



Fw: Item 27 January 28, 2014

Board of Supervisors to: BOS_Legislative Assistants,
cr_board_clerk Clerk Recorder

01/27/2014 08:16 AM

Sent by: **Cytasha Campa**

----- Forwarded by Cytasha Campa/BOS/COSLO on 01/27/2014 08:15 AM -----

From: "Susan Harvey" <susan@ifsusan.com>
To: <BoardOfSups@co.slo.ca.us>
Cc: "Dorothy Jennings" <djennings@tcsn.net>
Date: 01/26/2014 11:03 PM
Subject: Item 27 January 28, 2014

Hi Ms Campa,

Please distribute the attached North County Watch comments to the Supervisors.

Thank you.
Susan Harvey
President

Susan A. Harvey

*"We can either have democracy in this country or
we can have great wealth concentrated in the hands of a few.
But we can't have both."*

*Supreme Court Justice Louis Brandeis
1856-1941*



NCW BoS Item 27 Scope fo Work 1-26-14.pdf



North County Watch

Looking Out Today For Tomorrow

Board of Supervisors
County of San Luis Obispo
San Luis Obispo, CA 93406
Via Email boardofsups@co.slo.ca.us

January 26, 2014

RE: Item 27 Scope of Work – Supply Options Study Agreement, Task 3

Dear Chairman Gibson and Supervisors,

North County Watch is a 501c3 public benefit corporation. We are an all-volunteer organization committed to sustainable development in and around north San Luis Obispo County.

Since the filing of the Quiet Title action against the County and other entities, we have sought information on the status of landowners overlying the basin including court decisions.

Of particular concern to us is the decision by the 2nd Appellate Court in Central and West Basin Replenishment District v Southern Cal Water Company in 2003. The court found that “unused storage capacity in a groundwater basin is a public resource, meaning that if you want to store water, you don’t need permission from the overlying landowners. And law clearly establishes that if you store water that would not otherwise find its way into a groundwater basin, you have the right to take that water back out as against anyone who has a water right to take water from that basin.” (Andrew Sawyer, assistant General Counsel, SWRCB in a panel presentation by Public Policy Institute of California, 2012).

What the courts are saying, and confirmed in an email exchange with Mr. Sawyer, is that banked water erodes the first right claim of the overlying landowner to the reasonable and beneficial use of the water. The Banker supplants the right of the overlying landowner. The banker may, at any time, extract the banked water regardless of the impacts to the basin. The permission of the overlying landowner is not required to bank the water.

Mr. Sawyer, in commenting on “leaky aquifers”, that is, an aquifer such as the Paso basin where the water moves slowly downstream, “If the leakage serves to recharge a downstream aquifer, and that’s something the recharger planned for, the recharger probably would have a right to

Page 1 of 2

pump from the downstream aquifer to the extent the water wouldn't be there but for the recharge.”

These issues regarding California water rights directly speak to the issue of Task 3 in the Scope of Work. Task 3 clearly anticipates bringing in and storing “...water that would not otherwise find its way into a groundwater basin”. Such a program would directly impact the rights of landowners overlying the basin and has the potential to impact the rights of landowners in downstream aquifers where “...the leakage serves to recharge a downstream aquifer.”

We doubt that many landowners or others understand the legal implication of groundwater banking. We believe that if an investigation of supply side options is to be pursued, an ordinance prohibiting the exportation of water from the basin must be enacted and language prohibiting exportation of water from the basin must be included in the companion legislation addressing the formation of a district.

Water means many things to many people, but we are particularly disturbed by the comments of Willem Buitter, the chief economist for Citigroup, “Water as an asset class will, in my view, become eventually the single most important physical-commodity based asset class, dwarfing oil, copper, agricultural commodities and precious metals.”

To our residents and agriculturists, water is an essential to life. I doubt that many who care about the community want the basin treated as “the single most important” asset class to be traded and exploited for profit by water wheeling. We need to ban the exportation of water from the basin.

Yours Truly,



Susan Harvey



To: Frank Mecham/BOS/COSLO@Wings, Bruce Gibson/BOS/COSLO@Wings, Adam Hill/BOS/COSLO@Wings, Debbie Arnold/BOS/COSLO@Wings, Caren Ray/BOS/COSLO@Wings, Cherie Aispuro/BOS/COSLO@Wings, Elizabeth Courtney Howard/PubWorks/COSLO@Wings,
Cc:
Bcc:
Subject: Fw: District 1 - Contact Us (response #310)
From: Vicki Shelby/BOS/COSLO - Monday 01/27/2014 01:36 PM

Vicki M. Shelby
 Legislative Assistant for
 First District Supervisor Frank R. Mecham
 1055 Monterey St., D430
 San Luis Obispo CA 93408
 (805) 781-4491/FAX (805) 781-1350

email: vshelby@co.slo.ca.us

"Thinking a smile all the time will keep your face youthful" - Frank G. Burgess
 "Wrinkles should merely indicate where smiles have been" - Mark Twain

----- Forwarded by Vicki Shelby/BOS/COSLO on 01/27/2014 01:36 PM -----

From: "Internet Webmaster" <webmaster@co.slo.ca.us>
To: "vshelby@co.slo.ca.us" <vshelby@co.slo.ca.us>
Date: 01/27/2014 12:46 PM
Subject: District 1 - Contact Us (response #310)

District 1 - Contact Us (response #310)

Survey Information

Site:	County of SLO
Page Title:	District 1 - Contact Us
URL:	http://www.slocounty.ca.gov/bos/District-1/District1ContactUs.htm
Submission Time/Date:	1/27/2014 12:46:32 PM

Survey Response

Name:	Elizabeth Schumann
Telephone Number:	
Email address:	elizinca@yahoo.com
Comments or questions (8,192 characters max):	RE: Our Water Supply Please put on record my opposition to any and all plans that feature selling or "exchanging" water or seeking "export partners through basin management. I object specifically to contracting Carollo Engineering to evaluate for "Exchange" of our PRGWB water with potential partners. We should not be spending public funds on this. Nor should we be permitting theft of our ground water for profit. And I would like to

know who the members are of the Basin Solutions Team. Additionally, having meetings that impact so many people should be held in the evening so those of us who work can attend. Thank you for your time - and hopefully for your support to protect our water basin.