

TO: WATER RESOURCES
COMMITTEE

FROM: MICHAEL S. LEBRUN
GENERAL MANAGER

DATE: NOVEMBER 18, 2013

AGENDA ITEM

2

NOVEMBER 19, 2013

REVIEW DRAFT DISTRICT WATER RESOURCE POLICY

ITEM

Review draft District water resource policy [DIRECT STAFF].

BACKGROUND

With the Nipomo Supplemental Water project underway, the District is turning attention to establishing a water resources policy that will provide a road map for long-term sustainable management of the basin. The District recognizes that to be successful, any such policy will need to be recognized and implemented by all planning agencies and water purveyors who play a role in current and future area groundwater use.

FISCAL IMPACT

None

STRATEGIC PLAN

Strategic Plan Goal 1.1 – Protect, Enhance, and Assess available Water Supplies.

RECOMMENDATION

Review draft Policy, provide staff direction

ATTACHMENT

- A. Draft Water Resources Policy

NOVEMBER 19, 2013

ITEM 2

ATTACHMENT A

Nipomo Community Services District Water Resources Policy Statement

BACKGROUND

Demand

District water demand has steadily grown over the years. The most recent demand peak was in 2007 when approximately 2,900 acre-feet of groundwater was produced by the District. In 2012, the District produced (pumped) approximately 2,500 acre-feet of groundwater to meet demand.

The District does not have authority to control use of the local groundwater basin outside its boundaries. San Luis Obispo County Planning Department has authority over all discretionary building (residential and commercial) approvals within the District service area and throughout the Nipomo Mesa area. The entire area relies on underlying groundwater to meet 100% of water demand by residents and businesses. The District has limited ability to deny water service to County approved development within its services area, unless certain findings are made in accordance with the California Water Code.

Annual groundwater production across the Nipomo Mesa is reported (both metered and estimated values) in the Nipomo Mesa Management Area (NMMA) Technical Group's annual report (The NMMA Technical Group is a groundwater court appointed body whose boundaries encompass the Nipomo Mesa). In 2008, total groundwater production across the NMMA is estimated to be 12,600 acre-feet, representing a recent peak in demand. In the ensuing years demand dropped somewhat and most recently began trending up again. In 2012 the estimate for total production across the NMMA is 11,260.

There are significant under-developed and un-developed lands in the District and throughout the Nipomo Mesa. The area's mild climate and relatively pristine development will likely continue to attract new residents to the area. Therefore, increased water demand from new development is expected.

Supply

Concerns for the health of area groundwater and long-term supply reliability date back to the mid-nineteen eighties. In the early 1990's, the customers of NCSO declined participation in the coastal branch of the statewater project.

In June 2013 the District awarded construction contracts for Nipomo Supplemental Water Project, Phase 1. The Project has a 650 acre-foot per year (AFY) capacity and is scheduled to be complete in May 2015. Phases 2 and 3 of the project will bring total capacity to 3,000 AFY and are not currently scheduled for construction.

Basis for Policy

San Luis Obispo County Actions

In 2004, the County completed a Resource Capacity Study of the groundwater underlying the Nipomo Mesa (a.k.a Papadopoulos Report). The Study concluded the area groundwater basin was in over-draft and County staff recommended a Level Severity III be declared for the area's groundwater resources.

Nipomo Community Services District Water Resources Policy Statement

In May 2006, the County adopted Ordinance 3090 (Attached hereto) establishing the Nipomo Mesa Water Conservation Area (NMWCA) and requiring all land divisions that lead to increased non-agricultural water demand pay a supplemental water fee. Further, Ordinance 3090 requires amendments to the General Plan within the newly established NMWCA which increase non-agricultural water demand be watered by imported or supplemental water. (The County defined NMWCA covers essentially the same area as the groundwater court defined NMMA.)

In December 2006, the District objected to County development approval and environmental findings which directly contradicted Ordinance 3090. The County went ahead with approving a general plan amendment with a mitigated negative declaration and the District subsequently filed a lawsuit. On March 17, 2008, the Superior Court of the State of California issued its final judgment in the case (Attached hereto). The settlement held in favor of the District's position and required the payment of a supplemental water fee by the project proponent prior to recordation of a final development map.

In October 2008, the County, based on a finding of "overdraft" within the NMWCA caused by recent climatic conditions, adopted Ord. 3160 requiring that water conservation measures be implemented in new construction throughout the NMWCA.

Groundwater Lawsuit

In 1997, the Santa Maria Groundwater Basin, including the entire NMWCA defined by the County, became subject to groundwater litigation. On January 25, 2008 the court issued a Final Judgment in the case and ordered a 2005 Stipulation that had been entered into by most litigants be implemented. The ruling was appealed. In 2012, the Appellate court sent three minor aspects of the Final Judgment and Stipulation back to the trial court. The appellant's requests for further case review by both the California and United States Supreme Courts were denied. The trial court has taken no action to date on the appellate court direction.

The 2005 Stipulation defines three management areas across the basin (Northern Cities, Nipomo Mesa, and Santa Maria Valley) and establishes membership and reporting requirements for each. The Stipulation requires Nipomo CSD lead a project (the Nipomo Supplemental Water Project) to import 2,500 AFY of water to the NMMA from the City of Santa Maria (June 30, 2005 Stipulation, Section VI Physical Solution). The Stipulation additionally requires that all new urban uses and all new municipal and industrial uses shall provide a source of supplemental water or a supplemental water development fee to offset the water demand associated with that development (June 30, 2005 Stipulation Section VI.E. New Urban Uses). Developed water for new urban uses is above and beyond the 2,500 AFY required by the Stipulation to offset existing pumping by purveyor interests.

The Stipulation requires the NMMA Technical Group to develop a monitoring program that includes trigger points, based on well levels and water quality, for potentially severe and severe water shortage conditions (June 30, 2005 Stipulation Section VI.D). Response to water shortage conditions includes voluntary and mandatory conservation measures. Mandatory measures are to be proposed to, and approved by, the Court.

Nipomo Community Services District Water Resources Policy Statement

The County and all major water purveyors operating in the Nipomo Mesa area signed the Stipulation and did not appeal the Final Judgment. The District is implementing the Court's Final Judgment as it pertains to basin monitoring and supplemental water acquisition.

In spring 2006, the NMMA Technical Group's Key Well Index indicated Potentially Severe Criterion and remains in that condition today. In the spring of 2013, following a very dry winter, the index dropped over 10 feet and came within a fraction of a foot from triggering Severe Criterion.

NIPOMO CSD WATER RESOURCES POLICY

The above summarized court rulings and County ordinances form the foundation of District water resources policy as follows:

1. In the context of the court's Final Judgment, "new" demand on the groundwater basin is demand associated with development approved after the Judgment was filed on January 25, 2008.
2. The District added 500 AFY of capacity to the Court ordered 2,500 AFY Nipomo Supplemental Water Project. The District added the capacity in order to water new development within its services boundary. All District approved applications for new water service after January 2008 will be tentatively accounted for against the added 500 AF of capacity. When a 'new' project is issued a Will Serve letter (final non-revocable commitment to serve), the allocation of water for the project will be permanently accounted for against the 500AF of added supplemental water project capacity.
3. When the District has allocated 500AF of supplemental water capacity from the current supplemental water project to 'new' urban demands, no further applications for new water service will be accepted and no commitments to new water service will be made by the District unless and until additional supplemental/developed water sources are under contract.
4. Outside the District services boundary and within the NMWCA/NMMA, and excepting only development within the Woodlands Specific Plan (for which 416 AFY of capacity in the Nipomo Supplemental Water Project has been specifically reserved), all new urban demands must be watered by new yet to be defined source of supplemental water or pay a supplemental water fee as follows:
 - Within the service boundary of Golden State and Rural Water companies, all new urban demands must be met by a yet to be defined source supplemental water (2005 Stipulation).
 - In areas not served by GSWC, NCSD, or RWC, all new urban demands resulting from land divisions must pay a supplemental water fee (SLO CO Ordinance 3090). All new urban demands resulting from general plan amendment must utilize a yet to be defined source of supplemental/developed water (SLO CO Ordinance 3090).

Nipomo Community Services District Water Resources Policy Statement

5. The District will work with San Luis Obispo County to reconcile County Ordinance 3090 with the 2005 Stipulation by requiring all new urban demand (not just that new demand resulting from property division and/or general plan amendment) pay a supplemental water fee toward a new, yet to be defined, source of supplemental water.
6. Supplemental water charges collected from inside the District boundary will be utilized to build out the current supplemental water project to full (3,000 AFY) capacity.
7. The District will work with the County and other area water purveyors to establish an overarching groundwater management authority and to define and acquire additional supplemental water sources to meet future demand.

DRAFT

EXHIBIT "C"

EXHIBIT LRP2005-00006:A

ORDINANCE NO. 3090

AN ORDINANCE AMENDING TITLE 22 OF THE
SAN LUIS OBISPO COUNTY CODE, THE LAND USE ORDINANCE
SECTION 22.112.020 RELATING TO THE
NIPOMO MESA WATER CONSERVATION AREA

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1. Section 22.112.020 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended by adding new subsection E to read as follows and renumbering all figures as necessary:

22.112.020 - Areawide Standards

E. Nipomo Mesa Water Conservation Area. The following standards apply to all land in the Nipomo Mesa Water Conservation Area shown in Figure 112-4.

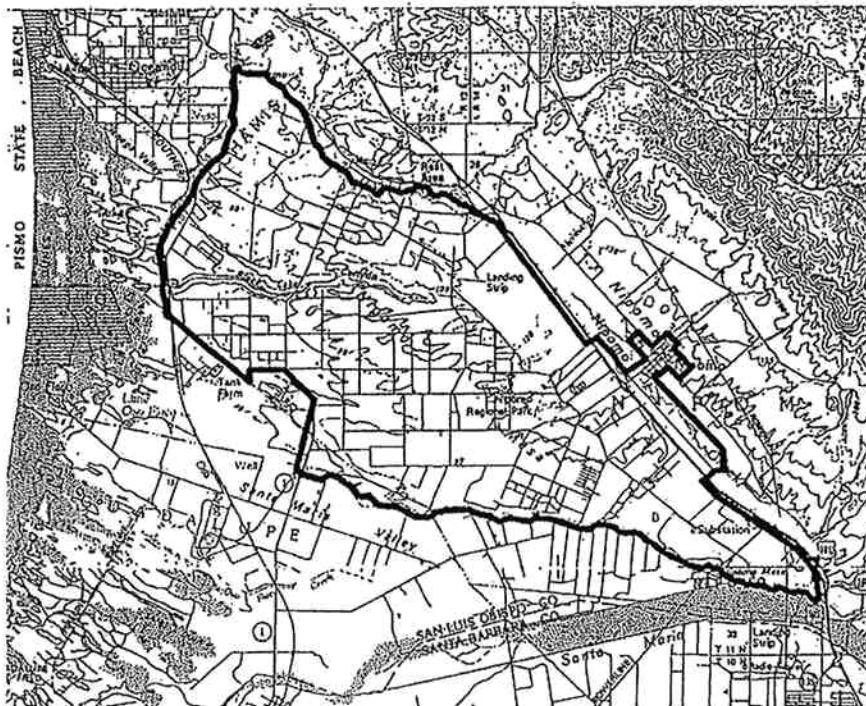


Figure 112-4 - Nipomo Mesa Water Conservation Area

1. General Plan Amendments and land divisions. Applications for general plan amendments and land divisions in the Nipomo Mesa Water Conservation Area shall include documentation regarding estimated existing and proposed non-agricultural water demand for the land division or development that could occur with the General Plan Amendment. If this documentation indicates that the proposed non-agricultural water demand exceeds

the demand without the requested amendment or land division, the application shall include provisions for supplemental water as follows:

- a. **General Plan Amendments.** Where the estimated non-agricultural water demand resulting from the amendment would exceed the existing non-agricultural demand, the application shall not be approved unless supplemental water to off-set the proposed development's estimated increase in non-agricultural demand has been specifically allocated for the exclusive use of the development resulting from the general plan amendment, and is available for delivery to the Nipomo Mesa Water Conservation Area.
 - b. **Land Divisions.** Where the estimated non-agricultural water demand resulting from the land division would exceed the existing non-agricultural demand, a supplemental water development fee shall be paid for each dwelling unit or dwelling unit equivalent, at the time of building permit issuance, in the amount then currently imposed by county ordinance, not to exceed \$13,200. If the development resulting from the land division is subject to payment of supplemental water development fees to an entity other than San Luis Obispo County, the amount of these other fees shall be deducted from the County fee.
2. **Landscape standards.** The standards in Chapter 22.16 apply to the following projects within the Nipomo Mesa Water Conservation Area. Only exceptions, as set forth in Subsection 22.16.020.B.2, 4, 6, and 7, are allowed within this area:
- a. **Public projects.** Projects completed by a public agency that require a land use permit.
 - b. **New non-residential projects.** All new projects within the Recreation, Office and Professional, Commercial Retail, Commercial Service, Industrial and Public Facilities land use categories.
 - c. **Developer-installed.**
 - (1) All developer-installed landscaping in all Residential land use categories within urban or village areas.
 - (2) All developer-installed landscaping in all land use categories outside of urban or village areas where the parcel is 5.0 acres or less.
 - d. **Homeowner-installed.** All homeowner-installed landscaping for any project for which a land use permit is required.
 - e. **Drip irrigation.** Drip irrigation systems are required for all landscaped areas (except turf areas). The drip irrigation system shall include the following components: automatic rain shut-off device, soil moisture sensors, a separate meter for outdoor water and an operating manual to instruct the building occupant how to use and maintain the water conservation hardware.

- f. **Turf area limits:** The maximum amount of turf (lawn) area shall not exceed twenty percent of the site's total irrigated landscape area. In all cases, the site's total irrigated landscape area shall be limited to 1,500 square feet.
3. **Building Permits.** Building permits issued for construction in the Nipomo Mesa Water Conservation Area shall comply with Section 19.20.240.d.

SECTION 2. The project qualifies for a Categorical Exemption (Class 7) pursuant to CEQA Guidelines Section 15307 because the actions proposed will assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment.

SECTION 3. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 4. This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

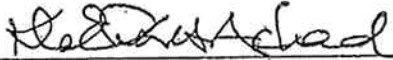
INTRODUCED and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 23rd day of May, 2006, by the following roll call vote, to wit:

AYES: Supervisors James R. Patterson, Harry L. Ovitt, Jerry Lenthall, Chairperson
K.H. 'Katcho' Achadjian

NOES: None

ABSENT: Supervisor Shirley Bianchi

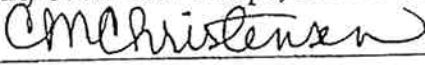
ABSTAINING: None


Chairman of the Board of Supervisors,
County of San Luis Obispo,
State of California

ATTEST:

JULIE L. RODEWALD

County Clerk and Ex-Officio Clerk of the Board of Supervisors
County of San Luis Obispo, State of California

By:  Deputy Clerk

ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND CODIFICATION:

JAMES B. LINDHOLM, JR.
County Counsel

By: 
Deputy County Counsel

Dated: May 11, 2006

STATE OF CALIFORNIA)
COUNTY OF SAN LUIS OBISPO) ss

I, JULIE L. RODEWALD, County Clerk of the above
entitled County, and Ex-Officio Clerk of the Board
of Supervisors thereof, do hereby certify the fore-
going to be a full, true and correct copy of an order
entered in the minutes of said Board of Super-
visors, and now remaining of record in my office.

Witness, my hand and seal of said Board of
Supervisors this 9-6-06

JULIE L. RODEWALD
County Clerk and Ex-Officio Clerk
of the Board of Supervisors

By Annette Ramirez
Deputy Clerk

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FILED

MAR 17 2008

SAN LUIS OBISPO SUPERIOR COURT
BY [Signature]
D. Rincon, Deputy Clerk

1 John W. Belsher, Esquire (SBN 103088)
2 BELSHER & BECKER
3 Attorneys at Law
4 412 Marsh Street
5 San Luis Obispo, California 93401
6 Telephone: (805) 542-9900
7 Facsimile: (805) 542-9949

8 Attorneys for Defendant Real Parties in Interest,
9 HENRI DEGROOT, DUANE HERON and BETTY CARROLL
10

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 IN THE COUNTY OF SAN LUIS OBISPO
13 UNLIMITED DIVISION

14 NIPOMO COMMUNITY SERVICES
15 DISTRICT, a California Community
16 Services District,

17 Petitioner,

18 vs.

19 COUNTY OF SAN LUIS OBISPO, a
20 political subdivision of the State of
21 California, and DOES 1-10,

22 Respondents.

23 HENRI DEGROOT, DUANE
24 HERON, RICHARD MONAGHETTI,
25 A. MICHAEL LEMOS, SAMUEL
26 FOSSACCECA, BETTY A
27 CARROLL, and DOES 11-20,

28 Real Parties in Interest.

CASE NO. CV070066
Assigned for all purposes to:
Hon. Teresa Estrada-Mullaney, Dept. 3

[PROPOSED] JUDGMENT

22 Petitioner Nipomo Community Services District ("District") filed a Petition for Writ of
23 Mandate and Complaint for Declaratory Relief ("Petition") challenging the adoption on
24 December 19, 2006 by Respondent County of San Luis Obispo of a general plan
25 amendment (LRP 2003-00011) (General Plan Amendment) initiated by the County of San
26 Luis Obispo and Real Party in Interest, Henri DeGroot, rezoning properties owned by the
27 Real Parties in Interest, as set forth below, from Agriculture to Residential Rural. Said
28

EXHIBIT
A

1 Petition is based on alleged inconsistencies with the County's General Plan and Ordinances,
2 as well as the California Environmental Quality Act. Responding Party, DeGroot, has a
3 subdivision map application pending, which requires the General Plan Amendment in order
4 to proceed.

5 County and Real Party DeGroot have answered said Petition. Real Parties Heron and
6 Carroll have appeared by the filing of Disclaimers of Interest. The remaining parties have
7 been served and have not appeared. All parties have been provided notice of motion to
8 have the Court approve and enter this Proposed Judgment and afforded adequate time to
9 appear and object.

10 Judgment regarding APN 075-241-004 [DeGroot], APN 075-041-008 [Heron], APN
11 075-041-007 [Monaghetti], APN 075-041-003 [Lemos], APN 075-241-013 [Fossacceca],
12 and APN 075-241-003 [Carroll] and the County of San Luis Obispo, is hereby granted and
13 shall be entered as follows:

14 **A. As to Real Party in Interest DeGroot (APN 075-241-004) and Respondent**
15 **County of San Luis Obispo:**

16 1. DeGroot shall pay a non-refundable "Supplemental Water
17 Development Fee Deposit" ("Deposit") to the District, or its successor,
18 prior to the recording a Final Map for the DeGroot property. The
19 Deposit will be in the amount of Thirteen Thousand Two Hundred
20 Dollars (\$13,200) for each parcel as shown on the Final Map. The
21 Deposit will be credited to DeGroot, and his successors and assigns,
22 who are owners of the parcels within the Final Map, for the purposes
23 of providing a dedicated source of supplemental water to support the
24 development referenced in the Final Map. A lien and notice shall be
25 recorded on each parcel within the subdivision concurrently with the
26 recordation of the Final Map that:

27 (a) obligates the parcel owner(s) to make a final payment (actual
28 costs minus Deposit) prior to the County issuing certificates of

1 occupancy for any development on the parcel or at such earlier
2 date as the District, or its successor, may require to obtain
3 supplemental water. The Supplemental Water Development
4 Fee, when combined with the supplemental water final
5 payment fee, shall not exceed the amount of the then current
6 Nipomo Community Services District supplemental water
7 charge or fee; and

8 (b) That provides notice that in addition to the Supplemental
9 Water Development Fee (referenced above), the future
10 property owners may be subject to periodic payment for
11 supplemental water.

12 2. The County of San Luis Obispo shall not approve secondary units or
13 further land divisions within the DeGroot property boundaries until
14 such time as supplemental water is purchased, delivered to the
15 Nipomo Water Conservation Area (as defined in County Land Use
16 Ordinance Section 22.112.020 E) and is specifically allocated for the
17 exclusive use of the proposed secondary units and/or additional
18 parcels, consistent with County Land Use Ordinance Section
19 22.112.020 E 1 (a).

20 3. DeGroot will pay up to Nineteen Thousand Dollars (\$19,000) toward
21 the District's attorneys' fees plus the costs to have the Administrative
22 Record prepared pursuant to a Memorandum of Costs. ✓

23 4. The supplemental water referenced in subparagraph 2, above, will not
24 be allocated from the first two thousand five hundred (2,500) acre feet
25 per year ("AFY") delivered to the Nipomo Mesa Management Area
26 ("NMMA") referenced in Section VI of the Stipulation and Judgment
27 related to the lawsuit titled *Santa Maria Water Conservation District,*
28 *et al. v. The City of Santa Maria, et al., CV770214.*

1 5. District retains the right to seek a Court Order amending this
2 Judgment to designate a successor to its interests referenced in
3 paragraph A(1) of this Judgment.

4 **B. As to Real Parties In Interest Heron (AN 075-041-008), Monaghetti (APN**
5 **075-041-007), Lemos (APN 075-041-003), Fossacceca (APN 075-041-013), Carrol (APN**
6 **075-041-003) and Respondent, the County of San Luis Obispo:**

7 1. The County of San Luis Obispo shall not approve the recording of a
8 Final Parcel or Subdivision Map related to the Heron, Monaghetti,
9 Lemos, Fossacceca, and Carroll properties until such time as
10 supplemental water is purchased, delivered to the Nipomo Water
11 Conservation Area (defined in County Land Use Ordinance
12 §22.112.020 E 1(a)) and is specifically allocated for the exclusive use
13 of the development allowed by the recording of the Final Parcel or
14 Subdivision Map.

15 2. The supplemental water referenced in subparagraph 1, above, will not
16 be allocated from the FIRST two thousand five hundred (2,500) acre
17 feet per year ("AFY") delivered to the Nipomo Mesa Management
18 Area ("NMMA") referenced in Section VI of the Stipulation and
19 Judgment related to the lawsuit titled *Santa Maria Valley Water*
20 *Conservation District, et al. versus the City of Santa Maria et al. CV*
21 *770214.*

22 **C. As to Petitioner and Plaintiff, District:**

23 1. Upon Court approval of this Judgment the District may record notice
24 on all parcels within the General Plan Amendment of the terms and
25 conditions of the Judgment.

26 **D. As to Respondent the County of San Luis Obispo.**

27 Unless and until modified by the County, after compliance with all applicable
28 state laws and regulations, General Plan amendments within the Nipomo Mesa Water

1 Conservation area shall comply with the requirements of County Code Title 22, section
2 22.112.020.

3 **E. Retained Jurisdiction.**

- 4 1. Jurisdiction, power and authority are retained by and reserved to the
5 Court to enforce the terms of this Judgment. Nothing in the Court's
6 reserved jurisdiction shall authorize it to modify or amend the
7 Judgment except with the consent of the affected party and the
8 Nipomo Community Services District.
- 9 2. Any party that seeks the Court's exercise of reserved jurisdiction shall
10 file a noticed motion with the Court. Said motion need only be served
11 on the alleged defaulting parties.
- 12 3. Each party retains the right, pursuant to CCP § 1021.5, to request
13 attorney fees in conjunction with any subsequent action to enforce
14 the terms and conditions of this Judgment as a continuation of the
15 underlying litigation
- 16 4. Except as provided in paragraph A (5) of this Judgment, any motion
17 to modify or amend the Judgment shall be made jointly by the
18 affected party and the Nipomo Community Services District and shall
19 include written consent to the modification or amendment executed
20 by the affected party(s) and the District.

21 **F. Miscellaneous Provisions:**

- 22 1. The terms and conditions of this Judgment may be altered, amended
23 or modified only by a writing executed by the affected party(s) and the
24 Nipomo Community Services District that is approved by the Court.
25 Each party waives its right to claim or assert that the terms and
26 conditions of this Judgment has been modified, cancelled,
27 superseded, or changed by any oral agreement, course of conduct,
28 waiver or estoppel.

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2. The Real Parties in Interest understand and acknowledge that all property owned by them within what is commonly known as the DeGroot General Plan Amendment, County General Plan Amendment No. LRP-2003-000-11 is subject to the terms and conditions of this Judgment and that each of them has received notice and an opportunity to be heard regarding the terms and conditions of this Judgment.
3. The terms and conditions of this Judgment shall be binding upon Respondent, County of San Luis Obispo and each Real Party in Interest and their respective heirs, executors, administrators, trustees, successors, assigns, and agents and shall inure to the benefit of the Nipomo Community Services District.
4. This Judgment shall be effective whether signed by all parties or not, provided notice of entry of said judgment has been duly given.
5. This Stipulation can be signed in Counterparts.

Dated: Jan 4, 2008

Nipomo Community Services District
Plaintiff and Petitioner

Michael Winn
By: Michael Winn, President

Dated: Jan 15, 2008


County of San Luis Obispo,
Defendant and Respondent

James R. Patterson
By: Name and Title

Real Parties in Interest

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Dated: JAN-18, 2008


By: Henri DeGroot

Dated: _____, 2008

By: Duane Heron

Dated: _____, 2008

By: Betty A. Carroll

Dated: _____, 2008

By: Richard Monaghatti

Dated: _____, 2008

By: A. Michael Lemos

Dated: _____, 2008

By: Samuel Fossacceca

Approved as to Form
MCDONOUGH HOLLAND & ALLEN PC

From: Belsher & Becker

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Dated: _____, 2008

By: Henri DeGroot

Dated: 1-18-, 2008

By: Duane Heron

Dated: 1-24-, 2008

By: Betty A. Carroll

Dated: _____, 2008

By: Richard Monaghetti

Dated: _____, 2008

By: A. Michael Lemios

Dated: _____, 2008

By: Samuel Fossacceca

Approved as to Form
MCDONOUGH HOLLAND & ALLEN PC

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Dated: 2/19, 2008

Harriet A. Steiner, Esquire
Kimberly E. Hood, Esquire
Special Counsel for Petitioner/Plaintiff
Nipomo Community Services District

SHIPSEY & SEITZ, INC.

Dated: JAN 8, 2008

JON S. SEITZ, District Legal Counsel
Nipomo Community Services District

BELSHER & BECKER

Dated: JAN 15, 2008

John W. Belsher, Esquire
Attorneys for Defendant/Real Parties in
Interest Harri DeGroot, Duane Haron and
Betty Carroll

COUNTY OF SAN LUIS OBISPO

Dated: Jan. 15, 2008

James P. Lindholm, County Counsel
By: Timothy McNulty, Deputy County Counsel
Attorneys for Respondent and Defendant
County of San Luis Obispo

The Court hereby approves and enters judgment as provided herein.

Dated: JAN 16, 2008

Hon. Teresa Estrada-Mullaney, Judge
Superior Court of San Luis Obispo County

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Dated: _____, 2008

Harriet A. Steiner, Esquire
Kimberly E. Hood, Esquire
Special Counsel for Petitioner/Plaintiff
Nipomo Community Services District

SHIPSEY & SEITZ, INC.

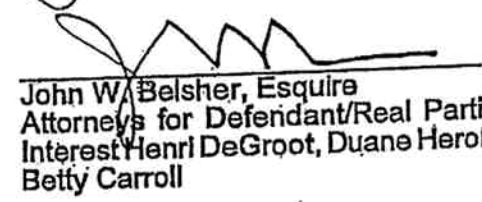
Dated: Jan 8, 2008



JON S. SEITZ, District Legal Counsel
Nipomo Community Services District

BELSHER & BECKER

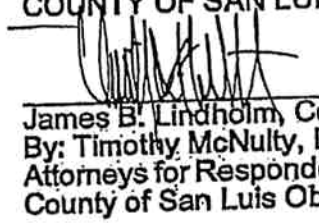
Dated: Jan 15, 2008



John W. Belsher, Esquire
Attorneys for Defendant/Real Parties in
Interest Henri DeGroot, Duane Heron and
Betty Carroll

COUNTY OF SAN LUIS OBISPO

Dated: Jan. 15, 2008



James B. Lindholm, County Counsel
By: Timothy McNulty, Deputy County Counsel
Attorneys for Respondent and Defendant
County of San Luis Obispo

The Court hereby approves and enters judgment as provided herein.

Dated: Mar. 17, 2008



Hon. Teresa Estrada-Mullaney, Judge
Superior Court of San Luis Obispo County

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN LUIS OBISPO)

I, HENRI DEGROOT, declare as follows:

I am a citizen of the United States and an employee in the County of San Luis Obispo. I am over the age of 18 and not a party to the above-entitled action. My business address is 412 Marsh Street, San Luis Obispo, California 93401.

On March 25, 2008, I caused the document(s) described below to be served:

Notice of Entry of Judgment

on the interested parties in this action addressed as follows:

Richard Monagheti
130 Painted Sky Way
Arroyo Grande, CA 93420

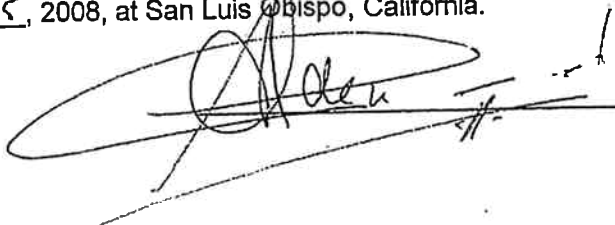
Michael Lemos
2527 Los Berros Road
Arroyo Grande, CA 93420

Samuel Fossacceca
117 W El Campo Road
Arroyo Grande, CA 93420

BY HAND DELIVERY: I personally delivered such envelope to the addressee(s), following ordinary business practices.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on March 25, 2008, at San Luis Obispo, California.

HENRI DEGROOT



PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN LUIS OBISPO)

I, ANGELA M. BREZDEN, declare as follows:

I am a citizen of the United States and an employee in the County of San Luis Obispo. I am over the age of 18 and not a party to the above-entitled action. My business address is 412 Marsh Street, San Luis Obispo, California 93401.

On March 28, 2008, I caused the document(s) described below to be served:

Notice of Entry of Judgment

on the interested parties in this action addressed as follows:

John S. Seitz, Esq.
Shipsey & Seitz, Inc.
1066 Palm Street / P.O. Box 953
San Luis Obispo, CA 93406
805-543-7272
805-543-7281 - fax

*Attorney for Petitioner/Plaintiff Nipomo
Community Services District*

Duane Heron
2531 Los Berros Road
Arroyo Grande, CA 93420

Real Party in Interest

Betty Carroll
1591 Farroll Road
Grover Beach, CA 93433

Real Party in Interest

BY UNITED STATES MAIL: I am readily familiar with the firm's practice of collection and processing documents for mailing. Under that practice, the envelopes are sealed and, with postage thereon fully prepaid, deposited with the United States Postal Service on that same day at San Luis Obispo, California, in the ordinary course of business. I am aware that, on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in this affidavit.

BY FACSIMILE: On the above-date at ____ p.m. I sent the above-described document(s) via facsimile transmission to the offices of _____, following ordinary business practices.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on March 28, 2008, at San Luis Obispo, California.

ANGELA M. BREZDEN

