

**NIPOMO COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2019-1500**

**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. 2019-1500**

**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. 2019-1500**

**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 Bair seconded by Director Armstrong, on the following roll call vote, to wit:

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

the foregoing resolution is hereby passed and adopted this 13<sup>th</sup> day of March, 2019.

  
\_\_\_\_\_  
**ED EBY**  
President of the Board

**ATTEST:**  
  
  
\_\_\_\_\_  
**MARIO E. IGLESIAS**  
General Manager and Secretary to the Board

**APPROVED AS TO FORM:**  
  
  
\_\_\_\_\_  
**WHITNEY G. McDONALD**  
District Legal Counsel

## EXHIBIT "A"

### WATER SHORTAGE RESPONSE AND MANAGEMENT PLAN

#### Potentially Severe Water Shortage Conditions

Where Potentially Severe Water Shortage Conditions<sup>1</sup> 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.

---

<sup>1</sup> 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 Conditions<sup>2</sup> 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.

---

<sup>2</sup>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.\***

<b>STAGE</b>	<b>GROUNDWATER SUPPLY CONDITION</b>	<b>RESPONSE - GENERAL DESCRIPTION</b>	<b>DURATION of RESTRICTION</b>
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.