounds Description for an easement across the real property (APN 091-192-044) located adjacent to the District's Eureka Well facility near Highway 1 and Willow Road in Nipomo, CA. We will conduct the necessary field work and prepare an exhibit to show the easement location graphically. The legal description and exhibit will be prepared in accordance with LAFCO standards.

CALTRANS PERMITTING

Task 6 – Caltrans Encroachment Permit

Throughout design, we will coordinate with the District and Caltrans on the horizontal directional drilling design of the irrigation pipeline crossing underneath Highway 1. Upon completion of the construction documents, we will prepare the encroachment permit application on behalf of the District for submittal to Caltrans.

WELL-DRILLING BID DOCUMENTS

Task 7 – Coordination with Hydrogeologist/Well-Designer

We will work closely with District staff to schedule a meeting with the hydrogeologist and well-designer to finalize the scope of work for the well drilling contractor. Included within this task is the development of a simple site access and restrictions map for use in the bid documents. This will be an opportunity to discuss options for where the well-drilling equipment will go with respect to property lines, easements, ingress and egress of adjacent landowners, etc.

Task 8 – Final Well-Drilling Bid Documents

Upon completion of previous tasks, Cannon will prepare the front-end bid documents for the well-drilling contract, which will incorporate the plans and technical specifications provided by the hydrogeologist, permits, easement exhibits, and the special conditions. A draft copy will be sent to the District and hydrogeologist for review and comment at the approximately 90% completion level, followed by a final document after incorporating comments.



ASSUMPTIONS AND EXCLUSIONS

The following assumptions and exclusions apply to this proposal:

- Cannon is not responsible and cannot be held accountable for the accuracy of As-Builts or Record Drawings provided by the Agencies or utility providers. Cannon has no means of determining whether subsurface features were constructed per the construction / improvement drawings and does not claim to do so. Pot holing of utilities should be performed by others, if there are concerns or uncertainties regarding the subsurface utilities.
- All data prepared by others and provided to Cannon will be made available in a digital format, compatible with our systems. It is also understood that the information and technical data provided and prepared by others, on the Client's behalf or Property Owner's behalf, may be used by Cannon in performing its services and is entitled to rely upon the accuracy and completeness thereof.
- Permit Fees will be paid for by District.
- CEQA, Environmental Permitting, Archeological, botanical, and landscaping services will be prepared by others.
- Preparation of Stormwater Pollution Prevention Plans, Erosion Control Plans, and processing of NPDES Stormwater Permits will be prepared by others.
- Right-of-Way mapping and/or determination is excluded from this scope of work.

FEES

The following fee schedule lists the tasks and estimated fees for each task.



**FEE SCHEDULE
NIPOMO COMMUNITY SERVICES DISTRICT
WATER WELL-DRILLING BID DOCUMENTS - EUREKA WELL SITE**

		Cannon																	
		Civil Senior Principal Engineer		Quality Control Engineer		Electrical Engineer		Associate Engineer		Project Engineer		Project Coordinator		Survey		Soils Investigation		Total	
		Hourly Rate		\$206		\$195		\$195		\$158		\$128		\$70		Lump Sum		Lump Sum	
Task		Hrs	Cost	Hrs	Cost	Hrs	Cost	Hrs	Cost	Hrs	Cost	Hrs	Cost	Cost	Cost	Hrs	Cost		
PHASE 1 - SITE PREPARATION																			
1	PGE Coordination	1	\$206			4	\$780									5	\$986		
2	Demo and Rough Grading Plan	4	\$824					8	\$1,264	8	\$1,024					20	\$3,112		
3	Demo Contractor Selection Assistance	4	\$824													4	\$824		
4	HDD Undercrossing and Well Site Overflow Drainage Design	8	\$1,648	4	\$780			24	\$3,792	48	\$6,144	4	\$280	\$3,300	\$5,830	88	\$21,774		
5	Legal Description and Exhibit, APN 091-192-044													\$3,500			\$3,500		
Subtotal		17	\$3,502	4	\$780	4	\$780	32	\$5,056	56	\$7,168	4	\$280	\$6,800	\$5,830	117	\$30,196		
PHASE 2 - CALTRANS ENCROACHMENT PERMIT																			
6	Caltrans Permitting**	4	\$824					24	\$3,792			4	\$280			32	\$4,896		
Subtotal		4	\$824					24	\$3,792			4	\$280			32	\$4,896		
PHASE 3 - WELL-DRILLING BID DOCUMENTS																			
7	District/Hydrogeologist Meeting to Finalize Scope	8	\$1,648					4	\$632	8	\$1,024					20	\$3,304		
8	Finalize Front-End and Bid Documents Package	32	\$6,592													32	\$6,592		
Subtotal		40	\$8,240					4	\$632	8	\$1,024					52	\$9,896		
Total		61	\$12,566	4	\$780	4	\$780	60		64	\$8,192	8	\$560	\$6,800	\$5,830	201	\$44,988		

Reimbursables

Cannon's expenses incurred in connection with this Proposal as follows:

- a) incidental and out-of-pocket expenses including but not limited to:
 - costs for postage, shipping, overnight courier, reproduction services, plotting, photocopies, parking fees and tolls
- b) travel expenses

** This is an estimated allotment of hours. Actual time requested and spent will be billed on a T&M basis

TO: BOARD OF DIRECTORS

REVIEWED: MARIO IGLESIAS
GENERAL MANAGER

FROM: PETER V. SEVCIK, P.E.
DIRECTOR OF
ENGINEERING & OPERATIONS

DATE: MARCH 8, 2019

**AGENDA ITEM
D-4
MARCH 13, 2019**

**AUTHORIZE STAFF TO BID SOUTHLAND WASTEWATER
TREATMENT FACILITY STORAGE BUILDING PROJECT
AND AMEND FY 2018-2019 BUDGET**

ITEM

Authorize staff to advertise Southland Wastewater Treatment Facility Storage Building Project for bid and amend FY 2018-2019 Budget [RECOMMEND ADOPT RESOLUTION AUTHORIZING STAFF TO ADVERTISE PROJECT FOR BID AND APPROVING BUDGET AMENDMENT].

BACKGROUND

The Southland Wastewater Treatment Facility (WWTF) Storage Building Project involves the construction of a 1440 square foot metal building that will be used to store spare parts for the treatment facility and an integral 960 square foot lean-to that will provide a covered storage area for equipment utilized at the treatment facility. The project will be constructed within the footprint of the existing Southland WWTF. The plans and specifications for the project are being finalized.

In October 2018, the Board reallocated funds for the storage building project to the sludge bed cover project and deferred the storage building project until the FY 19-20 fiscal year. With the hiring of the replacement Assistant Engineer and based on a recent evaluation of the schedule for the District's Capital Improvement Program, District staff believes that the project could be bid in March and construction completed in July before construction begins on several large planned capital projects in August.

Regarding compliance with the California Environmental Quality Act (CEQA), the project involves the construction of a small accessory structure and is categorically exempt in accordance with CEQA Guidelines Section 15303. Staff will file a CEQA Notice of Exemption for the project.

FISCAL IMPACT

The estimated construction cost is \$200,000. Funding for the project is not currently available in the FY 2018-2019 budget. Thus, a transfer from Fund #710, Wastewater Capital Improvement Reserves, in the amount of \$200,000 is required to provide adequate funding for the project.

RECOMMENDATION

Staff recommends that the Board, by motion and roll call vote, adopt Resolution 2019-XXXX Southland WWTF Storage Building Project authorizing staff to solicit bids for the Southland

WWTF Storage Building Project and transfer \$200,000 from Fund #710, Wastewater Capital Improvement Reserves, to provide funding for the project in the FY 2018-2019 Budget.

ATTACHMENTS

- A. Resolution 2019-XXXX Southland WWTF Storage Building Project

MARCH 13, 2019

ITEM D-4

ATTACHMENT A

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2019-XXXX**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES
DISTRICT AUTHORIZING STAFF TO BID SOUTHLAND WASTEWATER TREATMENT FACILITY
STORAGE BUILDING PROJECT AND APPROVE BUDGET AMENDMENT**

WHEREAS, funding for a parts and equipment storage building at the Southland Wastewater Treatment Facility (WWTF) was approved in the FY 2018-2019 budget; and

WHEREAS, In October 2018, the Board reallocated funds for the storage building project to the sludge bed cover project and deferred the storage building project until the FY 19-20 fiscal year; and

WHEREAS, Staff is proposing to bid the storage building project in March 2019 and construct it before several large planned capital projects are constructed later this year; and

WHEREAS, Funding for the project is not currently available in the FY 2018-2019 budget; and

WHEREAS, the plans and specifications for the storage building project are being finalized and in accordance with the District's Purchasing Policy, staff needs Board approval to solicit bids for the project.

NOW THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE NIPOMO COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS AS FOLLOWS:

- 1) The above recitals are true and correct.
- 2) The District Board of Directors does hereby approve a budget amendment transferring \$200,000 from Fund #710, Wastewater Capital Improvement Reserves, to provide adequate funding for the project.
- 3) The District Board of Directors does hereby authorize staff to solicit bids for the Southland WWTF Storage Building Project.

On the motion of Director _____, seconded by Director _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

CONFLICTS:

The foregoing resolution is hereby adopted this 13th day of March 2019.

ED EBY

President, Board of Directors

ATTEST:

APPROVED AS TO FORM:

MARIO IGLESIAS

General Manager and Secretary to the Board

WHITNEY MCDONALD

District Legal Counsel

TO: BOARD OF DIRECTORS
REVIEWED: MARIO IGLESIAS ~~AGS~~
GENERAL MANAGER
FROM: PETER V. SEVCIK, P.E. *PVS*
DIRECTOR OF
ENGINEERING & OPERATIONS
DATE: MARCH 6, 2019

**AGENDA ITEM
D-5
MARCH 13, 2019**

**ACCEPT SOUTHLAND WASTEWATER TREATMENT FACILITY
SLUDGE DRYING BED COVER PROJECT**

ITEM

Accept work performed by Spiess Construction Co. Inc. for Southland Wastewater Treatment Facility (WWTF) Sludge Drying Bed Cover Project and authorize staff to file Notice of Completion [RECOMMEND, BY MOTION AND ROLL CALL VOTE, ACCEPT PROJECT AND DIRECT STAFF TO FILE NOTICE OF COMPLETION].

BACKGROUND

On November 28, 2018, the Board awarded a construction contract for the Southland WWTF Sludge Drying Bed Cover Project to Spiess Construction Co. Inc. The work involved the installation of two covers over sludge drying beds at the Southland WWTF. Construction has been completed.

FISCAL IMPACT

Construction Contract Cost Summary	
Original Contract Amount	\$121,900
Final Contract Amount	\$116,500

STRATEGIC PLAN

Goal 2. FACILITIES THAT ARE RELIABLE, ENVIRONMENTALLY SENSIBLE AND EFFICIENT. Plan, provide for and maintain District facilities and other physical assets to achieve reliable, environmentally sensible, and efficient District operations.

RECOMMENDATION

Staff recommends that the Board, by motion and roll call vote, accept the project and authorize the General Manager to file a Notice of Completion for the project.

ATTACHMENTS

None

TO: BOARD OF DIRECTORS

FROM: MARIO E. IGLESIAS
GENERAL MANAGER

DATE: MARCH 8, 2019

AGENDA ITEM
E-1
MARCH 13, 2019

**EVALUATE AND CONSIDER ADOPTING RESOLUTION
APPROVING AN AMENDED WATER SHORTAGE RESPONSE
AND MANAGEMENT PLAN**

ITEM

Evaluate the Nipomo Community Services District's Water Shortage Response and Management Plan ("WSRMP") and consider adopting a Resolution to Amend the WSRMP. [RECOMMEND DISCUSS AND EVALUATE EXISTING WATER SHORTAGE RESPONSE AND MANAGEMENT PLAN AND ADOPT RESOLUTION AMENDING NIPOMO COMMUNITY SERVICES DISTRICT WATER SHORTAGE RESPONSE AND MANAGEMENT PLAN]

SUMMARY

This item recommends that your Board evaluate the impact that the WSRMP has on the groundwater basin ("Basin") in light of the increasing influence of supplemental water purchased from the City of Santa Maria. The existing WSRMP [Attachment A] was written before supplemental water was available to the District. Without amending the WSRMP, defined conservation measures within the WSRMP will not be available for implementation because the triggers for such measures will never be reached. Essentially, with the increase of supplemental water offsetting the District's groundwater pumping, the current WSRMP will become ineffective by Fiscal Year 2020. Therefore, it is recommended that your Board consider adopting a revised WSRMP [Attachment B] to address these new realities.

BACKGROUND

The District is a party to groundwater adjudication, Santa Maria Valley Water Conservation District v. City of Santa Maria, et al., Case No. CV770219 ("Groundwater Litigation"). A working settlement was agreed to by certain parties in the Basin leading to the 2005 Stipulation ("Stipulation"). The Stipulation is incorporated into the January 25, 2008 Final Judgment ("Judgment") in the Groundwater Litigation. The Judgment identifies the District's obligation to construct a physical solution to convey supplemental water from the City of Santa Maria to offset groundwater pumping on the Nipomo Mesa.

Included in the Judgment was the requirement to manage the Basin through three separate and independent management areas; each to report annually to the Court as stipulated. Oversight in the Nipomo Mesa Conservation Area section of the Basin - where the District is located - is the responsibility of the Nipomo Mesa Management Area Technical Group ("NMMA-TG").

As one of the requirements identified in the Judgment, the NMMA-TG adopted a Water Shortage Conditions and Response Plan ("TG-WSCR") dated April 13, 2009 [Attachment C] and a Well Management Plan [Attachment D] dated January 10, 2010. The District Board of Directors ("Board") adopted Resolution No. 2014-1335 at its April 9, 2014 Board Meeting - later amended through Resolution No. 2015-1374 - creating a separate Water Shortage Response

and Management Plan ("WSRMP") exclusively for inter-District conservation measures. The proposed amendments will replace the current WSRMP with the TG-WSCRCP.

Both the TG-WSCRCP and the District's existing WSRMP address measures that may be implemented to protect the Basin in the event that either a Potentially Severe or Severe water shortage condition were to develop; conditions defined in the NMMA Annual Report. Both plans identify groundwater pumping reduction targets based on groundwater conditions and employ other water demand management techniques in the event NMMA-TG declares Potentially Severe or Severe water shortage conditions. However, the District's WSRMP includes specific conservation measures adopted pursuant to Water Code Sections 375 and 71640, allowing implementation of conservation measures that are more specific than the TG-WSCRCP.

As a stipulating party to the Judgment, the District is obligated to adhere to the TG-WSCRCP while also adhering to its own WSRMP. However, there is a significant policy difference between the TG-WSCRCP and the District's WSRMP. Unlike the TG-WSCRCP, the District's WSRMP placed limits on the District's ability to issue new intent-to-serve letters depending on the NMMA-TG's declared water shortage conditions.

At the time that the WSRMP was adopted, District customers were served entirely from groundwater, as the District had not yet completed any portion of the Nipomo Supplemental Water Project ("NSWP") or begun importing any supplemental water to the Mesa. Since then, the District has completed a significant portion of the NSWP and begun importing upwards of 1,000 acre-feet per year ("AFY") of supplemental water from the City of Santa Maria as of last year. Plans are underway to complete the remainder of the project to enable the District to import up to 3,000 AFY for use within the NMMA, including 2,167 AFY specifically for existing and future District customers.

Staff completed a Water Demand Build-out Study ("Demand Study") [Attachment E] to estimate future water demand within the District's service boundary based on current water usage factors, existing zoning, and existing San Luis Obispo County General Plan designations. The Demand Study concludes that current and future customers within the District's service area are likely to demand a total of 2,137 AFY at full build-out. The 2,137 AFY is less than the District's portion of supplemental water to be made available through the completed NSWP. With all new water use by District customers being met with purchased supplemental water, there is no longer a need for the WSRMP to restrict issuance of new service connections to customers within the District. The District plans on completing additional NSWP facilities capable of satisfying new water user demand prior to those demands being required.

Along with meeting new water user demands, the District must continue to manage water efficiently through effective policy development. The District recently bifurcated its WSRMP and Water Conservation Program. The Board approved a Water Conservation Ordinance, Ordinance 2019-128, ("Ordinance") on January 9, 2019, amending District Code Chapter 3.24. Prior to adopting the Ordinance, water conservation elements could be found in multiple District documents, including the District's current WSRMP. With the Ordinance in place and the NSWP importing supplement water, the District has the opportunity to align its WSRMP with the TG-WSCMP. By doing so, the District will operate under the same response plan as the other two purveyors on the Nipomo Mesa, Golden State Water Company and Woodlands Mutual Water Company.

As a result of the Board's action to adopt the Ordinance, the conservation measures included in the District's existing WSRMP have been superseded and replaced. In addition, the revised WSRMP, as proposed and once effective, would no longer operate as a limitation on new intent-to-serve letters.

The amended WSRMP is consistent with the TG-WSCRCP and will enable the District to continue to meet its requirements under the Judgment. The District's shifting toward the TG-WSCRCP is necessary to maintain a functional water conservation program. Ensuring an effective water conservation program is consistent with the Board's primary obligation to protect the welfare of its customers. For water customers, meeting their water needs while acting responsibly to protect the groundwater basin for the generations that follow fulfill this obligation.

FINANCIAL IMPACT

Staff time to prepare this staff report was included in the annual budget.

STRATEGIC PLAN

Goal 1. WATER SUPPLIES. Actively plan to provide reliable water supply of sufficient quality and quantity to serve both current customers and those in the long-term future.

- B.4 Maintain the Water Shortage Response and Management Plan to respond to drought and other supply emergencies.

RECOMMENDATION

Staff recommends your Honorable Board review and adopt if appropriate, a resolution amending the District's Water Shortage Response and Management Plan.

ATTACHMENTS

- A. NCSD's Current Water Shortage Response and Management Plan
- B. Draft Resolution Amending the District's Water Shortage Response and Management Plan
- C. NMMA-TG Water Shortage Conditions and Response Plan
- D. NMMA-TG Well Management Plan
- E. Water Demand Build-Out Study

MARCH 13, 2019

ITEM E-1

ATTACHMENT A

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2015-1374**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
REVISING DISTRICT WATER SHORTAGE RESPONSE AND MANAGEMENT PLAN
PURSUANT TO WATER CODE § 375**

WHEREAS, the Nipomo Community Services District ("District") provides water service within the District's water service area pursuant to § 61100 (a) of the Community Services District Law which provides:

"(a) Supply water for any beneficial uses, in the same manner as a municipal water district, formed pursuant to the Municipal Water District Law of 1911, Division 20 (commencing with Section 71000) of the Water Code. In the case of any conflict between that division and this division, the provisions of this division shall prevail"; and

WHEREAS, § 61060 (b) of the Community Services District Law provides in relevant part:

"A district shall have and may exercise all rights and powers, expressed and implied, necessary to carry out the purposes and intent of this division, including, but not limited to, the following powers:

(b) To adopt, by ordinance, and enforce rules and regulations for the administration, operation, and use and maintenance of the facilities and services listed in Part 3 (commencing with Section 61100)"; and

WHEREAS, California Water Code Section 375 States in pertinent part:

"(a) Notwithstanding any other provision of the law, any public entity which supplies water at retail or wholesale for the benefit of persons within the service area or area of jurisdiction of the public entity may, by ordinance or resolution adopted by a majority of the members of the governing body after holding a public hearing upon notice and making appropriate findings of necessity for the adoption of a water conservation program, adopt and enforce a water conservation program to reduce the quantity of water used by those persons for the purpose of conserving the water supplies of the public entity; and"

WHEREAS, it is essential for the protection of the health, welfare, and safety of the residents of the District and the public benefit of the State of California ("State"), that the groundwater resources of the Nipomo Mesa be conserved; and

WHEREAS, Governor Jerry Brown on January 17, 2014 proclaimed that the entire State of California to be in a Drought State of Emergency and made subsequent Executive Orders to address drought on April 25, 2014 and April 1, 2015; and

WHEREAS, on March 27, 2015, the State Water Resources Control Board adopted emergency regulation to encourage conservation and respond to drought conditions; and

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2015-1374**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
REVISING DISTRICT WATER SHORTAGE RESPONSE AND MANAGEMENT
PLAN PURSUANT TO WATER CODE § 375**

WHEREAS, the District's water supply is reliant on area groundwater extracted from the Nipomo Mesa Management Area (NMMA) (also referred to as the Nipomo Mesa Water Conservation Area (NMWCA) by the County of San Luis Obispo), of the Santa Maria Groundwater Basin; and

WHEREAS, the District is a party to groundwater adjudication, Santa Maria Valley Water Conservation District v. City of Santa Maria, etc. et al., Case No. CV 770214 ("Groundwater Litigation"); and

WHEREAS, pursuant to Section VI D(1) of the June 2005 Stipulation as incorporated into the January 25, 2008 Final Judgment in the Groundwater Litigation the Nipomo Mesa Management Area Technical Group declared that a Potentially Severe water shortage condition has existed within the Nipomo Mesa Management Area since the spring of 2008 and during the intervening years drought conditions have prevailed; and

WHEREAS, the San Luis Obispo County Department of Planning and Building's 2004 Resource Capacity Study for the Water Supply in the Nipomo Mesa Area recommended a Level of Severity III (existing demand equals or exceeds dependable supply) be certified for the Nipomo Mesa Water Conservation Area (NMWCA) and that measures be implemented to lessen adverse impacts of future development (said Study and referenced documents are incorporated herein by reference); and

WHEREAS, on June 26, 2007, the San Luis Obispo County Board of Supervisors certified the groundwater resources underlying the NMWCA at a Severity Level III (most severe); and

WHEREAS, the resource protection goals of the San Luis Obispo County South County Area Plan include the following:

- Balance the capacity for growth allowed by the Land Use Element with the sustained availability of resources.
- Avoid the use of public resources, services and facilities beyond their renewable capacities, and monitor new development to ensure that its resource demands will not exceed existing and planned capacities or service levels; and

WHEREAS, District Code §3.28.020 provides:

"...all intent-to-serve letters shall be based on findings that sufficient excess water and sewer capacity exists to serve the project..."; and

WHEREAS, Water Code § 71640 of the Municipal Water Service District Law provides:

"A district may restrict the use of district water during any emergency caused by drought, or other threatened or existing water shortage, and may prohibit the

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2015-1374**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
REVISING DISTRICT WATER SHORTAGE RESPONSE AND MANAGEMENT
PLAN PURSUANT TO WATER CODE § 375**

wastage of district water or the use of district water during such periods for any purpose other than household uses or such other restricted uses as the district determines to be necessary. A district may also prohibit use of district water during such periods for specific uses which it finds to be nonessential"; and

WHEREAS, The District Board of Directors wishes to set forth a Water Shortage Response and Management Plan that provides a range of alternative actions that allows for flexibility in responding to a water shortage emergency; and

WHEREAS, based on the Staff Report, staff presentation, the reports and studies referenced in this Resolution and public comment, the District Board of Directors finds that:

- (a) That the Nipomo Mesa Management Area Technical Group has declared the Mesa to be in a Potentially Severe water shortage condition for the past six years; and
- (b) That based upon the lack of rainfall during the last three winters and the increase pumping by District and other purveyors in response to drought, it is probable that the Nipomo Mesa Management Area Technical Group may find that the Nipomo Mesa is in a Severe water shortage condition; and
- (c) That it is necessary for the District to adopt a Water Shortage Response and Management Plan to be able to respond to the lack of available groundwater for the purpose of serving District residents.

WHEREAS, based on the Staff Report, staff presentation and public comment, the Board further finds:

- A. That the purpose and intent of this Resolution is consistent with the purposes found in the Judgment and Stipulation in the Groundwater Litigation imposing a physical solution to assure long-term sustainability of the groundwater basin and the San Luis Obispo County's certification of a Severity Level III for the waters underlying the NMWCA; and
- B. That adoption of the Water Shortage Response and Management Plan will provide greater assurances that there will be adequate groundwater to meet the present needs of District residents consistent with District Code §3.28.020 and the resource protection goals of the San Luis Obispo County South County Area Plan; and
- C. That adopting this Resolution will further conserve the water supply for the greater public benefit, with particular regards to domestic use, sanitation and fire protection; and
- D. That this Resolution adopts Rules and Regulations for the administration, operation and use of District services; and
- E. The Board of Directors of the District finds that the policies and procedures adopted by this Resolution are exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15378 (b) (2) because such policies and procedures constitute general policy and procedure making. The Board of Directors further finds

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2015-1374**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
REVISING DISTRICT WATER SHORTAGE RESPONSE AND MANAGEMENT
PLAN PURSUANT TO WATER CODE § 375**

that the adoption of the policies and potential actions established by this Resolution is not a project as defined in CEQA Guideline Section 15378, because it can be seen that the adoption of a Water Shortage Response and Management Plan will not result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. The District incorporates by reference the CEQA findings in support of San Luis Obispo County Ordinance 3090, the County of San Luis Obispo's certification of a Severity Level III for the NMWCA; and

WHEREAS, by readopting this Resolution, the District does not intend to limit other means of managing, protecting and conserving the groundwater basin by the District. Further, the District intends to work cooperatively with the NMMA Technical Group and other agencies, such as the County of San Luis Obispo, to implement regional solutions such as groundwater management and the importation of Supplemental Water to the NMMA\NMWCA; and

WHEREAS, based on the Staff Report, staff presentation and public comment, the District Board of Directors further finds this Resolution is adopted for the protection of the health, safety and welfare of District water customers who depend on the underlying groundwater basin as their source of water supply.

NOW, THEREFORE BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Directors of the Nipomo Community Services District, as follows:

1. That the above recitals are true and correct.
2. The Board approves the Water Shortage Response and Management Plan, attached as Exhibit "A" to this Resolution.
3. The Board of Directors reserves the right to order or not order all of the provisions within the Water Shortage Response and Management Plan based upon the circumstances at the time that this policy needs to be enforced.
4. The General Manager is directed to prepare and file an appropriate notice of exemption and file a Certificate of Exemption.
5. The General Manager is directed to publish this Resolution in a newspaper of general circulation in the District within ten (10) days.

-next page-

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2015-1374**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
REVISING DISTRICT WATER SHORTAGE RESPONSE AND MANAGEMENT
PLAN PURSUANT TO WATER CODE § 375**

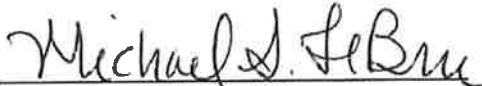
Upon motion by Director Eby, seconded by Director Gaddis, on the following roll call vote, to wit:

AYES: Directors Eby, Gaddis, Blair, Woodson, and Armstrong
NOES: None
ABSENT: None
ABSTAIN: None

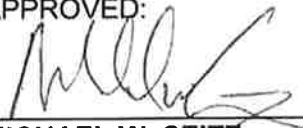
the foregoing Resolution is hereby passed and adopted this 22nd day of April, 2015.


CRAIG ARMSTRONG,
President of the Board of Directors

ATTEST:


MICHAEL S. LEBRUN
General Manager and Secretary to the Board

APPROVED:


MICHAEL W. SEITZ
District Legal Counsel

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2015-1374**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
REVISING DISTRICT WATER SHORTAGE RESPONSE AND MANAGEMENT PLAN
PURSUANT TO WATER CODE § 375**

EXHIBIT "A"

NCSD WATER SHORTAGE RESPONSE AND MANAGEMENT PLAN

STAGE	GROUNDWATER CONDITION	RESPONSE ACTIONS	RELIEF OF RESTRICTIONS
I	All times	<ul style="list-style-type: none"> • Active outreach and education programs regarding water conservation best management practices and mandates as issued from the State of California from time to time. • Four Tier escalating water rates. • Recommended Customer Measures: <ul style="list-style-type: none"> ○ Fix all plumbing and irrigation leaks immediately. ○ Irrigate after 8PM and before 9AM. ○ Minimum to no irrigation in winter months. ○ Check all irrigation systems monthly. ○ Do not allow excessive run off. ○ Recirculate water in ornamental water features (fountains) • New applications for water service are accepted and processed. • Supplemental water is allocated to all new projects • New water service connections are made. 	Not Applicable.
II	Potentially Severe Water Shortage Conditions exists	<ul style="list-style-type: none"> • More aggressive conservation outreach and education efforts. • Four-Tier escalating water rates. • Encourage customers to implement the following practices: <ul style="list-style-type: none"> ○ All Stage I Measures ○ Cover Swimming Pools and spas. ○ Do not use water to wash down exterior surfaces (e.g. driveway, deck, home) • New applications for water service are accepted and processed. • Supplemental water is allocated to new 	Potentially Severe Water Shortage no longer exist.

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2015-1374**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
REVISING DISTRICT WATER SHORTAGE RESPONSE AND MANAGEMENT
PLAN PURSUANT TO WATER CODE § 375**

STAGE	GROUNDWATER CONDITION	RESPONSE ACTIONS	RELIEF OF RESTRICTIONS
		<ul style="list-style-type: none"> projects. • New water service connections are made. 	
III	Severe Water Shortage conditions exists	<ul style="list-style-type: none"> • District targets a 30% reduction in production (Equating to a 736 acre foot or 240 million gallons of reduction in production on an annual basis). • Implement Stage III Drought Rates to encourage reduction in customer water demand. • Encourage customers to implement the following practices. <ul style="list-style-type: none"> ○ All Stage I and II measures. ○ Turn off all automated irrigation systems. ○ Provide minimum necessary irrigation to preserve trees and high-value landscape. ○ Do not drain or fill swimming pools or spas. ○ Do not use water for dust control or construction. ○ Do not use hoses to wash cars or equipment. ○ Turn off and drain ornamental fountains and water features • Suspend accepting applications for new water service. • Existing applications for new water service continue to be processed with allocations of supplemental water. • New water service connections are made. 	Severe Water Shortage no longer exist.**
IV	Severe Water Shortage conditions exists for >1YEAR or is triggered by both the Key Wells Index and the	<ul style="list-style-type: none"> • District targets a 50% reduction in production (Equating to a 1,227 acre foot reduction in production on an annual basis). • Implement Stage IV Drought Rates to encourage reduction in customer water demand. 	Severe Water Shortage conditions no longer exist.

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2015-1374**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
REVISING DISTRICT WATER SHORTAGE RESPONSE AND MANAGEMENT
PLAN PURSUANT TO WATER CODE § 375**

STAGE	GROUNDWATER CONDITION	RESPONSE ACTIONS	RELIEF OF RESTRICTIONS
	Coastal Criterion.	<ul style="list-style-type: none"> • Encourage customers to implement the following practices: <ul style="list-style-type: none"> ○ All Stage I, II, and III measures. ○ Do not use District water for irrigation/outdoor uses of any sort. • New applications for water service are NOT accepted (Stage III) • Cease processing existing applications for new water service. No allocation of supplemental water is made. • New water service connections are made only to projects with preexisting service commitments. 	
V	Severe Water Shortage conditions for >2 years with BOTH triggers (Key Wells Index and Coastal Area Criterion).	<ul style="list-style-type: none"> • District targets a 60% reduction in production. (Equating to a 1,473 acre foot reduction in production on an annual basis). • Implement Stage V Drought Rates to encourage additional reduction in customer water demand. • Declaration of a Water Shortage Emergency in accordance with CA Water Code Section 350. • Suspend all new water service connections. • Encourage customers to implement all Stage I-IV measures and to use only the absolute minimum water necessary for health and sanitation purposes. <ul style="list-style-type: none"> ○ All Stage I, II, and III measures. ○ Do not use District water for irrigation/outdoor uses of any sort. ○ Do not drain or fill swimming pools or spas. ○ All measures possible to reduce water use. • New applications for water service are NOT accepted (Stage III) • Existing applications for new water 	Severe Water Shortage conditions no longer exist.

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2015-1374**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
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REVISING DISTRICT WATER SHORTAGE RESPONSE AND MANAGEMENT
PLAN PURSUANT TO WATER CODE § 375**

STAGE	GROUNDWATER CONDITION	RESPONSE ACTIONS	RELIEF OF RESTRICTIONS
		service are not processed (Stage IV)	

** The Nipomo Mesa Management Area (NMMA) Technical Group may determine Severe Water Shortage Conditions no longer exist when groundwater quality criteria threshold are no longer exceeded in a single measurement.

General Notes

1. The implementation of all rate increases and changes in the acceptance and processing of new services applications are subject to approval by the Board of Directors at the time each stage is triggered.
2. Potentially Severe and Severe Water Shortage conditions, Key Wells Index, and Coastal Criterion are as defined in the NMMA Technical Group, Water Shortage Conditions Response Plan, dated April 2009. Key criterion are as follows:

<u>Potentially Severe Water Shortage Conditions</u>	<u>Severe Water Shortage Conditions</u>
<ul style="list-style-type: none"> • Key Wells Index less than 31.5 ft msl • Greater than 250 mg/l chloride in any NMMA coastal monitoring well 	<ul style="list-style-type: none"> • Key Wells Index is less than 16.5 ft. msl • Greater than 500 mg/l chloride in any NMMA coastal monitoring well

3. Reduction goals are a percentage of average annual production volumes for the five calendar years prior to the first year Nipomo Supplemental Water is delivered. NCSD's 2010-2014 average (2455 AFY) is used in the table above.

MARCH 13, 2019

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ATTACHMENT B

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2019-_____**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT ADOPTING AN AMENDED
WATER SHORTAGE RESPONSE AND MANAGEMENT PLAN**

WHEREAS, the Nipomo Community Services District (“District”) is formed under the Community Services District Law (Govt. Code §61100 et seq.) and provides water service within its water service area pursuant to Govt. Code §61100(a) of the Community Services District Law; and

WHEREAS, the District is a party to groundwater adjudication, *Santa Maria Valley Water Conservation District v. City of Santa Maria, et al.*, Case No. CV770219 (“Groundwater Litigation”); and

WHEREAS, pursuant to Section VI of the 2005 Stipulation as incorporated into the January 25, 2008 Final Judgment in the Groundwater Litigation, the Nipomo Mesa Management Area Technical Group (“NMMA TG”) adopted a Water Shortage Conditions and Response Plan dated April 13, 2009, a Well Management Plan dated January 10, 2010, and the NMMA Water Shortage Response Stages dated April 14, 2014, addressing measures that may be implemented in the event of potentially severe or severe water shortage conditions; and

WHEREAS, at the April 9, 2014 meeting of the District Board of Directors (“Board”), the Board adopted Resolution No. 2014-1335, adopting a Water Shortage Response and Management Plan (“WSRMP”) for the District;

WHEREAS, at the April 22, 2015 meeting of the Board, the Board adopted Resolution No. 2015-1374, revising the WSRMP; and

WHEREAS, the current WSRMP incorporates elements of the NMMA TG’s Well Management Plan along with conservation measures adopted pursuant to Water Code Sections 375 and 71640, allowing implementation of identified conservation measures, groundwater pumping reduction targets, and other water demand management techniques in the event that the NMMA TG declares potentially severe or severe water shortage conditions; and

WHEREAS, since adoption of the WSRMP on April 9, 2014, and revision of the WSRMP on April 22, 2015, the District has completed construction of the first phase of the Nipomo Supplemental Water Project, which currently enables the District to import up to 1,000 acre-feet per year (“AFY”) of water from the City of Santa Maria; and

WHEREAS, pursuant to its May 7, 2013 Wholesale Water Supply Agreement with the City of Santa Maria, the District is required to purchase 800 AF of supplemental water from the City of Santa Maria per year through July 2, 2020, 1,000 acre-feet (“AF”) per year from July 2, 2020, through July 1, 2025, and 2,500 AF per year from July 2, 2025, onward; and

WHEREAS, during the calendar year 2017, the District imported 941 AF of supplemental water from the City of Santa Maria and the District’s customers reduced water consumption by 25% to 31% year over year since 2016;

WHEREAS, the District has plans to construct the Nipomo Area Pipeline Improvement Project, approximately 2-miles of 12-inch water main connecting the Orchard Road water main with the Tefft Street water main (“Nipomo Area Pipeline Improvement Project”), that will increase the import water capacity and help the District meet its contractual obligation to take additional supplemental water from the City of Santa Maria; and

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2019-_____**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT ADOPTING AN AMENDED
WATER SHORTAGE RESPONSE AND MANAGEMENT PLAN**

WHEREAS, the groundwater basin benefits from additional imported supplemental water, and in light of the successful delivery of supplemental water to the Nipomo Mesa Management Area, the requirement for increased supplemental water deliveries in the future pursuant to the Wholesale Water Supply Agreement, the District's plans to complete the remainder of the Supplemental Water Project to accommodate increased deliveries under the Agreement, the District's reduction of its groundwater pumping by 46-51% since 2016, and the successful conservation efforts of the District's customers, the District wishes to update and amend its WSRMP, effective upon authorization to bid the contract for construction of the Nipomo Area Pipeline Improvement Project; and

WHEREAS, the amended WSRMP is consistent with the Well Management Plan adopted by the NMMA TG and will enable the District to continue to meet the requirements of the NMMA TG's adopted Water Shortage Conditions and Response Plan and Well Management Plan, as well as the 2005 Stipulation; and

WHEREAS, the conservation measures included in the District's existing WSRMP have been superseded and replaced by Ordinance No. 2019-128 adopted on January 9, 2019, which will be implemented in conjunction with the amended WSRMP; and

WHEREAS, the Supplemental Water Project has been designed to allow the District to import a total of at least 3,000 AFY, with 2,167 AFY allocated to serve existing and future customers within the District's existing service area and the other 833 AFY allocated to serve customers of Golden State Water Company and Woodlands Mutual Water Company; and

WHEREAS, in 2018, the District completed a Water Demand Build-Out Study to analyze projected water demand within the District and concluded, based on existing water usage factors and existing zoning and San Luis Obispo County General Plan designations, that current and future customers within the District's service area are likely to demand a total of 2,137 AFY at full build-out, indicating that all future demand may be served by supplemental water and that allowing the District to serve new customers will not negatively impact groundwater; and

WHEREAS, the Board further finds and declares:

- A. That the amended WSRMP adopted herein constitutes rules and regulations for the administration, operation, and use and maintenance of the District's water facilities;
- B. That the amended WSRMP adopted herein is consistent with the provisions, purpose, and intent of the 2005 Stipulation and 2008 Judgment in the Groundwater Litigation;
- C. That the amended WSRMP will provide greater assurances that there will be adequate water to meet the present and future needs of District customers.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Directors of the Nipomo Community Services District, as follows:

- 1. The facts and findings stated above are true and correct and incorporated herein.
- 2. The Water Shortage Response and Management Plan attached hereto as Exhibit "A" and incorporated herein by reference is hereby adopted, effective upon authorization

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2019-_____**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT ADOPTING AN AMENDED
WATER SHORTAGE RESPONSE AND MANAGEMENT PLAN**

to bid the contract to construct of the Nipomo Area Pipeline Improvement Project as described further below.

3. The Water Shortage Response and Management Plan attached hereto as Exhibit "A" shall become effective, and shall supersede and replace any prior Water Shortage Response and Management Plan adopted by the Board, as of the date on which the District Board of Directors authorizes the bidding of the contract for construction of the Nipomo Area Pipeline Improvement Project.
4. The Board of Directors will, by Resolution, establish and maintain the then-current and applicable Stage (I, II, III, IV, or V) called for in the adopted Water Shortage Response and Management Plan, based on the NMMA TG's annual reports.
5. The Board finds that this action is not subject to and is exempt from the California Environmental Quality Act, Public Resources Code section 21000, et seq. ("CEQA"), because it is not a project undertaken or authorized by the District that will have a reasonably foreseeable impact on the environment and it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. (Pub. Res. Code § 21065 ; 14 Cal. Code Regs. § 15061(b)(3).) As an action taken to preserve and manage groundwater resources, this Resolution is also exempt from CEQA as an action taken to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment. (14 Cal. Code Regs. § 15307.)

Upon motion by Director _____, seconded by Director _____, on the following roll call vote, to wit:

**AYES:
NOES:
ABSENT:
ABSTAIN:**

the foregoing resolution is hereby passed and adopted this ____ day of _____, 2019.

ED EBY
President of the Board

ATTEST:

APPROVED AS TO FORM:

MARIO E. IGLESIAS
General Manager and Secretary to the Board

WHITNEY G. McDONALD
District Legal Counsel

EXHIBIT "A"

WATER SHORTAGE RESPONSE AND MANAGEMENT PLAN

Potentially Severe Water Shortage Conditions

Where Potentially Severe Water Shortage Conditions¹ have been declared by the Nipomo Mesa Management Area Technical Group ("NMMA TG"), the District will implement any or all of the following:

- Implement the Stage I and II measures identified in Table I, below.
- Urge customers to implement the measures identified in District's Water Conservation Ordinance;
- Voluntary District-wide conservation goal of 20% (Baseline to be suggested by the NMMA TG);
- Enhance public information program.

¹ Water shortage conditions are characterized by criteria designed to reflect that groundwater levels beneath the Nipomo Mesa Management Area ("NMMA") as a whole are at a point at which a response would be triggered to avoid further declines in the groundwater levels (potentially severe), and to declare that the lowest historic groundwater levels beneath the NMMA as a whole have been reached or that conditions constituting seawater intrusion have been reached (severe). See current version of Water Shortage Conditions and Response Plan – appendix to NMMA TG Annual Report.

EXHIBIT "A"

WATER SHORTAGE RESPONSE AND MANAGEMENT PLAN (cont.)

Severe Water Shortage Conditions

Where Severe Water Shortage Conditions² have been declared by the NMMA TG, the District will implement any or all of the following:

- Implement the Stage III - V measures identified in Table I, below, depending on the Stage then in effect as declared by the NMMA TG.
- Implement mandatory conservation measures as set forth in the District's Conservation Ordinance, including, where appropriate, mandatory restrictions with penalties;
- Comply with mandatory conservation goals determined by the NMMA TG when the Severe water shortage trigger is reached. Should conditions worsen, the NMMA TG will re-evaluate the mandatory conservation goal;
- Aggressive public information program which includes discussions with high use water users to seek voluntary reductions in potable water irrigation.

² Water shortage conditions are characterized by criteria designed to reflect that groundwater levels beneath the NMMA as a whole are at a point at which a response would be triggered to avoid further declines in the groundwater levels (potentially severe), and to declare that the lowest historic groundwater levels beneath the NMMA as a whole have been reached or that conditions constituting seawater intrusion have been reached (severe). See current version of Water Shortage Conditions and Response Plan (appendix to NMMA TG Annual Report)

EXHIBIT "A"
WATER SHORTAGE RESPONSE AND MANAGEMENT PLAN (cont.)

TABLE I.*

STAGE	GROUNDWATER SUPPLY CONDITION	RESPONSE - GENERAL DESCRIPTION	DURATION of RESTRICTION
I	Always in place.	Voluntary measures and outreach to encourage best water management practices and conservation.	Always in place.
II	Potentially Severe Water Shortage Condition declaration pursuant to NMMA Water Shortage Condition and Response Plan.	Goal: voluntary 20% reduction in groundwater production – supported with aggressive public outreach and customer communications.	Until Potentially Severe Water Shortage Condition does not exist.
III	Severe Water Shortage Condition declaration pursuant to NMMA Water Shortage Condition and Response Plan.	Goal: 30% reduction in groundwater production – supported with mandatory conservation restrictions.	Until Severe Water Shortage Conditions no longer exist pursuant to NMMA criteria.**
IV	Severe Water Shortage Condition declaration pursuant to NMMA Water Shortage Condition and Response Plan, lasting more than 1 year from the initial declaration; or Severe Water Shortage declaration pursuant to NMMA declaration triggered by both the Key Well Index and the Coastal Area Criterion.	Goal: 50% reduction in groundwater production – supported with mandatory conservation restrictions.	Until Severe Water Shortage Conditions no longer exist pursuant to NMMA criteria.
V	Severe Water Shortage Condition declaration pursuant to NMMA Water Shortage Condition and Response Plan, lasting more than 2 years from the initial declaration, based on both the Key Well Index and Coastal Area Criterion.	Goal: 60% reduction in groundwater production – supported with mandatory conservation restrictions.	Until Severe Water Shortage Conditions no longer exist pursuant to NMMA criteria.

[*Source: NMMA WATER SHORTAGE RESPONSE STAGES, Endorsed by NMMA TG April 14, 2014]

EXHIBIT "A"
WATER SHORTAGE RESPONSE AND MANAGEMENT PLAN (cont.)

TABLE I. (cont.)

** The NMMA TG may determine Severe Water Shortage Conditions no longer exists when groundwater quality criteria threshold are no longer exceeded in a single measurement.

General Notes

1. Potentially Severe and Severe Water Shortage Conditions, Key Well Index and Coastal Area Criteria are defined in the NMMA Water Shortage Conditions Response Plan, April 13, 2009.
2. The District's groundwater pumping reduction goals are measured against the 2009 to 2013 historic groundwater production average of 2,533 AFY.
3. When drought Stage III or higher is in effect, Managers of the NMMA purveyors will meet monthly to report previous months production and coordinate efforts.

MARCH 13, 2019

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ATTACHMENT C

FINAL 4/13/09

Nipomo Mesa Management Area
Water Shortage Conditions and Response Plan

Nipomo Mesa Management Area
Technical Group

April 2009

Final 4/13/09

The Santa Maria basin was divided into three management areas as a result of the adjudication of the Santa Maria groundwater basin. The June 30, 2005 Stipulation (“Stipulation”), the terms of which are incorporated into the Court’s Judgment dated January 25, 2008 (“Judgment”), established the boundaries of the Nipomo Mesa Management Area (“NMMA”), and provided for a technical group (NMMA Technical Group) to oversee management of the NMMA. As part of the Stipulation, the Technical Group was tasked to develop a Monitoring Program that shall include the setting of well elevations and groundwater quality criteria that trigger the responses set forth in Paragraph VI(D) of the Stipulation.

The NMMA Technical Group prepared a Monitoring Program dated August 5, 2008 that was submitted to the Court in accordance with the Judgment. This Water Shortage Conditions and Response Plan is an addendum to the Monitoring Program and completes the Monitoring Program requirements as defined in the Stipulation.

This document is divided into three sections:

- I. Water Shortage Conditions Nipomo Mesa Management Area,
- II. Response Plan for Potentially Severe and Severe Water Shortage Conditions, and
- III. Discussion of Criteria for Potentially Severe and Severe Water Shortage Conditions.

I. Water Shortage Conditions Nipomo Mesa Management Area

Water shortage conditions are characterized by criteria designed to reflect that groundwater levels beneath the NMMA as a whole are at a point at which a response would be triggered to avoid further declines in groundwater levels (Potentially Severe), and to declare that the lowest historic groundwater levels beneath the NMMA as a whole have been reached or that conditions constituting seawater intrusion have been reached (Severe).

Groundwater levels beneath the NMMA as a whole impact the cost of pumping, the quality of groundwater pumped, and the overall flow of fresh water to the ocean that balances potential seawater intrusion. Lowering of groundwater levels below certain thresholds is to be curtailed by importing supplemental water, increasing conservation, and decreasing consumptive use of groundwater produced.

The NMMA Technical Group has developed criteria for declaring the existence of Potentially Severe and Severe Water Shortage Conditions. These criteria represent the conditions in both coastal and inland wells, and depend upon measurements of groundwater elevation and groundwater quality.

While this Response Plan relies on quantitative measurements of groundwater levels, the Technical Group acknowledges these measurements are subject to many variables so that

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any given measurement may only be accurate within a percentage range; no given measurement is exact or precise. For example, water level measurements obtained from groundwater production wells may be influenced by a range of factors, including but not limited to temperature, the method, protocol, and equipment used to obtain the measurement, the condition of the well, the time allowed for water levels in a previously producing well to equilibrate, and any nearby wells that remain pumping while the measurements are taken. As well, the historic data used as the basis to set action levels for Severe and Potentially Severe Water Shortage Conditions may be influenced by these and other factors. Finally, while there is sufficient historical data to reliably set Severe and Potentially Severe Water Shortage Conditions criteria, as more data is gathered pursuant to the NMMA Monitoring Plan, the Technical Group expects its understanding of NMMA characteristics will become increasingly more sophisticated and accurate. As a result of these considerations, the Technical Group acknowledges and expects that it will recommend modifications to the Severe and Potentially Severe Water Shortage Conditions criteria as more data are obtained on a consistent basis and as the Technical Group's understanding of the NMMA characteristics improves over time.

Seawater intrusion is a condition that could permanently impair the use of the principal producing aquifer to meet water demands of the NMMA. For coastal areas, the criteria described here are set either to indicate conditions that, if allowed to persist, may lead to seawater intrusion or increasing chloride concentrations, or that actual seawater intrusion has occurred.

Monitoring Wells

As with the NMMA Monitoring Plan, primary data for this Water Shortage Conditions and Response Plan is derived from a select group of wells located within the NMMA. Identification of these wells and the selection criteria are as follows.

Coastal sentinel wells, installed by the Department of Water Resources in the 1960s, are monitored to characterize any condition for the advancement of seawater into the freshwater aquifer. Specifically, the groundwater elevation and concentration of indicator constituents are evaluated to determine the threat or presence of seawater intrusion to the fresh water aquifer. These coastal monitoring wells are as follows:

Coastal Well	Perforation Elevation (ft msl)	Aquifer
11N/36W-12C1	-261 to -271	Paso Robles
11N/36W-12C2	-431 to -441	Pismo
11N/36W-12C3	-701 to -711	Pismo
12N/36W-36L1	-200 to -210	Paso Robles
12N/36W-36L2	-508 to -518	Pismo

For inland areas, criteria for water shortage conditions are based on annual Spring groundwater elevation measurements made in key wells located inland from the coast (the “Key Wells Index”). The inland Key Wells are as follows:

Key Wells
11N/34W-19
11N/35W-5
11N/35W-8
11N/35W-9
11N/35W-13
11N/35W-22
11N/35W-23
12N/35W-33

Potentially Severe Water Shortage Conditions

The Stipulation, page 25, defines Potentially Severe Water Conditions as follows:

Caution trigger point (Potentially Severe Water Shortage Conditions)¹

(a) Characteristics. The NMMA Technical Group shall develop criteria for declaring the existence of Potentially Severe Water Shortage Conditions. These criteria shall be approved by the Court and entered as a modification to this Stipulation or the judgment to be entered based upon this Stipulation. Such criteria shall be designed to reflect that water levels beneath the NMMA as a whole are at a point at

¹ The multiple citations to and partial restatements of the Stipulation are intended to provide context to this Water Shortage Conditions and Response Plan. However, neither the restatement of a portion of the Stipulation herein, nor the omission of a portion of a quotation from the Stipulation, is intended to override or alter the mutual obligations and requirements set forth in the Stipulation.

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which voluntary conservation measures, augmentation of supply, or other steps may be desirable or necessary to avoid further declines in water levels.

Inland Areas: The NMMA Technical Group set the criteria for a Potentially Severe Water Shortage Condition to the elevation of groundwater as determined by the Key Wells Index. If the Spring groundwater elevations indicate that the Key Wells Index is less than 15 feet above the Severe Water Shortage criterion (equal to **31.5 ft msl²**), the Technical Group will notify the Monitoring Parties of the current data, and evaluate the probable causes of this low level as described below. If the Key Wells Index continues to be lower than **31.5 ft msl** in the following Spring, the Technical Group will report to the Court in the Annual Report that Potentially Severe Water Shortage Conditions are present and provide its recommendations regarding the appropriate response measures. During the period a Potentially Severe Water Shortage Condition persists, the NMMA Technical Group shall include in each Annual Report an assessment of the hydrologic conditions and any additional recommended response measures. A discussion of how the groundwater elevations criteria were determined is presented in discussion Section III. Potentially Severe Water Shortage Conditions will no longer be considered to exist when: 1) the Key Well Index is above the Potentially Severe criterion of 31.5 ft msl for two successive Spring measurements, or 2) the Key Well Index is 5 ft or higher above the Potentially Severe criterion (which calculates to 36.5 ft msl) in any Spring measurement. Alternatively, the NMMA Technical Group may determine that the Potentially Severe Water Shortage Condition no longer exists when the Key Well Index is above the Potentially Severe criterion of 31.5 ft msl and conditions warrant this conclusion.

The Key Well Index criteria for Potentially Severe Water Shortage Conditions may be modified in the future by the Technical Group as more data are developed on the accuracy of measured data and Key Well construction or condition.

Coastal Areas: The NMMA Technical Group set the coastal criteria for a Potentially Severe Water Shortage Condition using both groundwater surface elevation and groundwater quality measured in the coastal monitoring wells, as presented in the table below. The groundwater elevation criteria are discussed in Section III. The groundwater quality portion of the coastal criteria is set at **250 mg/L** chloride. There is no water quality criterion for the shallow alluvium. Potentially Severe Water Shortage Conditions are determined if either the Spring groundwater elevation drops below the criteria elevation, or chloride concentration exceeds the criteria concentration, in any of the coastal monitoring wells subject to the Response Plan data analysis and verification described below.

² The decimal point does not imply the accuracy of the historical low calculation.

The NMMA Technical Group will report to the Court in the Annual Report that Potentially Severe Water Shortage Conditions are present and provide its recommendations regarding the appropriate response measures. During the period a Potentially Severe Water Shortage Condition persists, the Technical Group shall include in each Annual Report an assessment of the hydrologic conditions and any additional recommended response measures.

When Spring groundwater elevations or groundwater quality subsequently improves so that the criteria threshold for two successive measurements are no longer exceeded, Potentially Severe Water Shortage Conditions will no longer be considered to exist. Alternatively, the Technical Group may determine that the Potentially Severe Water Shortage Condition no longer exists when the Spring groundwater elevation or groundwater quality criteria threshold are no longer exceeded in a single measurement and conditions warrant this conclusion.

The coastal threshold criteria for Potentially Severe Water Shortage Conditions may be modified in the future by the Technical Group as more data are developed on the accuracy and extent of the coastal data, including the potential for inclusion of additional coastal monitoring wells into the Monitoring Plan.

Criteria for Potentially Severe Water Shortage Conditions, Coastal Area				
Well	Perforation Elevation (ft msl)	Aquifer	Elevation Criteria (ft msl)	Chloride Concentration Criteria (mg/L)
11N/36W-12C1	-261 to -271	Paso Robles	5.0	250
11N/36W-12C2	-431 to -441	Pismo	5.5	250
11N/36W-12C3	-701 to -711	Pismo	9.0	250
12N/36W-36L1	-200 to -210	Paso Robles	3.5	250
12N/36W-36L2	-508 to -518	Pismo	9.0	250

Severe Water Shortage Conditions

The Stipulation, page 25, defines Potentially Severe Water Conditions as follows:

Mandatory action trigger point (Severe Water Shortage Conditions)

(a) *Characteristics.* The NMMA Technical Group shall develop the criteria for declaring that the lowest historic water levels beneath the NMMA as a whole

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have been reached or that conditions constituting seawater intrusion have been reached. These criteria shall be approved by the Court and entered as a modification to this Stipulation or the judgment to be entered based upon this Stipulation.

Inland Areas: A Severe Water Shortage Condition exists when the Key Wells Index is less than **16.5 feet msl**, using Spring groundwater elevation measurements. The Mandatory Response Plan will remain in effect until groundwater elevations as indicated by the Key Wells Index are 10 ft above the Severe criterion (which calculates to **26.5 feet msl**). Alternatively, the NMMA Technical Group may determine that the Severe Water Shortage Condition no longer exists when the Key Well Index is above the Severe criterion of 16.5 ft msl and conditions warrant this conclusion.

The criteria for Severe Water Shortage Conditions may be modified in the future by the Technical Group as more data are developed on the accuracy of measured data and Key Well construction or condition.

Coastal Areas: The NMMA Technical Group set the coastal criteria for Severe Water Shortage Condition to the occurrence of the chloride concentration in groundwater greater than the drinking water standard in any coastal monitoring well. Thus, the coastal criterion for a Severe Water Shortage Condition is the chloride concentration exceeding **500 mg/L** in any of the coastal monitoring wells. If the criterion is exceeded, an additional sample will be collected and analyzed from that well as soon as practicable to verify the result. The response triggered by the measurement will not be in effect until the laboratory analysis has been verified. If the chloride concentration subsequently improves above the criterion threshold for two successive Spring measurements, Severe Water Shortage Conditions will no longer be considered to exist. Alternatively, the Technical Group may determine that the Severe Water Shortage Condition no longer exists when groundwater quality criteria threshold are no longer exceeded in a single measurement and conditions warrant this conclusion.

The coastal threshold criteria for Severe Water Shortage Conditions may be modified in the future by the Technical Group as more data are developed on the accuracy and extent of the coastal data, including the potential for inclusion of additional coastal monitoring wells into the Monitoring Plan.

II. Response Plan for Potentially Severe and Severe Water Shortage Conditions (*"Response Plan"*)

Introduction

This Response Plan is triggered by criteria designed to reflect either Potentially Severe Water Shortage Conditions or Severe Water Shortage Conditions. Nothing in this Response Plan is intended to, nor shall operate so as to reduce, limit or change the rights, duties, and responsibilities of the parties to this Response Plan as those rights, duties, and responsibilities are stated in the Stipulation and the Judgment.

1. Potentially Severe Water Shortage Conditions

The responses required by the Stipulation are set forth as follows:

VI(D)(1b) Responses [Potentially Severe]. If the NMMA Technical Group determines that Potentially Severe Water Shortage Conditions have been reached, the Stipulating Parties shall coordinate their efforts to implement voluntary conservation measures, adopt programs to increase the supply of Nipomo Supplemental Water³ if available, use within the NMMA other sources of Developed Water or New Developed Water, or implement other measures to reduce Groundwater use.⁴

VI(A)(5). ...In the event that Potentially Severe Water Shortage Conditions or Severe Water Shortage Conditions are triggered as referenced in Paragraph VI(D) before Nipomo Supplemental Water is used in the NMMA, NCS, [GSWC⁵], Woodlands and RWC agree to develop a well management plan that is acceptable to the NMMA Technical Group, and which may include such steps as imposing conservation measures, seeking sources of supplemental water to serve new customers, and declaring or obtaining approval to declare a moratorium on the granting of further intent to serve or will serve letters.⁶

³ A defined term in the parties' Stipulation. The following terms, when used in this Response Plan, are terms whose definitions are found in the Stipulation and that definition is specifically incorporated herein and adopted as the meaning of these terms: "Developed Water," "Groundwater," "Native Groundwater," "New Developed Water," "Nipomo Supplemental Water," "Nipomo Supplemental Water Project," "Stipulating Parties" and "Year."

⁴ Ibid at p.25.

⁵ Name changed from Southern California Water Company (SCWC) in 2005.

⁶ Ibid at p.22.

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The Response Plan shall be implemented when the Potentially Severe Water Shortage Conditions occur within the NMMA. The Response Plan is a combination of technical studies to better determine the nature of the threat, water supply and demand actions to mitigate overall conditions in the NMMA, and compliance with the Stipulation and the Judgment. The Response Plan includes, where applicable, the following:

1. Coastal Groundwater Elevation and/or Groundwater Quality Conditions:
 - a. Verify that the measurement is not an anomaly by retesting at the site(s) of exceedence as soon as practicable and again in the following month.
 - b. Characterize the extent of either low groundwater elevation(s) or increased chloride concentration(s) near the coast, which might include adding and/or installing additional monitoring points.
 - c. Identify, to the extent practical, factors that contributed to the low groundwater elevations in coastal monitoring wells.
 - d. Investigate whether increased chloride concentration(s) indicate intrusion of seawater or other causes through chemistry/geochemistry studies.
2. Inland Groundwater Elevation Condition:
 - a. Verify that the measurement is not an anomaly by retesting at the site(s) of exceedence as soon as practicable and again in the following month.
 - b. Characterize the extent of the area where groundwater elevation(s) have decreased sufficiently to lower the Key Wells Index.
 - c. Identify factors that contributed to the low groundwater elevation(s) in coastal monitoring wells.
3. Implement sections VI(D)1(b) and VI(A)(5) of the Stipulation, as reproduced above.
4. When either the groundwater quality or groundwater elevation conditions are confirmed, the following provisions apply to the Response Plan for Potentially Severe Water Shortage Conditions:
 - a. ConocoPhillips shall have the right to the reasonable and beneficial use of Groundwater on the property it owns as of the date of the Stipulation located in the NMMA without limitation.⁷

⁷ Ibid at p. 23.

- b. Overlying Owners that are Stipulating Parties that own land located in the NMMA as of the date of the Stipulation shall have the right to the reasonable and beneficial use of Groundwater on their property within the NMMA without limitation.⁸
- c. Woodlands shall not be subject to restriction in its reasonable and beneficial use of Groundwater, provided it is concurrently using or has made arrangements for other NMMA parties to use within the NMMA, the Nipomo Supplemental Water allocated to Woodlands. Otherwise, Woodlands shall be subject to reductions equivalent to those imposed on NCSD, GSWC, and RWC.⁹

2. Severe Water Shortage Conditions

The responses required by the Stipulation are set forth following:

VI(D)(1b) Responses [Severe]. As a first response, subparagraphs (i) through (iii) shall be imposed concurrently upon order of the Court. The Court may also order the Stipulating Parties to implement all or some portion of the additional responses provided in subparagraph (iv) below.

(i) For Overlying Owners other than Woodlands Mutual Water Company and ConocoPhillips, a reduction in the use of Groundwater to no more than 110% of the highest pooled amount previously collectively used by those Stipulating Parties in a Year, prorated for any partial Year in which implementation shall occur, unless one or more of those Stipulating Parties agrees to forego production for consideration received. Such forbearance shall cause an equivalent reduction in the pooled allowance. The base Year from which the calculation of any reduction is to be made may include any prior single Year up to the Year in which the Nipomo Supplemental Water is transmitted. The method of reducing pooled production to 110% is to be prescribed by the NMMA Technical Group and approved by the Court. The quantification of the pooled amount pursuant to this subsection shall be determined at the time the mandatory action trigger point (Severe Water Shortage Conditions) described in Paragraph VI(D)(2) is reached. The NMMA Technical Group shall determine a technically responsible and consistent method to determine the pooled amount and any individual's contribution to the pooled amount. If the NMMA Technical Group cannot agree upon a technically responsible and consistent method to determine the pooled amount, the matter may be determined by the Court pursuant to a noticed motion.

⁸ Ibid.

⁹ Ibid at p. 23.

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(ii) *ConocoPhillips shall reduce its Yearly Groundwater use to no more than 110% of the highest amount it previously used in a single Year, unless it agrees in writing to use less Groundwater for consideration received. The base Year from which the calculation of any reduction is to be made may include any prior single Year up to the Year in which the Nipomo Supplemental Water is transmitted. ConocoPhillips shall have discretion in determining how reduction of its Groundwater use is achieved.*

(iii) *NCSD, RWC, SCWC, and Woodlands (if applicable as provided in Paragraph VI(B)(3) above) shall implement those mandatory conservation measures prescribed by the NMMA Technical Group and approved by the Court.*

(iv) *If the Court finds that Management Area conditions have deteriorated since it first found Severe Water Shortage Conditions, the Court may impose further mandatory limitations on Groundwater use by NCSD, SCWC, RWC and the Woodlands. Mandatory measures designed to reduce water consumption, such as water reductions, water restrictions, and rate increases for the purveyors, shall be considered.*

(v) *During Severe Water Shortage Conditions, the Stipulating Parties may make agreements for temporary transfer of rights to pump Native Groundwater, voluntary fallowing, or the implementation of extraordinary conservation measures. Transfer of Native Groundwater must benefit the Management Area and be approved by the Court.¹⁰*

The following Response Plan for Severe Water Shortage Conditions is premised on the assumption that the Nipomo Supplemental Water Project within the NMMA is fully implemented and yet Severe Water Shortage Conditions exist.

If either the coastal or inland criteria occur for Severe Water Shortage Conditions within the NMMA, a Response Plan shall be implemented. The Response Plan is a combination of technical studies to better determine the nature of the threat, water supply and demand actions to mitigate overall conditions in the NMMA that triggered a Response Plan, and compliance with the terms of the Stipulation and the Judgment. It includes, where applicable, the following NMMA Technical Group actions:

1. Groundwater Quality Condition:
 - a. Verify data.

¹⁰ Ibid at pp. 25-27.

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- b. Investigate whether increased chloride concentration(s) indicate intrusion of seawater or result from other causes through chemistry/geochemistry studies.
 - c. Characterize the extent of the increase in chloride concentration(s), which may include adding additional monitoring points and/or installing new monitoring points.
 - d. Given information from sections (a) and (b) above, identify the factors that may have caused the groundwater quality degradation.
2. Groundwater Elevation Condition:
- a. Verify that the measurement is not an anomaly by retesting at the site(s) of exceedence as soon as practicable and again in the following month.
 - b. Characterize the extent of the area where groundwater elevation(s) have decreased sufficiently to lower the Key Wells Index.
 - c. Identify the factors that contributed to the low groundwater elevation(s) in key wells.
3. As a first response, the NMMA Technical Group shall request the Court to order concurrently sections VI(D)(1b)(i) through (iii) of the Stipulation, as reproduced above.
4. Prepare a semi-annual report on the trend in chloride concentration for the Court. If chloride concentration(s) continue to increase at the coastline, request the Court to implement section VI(D)(1b)(iv) of the Stipulation, as reproduced above.
5. During Severe Water Shortage Conditions, the Stipulating Parties may make agreements for temporary transfer of groundwater pumping rights in accordance with section VI(D)(1b)(v) of the Stipulation, as reproduced above.

III. Discussion of Criteria for Potentially Severe and Severe Water Shortage Conditions

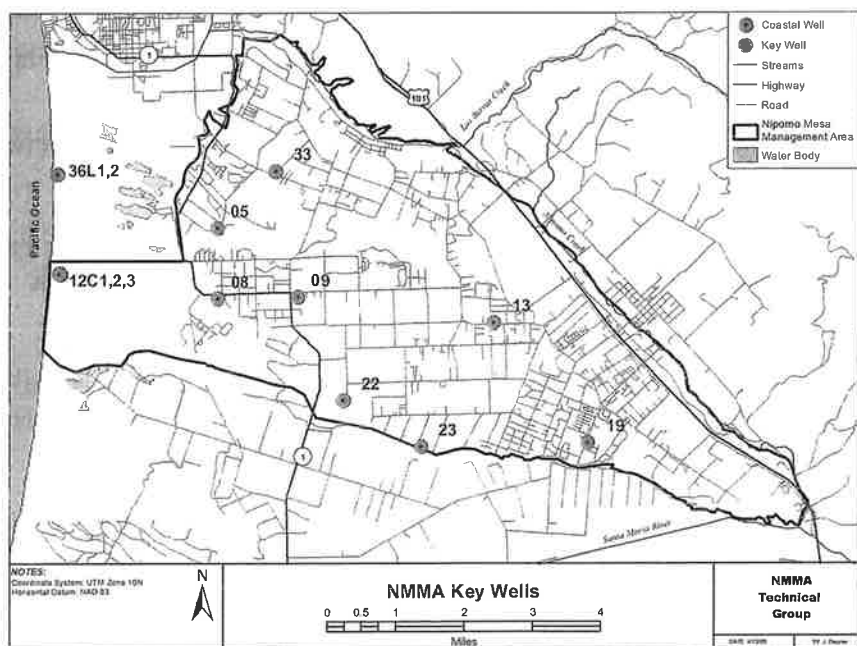
1. Water Shortage Conditions as a Whole

The Stipulation established that the Severe Water Shortage Conditions is characterized by the lowest historic groundwater levels beneath the NMMA as a whole. The NMMA Technical Group selected the data from eight inland key wells to represent the whole of the NMMA. These wells are listed in the following tabulation and are shown on the

figure entitled “NMMA Key Wells”. The average Spring groundwater elevation of these key wells is used to calculate the Key Wells Index (“Index”).

Key Wells For Inland Criterion

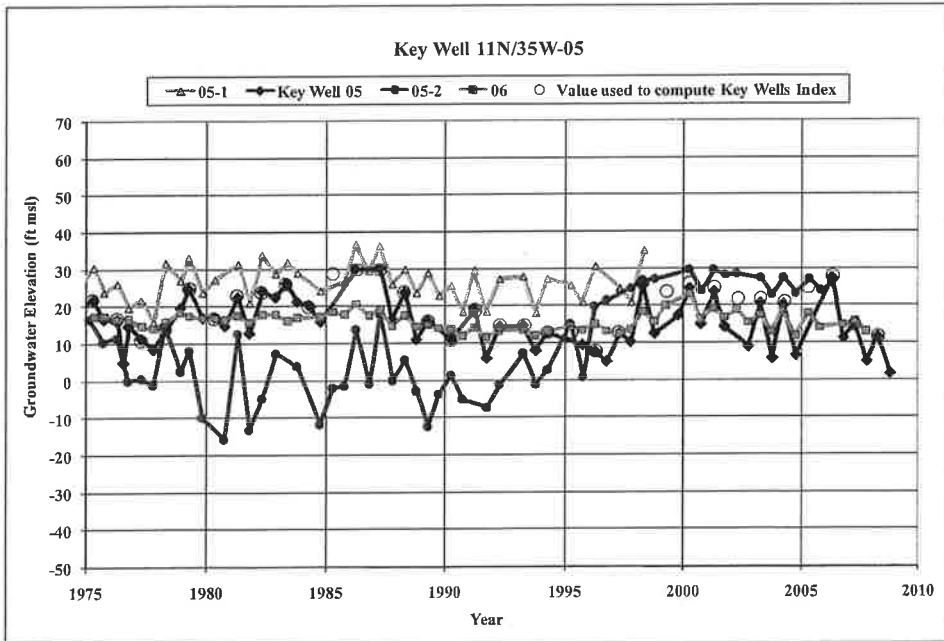
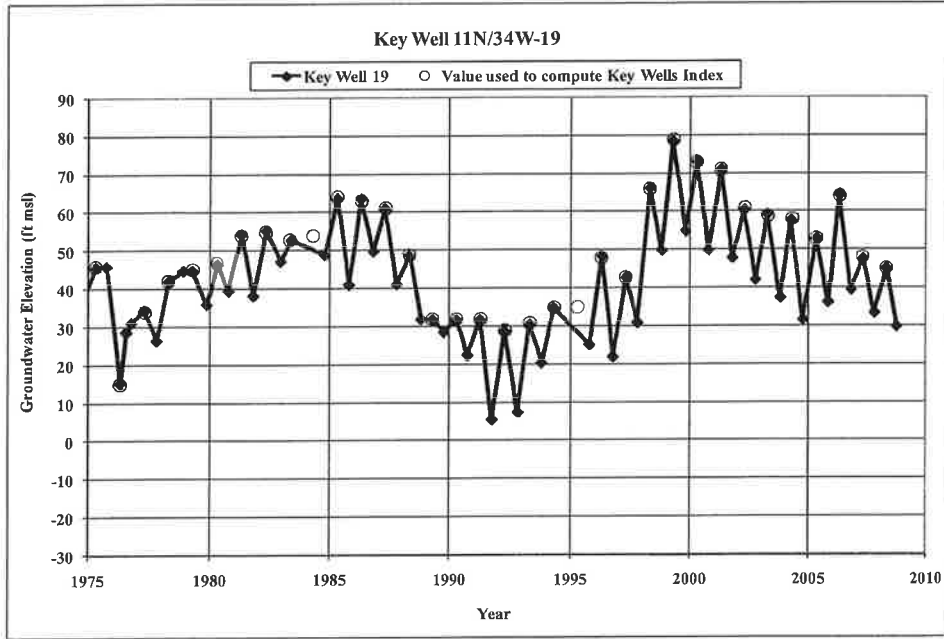
- 11N/34W-19
- 11N/35W-5
- 11N/35W-8
- 11N/35W-9
- 11N/35W-13
- 11N/35W-22
- 11N/35W-23
- 12N/35W-33

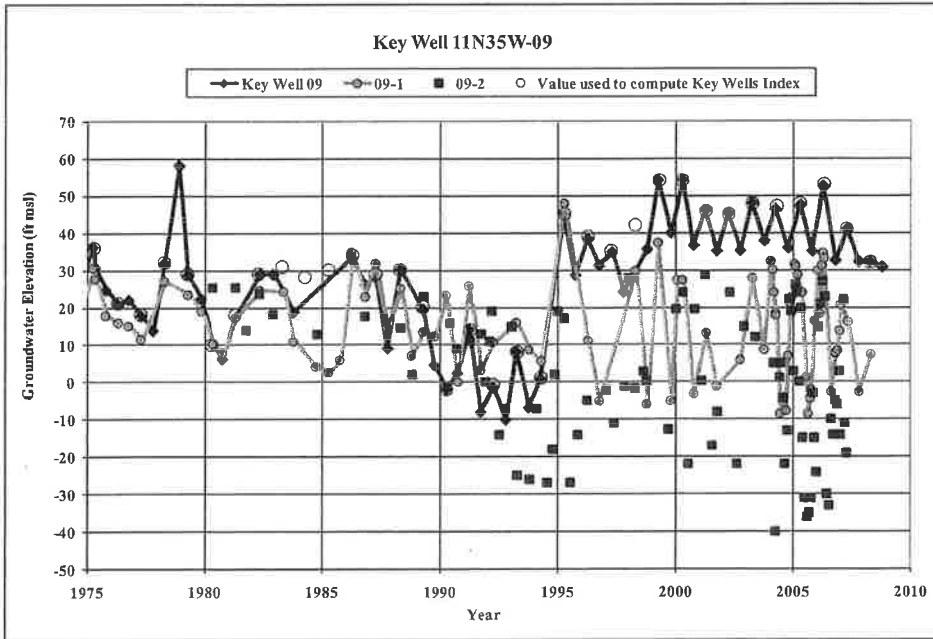
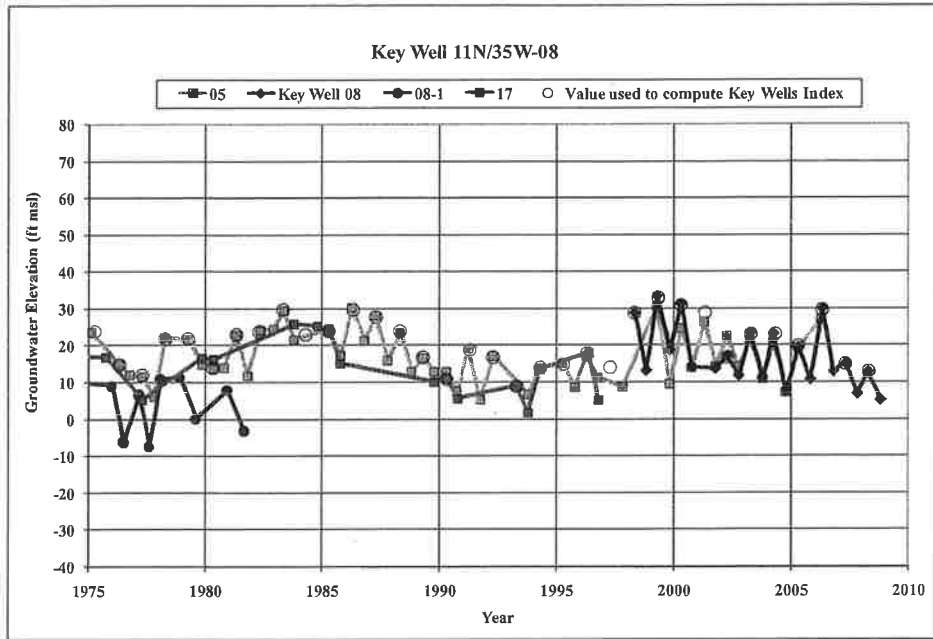


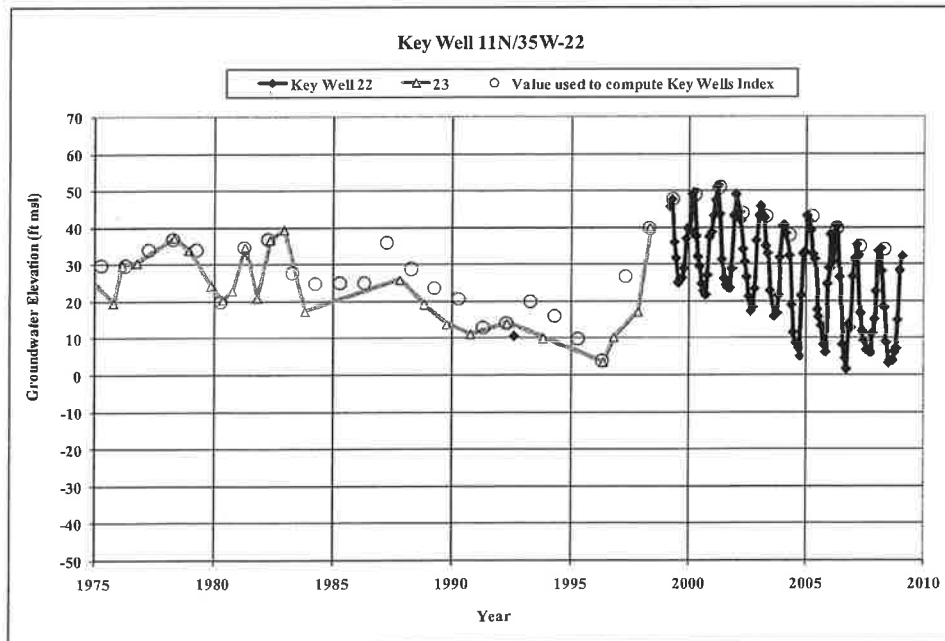
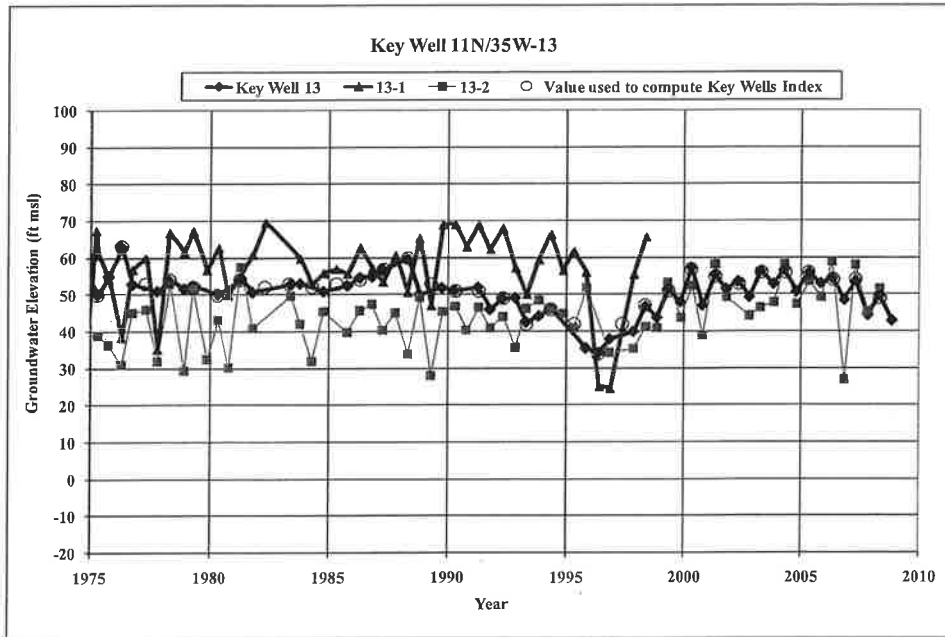
The Index was calculated annually using Spring groundwater elevation measurements from 1975 to 2008. The Key Wells were selected to represent various portions of the groundwater basin within the NMMA. The following charts display the hydrographs for each Key Well and surrounding wells. The open circles represent the actual Spring value for that year or a correlation of that value for each year that was used to compute the Index.

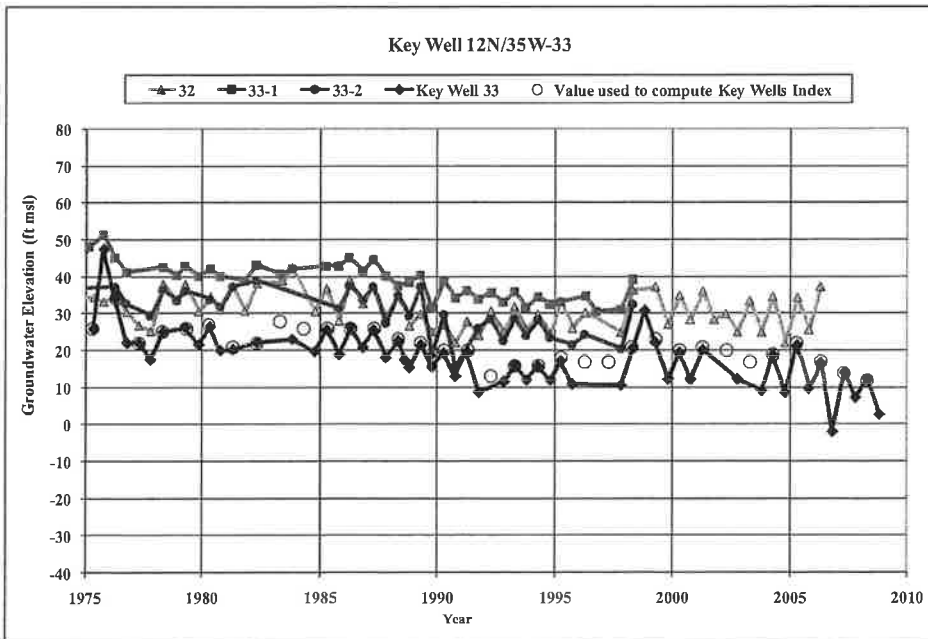
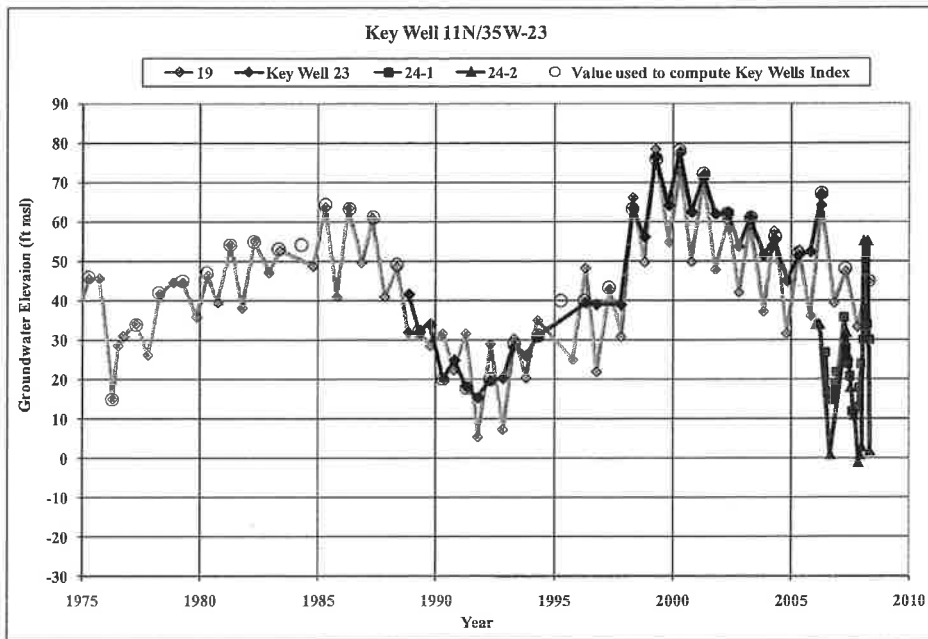
When there was no Spring groundwater elevation measurement for a particular year, the value was determined by either 1) interpolating between Spring measurements in adjacent years or 2) computing the Spring elevation by taking the Fall measurements in adjacent years and increasing the value by the typical increase in groundwater elevations

between Spring and Fall measurements in that well. If there is a significant data gap in the record for a particular well (e.g., 22 well below), a nearby well was used to fill the gap.









In selecting the eight key wells, the following criteria were applied so that the wells generally represent the NMMA as a whole:

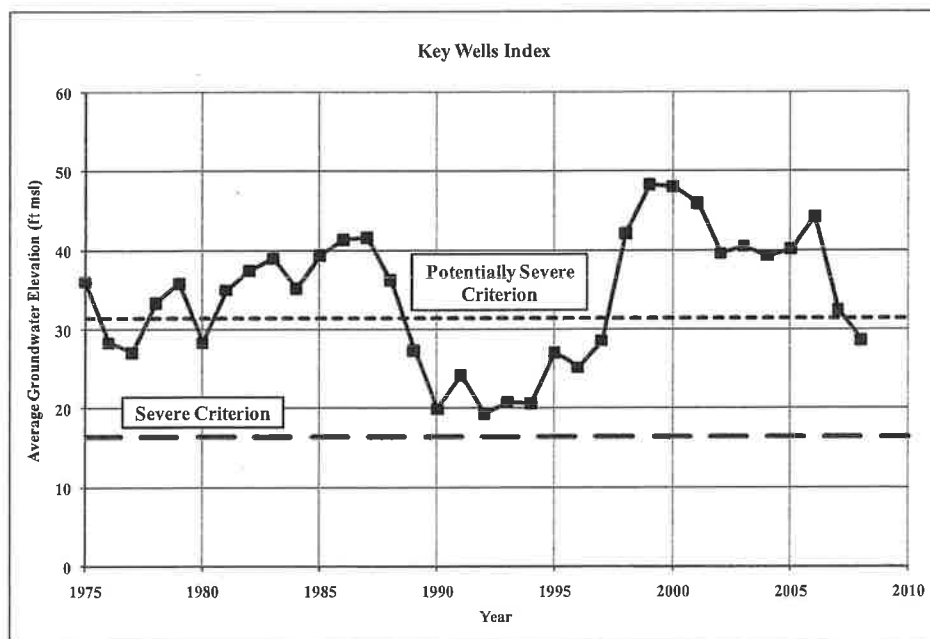
- (1) The wells are geographically distributed.
- (2) No single well overly influences the Index.

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The first criterion was met in the selection of the wells. To meet the second criterion, groundwater elevations from each well were normalized so that any well where elevations were on the average higher or lower than the other wells did not overly influence the overall Index. This normalization was accomplished by dividing each Spring groundwater elevation measurement by the sum of all the Spring groundwater elevation data for that well.

The Index was defined for each year as the average of the normalized Spring groundwater data from each well. The lowest value of the Index could be considered the “historical low” within the NMMA. The sensitivity of that “historical low” was tested by examining the effect of eliminating a well from the Key Wells Index. Eight separate calculations of the Index from 1975 to 2008 were made by excluding the data from one of the eight wells, and computing the average value for each year from the remaining wells’ normalized Spring groundwater data.

The criterion for a Potentially Severe Water Shortage Conditions should provide for enough time before the Severe criterion occurs to allow pumpers time to implement voluntary measures to mitigate a falling Key Wells Index. Based on the assumption that two years is adequate for this early warning, then the historical Index can be used to determine the potential rate of fall of the Index. The maximum drop in the historical Index over a two-year period was about 15 feet, during the last two years of the 1986-1991 drought. Thus, the criterion for Potentially Severe Water Shortage Conditions is set at 15 feet above the Severe Water Shortage Condition criterion, which calculates to **31.5 ft msl**. The Key Wells Index for all eight wells, which will be computed each year in the future, will be compared to the Potentially Severe and Severe criteria discussed above. The Index through 2008 is shown below.



Key Wells Index for the period 1975 to 2008. Upper dashed line is criterion for Potentially Severe Water Shortage Conditions and lower dashed line is criterion for Severe Conditions.

The Index generally tracks wet and dry climatic cycles, indicating the importance of natural recharge in the NMMA. Significant deviations from this climatic tracking could occur if supplemental water deliveries reduced pumping, if overlying land use changed the return flows to the aquifer, or if there was a large change in groundwater extractions in addition to those resulting from the introduction of the Supplemental Water.

A. Seawater Intrusion Criteria for Potentially Severe Water Shortage Conditions

The criteria for potentially severe conditions in coastal areas are either gradient conditions that could pull seawater into the principal aquifer, or threshold chloride concentrations detected in coastal monitoring wells. Whereas chloride is the principal indicator for the groundwater quality portion of this criteria, other groundwater quality constituents may be considered for future refinement of this criteria.

To avoid seawater contamination, groundwater elevations in the coastal monitoring wells must be sufficiently high to balance higher-density seawater (about 2.5 of extra head is required for every 100 ft of ocean depth of an offshore outcrop of the aquifer). Thus, if an aquifer is penetrated at 100 ft below sea level in a coastal well, it is assumed that groundwater elevations in that aquifer must be at least 2.5 ft above sea level to counteract the higher density of seawater. Although offshore outcrop areas are not currently defined, it is assumed that some hydraulic connection between the onshore aquifers and seawater at the sea floor is possible or even probable.

Historical groundwater elevation data from these coastal wells indicate that groundwater elevations have not always been higher than the theoretical elevations of fresh water to balance sea water, described in the preceding paragraph. It is not known to what extent (if any) that seawater has advanced toward the land during the periodic depression of groundwater elevation, nor has any groundwater quality data supported the indication that seawater has contaminated the fresh water aquifer at the coastal monitoring well locations. Thus, coastal groundwater elevation criteria must take into account the periodic depression of groundwater elevations. To accommodate these fluctuations and until further understanding is developed, the coastal criteria are presented in the table below, based on the lower of 1) historical low groundwater elevations in the coastal monitoring wells or 2) a calculation of 2.5 ft of elevation for every 100 ft of aquifer depth in the well. If the historical low elevation is used, the value is reduced by one foot and rounded to the nearest half-foot. Similarly, if a calculated value is the lower option, it is rounded to the nearest half-foot. The results of these criteria are indicated in the following table.

Criteria for Potentially Severe Water Shortage Conditions							
Well	Perforations Elevation (ft msl)	Aquifer	Historic Low (ft msl)	2.5' per 100' Depth (ft msl)	Elevation Criteria (ft msl)	Highest Chloride (mg/L)	Chloride Concentration Criteria (mg/L)
11N/36W-12C1	-261 to -271	Paso Robles	5.8	6.5	5.0	81	250
11N/36W-12C2	-431 to -441	Pismo	6.3	10.8	5.5	55	250
11N/36W-12C3	-701 to -711	Pismo	10.1	17.5	9.0	98	250
12N/36W-36L1	-200 to -210	Paso Robles	4.3	5.7	3.5	38	250
12N/36W-36L2	-508 to -518	Pismo	10.1	13.4	9.0	127	250

The groundwater quality portion of the criteria is set at 250 mg/L chloride. There is no groundwater quality criterion for the shallow alluvium. Although there is no assumption that seawater intrusion has occurred at this concentration, the cause of the rise in chloride concentration must be investigated and appropriate mitigation measures taken. Thus, Potentially Severe Water Shortage Conditions are established if either the groundwater elevation or groundwater quality criteria are met.

B. Seawater Intrusion Criteria for Severe Water Shortage Conditions

One criterion for Severe Water Shortage Conditions is the occurrence of conditions that result in chloride concentration(s) in groundwater greater than the drinking water standard in any of the coastal monitoring wells.

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A principal threat for such occurrence is from seawater intrusion. The first evidence of seawater intrusion can occur very quickly or may involve a slower and more subtle change. Because the rate of change for chloride concentrations during seawater intrusion is difficult to predict for the NMMA, the criterion is set to the Maximum Contaminant Level for chloride in drinking water.

The Nipomo Mesa Technical Group set the coastal criterion for Severe Water Shortage Conditions at a chloride concentration at or above **500 mg/L** in any of the coastal monitoring wells. If the criterion is exceeded, an additional sample will be collected and analyzed from that well as soon as practically possible to verify the result. The Severe Water Shortage Condition will not be in effect until the laboratory analysis has been verified.

MARCH 13, 2019

ITEM E-1

ATTACHMENT D

NMMA PURVEYOR
NMMA WELL MANAGEMENT PLAN¹
Adopted January 21, 2010

Stage 1: Potentially Severe Water Shortage Conditions

- Potentially Severe Water Shortage Conditions Triggered²;
- Voluntary measures urged by Water Purveyors (NCSD, GSWC, Woodlands, and RWC). See list of “Recommended Water Use Restrictions;”
- Voluntary evaluation of sources of new supplemental water;
- Voluntary purveyor conservation goal of 15% (Baseline to be suggested by the NMMA TG);
- Voluntary/Recommended public information program;
- Voluntary evaluation and implementation of shifting pumping to reduce GW depressions and/or protect the seaward gradient. This includes the analysis and establishment of a potential network of purveyor system interties to facilitate the exchange of water;

¹ This Well Management Plan is required by the terms of the Stipulation (page 22). The Well Management Plan provides for steps to be taken by the NCSD, GSWC, Woodlands and RWC under a factual scenario where Nipomo Supplemental Water (a defined term in the Stipulation) has not been “used” in the NMMA (page 22). The Well Management Plan, therefore, has no applicability to either ConocoPhillips or Overlying Owners as defined in the Stipulation (page 22).

² Water shortage conditions are characterized by criteria designed to reflect that groundwater levels beneath the NMMA as a whole are at a point at which a response would be triggered to avoid further declines in the groundwater levels (potentially severe), and to declare that the lowest historic groundwater levels beneath the NMMA as a whole have been reached or that conditions constituting seawater intrusion have been reached (severe). See current version of Water Shortage Conditions and Response Plan – appendix to Annual Report.

Adopted January 20, 2010

Stage 2: Severe Water Shortage Conditions

- Severe Water Shortage Conditions Triggered and Nipomo Supplemental Water has been used in the NMMA (see footnote 1)³;
- Overlying landowners other than Woodlands and ConocoPhillips shall reduce groundwater use to no more than 110% of the highest pooled base year prior to the transmittal of Nipomo supplemental water. The NMMA TG will determine a technically responsible and consistent method to determine the pooled amount and an individual's contribution (To be determined when trigger occurs). The method of reducing pooled production to 110% is to be prescribed by the TG and approved by the court. Landowners may consider using less water for consideration received;
- ConocoPhillips shall reduce its yearly groundwater use to no more than 110% of the highest amount it used in a single year prior to the transmittal of Nipomo supplemental water. ConocoPhillips may consider using less water for consideration received and has discretion to determine how its groundwater reduction is achieved;
- Water Purveyors (NCSD, GSWC, Woodlands, and RWC) shall implement mandatory conservation measures. Where possible, institute mandatory restrictions with penalties;
- The mandatory conservation goals will be determined by the NMMA TG when the Severe water shortage trigger is reached. Annually, should conditions worsen; the NMMA TG will re-evaluate the mandatory conservation goal;
- Measures may include water reductions, additional water restrictions, and rate increases. GSWC and RWC shall aggressively file and implement⁴ a schedule 14.1 mandatory rationing plan with the CPUC consistent with the mandatory goals;
- Penalties, rates, and methods of allocation under the rationing program shall be at the discretion of each entity and its regulating body;

³ [see comment at footnote #1] Water shortage conditions are characterized by criteria designed to reflect that groundwater levels beneath the NMMA as a whole are at a point at which a response would be triggered to avoid further declines in the groundwater levels (potentially severe), and to declare that the lowest historic groundwater levels beneath the NMMA as a whole have been reached or that conditions constituting seawater intrusion have been reached (severe). See current version of Water Shortage Conditions and Response Plan (appendix to Annual Report).

⁴ CPUC has the authority to set rates and allow mandatory conservation actions. As CPUC regulated entities, GSWC and RWC cannot implement such programs without CPUC approval.

Adopted January 20, 2010

- Aggressive voluntary public information program which includes discussions with high use water users such as school districts, parks, and golf courses to seek voluntary reductions in potable water irrigation;

Adopted January 20, 2010

List of Recommended Water Use Restrictions

The following provisions are examples of what may be considered prohibited, nonessential, and/or unauthorized water use:

- 1) Prohibit nonessential and unauthorized water use, including but not limited to:
 - a) Use of potable water for more than minimal landscaping, as defined in the landscaping regulated of the jurisdiction or as described in Article 10.8 of the California Government Code in connection with new construction;
 - b) Use through any meter when the company has notified the customer in writing to repair a broken or defective plumbing, sprinkler, watering or irrigation system and the customer has failed to effect such repairs within five business days;
 - c) Use of potable water which results in flooding or runoff in gutters or streets;
 - d) Individual private washing of cars with a hose except with the use of a positive action shut-off nozzle. Use of potable water for washing commercial aircraft, cars, buses, boats, trailers, or other commercial vehicles at any time, except at commercial or fleet vehicle or boat washing facilities operated at a fixed location where equipment using water is properly maintained to avoid wasteful use;
 - e) Use of potable water washing buildings, structures, , driveways, patios, parking lots, tennis courts, or other hard-surfaced areas, except in the cases where health and safety are at risk;
 - f) Use of potable water to irrigate turf, lawns, gardens, or ornamental landscaping by means other than drip irrigation, or hand watering without quick acting positive action shut-off nozzles, on a specific schedule, for example: 1) before 9:00 a.m. and after 5:00 p.m.; 2) every other day; or 3) selected days of the week;
 - g) Use of potable water for watering streets with trucks, except for initial wash-down for construction purposes (if street sweeping is not feasible), or to protect the health and safety of the public;
 - h) Use of potable water for construction purposes, such as consolidation of backfill, dust control, or other uses unless no other source of water or other method can be used.

Adopted January 20, 2010

- i) Use of potable water for construction purposes unless no other source of water or other method can be used;
- j) Use of potable water for street cleaning;
- k) Operation of commercial car washes without recycling at least 50% of the potable water used per cycle;
- l) Use of potable water for watering outside plants, lawn, landscape and turf areas during the hours of 9:00 am to 5:00 pm;
- m) Use of potable water for decorative fountains or the filling or topping off of decorative lakes or ponds. Exceptions are made for those decorative fountains, lakes, or ponds which utilize recycled water;
- n) Use of potable water for the filling or refilling of swimming pools.
- o) Service of water by any restaurant except upon the request of a patron; and
- p) Use of potable water to flush hydrants, except where required for public health or safety.

NMMA WATER SHORTAGE RESPONSE STAGES

Endorsed by NMMA Technical Group April 14, 2014

STAGE	GROUNDWATER SUPPLY CONDITION	RESPONSE - GENERAL DESCRIPTION*	DURATION of RESTRICTION
I	Always in place.	Voluntary measures and outreach to encourage best water management practices and conservation.	Always in place.
II	Potentially Severe Water Shortage Condition declaration pursuant to NMMA Water Shortage Condition and Response Plan.	Goal: voluntary 20% reduction in groundwater production – supported with aggressive public outreach and customer communications.	Until Potentially Severe Water Shortage Condition does not exist.
III	Severe Water Shortage Condition declaration pursuant to NMMA Water Shortage Condition and Response Plan.	Goal: 30% reduction in groundwater production – supported with mandatory conservation restrictions.	Until Severe Water Shortage Conditions no longer exist pursuant to NMMA criteria.**
IV	Severe Water Shortage Condition declaration pursuant to NMMA Water Shortage Condition and Response Plan, lasting more than 1 year from the initial declaration; or Severe Water Shortage declaration pursuant to NMMA declaration triggered by both the Key Well Index and the Coastal Area Criterion.	Goal: 50% reduction in groundwater production – supported with mandatory conservation restrictions.	Until Severe Water Shortage Conditions no longer exist pursuant to NMMA criteria.
V	Severe Water Shortage Condition declaration pursuant to NMMA Water Shortage Condition and Response Plan, lasting more than 2 years from the initial declaration, based on both the Key Well Index and Coastal Area Criterion.	Goal: 60% reduction in groundwater production – supported with mandatory conservation restrictions.	Until Severe Water Shortage Conditions no longer exist pursuant to NMMA criteria.

* This is a general descriptor. Detailed response to meeting the applicable goal is the responsibility of each NMMA purveyor. The NMMA parties acknowledge that Golden State Water Company and Rural Water Company must obtain CPUC approval and hold public hearings before implementing any aspect of this water shortage response.

** The Technical Group may determine Severe Water Shortage Conditions no longer exists when groundwater quality criteria threshold are no longer exceeded in a single measurement.

General Notes

1. Potentially Severe and Severe Water Shortage Conditions, Key Well Index and Coastal Area Criteria are defined in the NMMA Water Shortage Conditions Response Plan, April 13, 2009.
2. Reductions goals are to be based on average usage, prior to the delivery of supplemental water, as follows:
 - a. For Woodlands Mutual Water Company – based on average same month production for a single year prior to declaration of Stage III.
 - b. For Nipomo CSD, Golden State Water Company and Rural Water Company – based on average same month production for the five years prior to declaration of Stage III. Individual purveyors may use other baselines in their respective responses if dictated by their respective regulatory bodies.
3. Each NMMA purveyor will implement programs to meet the reduction levels.
4. When drought Stage III or higher is in effect, Managers will meet monthly to report previous months production and coordinate efforts.
5. The Technical Group may revisit and revise this response plan should conditions change and after the full implementation of the Nipomo Supplemental Water deliveries.