

# BEFORE THE BOARD OF SUPERVISORS

*of the*

## SAN LUIS OBISPO COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

\_\_\_\_\_ day \_\_\_\_\_, 20\_\_

PRESENT: Supervisors

ABSENT:

**RESOLUTION NO. \_\_\_\_\_**

### **RESOLUTION OF SUPPORT FOR LOS OSOS VALLEY GROUNDWATER BASIN BOUNDARY MODIFICATION REQUEST BY THE COUNTY OF SAN LUIS OBISPO TO THE CALIFORNIA DEPARTMENT OF WATER RESOURCES**

The following resolution is hereby offered and read:

**WHEREAS**, in 2014, the California Department of Water Resources (DWR) published its Final California Statewide Groundwater Elevation Monitoring Basin Prioritization results, designating five groundwater basins located in whole or in part within the County of San Luis Obispo as high or medium priority basins: Paso Robles, Santa Maria, Los Osos, San Luis Obispo Valley, and Cuyama Valley; and

**WHEREAS**, the Los Osos Valley Groundwater Basin (DWR Bulletin 118 Basin No. 3-8) is designated as a high priority basin; and

**WHEREAS**, California Senate Bills 1168 and 1319 (2014), and Assembly Bill 1739 (2014), signed by the Governor in September 2014 and effective as of January 1, 2015, together comprise the Sustainable Groundwater Management Act (SGMA); and

**WHEREAS**, SGMA requires local agencies to manage groundwater in high and medium priority basins “in a manner that can be maintained during the planning and implementation horizon without causing undesirable results” (Water Code § 10721(v)); and

**WHEREAS**, SGMA does not apply to the basin at issue in *Los Osos Community Services District v. Southern California Water Company [Golden State Water Company] et al.* (San Luis Obispo County Superior Court Case No. CV 040126) (Groundwater Litigation) provided that certain requirements are met (Water Code § 10720.8(d)).

**WHEREAS**, on January 13, 2015, the Board of Supervisors, on behalf of both the County of San Luis Obispo and the San Luis Obispo County Flood Control and Water Conservation District, adopted a SGMA strategy and directed staff to implement the policy—focusing resources on implementation in high and medium priority basins first; and

**WHEREAS**, among SGMA’s first statutory deadlines is the deadline for DWR to update its Bulletin 118 Report and modify basin boundaries as needed to reflect DWR-approved scientific and jurisdictional information; and

**WHEREAS**, on October 21, 2015, in accordance with Water Code §§ 10722.2 and 12924, DWR adopted emergency regulations regarding the information that must be submitted by a local agency in order to request that DWR modify the current Bulletin 118 boundaries (23 CCR §§ 340 et seq.) (DWR Boundary Regulations); and

**WHEREAS**, on October 14, 2015, Judge Martin J. Tangeman of the San Luis Obispo Superior Court signed an order approving the Stipulated Judgment and the Updated Basin Management Plan (Basin Plan) for the Los Osos Groundwater Basin in the Groundwater Litigation, and created the Los Osos Basin Management Committee (BMC) to implement both; and

**WHEREAS**, on December 14, 2015, the BMC took action to request that the County submit a notice of intent to explore a basin boundary modification for the Los Osos Valley Groundwater Basin; and

**WHEREAS**, pursuant to Section 343.9(a) of the DWR Boundary Regulations, on January 5, 2016, the County Board directed staff to submit an initial notification of intent to explore a boundary modification for the Los Osos Valley Groundwater Basin to DWR, and to coordinate with basin users to develop a boundary modification request in accordance with DWR Boundary Regulations; and

**WHEREAS**, County staff contracted with Cleath-Harris Geologists Inc. to develop a technical memorandum with the necessary scientific justification, as required by the regulations, to support a potential scientific boundary modification request; and

**WHEREAS**, pursuant to Section 344.8 of the DWR Boundary Regulations, County staff communicated with affected agencies and affected systems within the basin to provide notice of the potential boundary modification request, and to provide an opportunity for such entities to support or oppose a proposed boundary modification; and

**WHEREAS**, pursuant to Section 344.8 of the DWR Boundary Regulations, an affected local agency that elects to support or oppose a proposed boundary modification shall provide the requesting agency with either a resolution formally adopted by the decision-making body of the affected agency or a letter from an official with the requisite authority; and

**WHEREAS**, the District acknowledges that DWR has responsibility to review the proposed boundary modification request and has discretion to determine whether an external boundary modification or formation of a separate subbasin is appropriate.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** by the Board of Supervisors for the San Luis Obispo County Flood Control and Water Conservation District, State of California, that:

1. The San Luis Obispo County Flood Control and Water Conservation District supports the request for a basin boundary modification to the Los Osos Valley Groundwater Basin (DWR Bulletin 118 Basin No. 3-8) by the County of San Luis Obispo as depicted on the map attached hereto as Exhibit A.

2. The Director of Public Works is hereby authorized and directed to provide a signed copy of this Resolution to the County.

Upon motion of Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, and on the following roll call vote, to wit:

AYES:  
NOES:  
ABSENT:  
ABSTAINING:

the foregoing Resolution is hereby adopted on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Chairperson of the Board of Supervisors

ATTEST:

\_\_\_\_\_  
Clerk of the Board of Supervisors

(SEAL)

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL  
County Counsel

By:   
Deputy County Counsel

Dated: March 3, 2016

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STATE OF CALIFORNIA,                    }  
County of San Luis Obispo,            }     ss.

I, \_\_\_\_\_, County Clerk and ex-officio Clerk of the Board of Supervisors of the San Luis Obispo County Flood Control and Water Conservation District, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
County Clerk and Ex-Officio Clerk of the Board  
of Supervisors

(SEAL)

By \_\_\_\_\_  
Deputy Clerk

EXHIBIT A  
MAP OF PROPOSED BOUNDARY

Proposed Los Osos Groundwater Basin Boundary Modification Map



Map metadata and legend information:

- Scale:** 0, 0.5, 1 Miles
- North Arrow:** N
- Legend:**
  - Proposed Basin Boundary Modification (Yellow solid line)
  - DWR Bulletin 118 Boundary (White dashed line)
- Inset Map:** Shows the location of the study area within San Luis Obispo County, California.
- Logo:** SAN LUIS OBISPO COUNTY PUBLIC WORKS
- Revision:** 2/2/2011