CUYAMA BASIN GROUNDWATER SUSTAINABILITY AGENCY

STANDING ADVISORY COMMITTEE MEETING

Committee Members

Brenton Kelly (Chair)	Jean Gaillard	John Caufield	Roberta Jaffe
Brad DeBranch (Vice Chair)	Joe Haslett	David Lewis	

AGENDA

January 9, 2024

Agenda for a meeting of the Cuyama Basin Groundwater Sustainability Agency Standing Advisory Committee meeting to be held on Thursday, January 9, 2024, at 5:00 PM at the **Cuyama Valley Family Resource Center 4689 CA-166, New Cuyama, CA 93254**. Participate via computer at: https://msteams.link/SMRO or by going to Microsoft Teams, downloading the free application, then entering Meeting ID: 271 931 749 29 Passcode: ep9zi3jm, or telephonically at (469) 480-3918, Phone Conference ID: 443 911 300#.

The order in which agenda items are discussed may be changed to accommodate scheduling or other needs of the Committee, the public or meeting participants. Members of the public are encouraged to arrive at the commencement of the meeting to ensure that they are present for Committee discussion of all items in which they are interested.

Teleconference Locations:

4689 CA-166 New Cuyama, CA 93254	11601 Bolthouse Dr., Suite 200 Bakersfield, CA 9331	2781 NW 77 Blvd Gainesville, FL 32606

In compliance with the Americans with Disabilities Act, if you need disability-related modifications or accommodations, including auxiliary aids or services, to participate in this meeting, please contact Taylor Blakslee at (661) 477-3385 by 4:00 p.m. on the Wednesday prior to this meeting. The Cuyama Basin Groundwater Sustainability Agency reserves the right to limit each speaker to three (3) minutes per subject or topic.

1. Call to Order (Kelly) (1 min)
2. Roll Call (Kelly) (1 min)
3. Pledge of Allegiance (Kelly) (2 min)
4. Meeting Protocols (Blakslee) (2 min)
5. Public Comment for Items Not on the Agenda | *At this time, the public may address the Committee on any item not appearing on the agenda that is within the subject matter jurisdiction of the Committee.*
6. Introduction of Small Farmer and Rancher Network (Kelly) (15 min)

ACTION ITEMS

7. Election of Officers (Blakslee) (3 min)
8. Approval of October 31, 2024, Minutes (Kelly) (3 min)
9. Groundwater Sustainability Plan Implementation
   a) Discuss and Take Appropriate Action on Variance Findings and Direction on Setting Final CMA Groundwater Allocations for 2025-2029 (Blakslee/Van Lienden) (60 min)
   b) Discuss and Take Appropriate Action on GSA Project Prioritization/Schedule (Blakslee) (45 min)

c) Discuss and Take Appropriate Action on Stormwater Capture Surface Rights Analysis (Dominguez) (15 min)

REPORT ITEMS

10. Technical Updates
    a) Update on Groundwater Sustainability Plan Activities (Van Lienden) (5 min)
    b) Update on Non-Irrigated Land Classifications and Model Use (Blakslee/Van Lienden) (10 min)
    c) Update on Grant-Funded Projects (Van Lienden) (5 min)
    d) Update on October 2024 Groundwater Conditions Report (Van Lienden) (5 min)
11. Administrative Updates
    a) Report of the Executive Director (Blakslee) (5 min)
    b) Report on Water Year 2024 Annual Report Schedule (Blakslee) (5 min) – *Verbal*
    c) Report of the General Counsel (Dominguez) (1 min)
    d) Board of Directors Agenda Review (Blakslee) (3 min)
12. Items for Upcoming Sessions (1 min)
13. Committee Forum (1 min)
14. Correspondence (1 min)
15. Adjourn (8:09 p.m.)

Attachment 1

Cuyama Basin Groundwater Sustainability Agency
Standing Advisory Committee Guidelines

Establishment:

The SAC was established under Article 8.1 of the Joint Powers Agreement that establishes the Cuyama Basin GSA which reads as follows:

8.1 Standing Advisory Committee. A Standing Advisory Committee is hereby established as a group of representatives to advise the GSA, and shall be appointed by the Board.

(a) Purpose. The Standing Advisory Committee shall advise the Board concerning, where legally appropriate, implementation of SGMA in the Basin and review the GSP before it is approved by the Board.

(b) Membership. The composition of and appointments to the Standing Advisory Committee shall be determined by the Board.

(c) Brown Act. All Meetings of the Standing Advisory Committee, including special meetings, shall be noticed, held and conducted in accordance with the Ralph M. Brown Act (Government Code 54950 et seq.)

(d) Compensation. No Advisory Committee member shall be compensated by the GSA for preparation for or attendance at meetings of the Board or any committee created by the Board.

Purpose:

The SAC shall advise the GSA Board concerning, where legally appropriate, formation, development and implementation of SGMA in the Basin and review the GSP before it is approved by the GSA Board. (Article 8.1,a) The GSA Board commits to the value of the SAC and will consider SAC recommendations when making policy decisions.

The purpose of the SAC shall include but not be limited to:

- Review of the agenda for the upcoming GSA meeting
- Provide an oral report to the monthly GSA meeting including a summary of discussions and recommendations
- Facilitating community outreach and education related to:
    - Development, adoption or amendment of the Groundwater Sustainability Plan (“GSP”)
    - Sustainability goals and objectives
    - Monitoring programs
    - Annual work plans and reports (including mandatory 5-year milestone reports)
    - Modeling scenarios
    - Projects and management actions to achieve sustainability
    - Community outreach
    - Local regulations to implement SGMA
    - Fee proposals
    - General advisory assistance

Membership:

The composition of and appointments to the SAC shall be determined by the GSA Board. (Article 8.1,b)

No GSA Director may be a member of the SAC. Membership of the SAC shall include:

- A majority of full and part-time residents in the Cuyama Basin
- Representation of all geographic regions of the Cuyama Basin
- Representation of all demographics of the Cuyama Basin including domestic well users, townsite water users, disadvantaged community representatives (as referred to in SGMA) and other representatives of the diversity of the beneficial uses and users of groundwater in the basin
- Members of the Standing Advisory Committee are subject to all applicable conflict of interest laws including Government Code section 1090 and the California Political Reform Act.

Terms and Responsibilities:

The GSA may announce a call for applications when a vacancy appears on the SAC or when it is recommended that a specific demographic should be added to the SAC.

The SAC may recommend that seats be filled upon vacancy or determined need.

The GSA is responsible for reviewing applications and approving members.

Term of service:

The SAC was formed in October 2017 with an understanding to serve through the submission of the GSP by January 31, 2020. The expectation is that the SAC will continue through development and implementation through 2040 alongside the GSA. At the time of submission of the GSP, SAC's members' initial terms will come to an end. At that time, 3 year terms of the SAC will be established. Current members can choose to end their term and step down; renew for a 3-year term; or a shorter term. There are no limits on reapplying for 3-year terms.

Responsibilities:

Advisory Committee members represent the diverse interests of the Cuyama Basin and groundwater users. In particular those interests not well represented on the GSA Board. The criteria for Standing Advisory Committee members are to:

- Serve as a strong, effective advocate
- Work collaboratively with others
- Commit time needed for ongoing discussions
- Collectively reflect diversity of interests

Decision-making:

To inform the GSA Board's decision-making, the Advisory Committee will provide oral reports at the monthly GSA meetings and can choose to submit written recommendations as needed. The recommendations will identify areas of agreement and disagreement.

The Advisory Committee will be consensus seeking. The Advisory Committee will strive to reach consensus on its recommendations. The definition of consensus spans the range from strong support to neutrality, to abstention, to "I can live with it," to "I will let this go forward." When unable to reach consensus on recommendations, the Advisory Committee will outline the areas of agreement and areas in which it does not agree, providing explanation to inform the Board's decision-making. To comply with

the Brown Act, the position of each SAC member on the points of consensus will be noted in the SAC's minutes.

The Advisory Committee may request that one or more members present its recommendations to the Board, including areas of agreement and disagreement, consistent with Advisory Committee deliberations.

Meetings:
All meetings of the SAC, including special meetings, shall be noticed, held and conducted in accordance with the Ralph M. Brown Act. (Article 8.1,c). Any gathering or discussion among a quorum of the SAC is considered a meeting.

The SAC shall meet monthly in regular meetings. Special meetings and joint meetings with the GSA may be called as needed.

Any member of the SAC who is absent from three or more consecutive regular meetings of the SAC will be notified in writing with a request for greater participation or else asked to resign from their seat. Officers of the SAC will work with GSA staff to develop the monthly meeting agenda.

Officers:
There will be an annual election of officers consisting of a Chair and Vice-Chair. Officers can serve more than one year in a row. The Chair will:

- In consultation with the staff and vice-chair, formulate the agenda and desired outcomes for the meetings
- Work with members to ensure process and participation agreements are followed including:
    - Assure a fair, effective, and credible process
    - Make regular SAC reports to the GSA at the monthly GSA meetings
    - Be substituted by the Vice-Chair for any roles the Chair is not able to fulfill.

If a Committee member has a concern about bias, neutrality or performance of the Chair, s/he should raise the concern first with the Chair and then the General Manager or Legal Counsel.

Finances:
No Advisory Committee member shall be compensated by the GSA for preparation for or attendance at meetings of the Board or any committee created by the Board. (Article 8(d)

The fiscal responsibility of the SAC falls under the oversight of the CBGSA.

Cuyama Basin Groundwater Sustainability Agency Standing Advisory Committee Meeting

October 31, 2024

Draft Meetings Minutes

PRESENT:
Kelly, Brenton – Chair
DeBranch, Brad – Vice Chair
Haslett, Joe
Gaillard, Jean
Jaffe, Roberta
Lewis, Dave

Beck, Jim – Executive Director
Bianchi, Grace – Project Coordinator
Blakslee, Taylor – Assistant Executive Director
Van Lienden, Brian – Woodard & Curran

PRESENT:
Caufield, John

1. **Call to Order**
   Cuyama Basin Groundwater Sustainability Agency (CBGSA) Standing Advisory Committee (SAC) Chair Kelly called the meeting to order at 5:08 p.m.

2. **Roll Call**
   Ms. Bianchi called roll of the Committee (shown above).

3. **Pledge of Allegiance**
   Chair Kelly led the pledge of allegiance.

4. **Meeting Protocol**
   Assistant Executive Director Taylor Blakslee provided an overview of the meeting protocols in facilitating a remote meeting.

5. **Public Comment for Items Not on the Agenda**
   Committee Member Jaffe commented on the issue of idle land in the model and the need for future discussions to define and resolve the classification of idle, irrigated, native, and fallow land. Jim Beck suggested putting this on the next agenda for clarity.

   Mr. Beck suggested putting the idle land classification issue on the next agenda to provide more definition on the differences between land uses and how they are handled in the model.

6. **SAC Membership and Meeting Logistics**
   Chair Kelly reported that two members resigned and that SAC applications are accepted until they're filled. He noted that there are two open positions for members of the Hispanic committee.

Chair Kelly took a poll on SAC meeting start time:
- Not before 5: Gaillard, Haslett, Lewis
- Earlier than 5 p.m.: DeBranch
- Committee Member Jaffe and Chair Kelly commented in favor of a time that can accommodate the majority.

Majority opinion supports keeping the start time at 5 p.m.

7. Approve 2025 Meeting Calendar

Ms. Bianchi provided an overview of the 2025 meeting calendar for SAC consideration.

MOTION

Committee Member Jaffe made a motion to approve 2025 CBGSA meeting calendar. The motion was seconded by Committee Member Gaillard. A roll call vote was made, and the motion passed.

AYES:	DeBranch, Gaillard, Jaffe, Kelly, Lewis, Haslett
NOES:	None
ABSTAIN:	None
ABSENT:	Caufield

8. Approval of August 29, 2024, Minutes

Chair Kelly opened the floor for comments on the August 29, 2024, CBGSA SAC meeting minutes.

MOTION

Committee Member Gaillard made a motion to approve August 29, 2024, CBGSA SAC meeting minutes. The motion was seconded by Committee Member DeBranch. A roll call vote was made, and the motion passed.

AYES:	DeBranch, Gaillard, Jaffe, Kelly, Lewis, Haslett
NOES:	None
ABSTAIN:	None
ABSENT:	Caufield

9. Groundwater Sustainability Plan Implementation

a. Discuss and Take Appropriate Action on CIMIS Station Implementation Policies

Mr. Blakslee provides an overview of the CIMIS Station Implementation, including the Department of Water Resources (DWR) requirements, issues with the existing station, financial considerations, and water use implications.

Committee Member Gaillard asked what kind of vegetation is acceptable to meet DWR requirements. He expressed concern about ongoing operations and maintenance specifically mowing in the summer, which can cause fires.

Committee Member Haslett asked about is the preferred vegetation and water requirements will vary.

Committee Member Jaffe asked how many stations are funded by the DWR and if the main basin was the area of concern.

Mr. Blakslee responded that the grant covers the cost of two CIMIS stations. He added that the main basin is a priority.

Vice Chair DeBranch commented he supports of the ad hoc's recommendation.

MOTION
Committee Member Jaffe made a motion to follow the ad hoc's recommendations for CIMIS station policies. The motion was seconded by Committee Member Haslett. A roll call vote was made, and the motion passed.

AYES:	DeBranch, Gaillard, Jaffe, Kelly, Lewis, Haslett
NOES:	None
ABSTAIN:	None
ABSENT:	Caufield

10. Groundwater Sustainability Plan Amendment Components

a. Update on GSP Component Schedule

Mr. Beck provided an overview of the Groundwater Sustainability Plan (GSP) Chapter schedule. He noted the public hearing on November 6 and the previous opportunities for public comment on the GSP. He thanked everyone for providing feedback during this time.

b. Discuss and Take Appropriate Action on Groundwater Allocation Program

i. Discuss and Take Appropriate Action on Farm Unit Policy

Mr. Blakslee provides an overview of the farm unit issue and reviews three options for handling changes to farm unit allocations when leases end during an allocation period. He reported that Option 2 was recommended by the ad hoc committee, as it would be a more financially responsible approach and not require redoing the entire allocation scheme, unless the impact was to a large number of farm unit acres.

Mr. Van Lienden comments on the difference between two options and large areas will have a greater impact.

Chair Kelly asks if there is a threshold for determining the impact of a parcel and asks how long the allocations apply. Mr. Blakslee responded the allocations will last a minimum of five years, but the board passed a motion to do a qualitative assessment during the annual report to determine if allocations should be expanded outside the central management area (CMA).

Committee Member Jaffe asked how common this farm unit issue is. Stakeholder Jane Wooster responded that it's uncommon.

Mr. Blakslee reported that staff recommends option two, but if the parcel was large enough, staff would recommend escalating to option three.

Mr. Beck commented that five percent of the CMA maximum allocation pumping would be a reasonable threshold before escalating to option three.

Committee Member DeBranch commented in favor of option two (remove parcels from management area, but don't adjust allocation amount).

Committee Member Lewis commented that the examples are not representative of the policy, and he will not endorse any of the options.

MOTION
Committee Member Jaffe made a motion to recommend option 2 with a threshold of no more than five percent of the maximum annual pumping, for the CMA, for that year. The motion was seconded by Committee Member Haslett. A roll call vote was made, and the motion passed.

AYES:	Gaillard, Haslett, Jaffe, Kelly,
NOES:	DeBranch, Lewis
ABSTAIN:	None
ABSENT:	Caufield

ii. Discuss and Take Appropriate Action on Baseline Options and Implementation of 2025-2029* Groundwater Allocations

Mr. Beck reviewed the previous Board direction and provided an overview of the four baseline options that are for SAC consideration.

Mr. Van Lienden reviewed the methodology used to calculate allocations and historical use. He noted that the proportion of the total allowable pumping in any given year is developed based on the average 1998 to 2017 applied water use for each parcel, as estimated by the model. He explained that the changes made to the model, including updating the central management area and farming unit area boundaries, as well as updates to the historical land use and evapotranspiration (ET) estimates, have had significant effects on individual allocations compared to what was previously proposed for 2023 and 2024.

Mr. Blakslee provided an overview of the groundwater allocation program structure, and the steps used to determine groundwater allocations.

Stakeholder Jane Wooster asked if the ET and modeled pumping are different between the old model v2 and the new model v3. Mr. Van Lienden responded that the historical estimates changed from the v2 to v3. He added that the percentages in water allocations changed in the new model as a result of changing the ET.

Committee Member Lewis asked about the level of accuracy of the modeled pumping and historical average acre feet.

Mr. Beck responded that a graphic was previously provided, which showed the actual pumping levels compared to model levels. Mr. Van Lienden responded that there is within a five percent of the measured pumping for 2022 and 2023, but it is difficult to calibrate water use numbers based on two years of reported data.

Committee Member Haslett commented that using the historical pumping average to determine allocations is not equitable.

Committee Member Jaffe asked what the “other” grouping was in the spreadsheet.

Vice Chair DeBranch commented that it is not fair to only regulate the large growers.

Stakeholder Jane Wooster commented that individual farmers in the farmer unit don't know their allocation percentage because the methods have changed.

Mr. Van Lienden clarified that the methodologies have not changed.

Chair Kelly asked how many operators are included in the "other" category.

Mr. Van Lienden responded that approximately 60 owners are included in the "other" but most of the individuals have zero pumping or less than half an acre of land.

Mr. Beck reported that there are six pumpers in the other category.

Committee Member Lewis commented that the reduction in allocations for small pumpers is not going to have a large impact on basin sustainability compared to

MOTION
Committee Member DeBranch made a motion to recommend option 3. The motion fails without a second.

Vice Chair DeBranch asked if there were any legal issues with the tiered approach.

Legal Counsel Alex Dominguez responded that the tiered approach is difficult to determine an equitable way to tier allocations and CBGSA staff recommends the Board avoid that approach.

Stakeholder Jim Wegis commented in favor of option 10 and that the recommended option acre-feet remain consistent for the entire period.

MOTION
Committee Member Gaillard made a motion to recommend option 4 that includes a tiered approach that protects the basin and small pumpers. The motion was seconded by Committee Member Jaffe. A roll call vote was made and the motion passed.

Vice Chair DeBranch voted no based on the response from Legal Counsel Dominguez.

AYES:	Gaillard, Jaffe, Kelly, Lewis
NOES:	DeBranch
ABSTAIN:	Haslett
ABSENT:	Caufield

c. Review Public Comments on Amended GSP

Mr. Blakslee provided an overview of the public comment process approved in July by the Board and SAC. He reviewed the CBGSA staff responses to comments on the GSP draft chapters in the comment response matrix, which is provided in the packet.

d. Discuss and Take Appropriate Action on the Adoption of Amended GSP and GSP 5-Year Evaluation

Mr. Blakslee provided an overview of the adoption of the amended GSP.

Vice Chair DeBranch commented that there are a lot of questions around the updated model, and it is difficult to approve the amended GSP.

Committee Member Jaffe commented that the amended GSP has a lot of inconsistencies and does not address the water quality issues.

Chair Kelly reviewed his comments on the amended GSP that were provided to staff and included in the meeting packet.

MOTION
Committee Member Jaffe made a motion to recommend not approving the amended GSP as is. The motion was seconded by Committee Member Lewis. A roll call vote was made and the motion passed.

AYES:	DeBranch, Gaillard, Haslett, Jaffe, Kelly, Lewis
NOES:	None
ABSTAIN:	None
ABSENT:	Caufield

The SAC made the motion due to lack of support for the GSP for a variety of issues. Committee Member Haslett does not address areas and solve problems

Mr. Van Lienden provided an overview of the periodic evaluation and the key components of the evaluation.

Mr. Blakslee commented that the periodic evaluation is required by DWR.

There was no motion or action on this item.

11. Technical Updates

a. Update on Groundwater Sustainability Plan Activities

Mr. Van Lienden briefly mentioned that all the GSP activities were reviewed in the which is provided in the SAC packet.

b. Update on Grant-Funded Projects

Mr. Van Lienden provided a brief overview of the grant-funded projects which is provided in the SAC packet. He reported all wells have been installed.

c. Update on 2024 Groundwater Quality Conditions Report

Mr. Van Lienden provided an overview of the October 2024 Groundwater Conditions Report which is provided in the SAC packet.

12. Administrative Updates

a. Report of the Executive Director

Nothing to report.

b. Report of the General Counsel

Nothing to report.

Committee Member Joe Haslett asked if there was an update on the water rights analysis. Legal Counsel Alex Dominguez responded it could be expected to be completed by the end of November.

Committee Member Robbie Jaffe asked if there was an update on the adjudication.

Legal Counsel Alex Dominguez reported that there are no updates on the adjudication.

c. Board of Directors Agenda Review

Mr. Beck briefly noted that November 6, 2024, CBGSA Board Meeting agenda is provided in the SAC packet.

Committee Member Jaffe recommended that staff include an item on impacts of allocations on groundwater storage.

13. Items for Upcoming Sessions

Nothing to report.

14. Committee Forum

Committee Member Haslett asked about the change in naming of the committee.

Committee Member Lewis asked about the Groundwater Extraction in the GSP Evaluation and commented on the inequity in the pumping allocation and enforcement policies, where small pumpers face severe penalties for exceeding their allocations by small amounts, while large pumpers have more leeway before facing similar consequences.

15. Correspondence

Nothing to report.

16. Adjourn

Chair Kelly adjourned the meeting at 8:35 p.m.

STANDING ADVISORY COMMITTEE OF THE
CUYAMA BASIN GROUNDWATER SUSTAINABILITY AGENCY

Chair Kelly: _____

ATTEST:
Vice Chair DeBranch:
_____

TO: Standing Advisory Committee
Agenda Item No. 9a

FROM: Jim Beck / Brian Van Lienden

DATE: January 9, 2025

SUBJECT: Discuss and Take Appropriate Action on Variance Findings and Direction on Setting Final CMA Groundwater Allocations for 2025-2029

Recommended Motion
SAC feedback requested.

Discussion
On November 6, 2024, the Cuyama Basin Groundwater Sustainability Agency (CBGSA) Board of Directors approved the timeline for the variance process for the Central Management Area groundwater allocations. Variance requests were due on December 10, 2024. Five variance requests were submitted and are provided as **Attachment 1**.

The ad hoc's recommendation for board consideration is under development and will be released by Thursday, January 9, 2025.

The five variance requests were received from the following:

1. Daria Trust
2. David Lewis
3. Hoekstra Dairy Farms
4. Kern Ridge Growers
5. Sunrise Ranch

Ad Hoc Committee Composition
Director Albano; Director Anselm; Director Jackson; Director Young

VARIANCE REQUEST FORM

For 2025 through 2029 in the Central Management Area (Including Farm Units)

Submit this form, **including a $250** fee (which may be reimbursed if corrections are due to inaccuracies with the Cuyama Basin Groundwater Sustainability Agency (CBGSA) records), to Taylor Blakslee at 4900 California Ave, Tower B, Suite 210, Bakersfield, CA 93309 (forms may be also submitted electronically to tblakslee@hgcpm.com).

Name:	DARIA TRUST
Date:	12/04/2024
Phone:	(818)505-0506 Morteza Touriey
Email:	irma.gloria.garay@gmail.com Irma Garay Assistant cc: lawoffices6316@gmail.com
Assessor Parcel Number(s) (APN):	149-180-016

Please describe the basis for your request and attach any supporting documentation

I purchased my farm in 2009. I currently lease 40 acres for carrots and the allocation given to me is too low to support my small farm and does not accurately reflect the historic use of water on my property. I therefore request a variance to increase the allocation to support my farm.
Since the purchase of the Farmland from Mr. Farry in 2009, in which Alfalfa was grown, I have leased the land to only two parties and to my knowledge the crop being farmed was still Alfalfa from 2009 to 2020. (Then 2020 to present they are now farming carrots.) Alfalfa was grown on 40 acres of my property during the entire time period. In addition before I acquired the property in 2009 , the land was used by Mr.Farry for farming as well.
I have reviewed the Historical Allocations for the years listed on the excel spreadsheet.
I would like for these to be revisited since farming Alfalfa takes a lot of water to grow.
Therefore these number are seen too low and are not an actual reflection of the water usage. Please revisit the following Historical Allocation for the following years:

WY 2009 1.02
WY 2010 0.85
WY 2011 0.70
WY 2016 30.87
WY 2017 31.25

I also would like to review the historical allocations for my land before 2009, because the property was farmed then and the historical use for that period is also too low.

WY 1999	19.62
WY 2006	17.00
WY 2007	2 3.28
WY 2008	22.95

Thank you,

Morteza Tourney

Excel Sheet

December 6, 2024

Dear Mr. Blakslee:

I would like to request the Cuyama Basin Groundwater Sustainability Agency (CBGSA) grant a variance for my property located at 300 Foothill Road, Cuyama, CA 93254, to increase my existing water allocation of 16.78 acre-feet (AF) to 280 AF per year for the 2025-2029 allocation period. I am applying for a variance based on the property ownership and history of my small farm, my use of efficient irrigation practices, the low-water nature of my crops, the fairness of my allocation in relationship to that of my neighbors, the minimal impact I have on my neighbors and the basin as a whole, and groundwater law, including the Sustainable Groundwater Management Act (SGMA) as applied to overlying owners.

Importantly, my family invested in this small farm in 2006 to provide a stable future for my family, and a reasonable water allocation is necessary to keep my small farm viable. If I do not receive a variance, I will not be able to continue farming effectively or even at all, which will result in the economic ruin of my family. I do not believe that SIGMA, the CBGSA, and the GSP were ever established to create this level of inequity. Further, I have previously provided public comment to the CBGSA on numerous occasions regarding my demonstrated need for a variance, so I believe my need for a variance is already well known by the Board and staff. I request that the GSA issue a variance for the following reasons:

History of My Property and Allocation Overview

My approximately 85-acre property is shown on the attached map. I currently live on the property with my family. Thirty-eight acres are planted with pistachios and two acres with lavender. When the Central Management Area (CMA) was originally established, my property was cut in half by the boundary line. I worked cooperatively with the CBGSA and it determined that my property was not part of the CMA and thus not subject to CMA allocations. Beginning in 2025, however, my property will be absorbed into the new boundaries of the CMA. For 2025, the CBGSA allocated 16.78 AF for my property. Consistent with the glide path establishes by the GSP, the 16.78 AF will be reduced to 10.54 AF by 2029. Meanwhile, I will need to continue to use the groundwater for my family's domestic use and to irrigate my thirty-eight acres of pistachio trees and two acres of lavender. My allocation of 16.78 AF is grossly inadequate for my needs.

In 2015, I invested my retirement savings into the property, which is meant to serve as a legacy for my three children, two of whom live at home, and who plan to continue farming in Cuyama after I am unable to do so. After I purchased the land, I built my house and drilled a well, first used for domestic purposes, and then used to water my orchard. I planted thirty-eight acres of pistachios trees in 2015. When I purchased the property, my plan was to plant an initial forty acres of pistachios and lavender, and then plant an additional forty acres once these trees were profitable. However, I was forced to leave forty acres of our property fallow because I have not been allocated sufficient water to even sustain the existing use on half the property.

I am requesting a variance for the forty acres I am currently using and for the forty acres I plan to farm in the future. I request that CBGSA increase my water allocation to 3.5 acre-feet of water per year (AFY) per acre of farmland, for a total of 280 AFY for the 2025 water year, to be adjusted in subsequent years consistent with the glide path. This request is reasonable given that it is consistent with the amount needed for efficiently irrigated pistachios and lavender, and is on par with the allocations of my neighbors who are growing similar crops. This allocation is consistent with my overlying groundwater right in the Cuyama Basin, which allows property owners to put groundwater to reasonable and beneficial use on their property. A variance would allow me to continue with the sustainable irrigation practices I have already established on my forty acres of pistachio and lavender fields, and provide my family with an adequate water supply for domestic use.

Water Use on My Property

Crops

According to the Technical Memorandum to the CBGSA from Woodard & Curran dated November 8, 2024, the model used to assign allocations is supposed to estimate pumping based on each parcel's "irrigated acreage and estimated crop water use" based on historical allocations from 1998 to 2017.[1] Basing my current allocation on historical use is not appropriate because I acquired the property in 2006, before the allocation period started, and the prior owners of the property were primarily engaged in hay farming, and that water use was not recorded.

My trees are less than ten years old. They will need more water every year until they reach maturity. Once mature, my trees' water use will stabilize, as they become more drought-tolerant. With an allocation consistent with my variance request, I will be able to focus on increasing efficiency to comply with the CBGSA's glide path.

Domestic Water Use

My family (myself, my wife and my two adult children) all rely on the water from our property's well for domestic uses as well as farming. Our water use for domestic purposes is de minimus.

Variance Would Have Minimal Impact on the Basin Based on Amounted Requested and Parcel Location

Although my property is now within the boundary of the CMA, any pumping from my property would not have an impact on the core part of the CMA that is most at risk for dropping water levels. Additionally, my proposed variance of 280 AF represents a small fraction of the sustainable yield for the Basin (50,619 AF for option 3 & 39,449 acre-feet for option 9). My proposed variance would represent only about 0.6%

[1] Woodard & Curran, Technical Memorandum, Cuyama Basin Groundwater Sustainability Plan Implementation: Computation of Central Management Area Pumping Allocations (2024) at 1, available at https://cuyamabasin.org/assets/pdf/Notice-of-2025-2029-Cuyama-GW-Allocations.pdf.

of the pumping within the Cuyama Valley Basin. As another reason for my variance request, I have not been the cause of the historical overdraft in this Basin that the allocations seek to correct. It is unfair for me to bear the burden for historical overdraft caused by others.

Granting a variance for my property would have a negligible impact on other users in the Basin. With the amount requested in this variance application, my allocation would still represent less than 0.6 percent of the total allocations for 2025. By contrast, the larger property owners, the Grimmway and Bolthouse properties, receive nearly 83 percent of the total water allocated. I did not create the conditions of overdraft in the Cuyama Valley Basin, and cutting my pumping down to a fraction of what we need to protect my family's livelihood will not solve those conditions. A variance is the only option in the GSP to relieve the inequity of the historical pumping allocation process for me and my family, while virtually causing no harm to other groundwater users in the Basin.

Further, the accuracy of the modeling used to determine much of the controlling data has been stated to be +/- 5% and the magnitude of our variance request is well within this stated margin of error.

My Overlying Water Rights Should be Respected

My allocation is too low under the model methodology because I purchased my property in 2005 and did not plant my orchard until 2015. Before I began farming, the land was used for hay farming and had little historical water use. The practical result of the land's history is that I received an insufficient water allocation. As an overlying water rights holder based on property ownership, I am entitled to sufficient groundwater for reasonable and beneficial uses, including agricultural and domestic uses, regardless of historical use.[2] This is consistent with provisions within SGMA explicitly preserving my overlying rights.[3] As discussed below, my water allocation only about 12% of that of my neighbors, who farm similar crops on the same amount of land. This is unfair to me, as I have the same water rights as my neighbors and am growing similar crops, yet I am not being treated equally.

Use and Allocation Comparison to Neighboring Parcels

As shown on the attached map, my three neighbors with identical land use and similar planted acreage as my property have much higher allocations. Triple H Farming is irrigating 38.5 acres of pistachios and has been allocated 141 AF. CCSH Farms, also growing pistachios on 40 acres, received an allocation of 137 AF. Ann Buck, also farming pistachios on 40 acres, has an allocation of 142 AF. By contrast, my 2025 allocation is just 16.78 AF for 38 acres of pistachios and 2 acres of lavender. My three neighbors are receiving an average of 3.5 AF of water per acre planted. By contrast, I was allocated just 0.41 AF of water per planted acre.

---

[2] *Wright v. Goleta Water District*, 174 Cal.App.3d 74 at 84.

[3] Water Code § 10720.5, subdiv. (a); *See also* S.B. 1168 (Pavley), Chapter 346, Statutes of 2014, "SECTION 1. [...] (b) It is, therefore, the intent of the Legislature to do all of the following: […] (4) to respect overlying and other proprietary rights to groundwater."

I am disadvantaged compared to my neighbors because not only is my allocation much lower than theirs, but my trees are still maturing whereas my neighbors have mature trees. This past year, I pumped about 50 AF total, but I anticipate needing 100 AF in the coming year as my trees mature. My current water use is not reflective of the amount needed to sustain my pistachio orchard to maturity. I have invested in efficient irrigation techniques, but my current allocation is a fraction of what I will need to keep my trees alive to the point they will be profitable.

Additionally, the current allocation does not take into account my plans for the property. Currently, I have planted 40 acres, but I plan put in an additional 40 acres of pistachios in the near future. The current allocation is too low to allow me to keep my growing trees alive, let alone to allow me to farm on the whole property. Again, the farm is my wife and my retirement plan, and my plan to secure a livable future for my children who live with us. It is critical that I receive an allocation which allows me to provide for my family's future.

For this reason, I request that the CBGSA issue me a variance of 280 AFY for 2025, to be reduced in future years based on the glide path for the Basin. This amount would allow me to water my orchard, avoiding killing my trees and lavender, and to farm the remainder of my property.

Conclusion

My family and I have a pressing need for a variance for the reasons stated in this application. Without a variance, I will not be able to keep my crops alive and will incur substantial financial loss and damage to my family's future. For these reasons, I respectfully request that the CBGSA grant me a variance. A variance would not only benefit me; it would also make the allocation process more predictable for the CBGSA and other water users.

Thank you for your review and thoughtful consideration of this variance request. I look forward to meeting with ad hoc Board members and staff to explain my need for a variance with you in person. If you have any questions before then, please contact me at (805) 896-6490 or cuyama2018@gmail.com.

Sincerely,

David Lewis

David Lewis

ATTACHMENT 1

Cuyama Central Management Area - 2024

Parcels Around Updated 2024 CMA

- CCSH Farms - 149-170-050
- David Lewis - 149-170-006
- Triple H Farms - 149-170-047
- Ann Buck - 096-211-032
- Other / No value

2024 CMA Operational Boundary

- All items

Parcels (1/3) Around Current CMA

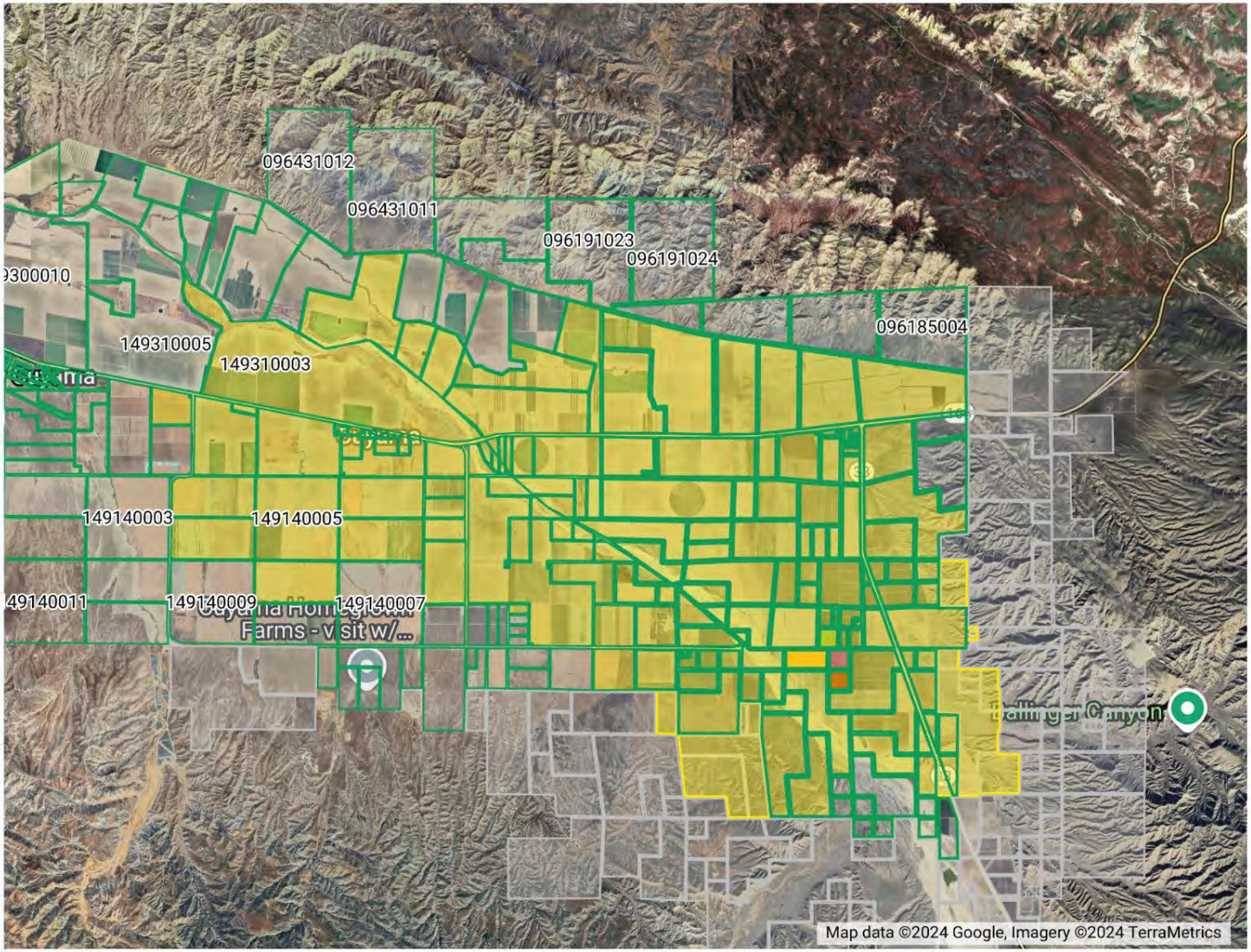
- All items

Parcels (2/3) Around Current CMA

- All items

Parcels (3/3) Around Current CMA

- All items



VARIANCE REQUEST FORM

For 2025 through 2029 in the Central Management Area (Including Farm Units)

Submit this form, **including a $250** fee (which may be reimbursed if corrections are due to inaccuracies with the Cuyama Basin Groundwater Sustainability Agency (CBGSA) records), to Taylor Blakslee at 4900 California Ave, Tower B, Suite 210, Bakersfield, CA 93309 (forms may be also submitted electronically to tblakslee@hgcpm.com).

Name:	HOEKSTRA FAMILY TRUST 5/6/99 (AKA "Cuyama Dairy")
Date:	DECEMBER 6, 2024
Phone:	805-750-0634; 805-750-2404
Email:	aaron@ftmfg.com; pdhoek@live.com; dan@bbr.law
Assessor Parcel Number(s) (APN):	149-150-017 (120.00 Assessed Acres);

149-150-019 (38.00 Assessed Acres); 149-150-024 (158.17 Assessed Acres);

149-150-026 (105.77 Assessed Acres)

Please describe the basis for your request and attach any supporting documentation

We bring this variance request to contest gross irregularities in the modeled use numbers with respect to our four parcels listed above.* The layout of the four parcels is shown on the enclosed Assessor's Parcel Map for reference purposes only. We have also enclosed the modeled use information relating to the parcels from the GSA's excel spreadsheet downloaded from the GSA website.

The irregularities in the modeled use numbers are most evident with respect to the parcel that houses our dairy (APN 149-150-024). The modeled use on that parcel swings wildly, from as low as 15 A/F in 2011 to a high of 305 A/F the next year. In addition, it reports use of less than 50 A/F in all years from 2000 through 2011. This is a physical impossibility, as that parcel houses our dairy, which has consistently supported nearly 4,000 head each year.

As an example, we had 2,157 milk cows and 1,824 bulls, springers and heifers on the dairy in 2014. For 2014, the modeled use numbers on the parcel reflect 18.30 A/F. Our estimate of the water use necessary to sustain annual operations with 2,000 cows and 1,900 heifers (including the associated washing and cooling that is necessary) is 328.15 A/F, which is consistent with the modeled use numbers for the parcel in 2012 and 2013. There is an obvious understatement in the modeled use on that parcel for most of the relevant time period.

(Continued on Following Page)

VARIANCE REQUEST FORM

For 2025 through 2029 in the Central Management Area

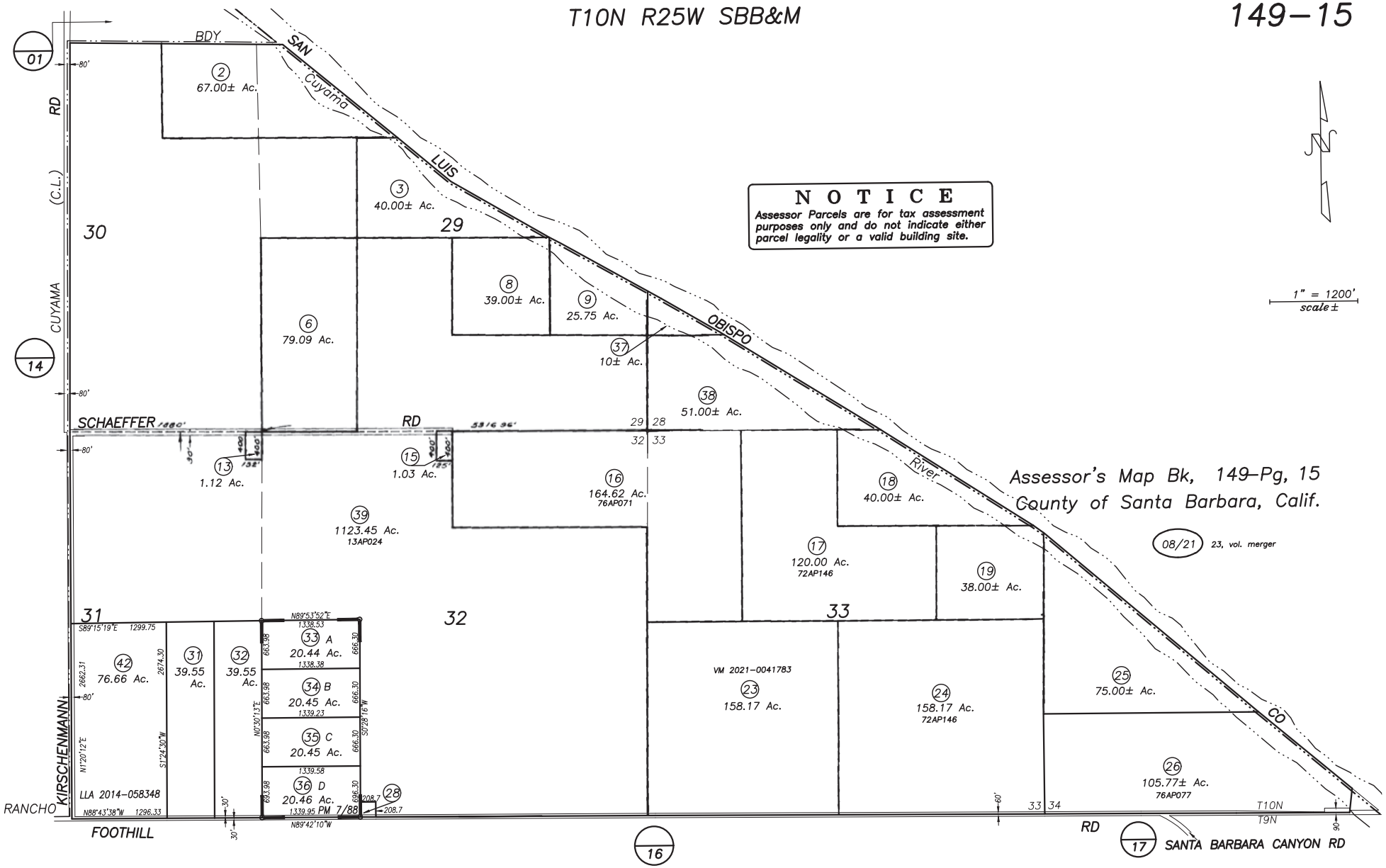
CUYAMA DAIRY - PAGE 2

Likewise, the modeled use on the two parcels (APNs 149-150-017 & 019) used to grow feed for our dairy are consistently understated. These parcels are to the north and northeast of the dairy parcel. Enclosed is a Google Earth Image from April 2011, showing both parcels actively farmed with row crops. In the same year, the modeled use numbers show 6.88 A/F on 149-150-17 and 2.04 on 149-150-19. Assuming two crops (usually wheat and corn) per year on those parcels (with approximately 114 acres of irrigated ground), our estimate of the water use on those parcels would be closer to 500 A/F collectively, which is consistent with the modelled use numbers in 2012 and 2013. Based on the foregoing, it is clear that our modeled use numbers on these parcels are unreasonably low.

We request that the use numbers on the parcels described above be revised to reflect more realistic water use needs to support our dairy operations. Specifically, we request that the use for the dairy ground be revised to reflect an average water use number of 325 A/F, and the use on the row crop ground to the north of the dairy be revised to reflect 500 A/F collectively (or 350/150 A/F on the respective parcels). For similar reasons, we request that our use on our fourth parcel (APN 149-150-026) be revised to reflect more accurate average water use needs of approximately 340 A/F (to irrigate two feed crops on approximately 35 acres and pistachios on approximately 62 acres).

We are prepared to assist the committee and the Board in any manner necessary to support this request. We appreciate your consideration of this request.

*It is important to note that we do not agree that the GSA's allocation accurately represents the water rights associated with our properties. Nothing herein shall be interpreted as an admission on our part with respect to the nature or extent of our water rights. We reserve the right to challenge the allocation in the current groundwater adjudication proceedings and in any other proceeding (including before the GSA) relating to any allocation of water for use on our properties within the basin.


T10N R25W SBB&M
149–15
NOTICE
Assessor Parcels are for tax assessment purposes only and do not indicate either parcel legality or a valid building site.
1" = 1200' scale±
Assessor's Map Bk, 149–Pg, 15
County of Santa Barbara, Calif.
08/21 23, vol. merger
BDY
SAN Cuyama LUIS OBISPO River
RD (C.L.) CUYAMA
SCHAEFFER RD
KIRSCHENMANN
FOOTHILL RD
SANTA BARBARA CANYON RD
RANCHO
T10N T9N
2 67.00± Ac.
3 40.00± Ac.
6 79.09 Ac.
8 39.00± Ac.
9 25.75 Ac.
37 10± Ac.
38 51.00± Ac.
13 1.12 Ac.
15 1.03 Ac.
16 164.62 Ac. 76AP071
18 40.00± Ac.
39 1123.45 Ac. 13AP024
17 120.00 Ac. 72AP146
19 38.00± Ac.
42 76.66 Ac.
31 39.55 Ac.
32 39.55 Ac.
33 A 20.44 Ac.
34 B 20.45 Ac.
35 C 20.45 Ac.
36 D 20.46 Ac.
LLA 2014–058348
VM 2021–0041783
23 158.17 Ac.
24 158.17 Ac. 72AP146
25 75.00± Ac.
26 105.77± Ac. 76AP077
28
PM 7/88

			Model-Estimated Pumping For Hoekstra Family Trust																				
APN	Parcel Owner	Area	WY 1998	WY 1999	WY 2000	WY 2001	WY 2002	WY 2003	WY 2004	WY 2005	WY 2006	WY 2007	WY 2008	WY 2009	WY 2010	WY 2011	WY 2012	WY 2013	WY 2014	WY 2015	WY 2016	WY 2017	Avg WYs
149-150-017	HOEKSTRA	120.5	138.14	215.54	40.85	36.94	34.96	14.66	33.20	23.04	4.10	24.13	28.37	24.04	19.02	6.88	382.55	360.47	15.90	31.65	24.42	30.60	74.47
149-150-019	HOEKSTRA	36.18	0.69	1.08	0.17	0.03	0.03	0.02	0.03	0.02	0.33	0.84	0.88	7.32	4.72	2.04	116.99	113.73	5.99	10.33	8.30	9.75	14.16
149-150-024	HOEKSTRA	162.4	149.27	218.20	49.94	34.10	35.62	20.89	34.69	22.77	12.64	25.72	22.55	33.61	27.37	15.12	305.65	298.58	18.30	23.56	115.15	109.01	78.64
149-150-026	HOEKSTRA	112.7	119.94	134.54	135.26	164.11	185.36	290.97	313.72	306.25	183.45	189.48	216.96	215.37	222.30	198.65	381.59	364.35	253.74	236.55	205.21	205.14	226.15


Legend
Hoekstra
APNs 149-150-017 & 149-150-19
Google Earth Image Date - 04/2011
Google Earth
N
1000 ft

VARIANCE REQUEST FORM

For 2025 through 2029 in the Central Management Area (Including Farm Units)

Submit this form, **including a $250** fee (which may be reimbursed if corrections are due to inaccuracies with the Cuyama Basin Groundwater Sustainability Agency (CBGSA) records), to Taylor Blakslee at 4900 California Ave, Tower B, Suite 210, Bakersfield, CA 93309 (forms may be also submitted electronically to tblakslee@hgcpm.com).

Name: KERN RIDGE GROWERS LLC

Date: 12/6/24

Phone: 661-854-3141

Email: VENSTER@KERNRIDGE.COM

Assessor Parcel Number(s) (APN): SEE ATTACHED LETTER

Please describe the basis for your request and attach any supporting documentation

SEE ATTACHED LETTER

NEW YORK
LONDON
SINGAPORE
PHILADELPHIA
CHICAGO
WASHINGTON, DC
SAN FRANCISCO
SILICON VALLEY
SAN DIEGO
LOS ANGELES
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CHERRY HILL
LAKE TAHOE
MYANMAR

ALLIANCES IN MEXICO

December 6, 2024

VIA E-MAIL

Cuyama Basin Groundwater Sustainability Agency
Attention: Taylor Blakslee
4900 California Ave, Tower B, Suite 210,
Bakersfield, CA 93309

Re: Objection of Kern Ridge Growers to the "Pumping Reduction Program" proposed by Cuyama Basin Groundwater Sustainability Agency in the November 8, 2024 Notice of Central Management Area 2025-2029 Groundwater Allocations

Mr. Blakslee:

Kern Ridge Growers (KRG), through its undersigned legal counsel, hereby objects to, or in the alternative requests a variance from, the "pumping reduction program" and curtailments proposed by the Cuyama Basin Groundwater Sustainability Agency (CBGSA) in its November 8, 2024 Notice of Central Management Area 2025-2029 Groundwater Allocations. Through this letter, KRG also describes the basis for its request for a variance, and objections, to the Groundwater Allocations for KRG's properties and water rights.

KRG specifically objects to, or in the alternative requests a variance from, the reductions and 2025-2029 groundwater allocations in the updated Central Management Area (CMA) assigned to KRG's properties, included within Item No. 10 on Attachment 1 to the November 8, 2024 Notice.

SGMA was not intended to and cannot alter or modify prior, established water rights. SGMA provides: "It is the intent of the Legislature to preserve the security of water rights in the state to the greatest extent possible consistent with the sustainable management of groundwater." (Water Code § 10720.1.) Water Code Section 10720.5(b) further states that nothing in the SGMA legislation "determines or alters surface water rights or groundwater rights under common law or any provisions of law that determines or grants surface water rights."

Curtailment of pumping by the CBGSA is therefore improper, illegal and unenforceable because the curtailment order necessarily attempts to determine or alter groundwater rights, and threatens the security of groundwater rights in the Cuyama Basin (Basin). A GSA additionally has no express or actual authority under SGMA, or otherwise, to limit or alter KRG's exercise of its established groundwater rights.

The proposed 2025-2029 CMA Allocation Program also violates California law by imposing geographically discriminatory pumping reductions on a subset of groundwater pumpers, even though all groundwater users share a common supply. All groundwater users within the Basin pump from the same groundwater supply, and the CMA Allocation Program does not justify or support the discriminatory and arbitrary imposition of pumping limits on part of the Basin, but not the entire Basin.

In addition, in the pending groundwater adjudication involving the Basin (*Bolthouse Land Company, et al v. All Persons Claiming a Right to Extract or Store Groundwater in the Cuyama Valley Groundwater Basin*, Los Angeles County Superior Court Case No. BCV 21-101927), the Court issued a ruling on November 1, 2024, which stated that the determination of the safe yield for the Basin will be "based on the assumption that a mapped and adjudicated California groundwater basin has sufficient lateral and vertical movement of water that it functions as a single groundwater basin." The Court explained that it would conduct the next phase of the Adjudication (Phase 2) based on that assumption, "which means that it is taken as a given that all the overlying landowners share correlative rights to all the water in the basin." The Court then stated its definition of safe yield for the Basin: "Safe yield is defined as the maximum quantity of water which can be withdrawn annually via pumping from **a ground water basin as a whole** based on long-term conditions in the basin without causing an undesirable result." (Emphasis added.)

The CMA allocations and the decision to restrict pumping based on an arbitrary determination of the sustainable yield in the CMA, rather than the Basin as a whole, therefore directly violates and is contrary to the express rulings of the Court in the Groundwater Adjudication. It is also improper for the CBGSA to purport to establish and enforce a safe, or sustainable, yield determination for the Basin, or a portion of the Basin, in advance of that determination by the Court in the Groundwater Adjudication. The CBGSA must therefore suspend or reject the proposed 2025-2029 CMA Allocation Program. If the CBGSA attempts to impose the improper and legally unsupported CMA Allocation program, KRG reserves the right to seek appropriate relief against the CBGSA in the pending Groundwater Adjudication.

The Notice also indicates that the pumping allocation for 2025 to 2029 was determined using each parcel's "estimated crop water use," defined as the average water use for each parcel over the 1998-2017 period. The Notice indicates that the "water use estimates were determined by a model and a description of how those estimates were developed is also provided in the attached packet."

Instead of using a "model," the CBGSA should have used actual pumping data to determine actual water use for separate parcels in the basin. The pumping allocations do not accurately reflect actual quantities of water extracted by KRG on those parcels.

The Notice and any "allocation" of water to KRG should reflect the actual quantity of water pumped by KRG within the referenced parcels at any time. The maximum quantity of water pumped by an overlying owner or pumper over time establishes and reflects the actual, enforceable water right held by the pumper or overlying owner.

Historic pumping records establish that KRG, and its predecessors, have pumped the following maximum quantities of water in a single year on the following properties owned and farmed by KRG.

Properties	**Water Right Associated with Property (Based on maximum annual pumping amount)**
Parcel No. 149-170-012	250 acre-feet
Parcel No. 149-170-013	672 acre-feet
Parcel No. 149-170-016	136 acre-feet
Parcel No. 149-170-017	350 acre-feet
Parcel No. 149-170-025	93 acre-feet
Parcel No. 149-180-021	150 acre-feet
Parcel No. 096-201-012	875 acre-feet
Parcel No. 149-150-023	525 acre-feet
Parcel No. 149-160-037	528 acre-feet
Parcel No. 149-180-018	146 acre-feet
Parcel No. 149-170-037	314 acre-feet
Parcel No. 149-180-020	77 acre-feet
Parcel No. 149-180-019	227 acre-feet
Parcel No. 149-180-016	145 acre-feet

The amounts set forth above determine and establish KRG's right to pump groundwater on those parcels. As indicated, because SGMA, and consequently the CBGSA, cannot determine or alter surface water rights or groundwater rights, the allocations and attempted pumping restrictions are improper and invalid. The CBGSA lacks the authority and ability to limit or reduce KRG's exercise of its water rights on the above referenced parcels, and KRG is instead

authorized to continue to pump water up to the full extent of its water rights, based on the quantities set forth above.

In addition, or in the alternative, if the CBGSA does attempt to impose a reduction or curtailment of groundwater pumping on the parcels owned and utilized by KRG, in violation of the Court's orders in the Groundwater Adjudication, at the very least the reduction should use KRG's actual water right amounts, as set forth above, as a starting point for any reduction in pumping for the above referenced parcels.

Counsel for KRG and KRG staff can be available to address any questions from the CBGSA regarding these matters.

Sincerely,

Colin L. Pearce

CLP:bah

cc: Kern Ridge Growers, LLC

James L. Markman

T 714.990.0901
F 714.990.6230
E jmarkman@rwglaw.com

1 Civic Center Circle, PO Box 1059
Brea, California 92822-1059
rwglaw.com

December 6, 2024

VIA ELECTRONIC MAIL

Taylor Blakslee
Cuyama Basin Groundwater Sustainability Agency
4900 California Ave, Tower B, Suite 210
Bakersfield, CA 93309
tblakslee@hgcpm.com

Re: **Sunrise Ranch Properties, LLC's Variance Request For 2025 to 2029 and Objections to Allocation, Glidepath and Rampdown**

Dear Mr. Blakslee:

We represent Sunrise Ranch Properties, LLC ("Sunrise"). Sunrise seeks a variance from the allocation recently proposed to be given to it by the staff of Cuyama Basin Groundwater Sustainability Agency (the "Agency"). Sunrise objects to staff's proposed allocation to Sunrise, the Glidepath and the Rampdown pending before the Agency for all the reasons set forth herein.

I. Sunrise Ranch's Variance Request to Modify The Confiscatory New Rampdown Proposed by Staff

A. Inequitable Approaches to Rampdown Allocation

To date, missing from staff's reports and suggestions for inclusion in the Implementation Plan for the Cuyama Basin are materials which respond to the legislative instruction stated in Water Code Section 10720.1(b) as follows:

> "In enacting this part, it is the intention of the legislature to do all of the following:
>
> "…
>
> "(b) To enhance local management of groundwater consistent with rights to use or store groundwater and Section 2 of Article X of the California Constitution. It

> is the intent of the legislature to preserve the security of water rights in the state to the greatest extent possible consistent with the sustainable management of groundwater…."

Similarly, Water Code Section 10723.2(a)(1) provides in pertinent part as follows:

> "The groundwater sustainability agency shall consider the interest of all beneficial uses and users of groundwater, as well as those responsible for implementing groundwater sustainability plans. These interests include, but are not limited to, all of the following:
>
> "(a) Owners of overlying groundwater rights, including: (1) agricultural uses."

Contrary to the above-stated language, during the processing of the Implementation Plan no attention has been given to any party's specific circumstances which support a greater allocation of water production rights awarded or only support a lower production rights allocation. In reference to Sunrise Ranch's olive operation, the following are bases supporting an increase in its portion of the base allocation for the CMA (or for the Basin as a whole) which have been repeatedly ignored:

1. No evidentiary basis based upon the best available sciences supports the Sunrise property being even included in the CMA.

2. No evidence whatsoever has emerged which supports the remainder of the Basin of being completely free of water production constraints, particularly when it is clear that Basin areas outside the CMA are the source of water supply to the CMA, a source subject to being diminished by overproduction.

3. Sunrise has asked and continues to ask why production reductions in the CMA do not reflect the difference in crop water demands. The inequitable result is Sunrise's water use of two acre feet per acre being reduced in the same percentage annually as production of thirsty crops which consume 1.5 to 3 times that amount.

4. No adjustment has been suggested based on the pumpers' means of irrigation, comparative line loss or other conservation practices. In fact, nothing in the mass amount of paperwork generated shows any attempt by staff to engage in field observations so that conservation of water through crop choice, irrigation approach or plain attention to operations to avoid water loss are occurring. In addition, staff has not generated any general economic analysis by which the reasonableness of any particular overlying use or method of use may be measured.

Staff's computations of parties' base production rights have been solely determined by historical amounts of water use and acreage used for approximately twenty to twenty-five years. This simplistic approach ignores fallowing time necessitated by crop changes or less use during start up periods for establishing a new crop. Sunrise experienced these temporary reductions in use on their property while exchanging crops from alfalfa to olives, a change which dramatically reduced water production from that property, thereby benefiting the Basin. But, this positive choice did not reward Sunrise. Instead, it lowered the starting point for its production reductions imposed, thereby threatening the viability of the olive operation. This policy outcome should be rectified.

B. Staff's Recommendation of a Destructive, Confiscatory New Rampdown Rate or "Glidepath"

In reacting to new data, the Basin model apparently convinced the staff that baseline production in the CMA had previously and mistakenly been stated to be much higher and should be reduced from 44,254 acre feet per year to 33,145 acre feet per year. Staff's recommendations to the Board, to adjust to dealing with lower beginning allocations to pumpers was to create and order an enormous and immediate 2025 and 2026 water reduction for Sunrise. The Board has been asked to approve a 2025 reduction of a crippling 21% of the amount allowed in 2024 and then to adjust the 2026 reduction by 25% of the amount allowed in 2025. The proposed 2025 reduction is set at only 5% for the whole affected group of CMA Pumpers. But, since the new numbers reduce Sunrise's share from 5.4% to 4.49%, its allocation for 2025 is a shocking 21% reduction.

This would land a crushing economic blow on Sunrise, a company which cannot absorb a loss of 1,000 acre feet of available water in two years. This is a particularly unexpected blow to absorb since the "Glidepath" presented all along was set at 5% for two years moving up to 6.5% for the remainder of the Rampdown period. There is no policy reason in the staff materials justifying this reaction by staff. The goal to be sustainable has not changed.

Sunrise hereby makes a variance request to move away from the destructive and immediate enormous Rampdown suggested by the staff in the CMA for 2025 and 2026 and consider an alternative which is demonstrated in Exhibits "1" and "2" attached to this letter. Those exhibits demonstrate a new Glidepath commencing with the 2024 Basin amount to be reduced at an even annual rate of 7.14% applied each year to the new Base Production of 34,495 acre feet which is in accord with staff's suggestion. Exhibit 1 reflects this alternative applied to all CMA pumping. Exhibit 2 reflects the impact on Sunrise's pumping allocation.

For hypothetical purposes only, we suggest assuming that Sunrise could continue to operate at a feasible level utilizing approximately 1,900-2,000 acre feet per year. This would mean that applying the staff proposal, Sunrise's last year of its operational life could have been 2024 based on present acreage. Using the new Glidepath presented in Exhibit 2, that last year would be moved up to 2028. or 2029. The additional years afforded to it, and the Board's adoption of

managerial policies which include carryover and a water rights market, indicate that the economic life of Sunrise could survive to and with sustainability.

Both (1) a carryover program, and (2) a water transfer market should be included when appropriate and in collaboration with the appropriate local agency, in accordance with Water code Section 10726.4 which provides:

> "(a) A groundwater sustainability agency shall have the following additional authority and may regulate groundwater extraction using that authority;
>
> "…
>
> "(3) To authorize temporary and permanent transfers of groundwater extraction allocations within the agency's boundaries, if the total quantity of groundwater extracted in any water year, is consistent with the provisions of the groundwater sustainability plan. The transfer is subject to applicable city and county ordinances.
>
> "…
>
> "(4) To establish accounting rules to allow unused groundwater extraction allocations issued by the agency to be carried over from one year to another and voluntarily transferred, if the total quantity of groundwater extracted in any five-year period is consistent with the provisions of the groundwater sustainability plan."

These code sections authorize tools which your agency quickly should provide to water producers that are able to make maximum beneficial use of their rights, including carryover water, authorized production of water which isn't used and leasing or transferring allocations. These management tools can extend the life of agricultural business and generate salvage value to be recovered by those who simply cannot survive the reduction in water rights.

These programs do not create an increase in the amount of water established by the Board to be produced until sustainability is reached. In the situation presented, by staff, we do not believe that your Implementation Plan complies with Article 10, Section 2 of the California Constitution because it needlessly dooms to failure every agricultural business which cannot bear an 80% reduction in available water.

II. Sunrise's Prior Objections to the Implementation Plan and, Particularly, Glidepath and Rampdown

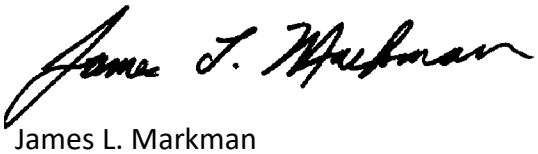
Sunrise continues to object, both substantively and procedurally, with the Agency's Implementation Plan and, specifically the Glidepath and Rampdown, as stated in prior submittals. Prior to the November 6, 2024 Agency Board meeting, we submitted Sunrise's objections to the Glidepath and Rampdown. To avoid repetition, attached as Exhibit "3" is a copy of my November 6, 2024 letter, and incorporate by reference herein Sunrise's substantive and procedural arguments. For the sake of completeness, attached as Exhibits "4," and "5" are copies of Sunrise's Variance Requests dated August 20, 2022 and March 2, 2023 which are also incorporated by reference herein.

The Agency has rejected and/or failed to consider Sunrise's prior objections and variance requests. Sunrise has patiently persisted in making its position known, without any meaningful response from the Agency. Now, implementation of the staff suggested Glidepath and Rampdown could damage Sunrise's economic viability immediately. Accordingly, Sunrise will have no option but to seek judicial remedies if this variance request and proposed Rampdown also are ignored.

Sunrise appreciates your anticipated attention and consideration of Sunrise's Variance Request.

Very truly yours,

RICHARDS, WATSON & GERSHON
A Professional Corporation
Attorneys for Sunrise Ranch Properties, LLC



James L. Markman

Enclosures

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EXHIBIT 1

Smooth Rampdown from 2024 to 2038

Baseline: 2024 Pumping	46,536	AFY
Sustainable Yield	12,042	AFY
Delta	34,494	AFY
Delta per year	2,464	AFY
Percentage per year of Delta	7.14%	

CMA

	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038
Allocation	46,536	44,072	41,608	39,144	36,681	34,217	31,753	29,289	26,825	24,361	21,897	19,434	16,970	14,506	12,042
Sustainable Yield	12,042	12,042	12,042	12,042	12,042	12,042	12,042	12,042	12,042	12,042	12,042	12,042	12,042	12,042	12,042

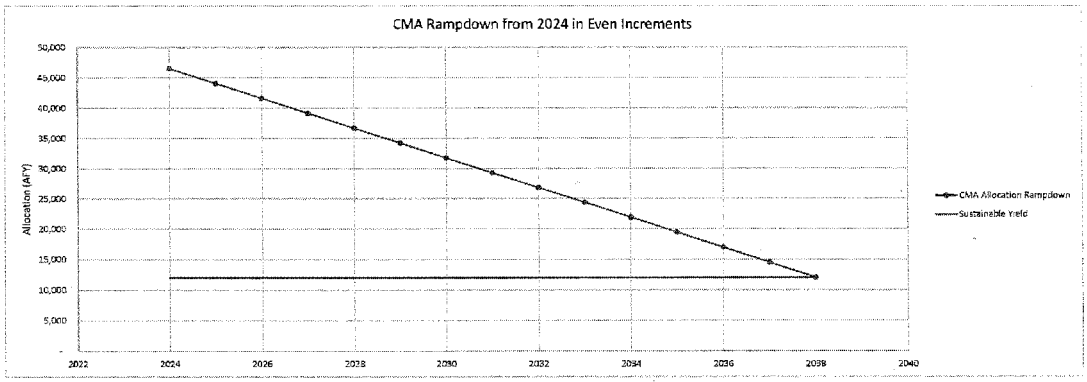

EXHIBIT "1"

EXHIBIT 2

Sunrise

Baseline: 2024 Pumping	**2,515**	**AFY**
Sustainable Yield	**650**	**AFY**
Delta	**1,865**	**AFY**
Delta per year	**133**	**AFY**
Percentage per year of Delta	**7.14%**	

	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038
Allocation	2,515	2,382	2,249	2,115	1,982	1,849	1,716	1,583	1,449	1,316	1,183	1,050	917	783	650
Sustainable Yield	650	650	650	650	650	650	650	650	650	650	650	650	650	650	650

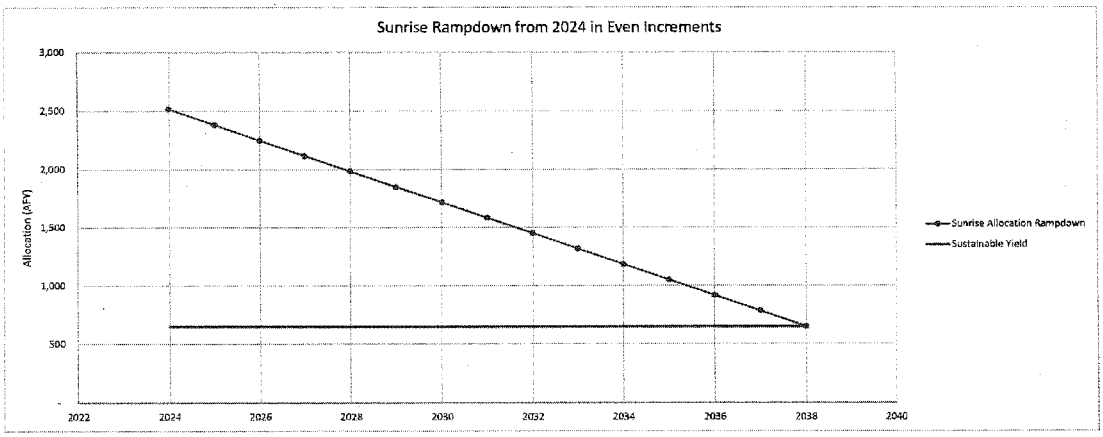

EXHIBIT "2"

EXHIBIT 3

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Brea, California 92822-1059
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November 6, 2024

VIA ELECTRONIC MAIL

Mr. Taylor Blakslee
Cuyama Basin Groundwater Sustainability Agency
500 Capitol Mall, Suite 2350
Sacramento, CA 95814
tblakslee@hgcpm.com

Re: **Sunrise Ranch Properties protest against and objects to the adoption of modifications to the Cuyama Implementation Plan**

Dear Mr. Blakslee:

We represent Sunrise Ranch Properties, LLC (Sunrise). We are providing this protest and objection at this date for inclusion in the record of the public hearing being conducted by your Board today. The points made herein need to be In the public record pertaining to the proposed actions and will be available to support litigation challenging the actions should such litigation occur. My partner, Mr. Tilden Kim, will be virtually attending the hearing today and will be able to respond to any questions generated by the position taken herein. Following are the points we wish to make:

1. Today's hearing suffers from violations of due process of law. This is principally due to the fact, that, as usual, interested water producers received the mass of materials you present within less than a week before the hearing. The order of process has been the conduct of an Advisory Committee meeting, supported by hundreds of pages of materials, followed in about a week by a Board meeting at which related action items are presented to the Board for disposition. In the present process, the last version of the 424 pages of material related to today's meeting and public hearing were e mailed to our office at 6:24 p.m. yesterday. The meeting and hearing today are recommended to support the Board choosing an alternative for a new baseline option for your ramp down program for Pumpers placed in the CMA and Implementation Plan modifications to be approved by the Board. There also is an action to submit the newly changed plan to DWR. Curiously, Producers are being told that they will have an opportunity to seek a variance from the Board from the decisions just mentioned which already will have been made and provided to DWR. Is the Board ready to be open minded about the variances which may be

requested to provide for a second look at the approvals already made? Most fundamentally, the matters before you which concern Sunrise and all pumpers are complex and involve technical material. To properly prepare to effectively participate, Pumpers need sufficient time to consult with their engineers, perhaps ask for consultation with staff and then present their position to the Board. One week or one day is not a sufficient period to meet due process standards.

2. Sunrise hereby concurs with and joins the Protest and Objections filed by letter dated October 11, 2024 on behalf of Diamond Farming Company and others in disagreeing with placement of the entire Basin overdraft on Pumpers located in the CMA due to the drop of water elevations in that portion of the Basin. This simply ignores a primary legal standard in correlating the overlying rights of overlying water producers in a Basin. The correlation or allocation of their pumping rights must produce an equitable result for all of those producers regardless of how much is produced or who has been producing the longest or for any period of time. In disputes among overlying landowners, all have equal rights. Katz v. Walkinshaw (1903), 141 Cal.116. There is no equity in placing a confiscatory amount of forced reduction in water production on all pumpers in the CMA while all other Basin overlying Producers are not in any way regulated. And this includes Producers whose pumping depletes the supplies which would otherwise provide water to that portion of the Basin underlying the CMA. If this Basin truly is a common source of supply, all Pumpers must share cutback burdens based on equity. This issue now is heading for dispute in companion litigation because of the enormous cutbacks being imposed on CMA Pumpers during 2025. The arbitrary and capricious constraints are subject to writ proceeding and, possibly, a reverse validation action. On that point, we would appreciate some input into this process by Legal Counsel to your Board.

3. There is another level of capricious and arbitrary production allocations solely related to assigned CMA production. That is that the percentage of reducing production allocations on CMA Pumpers is the same regardless of whether their water demand and use per acre is equivalent. The program now treats an olive grower such as Sunrise with a water demand of 2 acre feet per acre annually to suffer the same percentage production reduction as another CMA grower of a crop requiring 6 acre feet per acre. This is inequitable on its face. And, this reflects terrible water policy when the Board ignores the disparate impacts on the Basin based on choices of crops, and irrigation methods and only considers the amount of acreage being farmed.

4. Sunrise reiterates its objections made in its prior variance requests to the effect that the Agency's data is incorrect and ignores Sunrise's presentation of historical and engineering data. In doing so, the staff has understated the historical use of water on the Sunrise site. This error has resulted in Sunrise's starting point for applying reductions being incorrect and low. In effect, this error has increased the impact of the reductions already made.

5. Sunrise also continues to believe and asserts that its property should not be in the CMA for lack of data supporting that conclusion. The property is on the CMA imagined boundary without the support of data. When the property first was placed in the CMA the closest data point to it was over a mile away. Sunrise's inclusion in the CMA reflects nothing more than a bad guess made by a technician drawing contour lines based on his imagination, rather than on the best science available.

6. The last item we will discuss here is the truly damaging new "glide path" inherent in each of the options before the Board today. The suggested reset of the glide path is based in the change in the CMA safe yield. Since the assumed historical total pumping has been reduced by new data while the overdraft remained the same, the sustainability goal became more distant from present allowed pumping levels established for 2024. Unfortunately, the only suggestion by staff for dealing with this is to increase the reduction from pumping allowed in 2024 to that which will be allowed in 2025. This is the primary damaging decision made by staff to date. And, this point should have been emphasized in the Board packet materials. It has been assumed that the 5% per year reductions from the original baseline during 2023 and 2024 would be slightly increased to 6.5% for 2025. Instead, the staff suggests choosing between 4 options which drop the allowed pumping right now dramatically and then resuming a 6.5% per year pace in following years. But to do so, the allowed 2025 production for Sunrise (and all others) is reduced as follows:

    A. Option 3- allowed pumping drops from 2519 AF to 1986 AF (a 528 AF 21% drop).

    B. Option 4- allowed pumping drops from 2519 AF to 1254 AF (a 1260 AF 50% drop).

    C. Option 9- allowed pumping drops from 2519 AF to 1567 AF (a 947 AF 37% drop).

    D. Option 10- allowed pumping drops from 2519 AF to 1495 AF (a 1019 AF 40% drop).

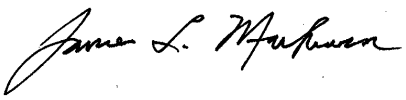
Again, this impact is not emphasized or even made clear in the material provided to the Board. This new glide path will result in a one year ratchet down by from 5 to 10 times as anticipated by the original approach made by this Agency. Some questions occur to Pumpers. Has the Board been informed of the financial chaos this accelerated constraint may have on the agricultural community? Why has the new glide path not been adjusted with a more slightly increased annual cutback commencing in 2025?

This abrupt imminent change in the economic impact of the production reduction program should induce the Board into the immediate consideration and establishment of management

techniques to ease the financial impacts of this acceleration such as the Carryover of unpumped portions of allowed allocations. The Board also should consider the establishment of a water market to allow distressed Pumpers to increase the life of their agricultural enterprise or have established transferrable water rights to lease or sell to in part offset the financial damage caused by this confiscatory water policy.

Thank you for your anticipated careful consideration of this letter.

Very truly yours,



James L. Markman

cc: jbeck@hgcpm.com
B. Tilden Kim
rkuhs@lebeauthelen.com

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EXHIBIT 4

Jacob Metz

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E jmetz@rwglaw.com

350 South Grand Avenue
37th Floor
Los Angeles, CA 90071
rwglaw.com

August 30, 2022

VIA OVERNIGHT DELIVERY & ELECTRONIC MAIL

Mr. Taylor Blakslee
Groundwater Sustainability Agency Project Coordinator
4900 California Avenue, Tower B, Suite 210
Bakersfield, California 93309
tblakslee@hgcpm.com

Re: Sunrise Ranch Properties, LLC's Variance Application

Dear Mr. Blakslee:

We represent Sunrise Ranch Properties, LLC (Sunrise Ranch). Enclosed please find Sunrise Ranch's Variance Application (and attachments), submitted in accordance with the variance process established by the Cuyama Basin Groundwater Sustainability Agency (CBGSA) Board of Directors on July 6, 2022. A hard copy is being delivered by overnight mail (along with a $250.00 check) in addition to this copy being sent by electronic mail.

Very truly yours,

Jacob C. Metz

Enclosure(s)

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VARIANCE REQUEST FORM

For 2023 and 2024 in the Central Management Area
CUYAMA BASIN GROUNDWATER SUSTAINABILITY AGENCY

Submit this form, including a $250 fee (which may be reimbursed if corrections are due to inaccuracies with the CBGSA'S RECORDS), to Taylor Blakslee at 4900 California Ave, Tower B, Suite 210, Bakersfield, CA 93309.

Name:		Dan Devico, Michael Devico (Sunrise Ranch Properties, LLC)
Date:		8/30/2022
Phone:		(323) 859-7402
Email:	TO:	dan@pompeian.com, michael.devico@sunriseoliveranch.com
	CC:	stevej@stetsonengineers.com; jeffh@stetsonengineers.com; biancac@stetsonengineers.com; JMarkman@rwglaw.com; TKim@rwglaw.com; KBrochard@rwglaw.com; JMetz@rwglaw.com

Assessor Parcel Number(s) (APN):

- 149-170-09
- 149-170-10
- 096-201-015
- 096-201-016
- 096-201-017
- 096-201-018
- 096-201-019
- 096-201-020
- 096-201-021
- 096-211-027
- 096-211-033
- 096-211-034
- 096-211-042
- 096-211-043
- 096-211-044
- 096-211-045

Please describe the basis for your request and attach any supporting documentation:

OPENING STATEMENT

In compliance with the Sustainable Groundwater Management Act (SGMA), the Cuyama Basin Groundwater Sustainability Agency (CBGSA) submitted a Groundwater Sustainability Plan (GSP) to the California Department of Water Resources (DWR) in January 2020 and, in response to comments from DWR on the January 2020 GSP, submitted a revised GSP in July 2022. In order to implement the GSP, the CBGSA proposes

VARIANCE REQUEST FORM

For 2023 and 2024 in the Central Management Area
CUYAMA BASIN GROUNDWATER SUSTAINABILITY AGENCY

to implement a 5 percent reduction in groundwater pumping in the Central Management Area (CMA) in calendar year 2023 and an additional 5 percent reduction in calendar year 2024. No reductions or constraints on pumping outside the CMA has been included in the GSP or the implementation thereof.

The Board of Directors of CBGSA (Board) has determined pumping allocations as the basis for the amount to be reduced by using the average historic water use for each parcel over the 1998 through 2017 period. This approach did not provide for calculating and dealing with a base pumping figure covering all of the property within an integrated agricultural operation. To accurately calculate an average amount of water production for the property included in Sunrise Ranch for the relevant twenty-year period, all water production during that period beneficially put to use on any of the parcels now constituting Sunrise Ranch would need to be included. Sunrise Ranch has done so as later discussed herein and as shown in the data included in Attachment 3. Based upon the recommendation by the CBGSA for each landowner to review the pumping allocations stated in the July 29, 2022 Notice of Central Management Area Policies and Landowner Requirements (July 29 Notice), Sunrise Ranch Properties, LLC (Sunrise Ranch) has identified inaccuracies with the CBGSA's historic water use data used to estimate Sunrise Ranch's pumping allocation for 2023 and 2024, discussed herein.

The basic inaccuracy or error was separating each parcel in the Sunrise Ranch operation as if each parcel represented a stand-alone operation. This precluded the inclusion of the actual pumping history of all the parcels as a whole (one owner and one operation). Additionally, information regarding Sunrise Ranch's true influence on groundwater levels in the Cuyama Basin is provided herein. This information shows that Sunrise Ranch should be excluded from the CMA and therefore, exempt from all provisions of the CBGSA's CMA

policies because Sunrise Ranch is located in a data gap area; leaving no data by which the groundwater elevations at Sunrise Ranch can accurately and reliably be determined. Additionally, in recognition of Sunrise Ranch as an integrated farming operation, Sunrise Ranch requests that the CBGSA correct their average historical pumping value for Sunrise Ranch to be 4,465 acre-feet.

OVERVIEW OF SUNRISE RANCH PROPERTIES, LLC

Since May 2014, Sunrise Ranch has been growing olives in the Cuyama Basin, located south of the Highway 33 and Highway 166 intersection and east of the Cuyama River along the boundary between San Luis Obispo and Santa Barbara Counties. Figure 1 in Attachment A shows a map of Sunrise Ranch within the CMA's hydrological boundary line as shown in the Board's July 6 Meeting, Agenda Item Number 13 "Update on Model Refinement". A blue rectangle has been superimposed on the map, indicating the location of Sunrise Ranch. Sunrise Ranch owns 1,085 acres of land which includes 880 acres of gross farmed land and 820 acres of net farmed land. Land not used for farming is purposed for residential homes and milling or are mountainous areas.

Sunrise Ranch farms high density olive orchards with a water demand of approximately 3 acre-feet of water per acre for a total water demand of 2,460 acre-feet per year for the net farmed land. Sunrise Ranch's farming practices include state-of-the-art irrigation efficient technology, maintenance of their assets including an olive oil processing plant, 3 currently active wells, 2 inactive wells, 2 reservoirs, and drip irrigation lines. Prior to the start of planting the orchards in 2014, the lands had been continuously planted with alfalfa and grain hay beginning sometime prior to 1998. Due to the nature of the crop grown, the Sunrise Ranch operation is permanent in nature and not a transient crop such as carrots. Attachment B shows a map of the location of Sunrise Ranch's parcels with

respect to the Operational Management Area Boundary presented in the CBGSA's July 29 Notice.

Pursuant to the CBGSA's July 29 Notice, Sunrise Ranch is located at the southwest corner of the CMA. According to the CBGSA, the CMA's hydrologic boundary line was delineated under the criteria that areas included in the CMA have been projected to experience an average decline in groundwater level of 2 feet per year over the next 50 years, assuming current farming practices. For administrative purposes, this boundary line has been adjusted to follow parcel boundaries and roadways, referred to as the Operational Management Area Boundary in the CBGSA's July 29 Notice and herein. Under an approach adopted by the CBGSA, parcels have been included in the Operational Management Area if 50% or more of the area of the parcel or more than 1000 acres within a parcel falls within the hydrologic boundary line. This unrealistic approach does not analyze pumping in the manner in which water produced from a well is actually used, as an integrated agricultural operation encompassing multiple parcels. This precludes a hydrologically sound determination of the impact of the operation as a whole. Approximately 575 acres of the parcels owned by Sunrise Ranch have been included in the CMA's Operational Management Area Boundary, whereas the remainder of approximately 510 acres have been excluded.

Dividing Sunrise Ranch's land, **which is a single, integrated farming operation,** to be both included and excluded from the CMA is not reflective of their actual influence on the basin's groundwater levels as their farming practices remain consistent throughout their land. Therefore, this Variance Request seeks all Sunrise Ranch properties to be considered as a whole and that they be excluded from the CMA.

VARIANCE REQUEST FORM

For 2023 and 2024 in the Central Management Area
CUYAMA BASIN GROUNDWATER SUSTAINABILITY AGENCY

DETERMINATION OF WATER USE

Sunrise Ranch has identified significant inaccuracies in the CBGSA's historic water use calculation used to estimate their pumping allocation for 2023 and 2024 presented in the July 29 Notice. A correction to Sunrise Ranch's historical average water use from 1998 through 2017 is provided in Attachment C as Table 1. Water production quantities have been estimated using well pump electrical bills, when available, and standard water use rates for the applicable crops present over the historical period. Land use has been verified using aerial photos. Attachment C, Table 1 also lists the quantity of irrigated acres per year and a description of water use history.

Correction of the water application data produces an annual Historical Average Water Use during 1998 through 2017 for the Sunrise Ranch integrated farm operations of 4,465 acre-feet per year at an application rate of 4.64 acre-feet per acre. A five percent annual reduction from the corrected Historical Average Water Use during 1998 through 2017 produces an Estimated Pumping Allocation for 2023 at 4,242 acre-feet and 4,019 acre-feet for 2024.

Additionally, the CBGSA's July 29 Notice reports 5 total wells owned by Sunrise Ranch. It should be noted that Sunrise Ranch only has three currently operating wells and two inactive wells.

It should also be noted that the CBGSA's method for deriving groundwater production from applied water data in order to assume pumping allocations is not clear nor reflective of Sunrise Ranch's operations. In order to determine agricultural demand based on irrigable acreage, unit diversion rates must be used to account for losses from conveyance and irrigation processes which are a function of crop type, soil type, irrigation system

type, climate, and irrigation management practices. Consideration of these factors are not described in the July 2022 GSP. CBGSA should rely on actual metered pumping, energy use, and crop water use rates adjusted for losses from water system production, distribution, and application to estimate stakeholder pumping.

DETERMINATION OF MANAGEMENT AREA BOUNDARY LINE

For the CBGSA's comprehensive understanding of Sunrise Ranch and their individual influence on groundwater storage in the Cuyama Basin, Sunrise Ranch is providing further explanation to emphasize that their current farming practices do not contribute to a projected decline in water levels of 2 feet per year. Historical groundwater elevation data used in the CBGSA groundwater model would have been influenced by the high water use by the previous owner of Sunrise Ranch land and the neighboring carrot farmer's high water use to the east. In addition, the GSP indicates there was no historical groundwater level data within a mile of Sunrise Ranch used to generate the CMA's hydrologic boundary line and that the groundwater model that generated the boundary was not calibrated to any wells in the vicinity of Sunrise Ranch. The nearest well used for calibration is located at least 1 mile south from any portion of Sunrise Ranch.

As shown on Table 1 in Attachment C, the previous owner of the land farmed alfalfa (700 Acres at 5 acre-feet per acre) and grain hay (400 Acres at 1.5 to 2 acre-feet per acre) from at least 1998 through 2014. Sunrise Ranch did not start planting olive trees until May 2014. From 2018 through 2019, a rise in water use was due to the neighboring carrot farmer who rented 120 acres of Sunrise Ranch's land and used their well. Comparatively, Sunrise Ranch uses a maximum of approximately 3 acre-feet per acre at full tree maturity.

VARIANCE REQUEST FORM

For 2023 and 2024 in the Central Management Area
CUYAMA BASIN GROUNDWATER SUSTAINABILITY AGENCY

Additionally, Sunrise Ranch utilizes water efficient practices to reduce water use in comparison to the previous owner and its current neighbor located immediately to its east. Those practices include state-of-the-art drip irrigation technology and the lining of both of its on-site reservoirs, avoiding loss of water due to percolation. According to the June 2015 Congressional Research Service Report "California Agricultural Production and Irrigated Water Use", drip irrigation lines are reported to have the highest efficiency rate of 87.5% to 90%, compared to traditional sprinkler systems of 70% to 82.5%. The neighbor referred to uses traditional sprinkler systems to grow carrots on its site next door to Sunrise Ranch and on other Basin parcels.

This neighbor's negative impact on Sunrise Ranch is demonstrable. This month, August of 2022, Sunrise Ranch wells experienced a severe drop in water production rates due to the neighbor's water production. When that production was offline for maintenance, Sunrise observed its water production at 1,150 gallons per minute. But when the neighbor's well went online, the nearby Sunrise Ranch well production rate dropped to 750 gallons per minute. Evidence showing the harmful impacts of the neighbor's production was first noticed as early as 2016 when, after approximately one year after the neighbor's first well was installed, Sunrise Ranch was required to lower the bowl of its Well Number 2 by 60 feet in order to maintain efficient production. Similar events caused by the impact of neighboring production included a requirement to lower the bowl of its Well No. 1 by 40 feet during June of 2020 and to again, lower the bowl of its Well No. 2 by an additional 60 feet during September of 2021. Sunrise Ranch's Well No. 2 is located approximately 0.25 miles from one of the neighbor's wells, a deep, high capacity well along Sunrise Ranch's east property line.

The above mentioned high-capacity well is located approximately 150 feet outside of the Central Management Area. The ironic conclusion is that the neighbor's well is significantly and negatively impacting Sunrise Ranch's wells which have been deemed to be located within the CMA. Moreover, the land irrigated by the operation of the neighbor's wells is largely located outside the CMA. The program adopted, if not modified, would leave the pumping which is dropping basin elevations and interfering with other production unconstrained while causing Sunrise Ranch pumping to be constrained and ramped down. The clearly inequitable result which needs to be avoided is the adoption and application of a regulation which enables the continued production of one party which is causing negative basin impacts while forcing the reduction of pumping by Sunrise Ranch, an already damaged party which has not generated elevation drops and which adheres to state-of-the-art water saving irrigation practices. And, finally, this potential absurd result again demonstrates why seeking to constrain and reduce pumping by specific parties who may be damaging the Basin rather than constraining and reducing pumping by all parties within a physical area, including parties who are conducting business exactly as SGMA desires, is more equitable and more legally supportable.

As mentioned above, absolutely no relevant historical groundwater level data near Sunrise Ranch was used to create the groundwater model that established the CMA hydrological boundary. The following is a list of figures found in the July 2022 GSP and an indication of what the figures show regarding availability of data with respect to Sunrise Ranch. A blue rectangle has been superimposed on each figure, indicating the location of Sunrise Ranch. These figures are attached as Attachment D:

1. Figure 2-26 shows the last groundwater level measurement dates for wells within the basin. The well closest to Sunrise Ranch with the earliest data (2010-2016) is approximately 1 mile west of Sunrise Ranch.
2. Figure 4-2 shows the wells in the central area of the basin and whether they are currently monitored or not monitored. The closest currently monitored well to Sunrise Ranch is about 2 miles north of Sunrise Ranch. The hydrograph for this well also shows that the data available ranges from the 1950's to 1970's.
3. Figure 4-4 shows the wells from which the USGS collects groundwater level data. Most wells near Sunrise Ranch were last monitored prior to 2017. The nearest well that was monitored earlier is about a mile west of Sunrise Ranch.
4. Figure 4-9 shows the dates private landowners' wells within the basin were last monitored. Most wells owned by private landowners near Sunrise Ranch were last monitored prior to 2017. There are no recorded private landowner wells within or to the east of Sunrise Ranch.
5. Figure C-18: This is an excerpt from Appendix C of the Updated GSP showing the groundwater wells used to compare observed water levels with simulated water levels to calibrate the groundwater model. There are no calibration models to the east of Sunrise Ranch. The closest calibration well, OPTI Well No. 616, is 1 mile south of Sunrise Ranch. The hydrograph for Well No. 616 shows well elevation data ranging from 1995 through 2011.
6. Figures 2-39 through 2-48: These figures show the groundwater levels relative to Mean Sea Level and depth to groundwater surface data and corresponding elevation contours reflective of Fall 2014, Spring 2015, Spring 2017, Fall 2017, and Spring 2018. These figures show there is uncertainty in the contours in a very large area which includes Sunrise Ranch. Additionally, the groundwater elevation contours for Spring 2018 that cross Sunrise Ranch in Figure 2-39 are higher than the groundwater

elevation contours for Spring 2015 that cross Sunrise Ranch in Figure 2-45 which means the figures show the groundwater levels at Sunrise Ranch increased an average of approximately 8 feet per year from 2015 to 2018. This is not consistent with the GSA's decision to include Sunrise Ranch within the CMA based on the criteria that the area is projected to experience a decline in groundwater levels of 2 feet each year for the next 50 years. Analysis of the hydrographs of the calibration wells nearest to Sunrise Ranch in comparison to these contours also create even more uncertainty. As described above, the closest calibration well, OPTI Well No. 616, is 1 mile south of Sunrise Ranch. The hydrograph for Well No. 616 shows well elevation data ranging from 1995 through 2011. OPTI Well No. 80, north of Sunrise Ranch, only has data records up to 2014. The calibration well hydrographs show that these contours are only accurate up to about 2 miles east of Sunrise Ranch at OPTI Wells No. 530 and No. 91. Anything to the west of these calibration wells have no relevant or any data that can be used to have confidence in the contour lines presented in Figures 2-39 through 2-48.

The information available and used clearly shows the lack of data which scientifically could support the alignment of the hydrologic boundary in the vicinity of Sunrise Ranch. To the contrary, what is shown is that Sunrise Ranch is in an area suffering from a lack of data, referred to in the GSP as a data gap area. According to the January 2022 DWR GSP Assessment Staff Report, the GSP does not provide an explanation for why the criterion set for undesirable results for chronic lowering of groundwater levels is consistent with avoiding significant and unreasonable effects. The updated July 2022 GSP does not address DWR's Corrective Actions and the CBGSA explicitly states that the information in the previous GSP is not satisfactory and in addition, that the "CBGSA recognizes the lack

of reliable historical data and acknowledges the limitations and uncertainties it causes." (Cuyama Basin GSP, July 2022)

The CBGSA attempts to correct this deficiency by stating their identification of undesirable results were developed from input from local stakeholders and landowners, the hydro geological conceptual model, current and historical data, and local knowledge and professional opinion. As presented in this Variance Application, these data sources are not comprehensive and, at a minimum, have included Sunrise Ranch in error. Placing Sunrise Ranch, or any part of that property, in the CMA would constitute a scientifically baseless decision. That decision needs to be corrected by excluding Sunrise Ranch from the CMA.

More generally, we respectfully suggest that in order for the CBGSA to accurately delineate the CMA boundaries and before mandating water production cutbacks which apply exclusively to all producers within such boundaries, a full basin-wide data collection and data gaps evaluation should be used to resolve uncertainties like those referred to in this Application. Or, the GSA may want to consider applying water production restrictions to specific operations within the Basin which are shown to be causing the drops in well elevation, rather than applying restrictions to a described area in which some operations may be pumping at a rate which is lowering those elevations while others, such as Sunrise Ranch, demonstrably are not doing so.

VARIANCE REQUEST FORM

For 2023 and 2024 in the Central Management Area
CUYAMA BASIN GROUNDWATER SUSTAINABILITY AGENCY

CLOSING STATEMENT

Based on (1) the lack of data available to support that portion of the CMA boundary in the vicinity of Sunrise Ranch and (2) Sunrise Ranch's substantial reduced water demand due to growing a more water efficient crop than that grown historically and the application of state of the art efficient irrigation practices, Sunrise Ranch requests that the CBGSA issue a Variance which excludes the entirety of Sunrise Ranch's integrated farming operation from the Central Management Area. Additionally, in recognition of Sunrise Ranch as an integrated farming operation, Sunrise Ranch requests that the CBGSA correct their average historical pumping value for Sunrise Ranch to be 4,465 acre-feet.

We would welcome any opportunity to discuss the contents of this Variance Application with the CBGSA staff and to submit any further available information which might be helpful in processing this Application. We also are prepared to meet engineering or legal consultants to the CBGSA together with our attorneys Richards, Watson & Gershon and our engineers from Stetson Engineers, Inc.

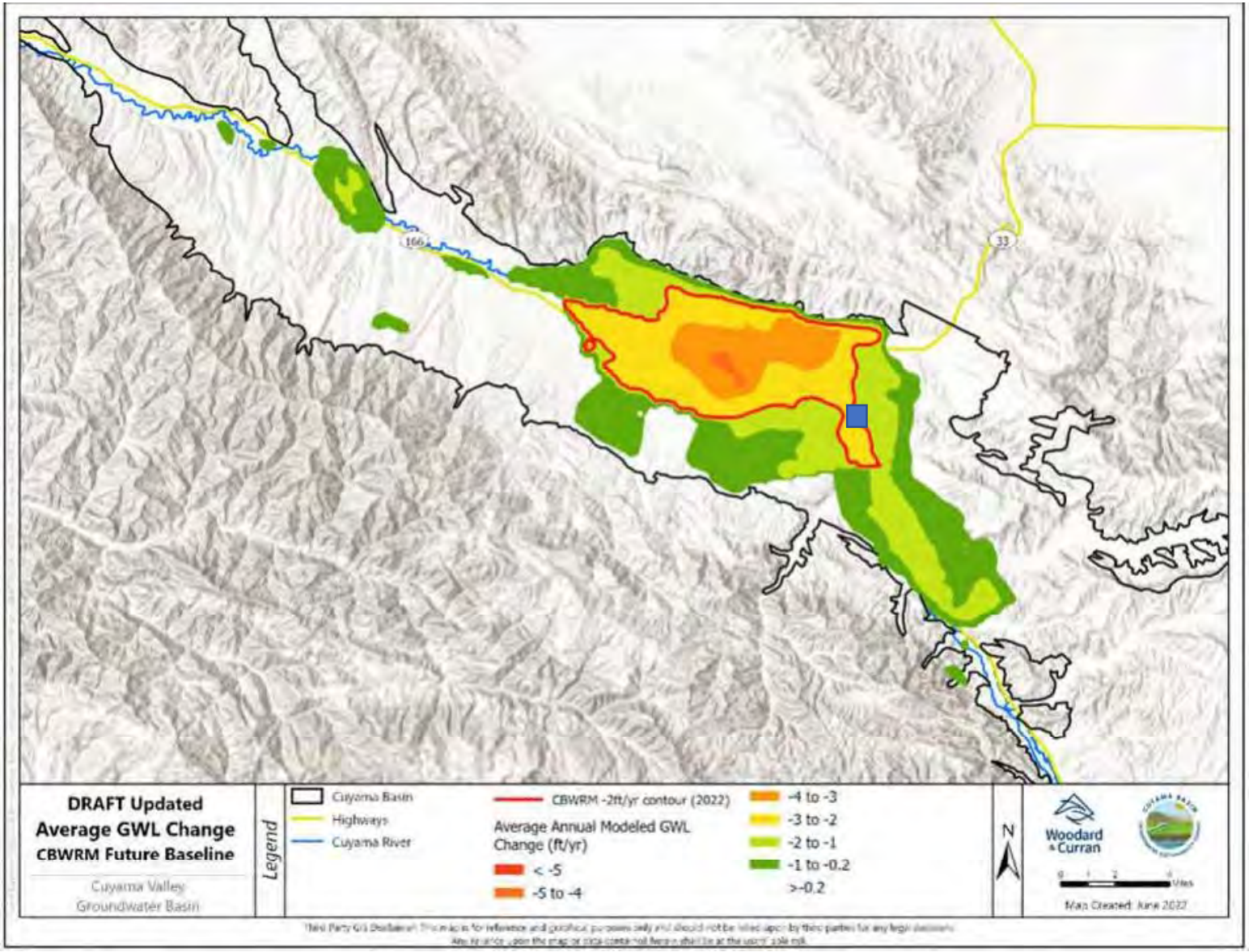
If CBGSA requires a Variance Request applicant serve any other party, individual, or entity, please promptly provide Richards, Watson & Gershon a service list so that Sunrise Ranch can serve a courtesy copy of this Variance Request.

James L. Markman
Richards, Watson & Gershon

Steve Johnson
Stetson Engineers, Inc.

ATTACHMENT A

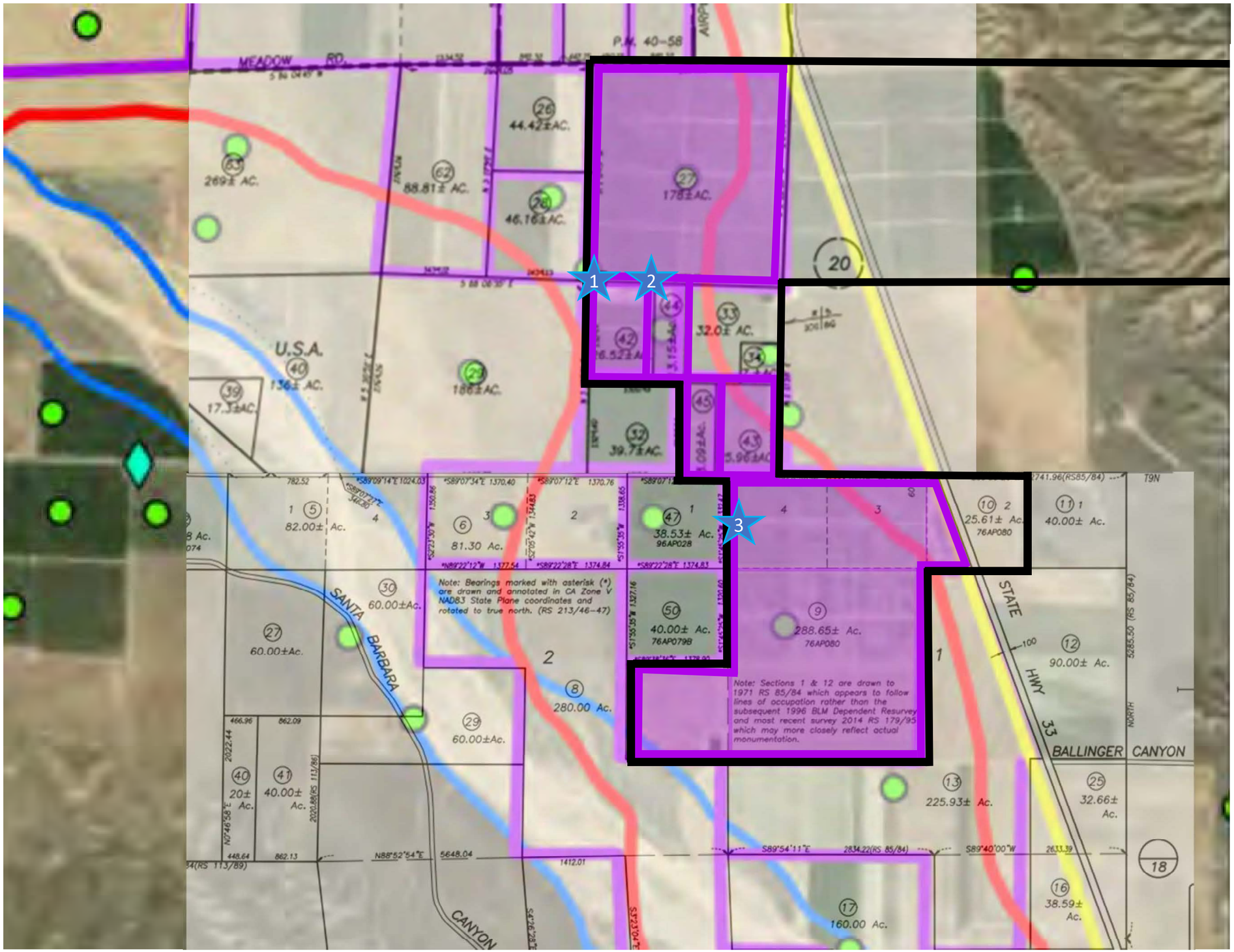
ATTACHMENT A



LEGEND

■ = SUNRISE RANCH

ATTACHMENT B



ATTACHMENT B

LEGEND

= MA BOUNDARY LINE

= ALL PARCELS WITHIN MA

= SUNRISE RANCH BOUNDARY LINE

= SUNRISE RANCH PARCELS WITHIN MA

= SUNRISE RANCH CURRENTLY OPERATING WELLS

= GSA REPRESENTATIVE WELLS

= GSA REPORTED WELLS

LIST OF SUNRISE RANCH PARCELS WITHIN MA

096-211-027
096-211-042
096-211-043
096-211-044
096-211-045
149-170-009

LIST OF SUNRISE RANCH PARCELS OUTSIDE MA

149-170-10	096-201-019*
096-201-015*	096-201-020*
096-201-016*	096-201-021*
096-201-017*	096-211-033
096-201-018*	096-211-034

Note: * = Parcels within Assessor's Parcel Book 096 Page 201 are partially shown on this map. Sunrise Ranch east boundary line ends at parcels 096-201-019 and 096-201-015.

N

0.11 0.22 0.33 Miles

ATTACHMENT C

SUNRISE RANCH, LLC

ATTACHMENT C

CUYAMA BASIN GSA VARIANCE APPLICATION

SUNRISE RANCH WATER USE HISTORY

Table 1: Sunrise Ranch Water Use History

YEAR	Total AFY	Net Acres Planted	Application Rate	Observation/ Notes
1998	5,532	1100	5.50	Previous owner growing alfalfa and grain hay. Previous owner also using own wells to water 200 acres of rented land outside of Sunrise Ranch.
1999	5,532	1100	5.50	
2000	5,532	1100	5.50	
2001	5,532	1100	5.50	
2002	5,532	1100	5.50	
2003	5,532	1100	5.50	
2004	5,532	1100	5.50	
2005	5,532	1100	5.50	
2006	5,532	1100	5.50	
2007	5,532	1100	5.50	
2008	5,532	1100	5.50	
2009	5,532	1100	5.50	
2010	5,532	1100	5.50	
2011	5,532	1100	5.50	
2012	5,532	1100	5.50	
2013	4,214	766	5.50	
2014	282	180	1.56	Sunrise Ranch starts planting in May 2014 with 180 acres. During a portion of the year, previous owner continued to grow alfalfa.
2015	404	500	0.81	Sunrise Ranch plants 320 acres
2016	547	500	1.09	No new planting
2017	881	660	1.34	Sunrise Ranch plants 160 acres
2018	1,515	780	1.94	Sunrise Ranch rents out 120 acre parcel to carrot grower with high water use
2019	1,499	780	1.92	Sunrise Ranch rents out 120 acre parcel to carrot grower with high water use
2020	1,429	660	2.17	No new planting
2021	1,983	820	2.42	Sunrise Ranch plants 160 acres

Note: Water use data from 2012 through 2021 were estimated using electrical bills. Water use data from 1998 through 2011 were estimated using electrical bills from 2012 and verified by standard water use rates for the applicable crops. Total Annual Water Use on Acres Planted for years 1998 through 2013 are from the previous landowner. Acres planted was spot verified by aerial photography. In calculating the average amount of water produced from 1998 through 2017, it would arguably be more equitable to eliminate production during years 2014 through 2016 from the calculation since there was a transition in crops during those years and, therefore, the property was not then fully planted.

ATTACHMENT D

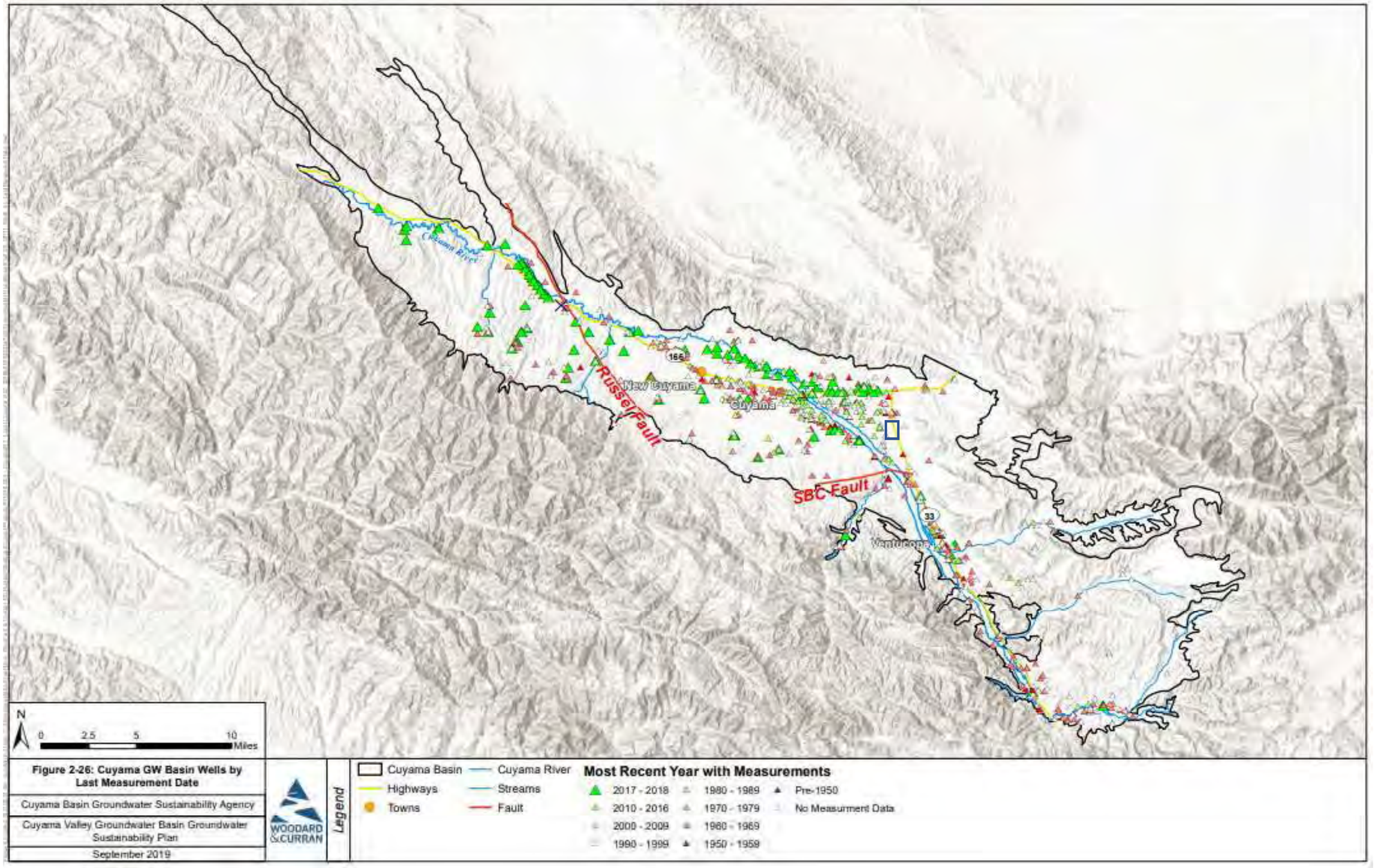


Figure 2-26: Cuyama GW Basin Wells by Last Measurement Date

Cuyama Basin Groundwater Sustainability Agency

Cuyama Valley Groundwater Basin Groundwater Sustainability Plan

September 2019

WOODARD & CURRAN

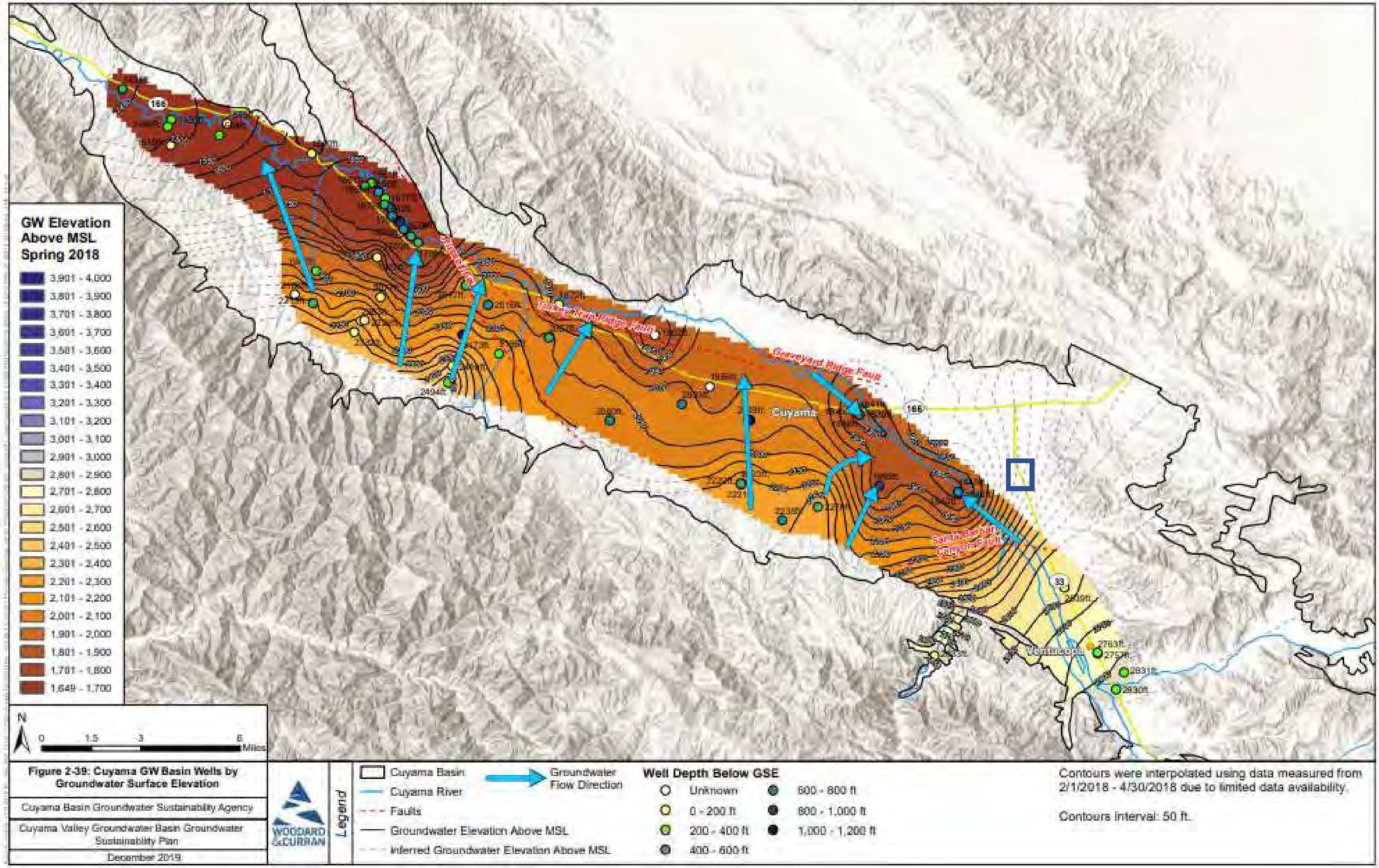
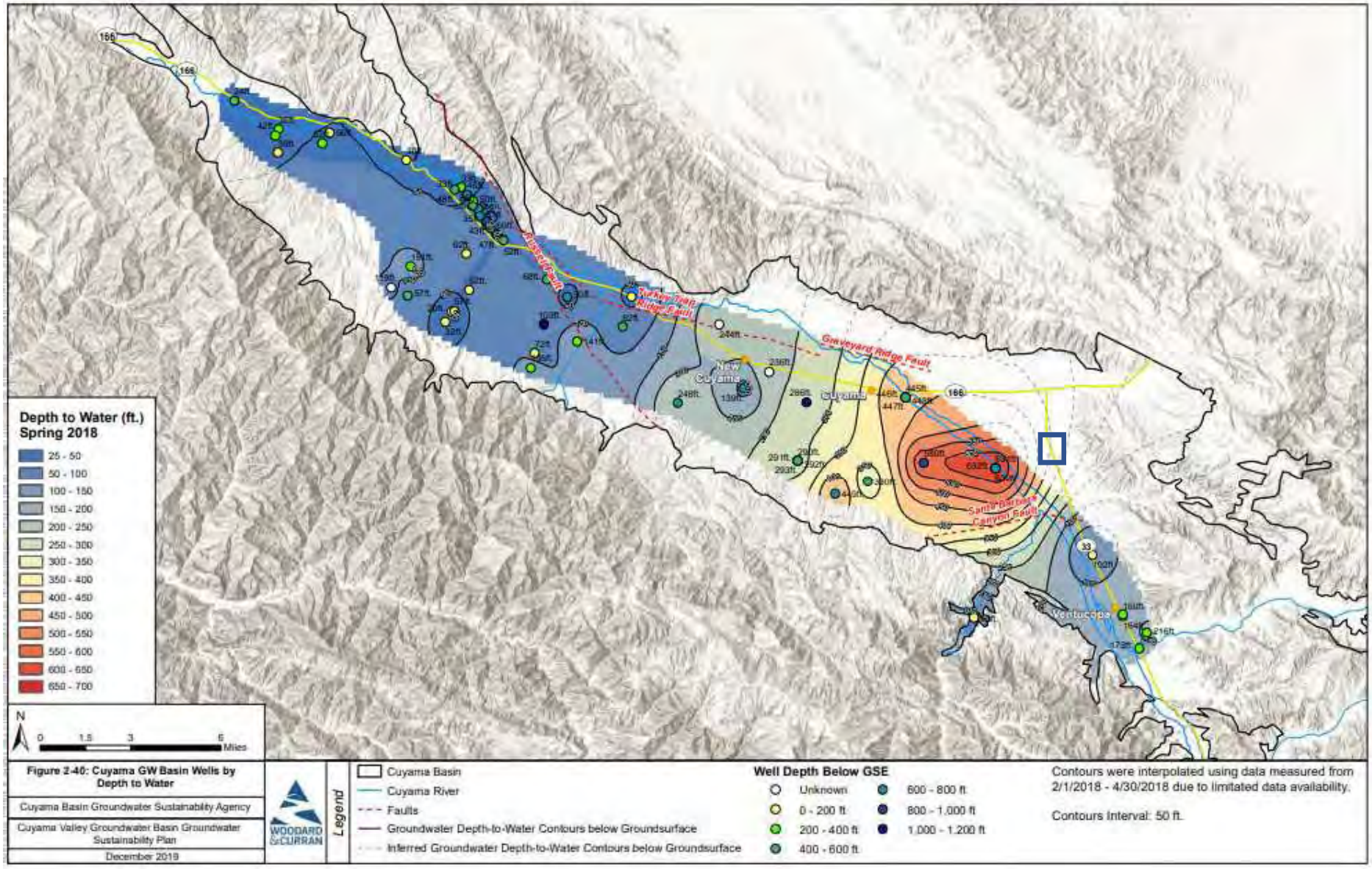


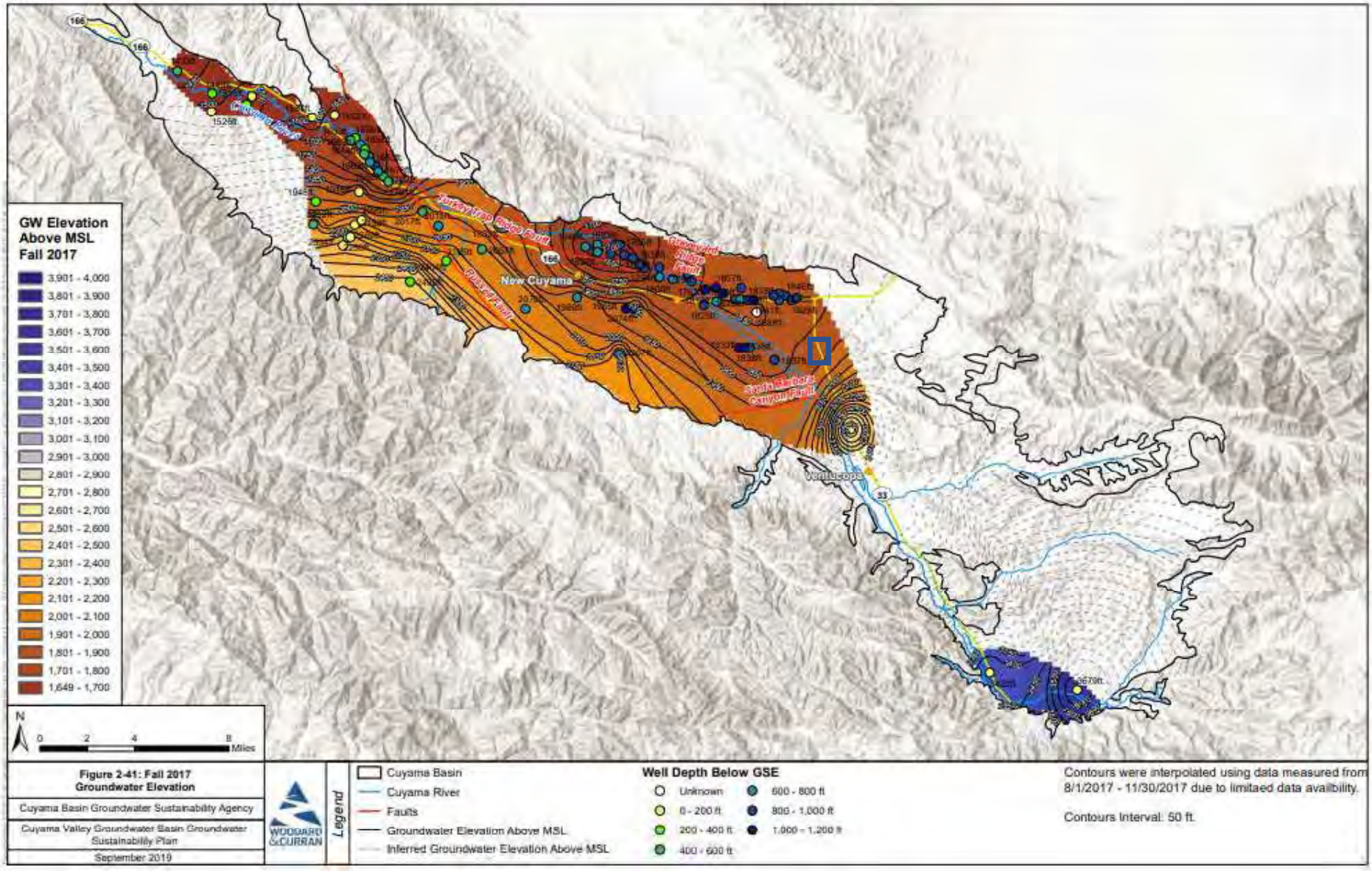
Figure 2-39: Cuyama GW Basin Wells by Groundwater Surface Elevation

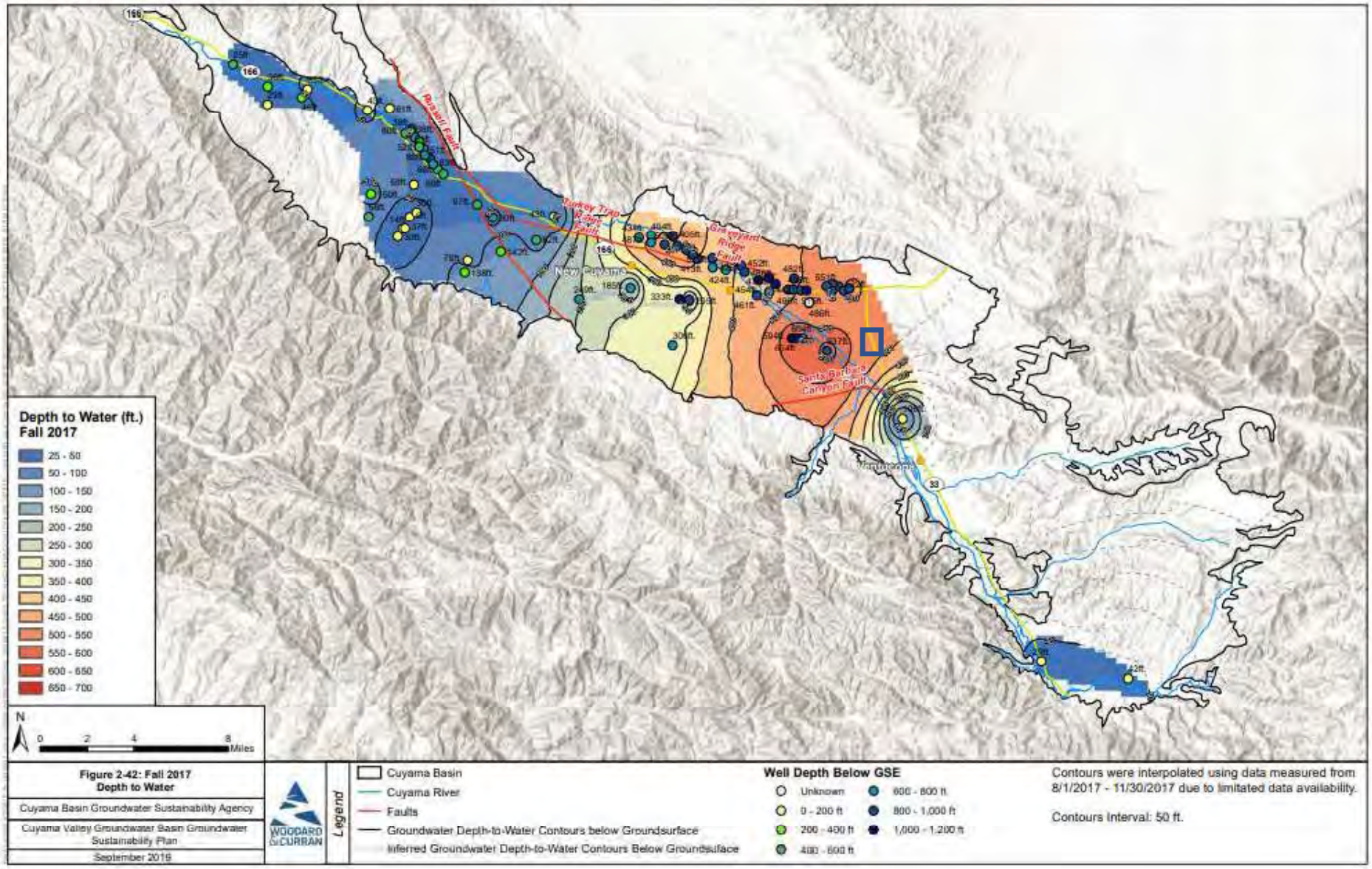
Cuyama Basin Groundwater Sustainability Agency

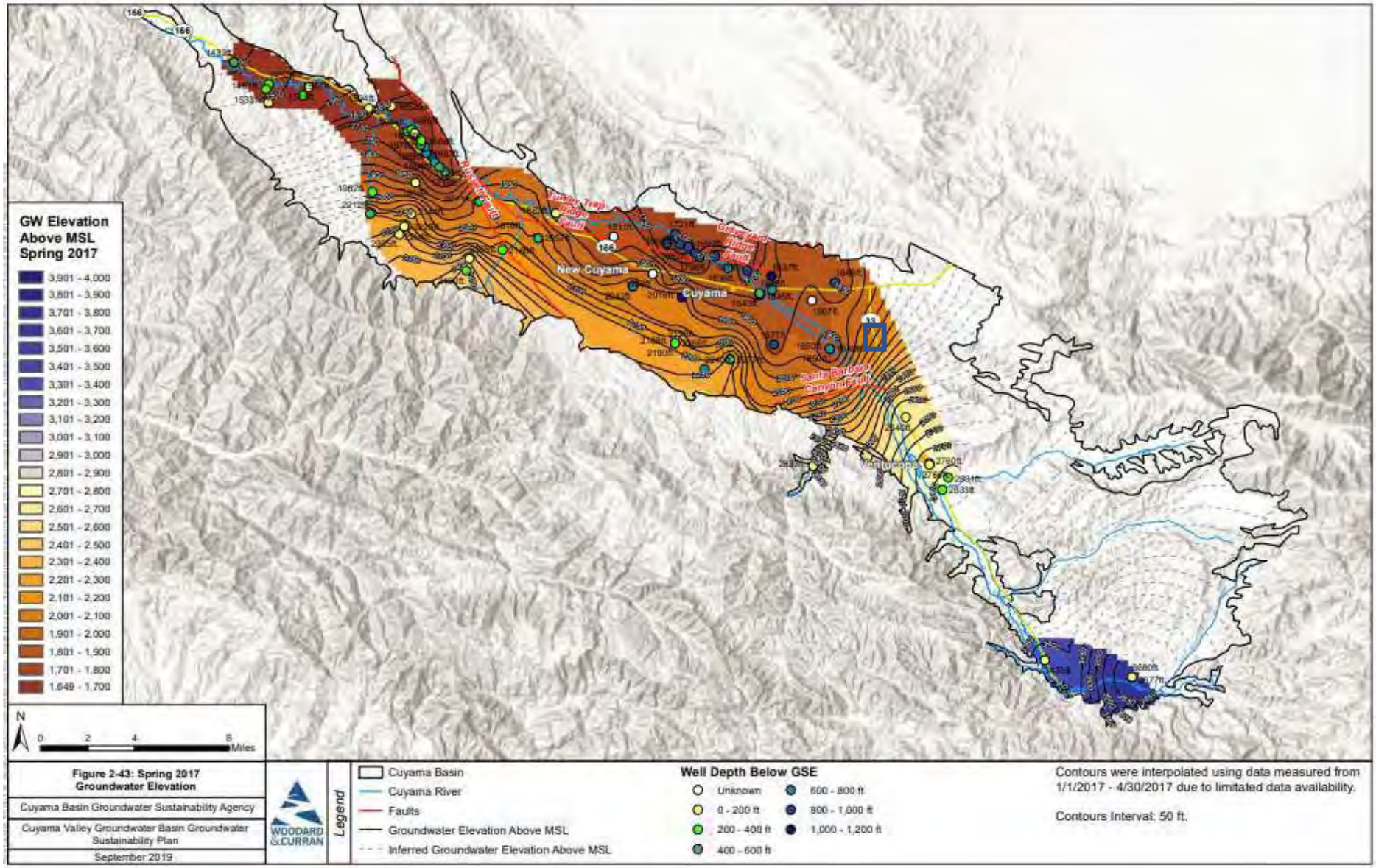
Cuyama Valley Groundwater Basin Groundwater Sustainability Plan

December 2019


Depth to Water (ft.)
Spring 2018
25 - 50
50 - 100
100 - 150
150 - 200
200 - 250
250 - 300
300 - 350
350 - 400
400 - 450
450 - 500
500 - 550
550 - 600
600 - 650
650 - 700
N
0 1.5 3 6 Miles
Figure 2-40: Cuyama GW Basin Wells by Depth to Water
Cuyama Basin Groundwater Sustainability Agency
Cuyama Valley Groundwater Basin Groundwater Sustainability Plan
December 2019
WOODARD & CURRAN
Legend
Cuyama Basin
Cuyama River
Faults
Groundwater Depth-to-Water Contours below Groundsurface
Inferred Groundwater Depth-to-Water Contours below Groundsurface
Well Depth Below GSE
Unknown
0 - 200 ft
200 - 400 ft
400 - 600 ft
600 - 800 ft
800 - 1,000 ft
1,000 - 1,200 ft
Contours were interpolated using data measured from 2/1/2018 - 4/30/2018 due to limitated data availability.
Contours Interval: 50 ft.
Graveyard Ridge Fault
Santa Barbara Canyon Fault
New Cuyama
Cuyama
Ventucopa
166
33


GW Elevation Above MSL Fall 2017
3,901 - 4,000
3,801 - 3,900
3,701 - 3,800
3,601 - 3,700
3,501 - 3,600
3,401 - 3,500
3,301 - 3,400
3,201 - 3,300
3,101 - 3,200
3,001 - 3,100
2,901 - 3,000
2,801 - 2,900
2,701 - 2,800
2,601 - 2,700
2,501 - 2,600
2,401 - 2,500
2,301 - 2,400
2,201 - 2,300
2,101 - 2,200
2,001 - 2,100
1,901 - 2,000
1,801 - 1,900
1,701 - 1,800
1,649 - 1,700
N
0 2 4 8 Miles
New Cuyama
Santa Barbara Canyon Fault
Ventucopa
166
33
Figure 2-41: Fall 2017 Groundwater Elevation
Cuyama Basin Groundwater Sustainability Agency
Cuyama Valley Groundwater Basin Groundwater Sustainability Plan
September 2019
WOODARD & CURRAN
Legend
Cuyama Basin
Cuyama River
Faults
Groundwater Elevation Above MSL
Inferred Groundwater Elevation Above MSL
Well Depth Below GSE
Unknown
0 - 200 ft
200 - 400 ft
400 - 600 ft
600 - 800 ft
800 - 1,000 ft
1,000 - 1,200 ft
Contours were interpolated using data measured from 8/1/2017 - 11/30/2017 due to limitaed data availbility.
Contours Interval: 50 ft.


Depth to Water (ft.)
Fall 2017
25 - 50
50 - 100
100 - 150
150 - 200
200 - 250
250 - 300
300 - 350
350 - 400
400 - 450
450 - 500
500 - 550
550 - 600
600 - 650
650 - 700
N
0
2
4
8
Miles
Russell Fault
Arroyo Trigo Ridge Fault
Graveyard Ridge Fault
Santa Barbara Canyon Fault
New Cuyama
Santa Maria
166
33
Figure 2-42: Fall 2017
Depth to Water
Cuyama Basin Groundwater Sustainability Agency
Cuyama Valley Groundwater Basin Groundwater Sustainability Plan
September 2019
WOODARD & CURRAN
Legend
Cuyama Basin
Cuyama River
Faults
Groundwater Depth-to-Water Contours below Groundsurface
Inferred Groundwater Depth-to-Water Contours Below Groundsuface
Well Depth Below GSE
Unknown
0 - 200 ft
200 - 400 ft
400 - 600 ft
600 - 800 ft
800 - 1,000 ft
1,000 - 1,200 ft
Contours were interpolated using data measured from 8/1/2017 - 11/30/2017 due to limitated data availability.
Contours Interval: 50 ft.


GW Elevation Above MSL Spring 2017
3,901 - 4,000
3,801 - 3,900
3,701 - 3,800
3,601 - 3,700
3,501 - 3,600
3,401 - 3,500
3,301 - 3,400
3,201 - 3,300
3,101 - 3,200
3,001 - 3,100
2,901 - 3,000
2,801 - 2,900
2,701 - 2,800
2,601 - 2,700
2,501 - 2,600
2,401 - 2,500
2,301 - 2,400
2,201 - 2,300
2,101 - 2,200
2,001 - 2,100
1,901 - 2,000
1,801 - 1,900
1,701 - 1,800
1,649 - 1,700
N
0 2 4 8 Miles
New Cuyama
Cuyama
Figure 2-43: Spring 2017 Groundwater Elevation
Cuyama Basin Groundwater Sustainability Agency
Cuyama Valley Groundwater Basin Groundwater Sustainability Plan
September 2019
WOODARD & CURRAN
Legend
Cuyama Basin
Cuyama River
Faults
Groundwater Elevation Above MSL
Inferred Groundwater Elevation Above MSL
Well Depth Below GSE
Unknown
0 - 200 ft
200 - 400 ft
400 - 600 ft
600 - 800 ft
800 - 1,000 ft
1,000 - 1,200 ft
Contours were interpolated using data measured from 1/1/2017 - 4/30/2017 due to limitated data availability.
Contours Interval: 50 ft.

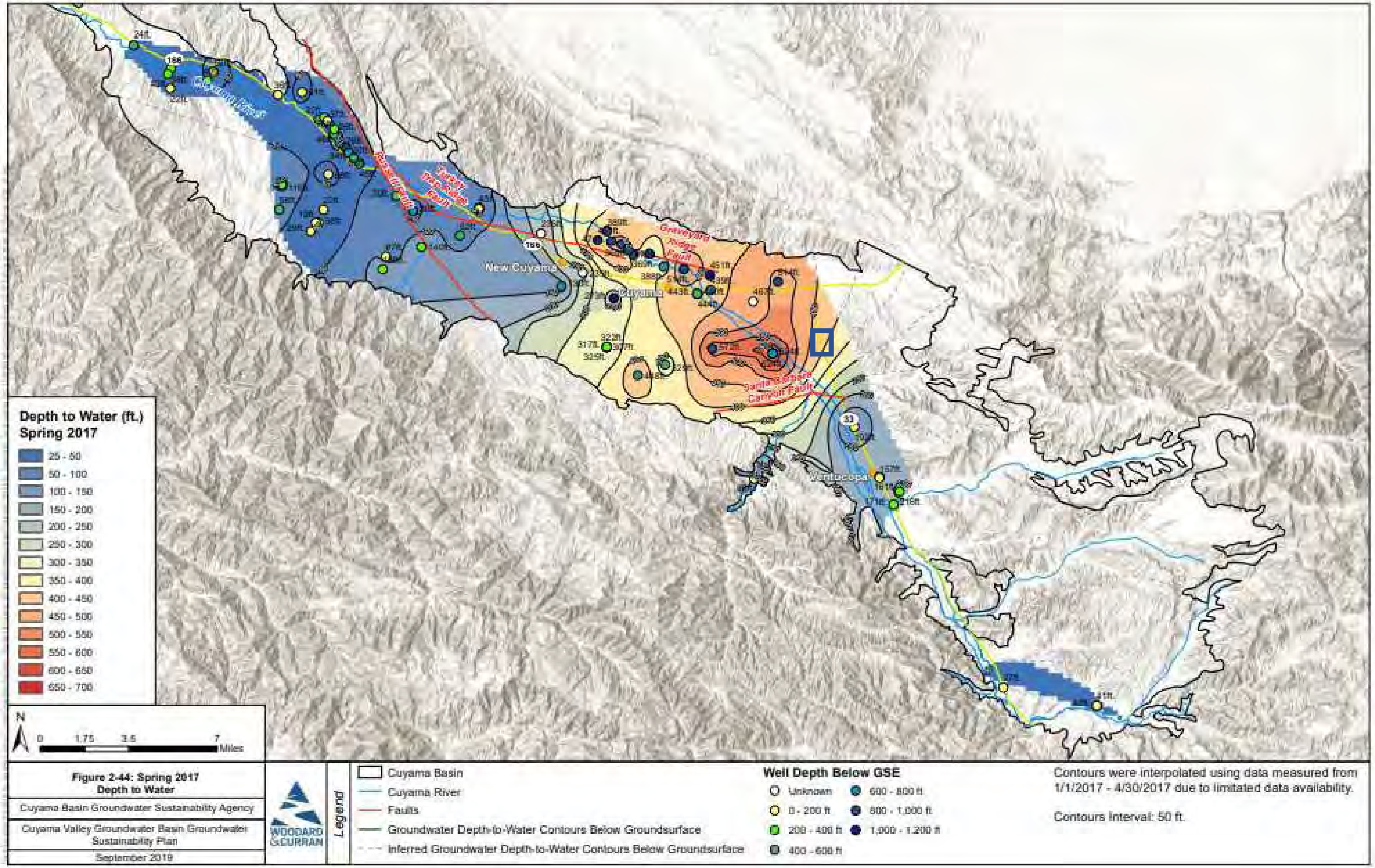


Figure 2-44: Spring 2017 Depth to Water

Cuyama Basin Groundwater Sustainability Agency

Cuyama Valley Groundwater Basin Groundwater Sustainability Plan

September 2019

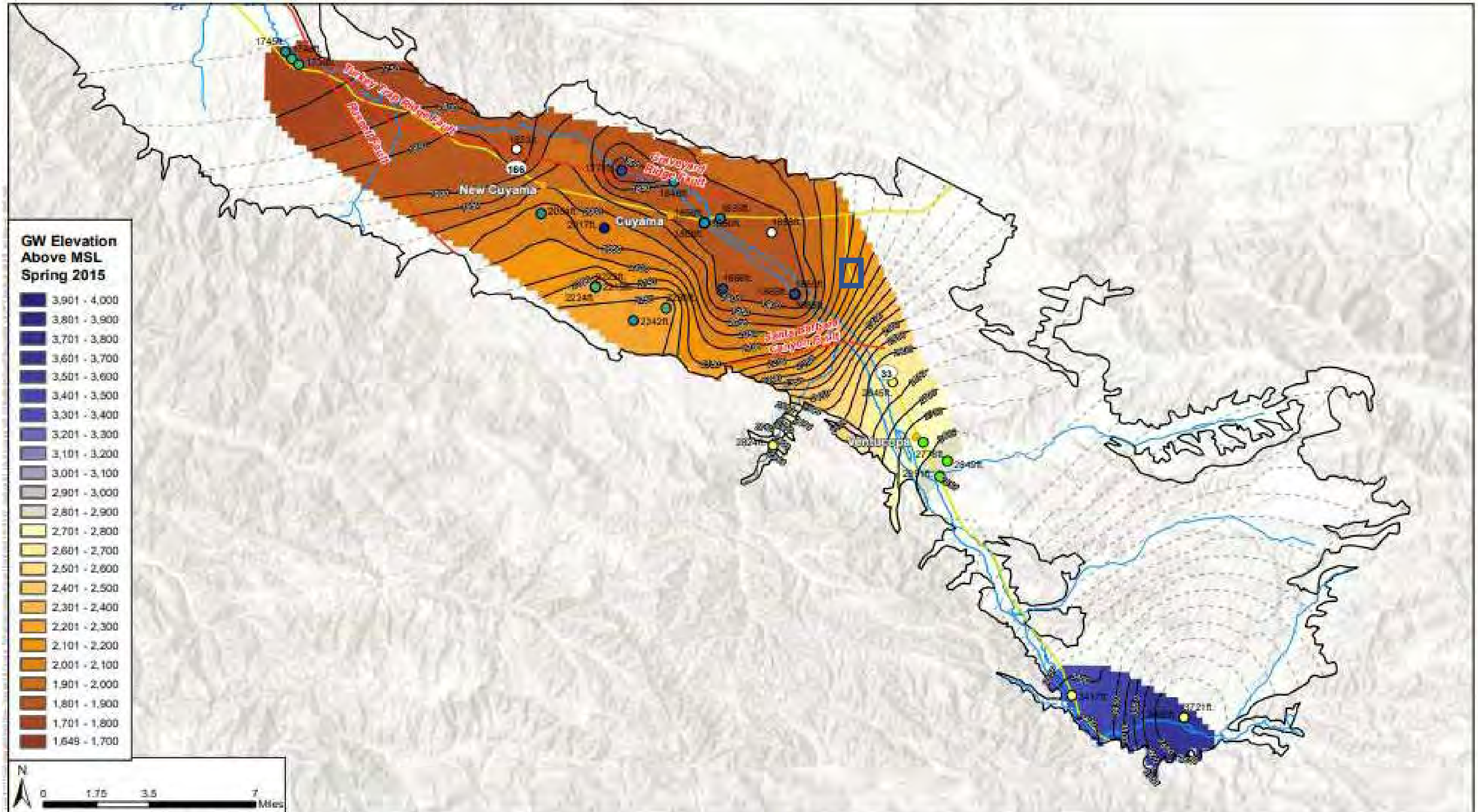


Figure 2-45: Spring 2015 Groundwater Elevation

Cuyama Basin Groundwater Sustainability Agency

Cuyama Valley Groundwater Basin Groundwater Sustainability Plan

September 2019

WOODARD & CURRAN

Legend

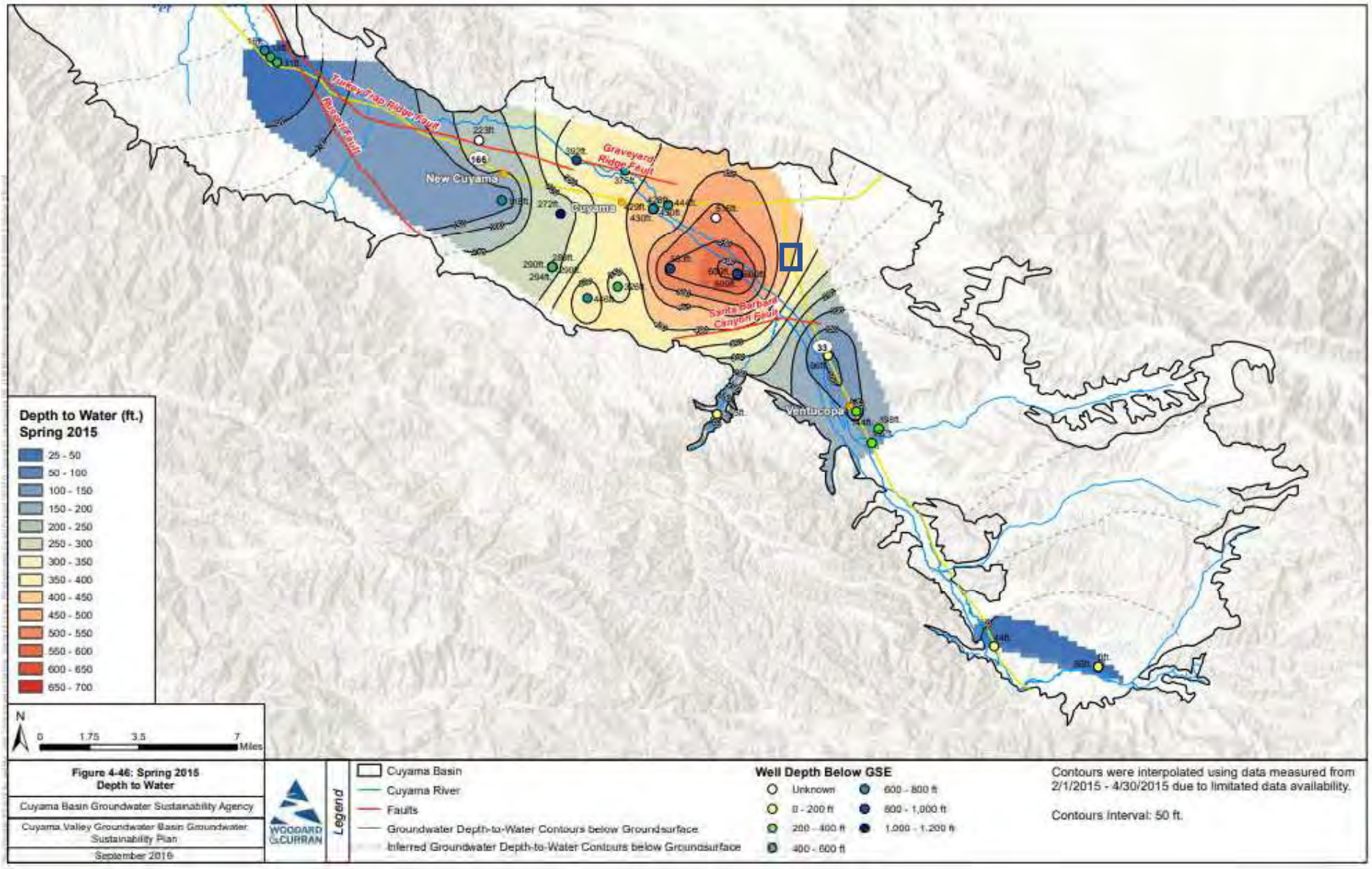
- Cuyama Basin
- Cuyama River
- Faults
- Groundwater Elevation Above MSL
- Inferred Groundwater Elevation Above MSL

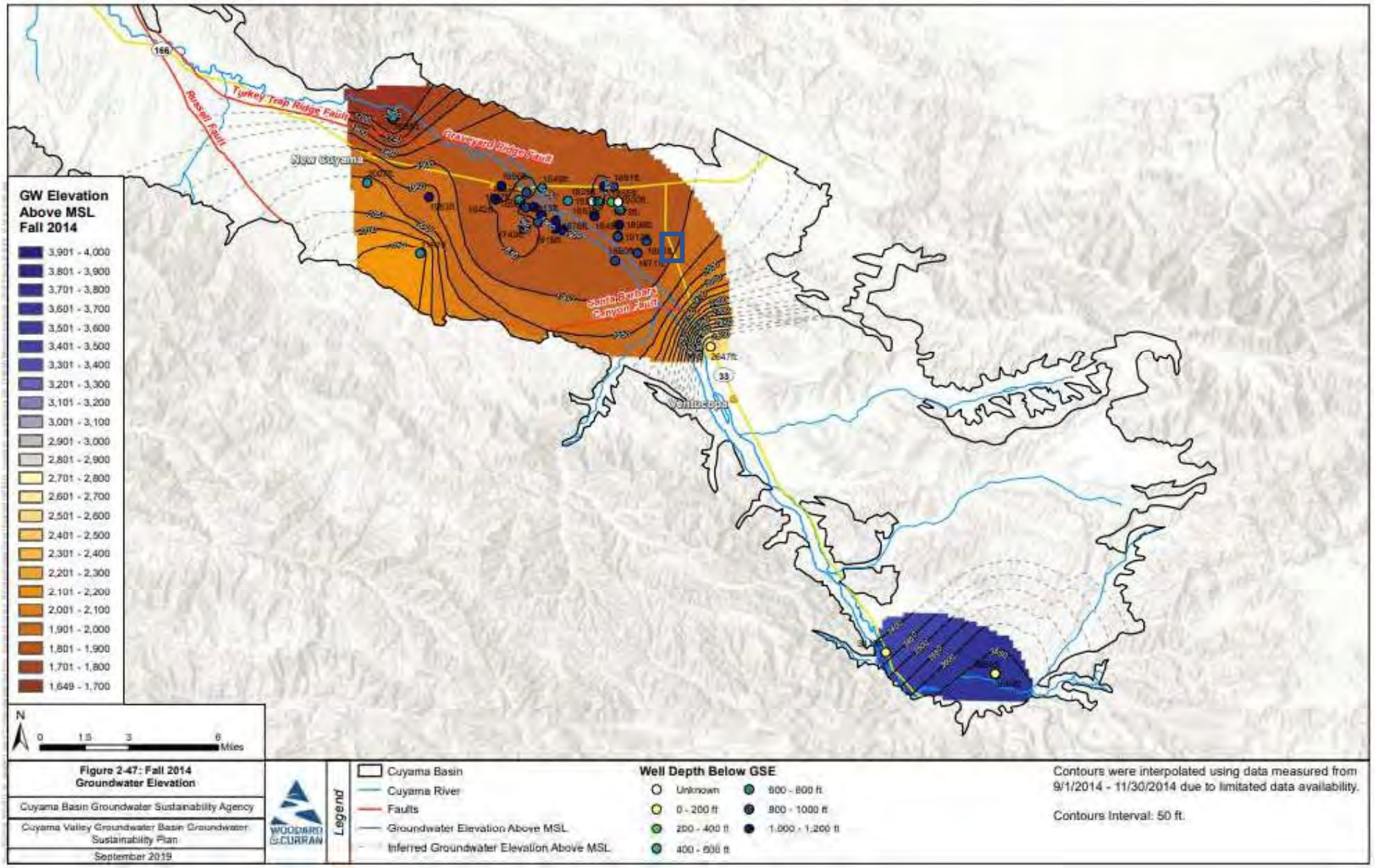
Well Depth Below GSE

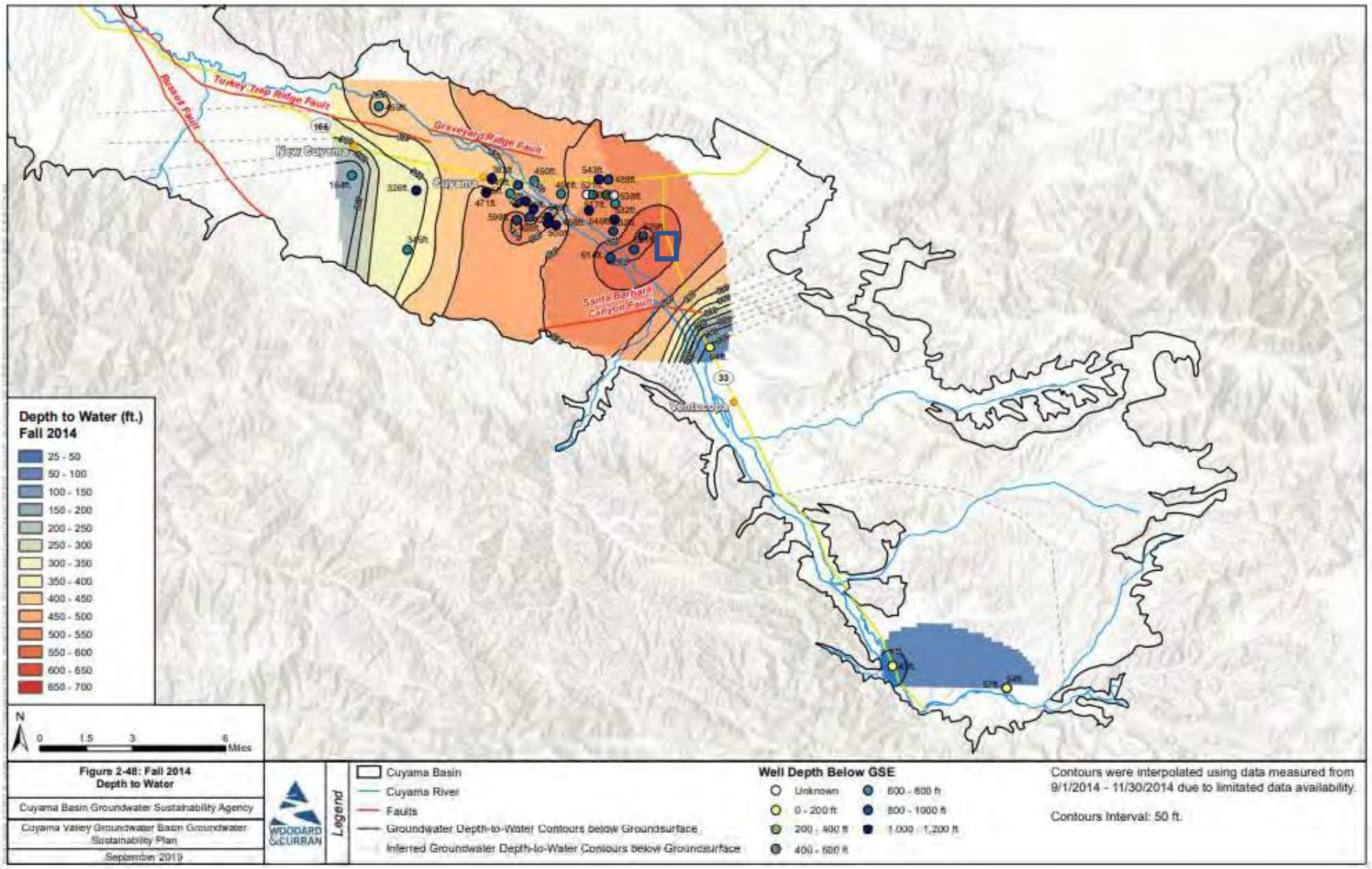
- Unknown
- 0 - 200 ft
- 200 - 400 ft
- 400 - 600 ft
- 600 - 800 ft
- 800 - 1,000 ft
- 1,000 - 1,200 ft

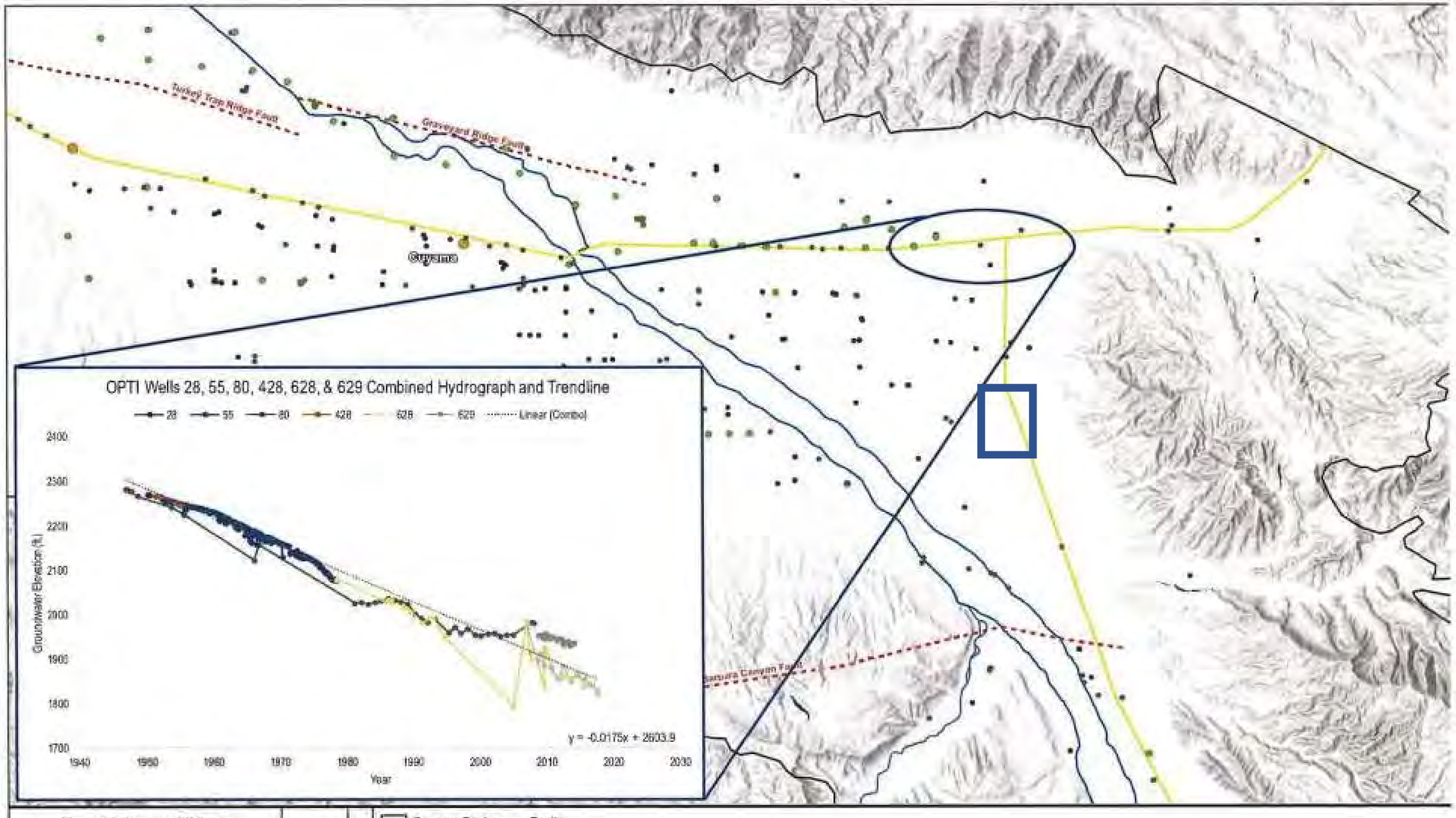
Contours were interpolated using data measured from 2/1/2015 - 4/30/2015 due to limitated data availability.

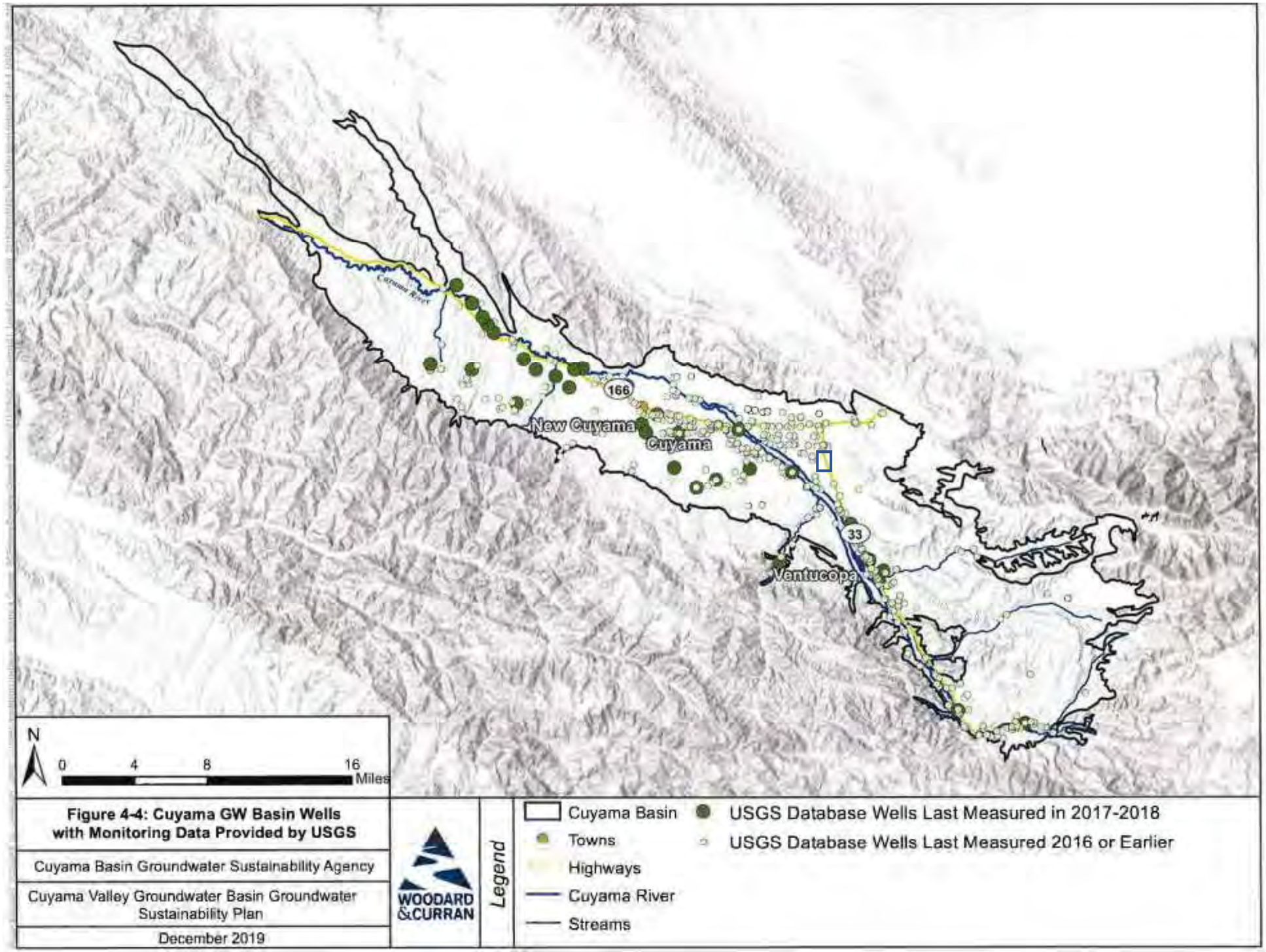
Contours Interval: 50 ft.

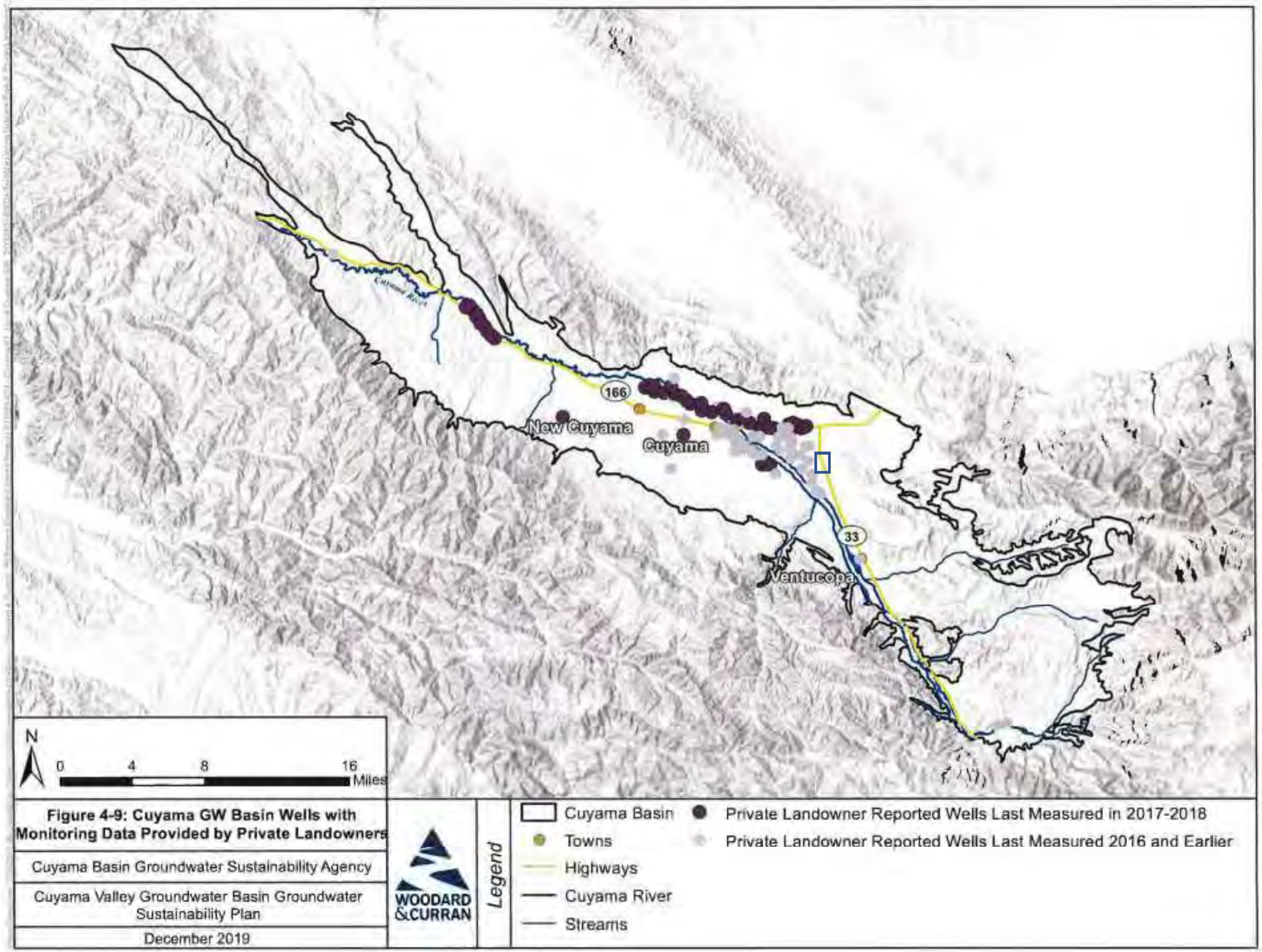

Depth to Water (ft.)
Spring 2015
25 - 50
50 - 100
100 - 150
150 - 200
200 - 250
250 - 300
300 - 350
350 - 400
400 - 450
450 - 500
500 - 550
550 - 600
600 - 650
650 - 700
N
0
1.75
3.5
7
Miles
Turkey Trap Ridge Fault
Russell Fault
Graveyard Ridge Fault
Santa Barbara Canyon Fault
New Cuyama
Cuyama
Ventucopa
Figure 4-46: Spring 2015 Depth to Water
Cuyama Basin Groundwater Sustainability Agency
Cuyama Valley Groundwater Basin Groundwater Sustainability Plan
September 2016
WOODARD & CURRAN
Legend
Cuyama Basin
Cuyama River
Faults
Groundwater Depth-to-Water Contours below Groundsurface
Inferred Groundwater Depth-to-Water Contours below Groundsurface
Well Depth Below GSE
Unknown
0 - 200 ft
200 - 400 ft
400 - 600 ft
600 - 800 ft
800 - 1,000 ft
1,000 - 1,200 ft
Contours were interpolated using data measured from 2/1/2015 - 4/30/2015 due to limitated data availability.
Contours Interval: 50 ft.


GW Elevation Above MSL Fall 2014
3,901 - 4,000
3,801 - 3,900
3,701 - 3,800
3,601 - 3,700
3,501 - 3,600
3,401 - 3,500
3,301 - 3,400
3,201 - 3,300
3,101 - 3,200
3,001 - 3,100
2,901 - 3,000
2,801 - 2,900
2,701 - 2,800
2,601 - 2,700
2,501 - 2,600
2,401 - 2,500
2,301 - 2,400
2,201 - 2,300
2,101 - 2,200
2,001 - 2,100
1,901 - 2,000
1,801 - 1,900
1,701 - 1,800
1,649 - 1,700
N
0 1.5 3 6 Miles
Russell Fault
Tyrkey Trap Ridge Fault
Reward Ridge Fault
South Fork Canyon Fault
New Cuyama
Ventucopa
166
33
Figure 2-47: Fall 2014 Groundwater Elevation
Cuyama Basin Groundwater Sustainability Agency
Cuyama Valley Groundwater Basin Groundwater Sustainability Plan
September 2019
WOODARD & CURRAN
Legend
Cuyama Basin
Cuyama River
Faults
Groundwater Elevation Above MSL
Inferred Groundwater Elevation Above MSL
Well Depth Below GSE
Unknown
0 - 200 ft
200 - 400 ft
400 - 600 ft
600 - 800 ft
800 - 1000 ft
1,000 - 1,200 ft
Contours were interpolated using data measured from 9/1/2014 - 11/30/2014 due to limitated data availability.
Contours Interval: 50 ft.


Depth to Water (ft.)
Fall 2014
25 - 50
50 - 100
100 - 150
150 - 200
200 - 250
250 - 300
300 - 350
350 - 400
400 - 450
450 - 500
500 - 550
550 - 600
600 - 650
650 - 700
N
0
1.5
3
6
Miles
Turkey Trap Ridge Fault
Russell Fault
Graveyard Ridge Fault
Santa Barbara Canyon Fault
New Cuyama
Cuyama
166
33
Figure 2-48: Fall 2014
Depth to Water
Cuyama Basin Groundwater Sustainability Agency
Cuyama Valley Groundwater Basin Groundwater Sustainability Plan
September 2019
WOODARD & CURRAN
Legend
Cuyama Basin
Cuyama River
Faults
Groundwater Depth-to-Water Contours below Groundsurface
Inferred Groundwater Depth-to-Water Contours below Groundsurface
Well Depth Below GSE
Unknown
0 - 200 ft
200 - 400 ft
400 - 600 ft
600 - 800 ft
800 - 1000 ft
1,000 - 1,200 ft
Contours were interpolated using data measured from 9/1/2014 - 11/30/2014 due to limitated data availability.
Contours Interval: 50 ft.


Tubbs Top Ridge Fault
Graveyard Ridge Fault
Orcutt
Santa Maria Valley Fault
OPTI Wells 28, 55, 80, 428, 628, & 629 Combined Hydrograph and Trendline
28
55
80
428
628
629
Linear (Combo)
Groundwater Elevation (ft)
2400
2300
2200
2100
2000
1900
1800
1700
1940
1950
1960
1970
1980
1990
2000
2010
2020
2030
Year
y = -0.0175x + 2603.9
Figure 4-2: Cuyama GW Basin
Central Basin with Combined Hydrograph
Cuyama Basin Groundwater Sustainability Agency
Cuyama Valley Groundwater Basin Groundwater Sustainability Plan
April 2019
WOODARD &CURRAN
Legend
Cuyama Basin
Towns
Highways
Cuyama River
Streams
Faults
Currently Monitored Wells
Not Currently Monitored
N
0
0.5
1
2
Miles


Cuyama River
166
New Cuyama
Cuyama
33
Ventucopa
N
0
4
8
16
Miles
Figure 4-4: Cuyama GW Basin Wells with Monitoring Data Provided by USGS
Cuyama Basin Groundwater Sustainability Agency
Cuyama Valley Groundwater Basin Groundwater Sustainability Plan
December 2019
WOODARD &CURRAN
Legend
Cuyama Basin
Towns
Highways
Cuyama River
Streams
USGS Database Wells Last Measured in 2017-2018
USGS Database Wells Last Measured 2016 or Earlier


166
New Cuyama
Cuyama
33
Ventucopa
N
0
4
8
16
Miles
Legend
Cuyama Basin
Towns
Highways
Cuyama River
Streams
Private Landowner Reported Wells Last Measured in 2017-2018
Private Landowner Reported Wells Last Measured 2016 and Earlier
WOODARD &CURRAN
Figure 4-9: Cuyama GW Basin Wells with Monitoring Data Provided by Private Landowners
Cuyama Basin Groundwater Sustainability Agency
Cuyama Valley Groundwater Basin Groundwater Sustainability Plan
December 2019

Groundwater Level Calibration

The goal of groundwater level calibration is to achieve reasonable agreement between the simulated and observed values (in this case, groundwater levels at the calibration wells). Within the CBWRM, 65 wells were used to evaluate the model calibration at both a regional and local scale. These wells are included in the CBGSA's Opti data management system. The calibration wells were selected based on their period of record and availability of observation data, spatial distribution across the model, and trends of nearby wells. These calibration wells are shown in Figure C-18.

Figure C-18: Location of Calibration Wells

EXHIBIT 5

B. Tilden Kim

T 213.626.8484
F 213.626.0078
E tkim@rwglaw.com

350 South Grand Avenue
37th Floor
Los Angeles, CA 90071
rwglaw.com

March 2, 2023

VIA OVERNIGHT DELIVERY & ELECTRONIC MAIL

Mr. Taylor Blakslee
Groundwater Sustainability Agency Project Coordinator
4900 California Avenue, Tower B, Suite 210
Bakersfield, California 93309
tblakslee@hgcpm.com

Re: Sunrise Ranch Properties, LLC's Second Variance Application

Dear Mr. Blakslee:

We represent Sunrise Ranch Properties, LLC (Sunrise Ranch). Enclosed please find Sunrise Ranch's Second Variance Application (and attachments), submitted in accordance with the variance process established by the Cuyama Basin Groundwater Sustainability Agency (CBGSA) Board of Directors. A hard copy is being delivered by overnight mail in addition to this copy being sent by electronic mail. We submitted a $250.00 check with the first Variance Request, and thus, as per your form's instructions, no check is being submitted with this second request.

Very truly yours,

B. Tilden Kim

Enclosure(s)

13092-0002\2786103v1.doc

2nd VARIANCE REQUEST FORM

For 2023 and 2024 Groundwater Allocations in the Central Management Area

CUYAMA BASIN GROUNDWATER SUSTAINABILITY AGENCY

Please submit this Variance Request Form, **including a check in the amount of $250**, to Taylor Blakslee at 4900 California Ave, Tower B, Suite 210, Bakersfield, CA 93309. Please note the following: (1) CBGSA may reimburse the $250 if corrections are due to inaccuracies with CBGSA's records; and (2) if you submitted a variance request and a $250 check during the first round of variance requests, you are not required to submit a second check for $250.

Name: Dan Devico, Michael Devico (Sunrise Ranch Properties, LLC)

Date: March 2, 2023

Phone: (323) 859-7402

Email: TO: dan@pompeian.com, michael.devico@sunriseoliveranch.com;
CC: stevej2@stetsonengineers.com; jeffh@stetsonengineers.com; biancac@stetsonengineers.com; JMarkman@rwglaw.com; TKim@rwglaw.com; KBrochard@rwglaw.com; JMetz@rwglaw.com

Assessor Parcel Number(s) (APN):

–	149-170-09	-	096-201-021
–	149-170-10	-	096-211-027
–	096-201-015	-	096-211-033
–	096-201-016	-	096-211-034
–	096-201-017	-	096-211-042
–	096-201-018	-	096-211-043
–	096-201-019	-	096-211-044
-	096-201-020	-	096-211-045

Please describe the basis for your variance request and attach any supporting documentation.

Please see attached March 2, 2023 letter from James L. Markman; Exhibit 1 (declaration of Jeffrey D. Helsley and Attachment A); and Exhibits 2 and 3.

James L. Markman

T 714.990.0901
F 714.990.6230
E jmarkman@rwglaw.com

1 Civic Center Circle, PO Box 1059
Brea, California 92822-1059
rwglaw.com

March 2, 2023

VIA ELECTRONIC MAIL & OVERNIGHT MAIL

Taylor Blakslee
Groundwater Sustainability Agency Project Coordinator
4900 California Avenue, Tower B, Suite 210
Bakersfield, California 93309
tblakslee@hgcpm.com

Re: ***Second Variance Request of Sunrise Ranch Properties, LLC***

Dear Mr. Blakslee:

This letter and enclosures constitute our client, Sunrise Ranch Properties, LLC's ("Sunrise") Second Variance Request. As detailed below, based on the best available science and evidence, Sunrise seeks 2,834.44 acre-feet-per-year (AFY) as the average annual groundwater produced from 1998 through 2017 for its Farming Unit with resulting adjustments to the allocation for the Central Management Area for 2023 and 2024. It also must be noted that the number requested should be higher because the test period included four years, 2014-2017, which were start up years for Sunrise's present olive operation. Comparing the original alfalfa operation to the projected olive operation at maturity shows a reduction of between 1,300 to 1,500 AFY of water use.

Sunrise's First Variance Request and Farming Unit Request

As background, on August 30, 2022, Sunrise submitted voluminous documentation supporting its first variance request. In sum, in recognition of Sunrise as an integrated farming unit, property information, and pumping documentation, Sunrise now requests that the Cuyama Basin Groundwater Sustainability Agency (the "Agency") correct its average historical pumping value for Sunrise of 2,388.77 AFY to be 2,834.44 AFY.

Cuyama Basin Groundwater Sustainability Agency's Farm Unit Approval and Allocation

On January 16, 2023, the Agency reviewed Sunrise's Farming Unit application received on January 5, 2023, and determined that it met the requirements set forth in the "Overarching Policy for Wells Inside and Outside the Central Management Area" policy adopted by the Agency on December 12, 2022, and thus, approved Sunrise's Farming Unit request.

On February 4, 2023, the Agency then calculated a new allocation to Sunrise based upon a new historical average use of 2,388 AFY, and a starting point allocation of 2,568 AFY for calendar year 2023.

The Agency's Allocation Lacks Rational Bases

Sunrise's principals, its consultant (Stetson Engineers) and its legal team have reviewed and analyzed the Agency's February 4, 2023 allocation determination and methodology. The historical average use of 2,388 AFY is unsupported. The Agency has not provided the specific analysis of Sunrise's parcels past water requirement to support the Agency's determination—which is 450 AFY less than that provided by Sunrise in this second variance request and, practically is about 1,000 AFY less since water production was understated from 2014 to 2017, the first years of establishing the olive operation. Specifically, if the startup years are eliminated from the test period, Sunrise's calculation of average AFY jumps from 2,834.44 AFY to 3,447.99 AFY.

This second variance request is narrowly focused on the difference between the Agency's basis of its calculation of the average amount of water used on the total properties included in the subject unit during the 1998-2017 test period and the amount calculated by Sunrise. Below, we will first identify methods which could have been used by the Agency in reaching its conclusions which have not been substantiated by specific numerical examples. Frankly, Sunrise and its advisors have been confused by the general description of the method used to generate the average numbers for all of its producers, making it difficult to judge the accuracy of the Agency's average production.

We then will explain the basis for Sunrise's calculations which are supported by available electrical data by which the water production from three of the four wells in question have been accurately computed. Historical investigations reveal the use of a fourth well not run by electricity and an estimate of the amount of water used from that well from 1998-2013. These methodologies are substantiated by a declaration under penalty of perjury submitted herewith by Jeff Helsley, a professional engineer employed by Stetson Engineers on behalf of Sunrise (attached as Exhibit 1 hereto) which summarizes and analyzes data obtained by Mr. Helsley from the owner and manager of the properties included in the Farming Unit from 1998-2013. Mr. Helsley's declaration also supports Sunrise's calculations and the resulting data submitted in Exhibits 2 and 3 attached hereto.

Maximizing the accuracy of data underlying the calculation of allocations made through the Sustainable Groundwater Management Act process is a legal requirement which protects both the property rights of water producers and the Agency's ability to achieve and maintain Basin sustainability. And, the best available science is required to be employed by the Agency in determining water allocations, which leads to the questions Sunrise now raises stated immediately below which pertain to how the Agency's calculations were made.

The core questions on water allocations made through this process to this date are as follows:

1. Was the historical amount of water used from 1998-2017 in the Basin determined by the Agency based solely upon aerial photograph or measured well production and a determination of crops grown during any given year as to each property analyzed?

2. If there was some combination of methods, which methods were applied to determine well production at Sunrise such as available meter readings or electrical consumption and which were derived from aerial photography and/or investigation of crops grown each year of the test period?

3. Did the Agency staff or engineers determine the specific crops grown on all of the specific parcels for each year during the test period?

4. Was there an effort in ground proofing assumptions used to verify abstract observations. In other words, were statements by persons who were conducting agricultural activities in the Basin during the test period accumulated to verify the accuracy of any conclusions reached in other ways?

An equally important question is whether the Agency and its engineers will meet and confer on differences in conclusions in the Agency's numbers and those of Sunrise. These are crucial factual issues. We appreciate the Agency facilitating our contacting Agency staff, Agency Special Committee, and the Agency Board so that we are able to present relevant data in that forum on behalf of Sunrise. This at least affords us an opportunity to present our views and answer questions from Agency officials. It would be more productive if the staff and engineers of the Agency and Sunrise met under circumstances in which each would be willing to candidly exchange data to at least identify the differences in approaches, data found or conclusions reached. This could result in resolution of many differences. This would present an opportunity for the Agency to explore these issues with stakeholders instead of or in addition to conducting what amounts to a quasi-judicial determination on behalf of the Agency, making the producer an applicant rather than a participating stakeholder.

At this point, we will summarize Sunrise's conclusions on the amount of water used and proper allocations thereof and will identify support for the conclusions stated. We first ask you to review Exhibit 1 which is Jeff Helsley's declaration which describes the process used to determine water production, much of which was presented in the first variance process. Mr. Helsley determined that appropriate information on water use during the test period years could be determined in two ways.

The first method of determination covers the period of time commencing in 2014 to the end of the test period. That was the period of time in which all of the wells involved in providing water to the parcels were operated by Sunrise. In that regard, Sunrise provided to Stetson electrical use data separately assigned to the active wells, including intermittent pump test data showing the reliability of the electrical records. For each year from 2014 forward, Stetson was able to accurately calculate the exact amount of water produced by each well used in its Farming Unit. And, Stetson did so utilizing the best available science. Also, it should be noted that discrepancies between the Agency's estimated water use and Sunrise's estimated groundwater production still exist for those four years. Accordingly, these discrepancies must be explained to the satisfaction of both parties.

For years 2012 and 2013, three wells were run through electricity and reliable electrical records for those wells providing water to all of the parcels were provided by the previous owner of the parcels to Sunrise and were analyzed by Stetson. Importantly, the production of alfalfa and grain hay essentially had not been modified over the 1998-2013 period. The best estimate of the amount of water use in the farm unit from 1998-2013 are the electrical records showing production of those three wells.

As an alternate basis for calculating water use, the previous owner provided the acreage use for two crops grown on the site from 1998 through 2013, for each year in that period other than 2001 and 2002. The crops were 650 acres of alfalfa at 5 acre feet per acre and 100 acres of grain hay at an additional 1.5 acre feet per acre. The total usage each of those years was determined to be 3,400 AFY. In 2001 and 2002, the alfalfa acreage was 720 which, together with 100 acres of grain hay resulted in the total water use of 3,750 AFY.

Sunrise would appreciate your consideration of projections of Sunrise's available water based on the assumption of a 5% rampdown imposed every year from 2023 through 2030, attached as Exhibit 2 hereto. The projections in Exhibit 2 assume the Agency agrees with Sunrise's data and conclusions presented here. Accordingly, should such a sustained rampdown ensue, Sunrise would have to fallow trees sometime in the 2029-2030 period. Sunrise does realize that it will bear some financial burden to be part of the solution to sustaining the Basin. But Sunrise continues to remind the Agency that its acquisition of the farm unit and its conservative use of water has generated the exact result which this Agency seeks: significant water reduction.

Sunrise already has been certified as having a Sustainable Grown Version 2.2 certificate from SCS Global Services, the first business venture to be certified in the world for growing olives. As emphasized in the first paragraph of this Second Variance Request, if Sunrise's start up years were eliminated, average water use on its property with all of its trees matured will have been reduced from 3,400-3,750 AFY to 2,050-2,400 AFY.

Exhibit 3 compares the estimated annual groundwater production presented by the Agency and Sunrise. This creates a stark contrast for Sunrise in which its mature olive trees would have to be fallowed significantly within a five year period if the Agency model is put into play on its path into the late 2020s. This is due to the rampdown starting at 2,568 AFY and dwindling by approximately 500 AF by 2027. In fact, either scenario only provides five to eight years of production to Sunrise. This is not a fair result supported by the best available science and would not provide Sunrise any choice but to legally resist implementation of that scenario. Sunrise intends to permanently operate the exceptional olive oil business in which they are engaged in Cuyama and by which, as stated above, they will have eliminated a substantial percentage of the water previously used on the same parcels.

At some time we would like to speak with the Agency on the following subjects which could mitigate financial hardship to the growers as demonstrated in Exhibits 2 and 3 while still reaching the Agency's sustainability goals:

1. The concept of a producer carrying over unused water allocations from year to year which would cushion the rampdown by allowing water that could have been pumped in one year to be pumped at a later time. The end result would be the same amount of pumping which would have been expected by the allocations made by the Agency during rampdown.

2. The concept of creating transferability between parties holding allocations, to cushion the impact on both parties.

3. The concept of settling with a producer on a total amount of water which may be produced throughout the rampdown period with only the annual amount left at the end of rampdown to be produced thereafter.

These devices have been successful elsewhere in providing businesses management alternatives during rampdown, avoiding litigation and supporting the sustainability agencies in reaching basin balance.

We thank you in advance for your anticipated thoughtful attention to this variance request.

Very truly yours,

RICHARDS, WATSON & GERSHON
A Professional Corporation

James L. Markman

Attachments (Exhibit 1 (Helsley Declaration and Attachment A thereto); and Exhibits 2 and 3)

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EXHIBIT 1

DECLARATION OF JEFFREY D. HELSLEY IN SUPPPORT OF SUNRISE RANCH PROPERTIES' LLC'S SECOND VARIANCE REQUEST

I, Jeffrey D. Helsley, declare as follows:

1. I am a civil engineer licensed in the State of California. I have a Bachelor of Science degree in Civil Engineering from California State University, Los Angeles, and a Master of Science Degree in Environmental Engineering from the University of Southern California. I have been working as an engineer in the fields of water resources and environmental engineering for 40 years. Some of my relevant experience includes managing the preparation of a conceptual level Practicably Irrigated Acreage analysis to support the quantification of the water rights of a Native American Tribe's reservation, managing the development and preparation of a California Department of Water Resources approved Groundwater Sustainability Plan, managing groundwater modeling investigations, and preparation of planning documents that included review of historical water use and projections of future water use.

2. In addition, I have managed the design of several groundwater water production, treatment, and distribution facilities. I am the Engineering Manager for the Covina, California office of Stetson Engineers Inc. ("Stetson"). My duties as Engineering Manager include hiring and training qualified engineering staff, planning project staffing, providing quality control of engineering deliverables, high level project guidance and problem solving, and providing senior level support for clients.

3. The law firm of Richards, Watson & Gershon has retained Stetson on behalf of the mutual client, Sunrise Ranch Properties, LLC ("Sunrise"). I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently to such facts under oath.

Overview of Sunrise Ranch Properties, LLC

4. Since May 2014, Sunrise Ranch has been growing olives in the Cuyama Basin, located south of the Highway 33 and Highway 166 intersection and east of the

Cuyama River along the boundary between San Luis Obispo and Santa Barbara Counties. Sunrise Ranch owns 1,085 acres of land which includes 880 acres of gross farmed land and 810 acres of net farmed land. Land not used for farming is purposed for residential homes and milling or are mountainous areas.

5. Sunrise Ranch farms high density olive orchards with an ultimate water demand of between 2,050 acre-feet per year and 2,430 acre-feet per year for the farmed land. Sunrise Ranch's farming practices include state-of-the-art irrigation efficient technology, maintenance of their assets including an olive oil processing plant, 3 currently active wells, 2 inactive wells, 2 reservoirs, and drip irrigation lines.

6. Prior to the start of planting the orchards in 2014, the previous owner of the land reported that he farmed alfalfa (650 acres at 5 acre-feet per acre) and grain hay (100 acres at 1.5 acre-feet per acre) on the Sunrise Ranch land from at least 1998 through 2011, with exception of 2001 and 2002. The previous owner reported that during 2001 and 2002 he farmed a larger acreage of alfalfa (720 acres at 5 acre-feet per acre) along with the same acreage of grain hay. The previous owner of the land has reported that the cropping pattern and annual water usage remained the same from 1998 through 2011, with exception of 2001 and 2002.

Determination of Water Usage

7. Sunrise Ranch provided Stetson with monthly well pump electrical bills for its three (3) active wells from Pacific Gas and Electric Company (PG&E) for 2012 and 2013. In addition, Sunrise Ranch provided a spreadsheet that includes information from monthly electrical bills for its three (3) active wells from 2014 to 2021. Furthermore, the Farm Pump & Irrigation Company, Inc. provided well pump tests for each of Sunrise Ranch's three (3) active wells.

8. Sunrise Ranch Well 1 was pump tested during the years 2020 and 2022. In 2020, Sunrise Ranch Well 1 used approximately 1,132.74 kilowatt hours per acre-feet (kWh per AF) of groundwater produced. In 2022, Sunrise Ranch Well 1 used approximately 815.80 kWh per AF of groundwater produced.

9. Sunrise Ranch Well 2 was pump tested during the years 2009, 2011, 2013, 2016, and 2020. In 2009, Sunrise Ranch Well 2 used approximately 906.61 kWh per AF of groundwater produced. In 2011, Sunrise Ranch Well 2 used approximately 1,011.54 kWh per AF of groundwater produced. In 2013, Sunrise Ranch Well 2 used approximately 968.70 kWh per AF of groundwater produced. In 2016, Sunrise Ranch Well 2 used approximately 979.28 kWh per AF of groundwater produced. In 2020, Sunrise Ranch Well 2 used approximately 1,136.52 kWh per AF of groundwater produced.

10. Sunrise Ranch Well 3 was pump tested during the years 2006, 2011, 2013, 2020 and 2022. In 2006, Sunrise Ranch Well 3 used approximately 995.93 kWh per AF of groundwater produced. In 2011, Sunrise Ranch Well 3 used approximately 992.40 kWh per AF of groundwater produced. In 2013, Sunrise Ranch Well 3 used approximately 1,021.74 kWh per AF of groundwater produced. In 2020, Sunrise Ranch Well 3 used approximately 1,522.27 kWh per AF of groundwater produced. In 2022, Sunrise Ranch Well 3 used approximately 1,350.81 kWh per AF of groundwater produced.

11. Water production from Sunrise Ranch's Wells 1 through 3 were calculated using crop types, acreages planted, and water use rates reported by the previous owner of the land for years 1998 through 2011, and the kWh use from monthly energy bills provided by PG&E for 2012 and 2013, the spreadsheet provided by Sunrise Ranch that includes information from monthly electrical bills for 2014 through 2021, and the energy usage per AF from each well's pump test records.

12. **Attachment A** shows groundwater pumped from 1998 through 2017 for Sunrise Ranch's Wells 1 through 3. Attachment A was prepared under my direction and supervision. As mentioned above, the previous owner of the land has reported to Sunrise Ranch that the cropping pattern and annual water usage has remained the same from 1998 through 2011, with exception of 2001 and 2002. Therefore, the estimated pumping from 1998 through 2011 was calculated based on the previous owner of the land's reported farming of alfalfa (650 acres at 5 acre-feet per acre, or 3,250 acre-feet) and grain hay (100 acres at 1.5 acre-feet per acre, or 150 acre-feet) for a total of 3,400 acre-feet per year from

at least 1998 through 2011, with exception of 2001 and 2002. The estimated pumping for 2001 and 2002 was calculated based on the previous owner of the land's reported farming of alfalfa (720 acres at 5 acre-feet per acre, or 3,600 acre-feet) and grain hay (100 acres at 1.5 acre-feet per acre, or 150 acre-feet) for a total of 3,750 acre-feet for both 2001 and 2002.

13. The pumping for 2012 and 2013 was calculated using the monthly electrical bills provided by PG&E for 2012 and 2013 and the pump test records for the three (3) wells. In addition, the estimated pumping from 2014 through 2017 was calculated using the spreadsheet provided by Sunrise Ranch that includes information from monthly electrical bills from 2014 to 2021, and the energy usage per AF from each well's pump test records.

14. Sunrise Ranch also owns a fourth well that is not electrically powered and is not included as part of the Table in Attachment A.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this 2nd day of March, 2023, at Covina, California.

Jeffrey D. Helsley

ATTACHMENT A

SUNRISE RANCH, LLC

CUYAMA BASIN GSA VARIANCE APPLICATION

WATER USE RATES MODELED BY THE CBGSA VS. CURRENT VERIFICATION

YEAR	ANNUAL WATER		SUNRISE RANCH RECORD NOTES	
	MODELED BY GSA (APPLIED WATER)	PUMPING PER VERIFICATION OF PUMPING RECORDS	HISTORY OF LAND USE	WATER USE DATA SOURCE
1998	2,161.28	3,400.00	Previous owner growing alfalfa and grain hay. Previous owner also using own wells to water 200 acres of rented land outside of Sunrise Ranch.	Previous owner stated consistent relative acreages of alfalfa and grain hay grown from at least 1998 through 2011 (650 acres of alfalfa and 100 acres of grain hay), with exception of 2001 and 2002 where a larger acreage of alfalfa (720 acres) was planted. Total water use from 1998 through 2011 based on statements by the previous owner and assuming the same annual water use for 1998 through 2011, with exception of 2001 and 2002, and water use rates.
1999	2,409.00	3,400.00		
2000	3,214.25	3,400.00		
2001	2,807.78	3,750.00		
2002	3,066.50	3,750.00		
2003	2,814.79	3,400.00		
2004	3,114.28	3,400.00		
2005	2,591.72	3,400.00		
2006	2,319.92	3,400.00		
2007	2,636.21	3,400.00		
2008	2,992.38	3,400.00		
2009	2,952.02	3,400.00		
2010	2,564.33	3,400.00		
2011	2,500.50	3,400.00		
2012	2,992.45	3,419.83		Previous Owner's 2012 Electrical Bills
2013	3,059.49	3,270.72		Previous Owner's 2013 Electrical Bills
2014	1,085.06	157.23	Sunrise Ranch starts planting in May 2014 with 180 acres. During a portion of the year, previous owner continued to grow alfalfa.	Sunrise Ranch Eletrical Bills
2015	860.71	411.09	Sunrise Ranch plants 320 acres	
2016	759.17	420.28	No new planting	
2017	873.47	709.70	Sunrise Ranch plants 160 acres	
AVERAGE	**2,388.77**	**2,834.44**		
TOTAL	47,775.31	56,688.84		

EXHIBIT 2

SUNRISE RANCH, LLC
CUYAMA BASIN GSA VARIANCE APPLICATION

ALLOCATION PROJECTIONS BASED ON VERIFIED PUMPING DATA FOR WELLS 1 THROUGH 3

Parameters for Estimated Allocation	
2021 Total Pumping	49,968
Sustainable Yield	11,500
Overdraft	38,468
Sunrise Ranch % Share of Total Average Pumping	5.63%

Sunrise Ranch Allocations with Annual Reductions			
Year	**% Reduction (from 2021)**	**Total Pumping in CMA**	**Sunrise Ranch Allocations**
2023	5%	48,044.30	2,705.03
2024	10%	46,120.91	2,596.74
2025	15%	44,197.53	2,488.44
2026	20%	42,274.14	2,380.15
2027	25%	40,350.76	2,271.86
2028	30%	38,427.38	2,163.57
2029	35%	36,503.99	2,055.28
2030*	40%	34,580.61	1,946.98

NOTES: Assumes all annual reductions are by 5%. ; Sunrise Ranch has projected that they will require at least 2,050 AF of allocations when their trees reach full maturity in 2027. If reductions continue, Sunrise Ranch will not have enough water by 2030.

EXHIBIT 3

SUNRISE RANCH, LLC

CUYAMA BASIN GSA VARIANCE APPLICATION

WATER USE RATES MODELED BY THE CBGSA VS. CURRENT VERIFICATION

YEAR	ANNUAL WATER		SUNRISE RANCH RECORD NOTES	
	MODELED BY GSA (APPLIED WATER)	PUMPING PER VERIFICATION OF PUMPING RECORDS	HISTORY OF LAND USE	WATER USE DATA SOURCE
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2017	873.47	709.70	Sunrise Ranch plants 160 acres	
AVERAGE	**2,388.77**	**2,834.44**		
TOTAL	47,775.31	56,688.84		

VARIANCE REQUEST FORM

For 2025 through 2029 in the Central Management Area (Including Farm Units)

Submit this form, **including a $250** fee (which may be reimbursed if corrections are due to inaccuracies with the Cuyama Basin Groundwater Sustainability Agency (CBGSA) records), to Taylor Blakslee at 4900 California Ave, Tower B, Suite 210, Bakersfield, CA 93309 (forms may be also submitted electronically to tblakslee@hgcpm.com).

Name:	Dan Devico, Michael Devico (Sunrise Ranch Properties, LLC)
Date:	December 6, 2024
Phone:	(323) 859-7402
Email:	TO: dan@pompeian.com, michael.devico@sunriseoliveranch.com CC: stevej@stetsonengineers.com; jeffh@stetsonengineers.com; biancac@stetsonengineers.com; JMarkman@rwglaw.com; TKim@rwglaw.com; KBrochard@rwglaw.com; JMetz@rwglaw.com

Assessor Parcel Number(s) (APN):

- 149-170-09
- 149-170-10
- 096-201-015
- 096-201-016
- 096-201-017
- 096-201-018
- 096-201-019
- 096-201-020
- 096-201-021
- 096-211-027
- 096-211-033
- 096-211-034
- 096-211-042
- 096-211-043
- 096-211-044
- 096-211-045

Please describe the basis for your request and attach any supporting documentation

Please see attached letter from Mr. Markman, dated December 6, 2024.

TO: Standing Advisory Committee
Agenda Item No. 9b

FROM: Taylor Blakslee

DATE: January 9, 2025

SUBJECT: Discuss and Take Appropriate Action on GSA Project Prioritization/Schedule

Recommended Motion
SAC feedback requested.

Discussion
During the development of the amended 2024 Groundwater Sustainability Plan (GSP), staff captured several items that the board and standing advisory committee (SAC) members suggested be considered in the future. Those items are included in a draft project prioritization list for SAC and board review and feedback, which is provided as Attachment 1. This is a draft list that staff expects will be refined by SAC and board feedback and work with an ad hoc, if directed.

Once the draft project list is finalized, staff requests each board members rank the projects. Staff will aggregate rankings and present a final list including a draft 2025-2029 schedule at the March 2025 board meeting.

	Cuyama Project Prioritization List				Ranking Criteria			
	Title	**Description**	**Goal**	**Level of Effort**	Importance	Impact	Urgency	Cost Effectiveness
					Rank 1-5 (1 = high, 5 = low)			
A.	Technical Updates / Data Gaps / Other							
	Model Updates							
A.1	Evapotranspiration Study	Investigate crop ET values used in model to estimate pumping	Improve crop ET estimates used in the model	Medium				
A.2	Irrigation Efficiency/Methods Study	Investigate irrigation methods and efficiencies	Improve irrigation efficiency estimates used in the model	Medium				
A.3	Deep Percolation Study	Review deep percolation assumptions and consider potential refinements	Improve deep percolation representation used in the model	High				
A.4	Model Recalibration/Update	Update model ahead of 2030 GSP update (consider ag planning horizon)	Update model at least every 5 years per GSP	High				
	Additional Fault Investigations							
A.5	Santa Barbara Canyon Fault	Further investigations to determine fault location (e.g. north line) and permiability	Improve understanding of geology and impact on groundwater flow	High				
A.6	Russell Fault	Investigate salinity changes on both sides of fault given water flowing over top	Improve understanding of geology and impact on groundwater flow	High				
A.7	Ozena	Additional investigation (not studied yet)	Improve understanding of geology and impact on groundwater flow	High				
	Interconnected Surface Water (ISW)							
A.8	ISW Depletion Study	Perform Analysis to Estimate ISW Depletion Caused by Groundwater Use (per DWR guidance)	Appropriately manage ISWs per DWR guidance	High				
A.9	ISW Sustainable Management Criteria and Monitoring Network	Develop udpated monitoring network and SMCs per DWR guidance	Appropriately manage ISWs per DWR guidance	Medium				
	Groundwater Monitoring Network							
A.10	New Montioring Wells	Install new, dedicated monitoring wells to replace active pumping wells	Improve quality of gw level data collected	High				
A.11	Monitoring Well Telemetry	Install telemetry for monitoring network	Improve frequency of data and reduced data collection effort	Medium				
	Land Use							
A.12	Land Repurposing Grants / Incentives	*TBD*	*TBD*	*Unknown*				
A.13	Irrigation Efficiency Grants / Incentives	*TBD*	*TBD*	*Unknown*				
	Outreach							
A.14	Newsletters	Newsletters to describe recent GSA activities	Continue education/outreach to stakeholders	Low				
A.15	Workshops	Periodic public workshops to educate and received feedback from the public	Continue education/outreach/feedback to stakeholders	Medium				
B.	Management Actions							
	CMA Allocations							
B.1	Carryover Policy	Develop policy to allow unused allocated water to be carried over to the next year	Provide water management flexibility to irrigators	Low				
B.2	Water Market	Develop a water market in the basin	Provide water management flexibility to irrigators and non-irrigotors	Medium				
B.3	Tiered Allocation Approach (e.g. Minimum Allocation)	Establish a tiered allocation system	Consider different use classes in groundwater allocations	Medium				
	Expanded Allocations							
B.4	Ventucopa Management Area	Peform additional studies to determine if allocations are warranted in the Ventucopa MA	Determine if allocations in the Ventucopa MA are Warranted	High				
B.5	Allocations Outside Existing Management Areas	Perform qualitative assessment during each Annual Report	Determine if allocations are appropriate outside existing MAs	Medium				
C.	Projects							
	Flood and Stormwater Capture							
C.1	Project Feasiblity Study	Perform detailed analysis of project pending results from water rights analysis	Determine feasibility of stormwater capture project	High				
	Water Supply Transfers/Exchanges							
C.2	*Companion Project to Flood and Stormwater Capture*	Consider this component as part of the Flood and Stormwater feasibility study	Determine feasibility of water transfers/exchanges as part of a Storm Wate	High				
	Precipitation Enhancement							
C.3	Project Feasibility Study	Perform detailed analysis of project pending results from DRI study	Determine feasbility of precip enhancement project	High				
	Improve Reliability of Water Supplies for Local Communities							
C.4	CCSD Well 2	Consider opportunities to improve water supply reliability for CCSD	Improve water supply reliability	*Unknown*				
C.5	Ventucopa Water Supply Company Well	Consider opportunities to improve water supply reliability for VWSC	Improve water supply reliability	*Unknown*				
	Flow Meter Calibration Program							
C.6	Flow Meter Calibration Program	Develop a flow meter calibration program including funding mechanism	Improve accuracy of groundwater pumping measurements	Medium				

TO: Standing Advisory Committee
Agenda Item No. 9c

FROM: Alex Dominguez

DATE: January 9, 2025

SUBJECT: Discuss and Take Appropriate Action on Stormwater Capture Surface Rights Analysis

Item under development and will be released by Thursday, January 9, 2025.

TO: Standing Advisory Committee
Agenda Item No. 10a

FROM: Brian Van Lienden, Woodard & Curran

DATE: January 9, 2025

SUBJECT: Update on Groundwater Sustainability Plan Activities

Recommended Motion
None – information only.

Discussion
Cuyama Basin Groundwater Sustainability Agency (CBGSA) Groundwater Sustainability Plan (GSP) activities and consultant Woodard & Curran's (W&C) accomplishments are provided as Attachment 1.

Nov-Dec Accomplishments

- ✓ Developed documentation for multi-completion monitoring wells
- ✓ Prepared final 2025 GSP Update and Periodic Evaluation documents for the Cuyama Basin
- ✓ Facilitated agreements for potential new CIMIS stations
- ✓ Developed groundwater conditions report for October 2024
- ✓ Responded to variance requests for draft allocation tables for Central Management Area
- ✓ Prepare revised grant submittals to DWR in response to DWR comments

HALLMARK GROUP Woodard & Curran

TO: Standing Advisory Committee
Agenda Item No. 10b

FROM: Brian Van Lienden

DATE: January 9, 2025

SUBJECT: Review of Non-Irrigated Land Classifications and Model Use

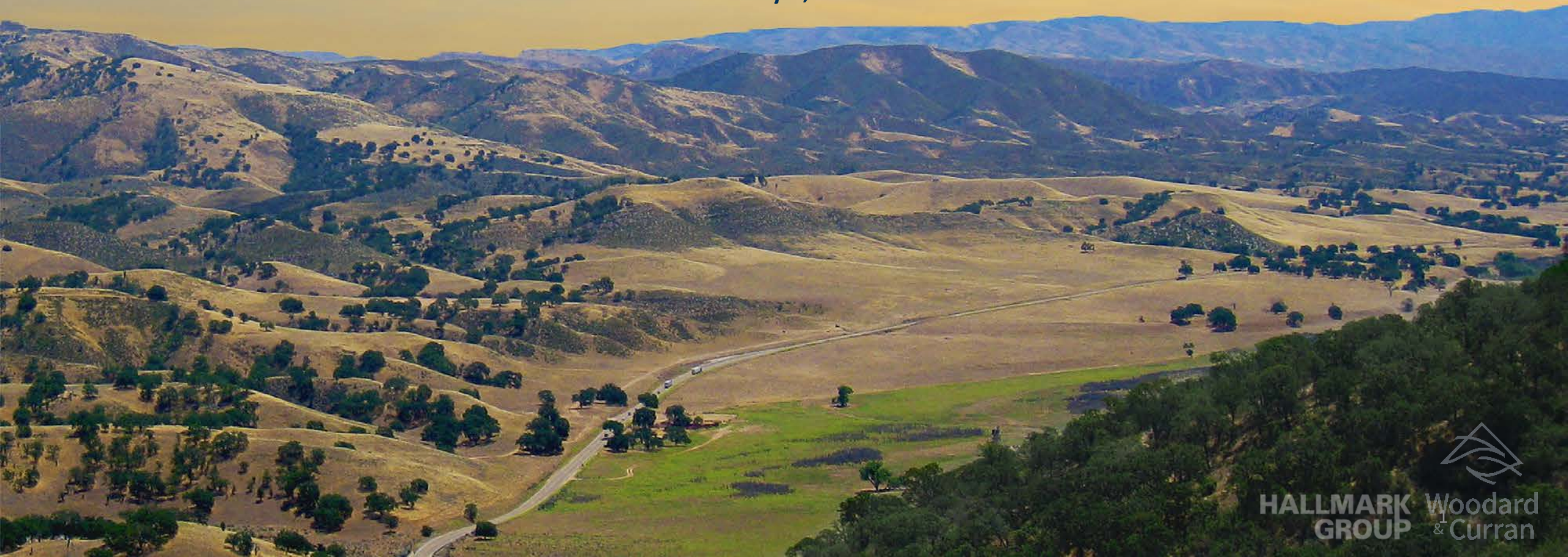
Recommended Motion
None – information only.

Discussion
Cuyama Basin Groundwater Sustainability Agency (CBGSA) Standing Advisory Committee requested this item be included on the agenda to understand the land classifications in the basin and their use in the model. An overview of the process to classify land use, historical land use data, land use types and assumptions is provided as Attachment 1.

Cuyama Basin Groundwater Sustainability Agency

10b. Review of Non-Irrigated Land Classifications and Model Use

January 9, 2025



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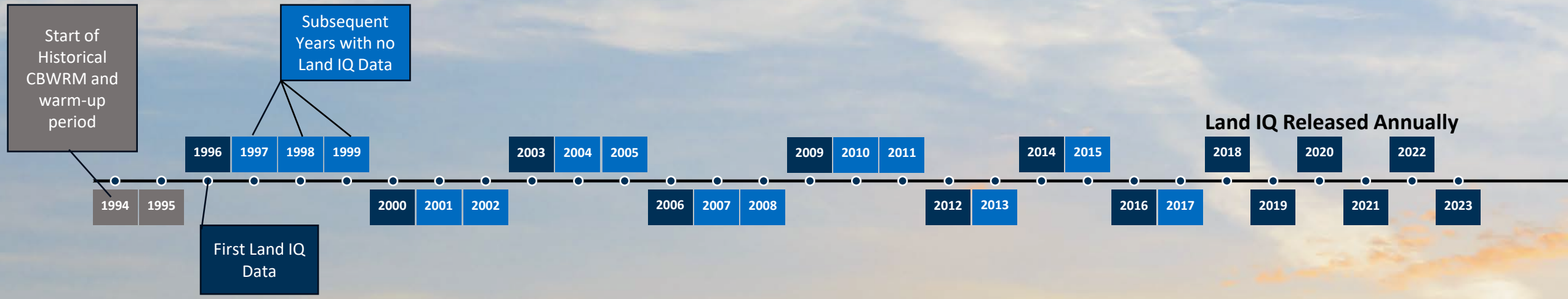
Historical Land Use Data



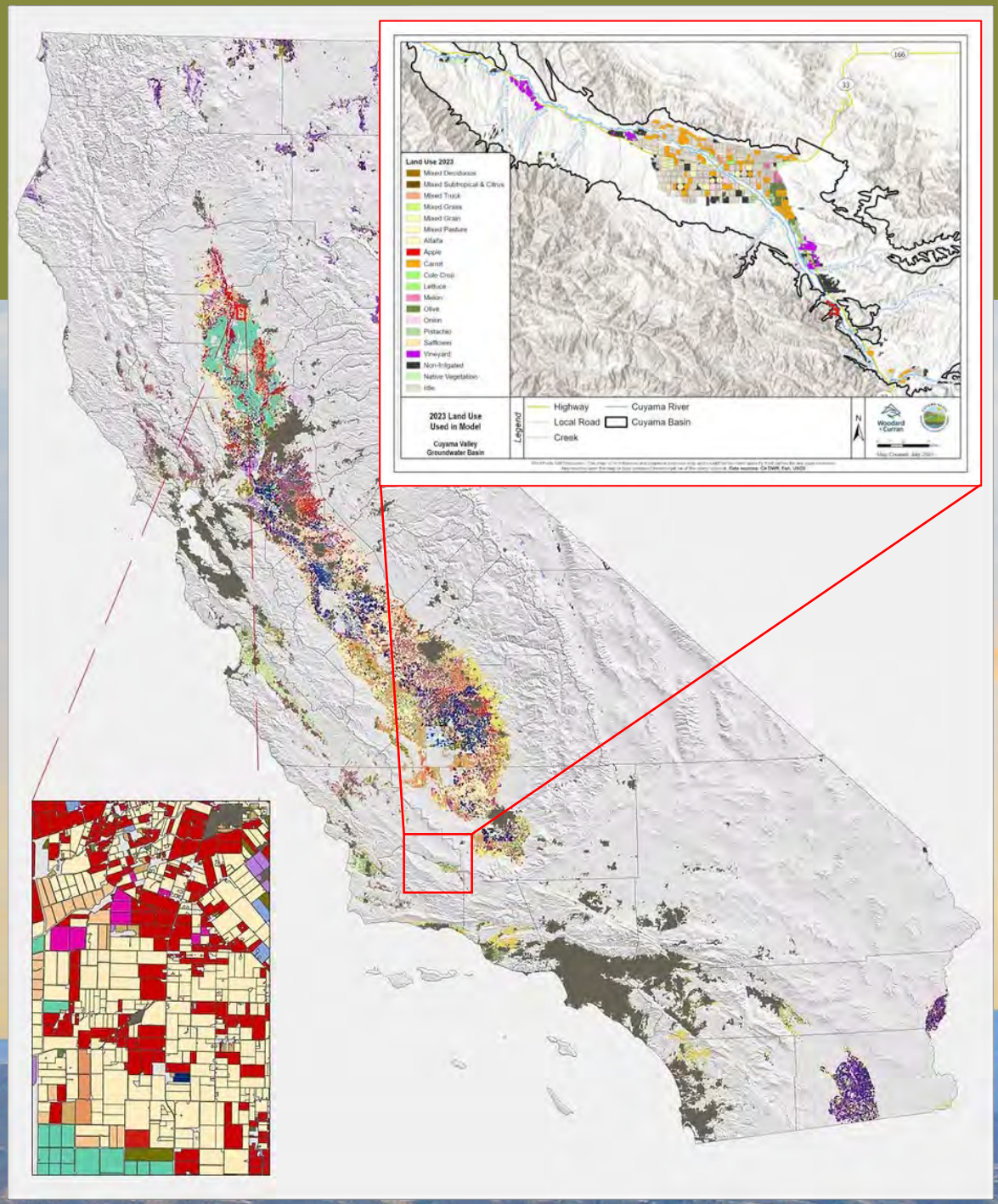
Legend

Land IQ and Local Data

Most recent prior Land IQ and Local Data

Land IQ Crop Mapping

- Over the past 15 years, Land IQ has been providing land cover mapping with advanced remote sensing processes and driven by on-the-ground measurements.
- The state-wide 2024 water year is currently in the classification process:
  - The mapping categorizes nearly 15.4 million acres of land use across California into more than 50 crop and land use types with accuracies exceeding 98%.
  - Field-by-field classification resulted in over 446,000 individually classified polygons (fields) with a minimum field size of 0.5-2.0 acres depending on crop type.



Historical Land Use Data Update

- Land use info in the latest version is developed:
  - For the years 1994-recent
  - Reviewed and revised the matching of crop categories to model crop types when needed
  - Introduced non-irrigated land use type
  - All the data is combined into a single master shapefile
  - All years are batch-processed with a consistent methodology
- ***Updated land use data has a better representation of the historical conditions and agricultural development in the valley.***

Model Land Use Types (30)

27

Alfalfa	Apple	Bean	Berry	Carrot	Citrus	Cole
Corn	Grape	Green	Idle (Fallow)	Lettuce	M Decid.	M Field
M Grain	M Grass	M Pasture	M Subt.	M Truck	Melons	Olive
Onion	Pistachio	Potato	Safflower	Wheat	YTrees	Non-Irr.

Native Veg.

Rural Residential

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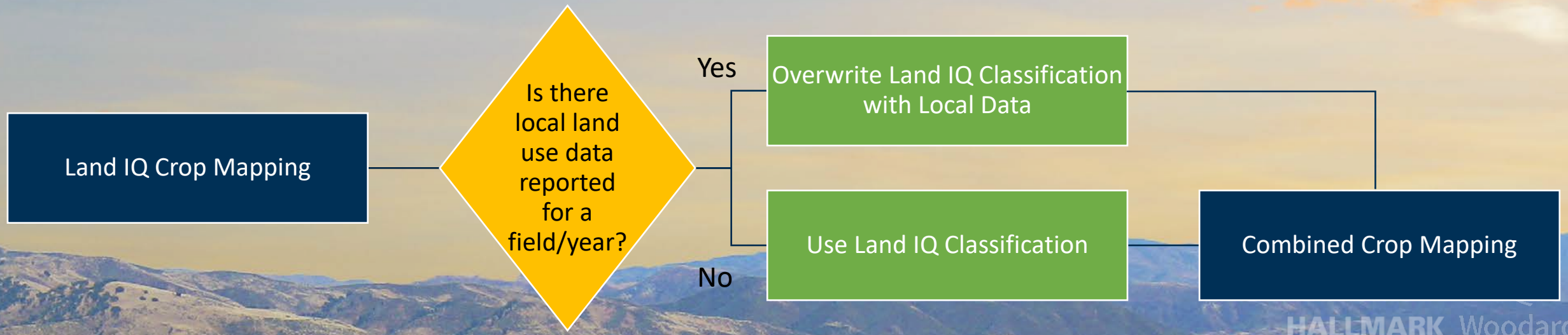
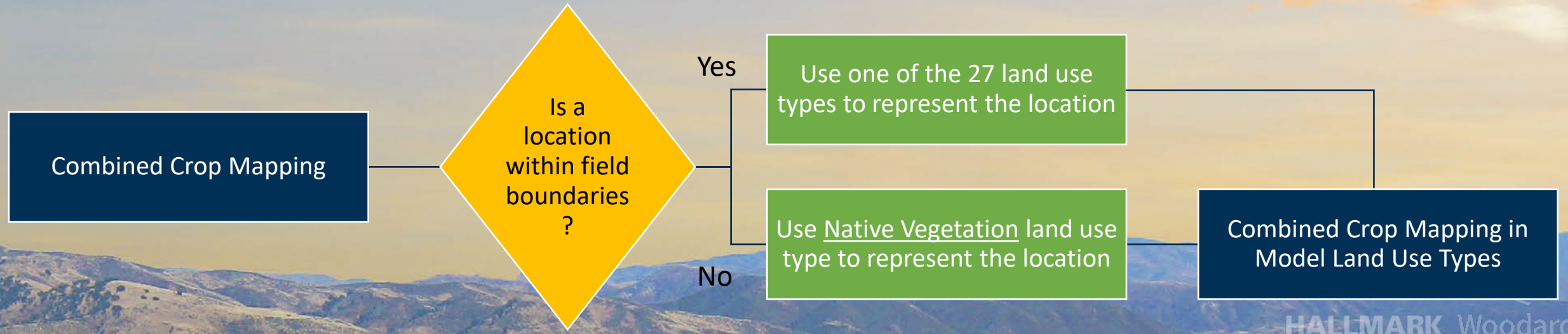
Land Use Processing Assumptions – Step 1

- In all years, local data was prioritized over the Land IQ land use categorization.



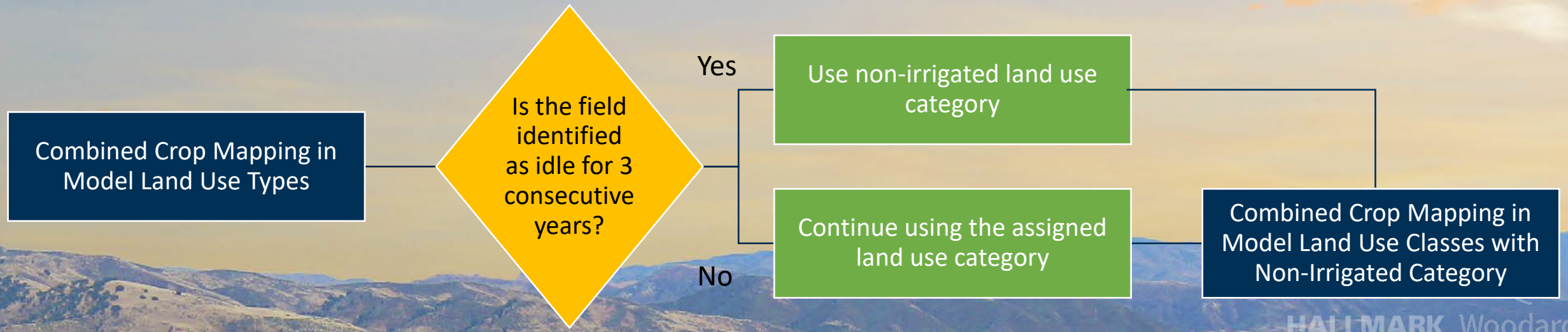
Land Use Processing Assumptions – Step 2

- Areas outside the field boundaries are assigned as Native Vegetation.
- Areas inside the field boundaries are assigned as one of the 27 model land use types.



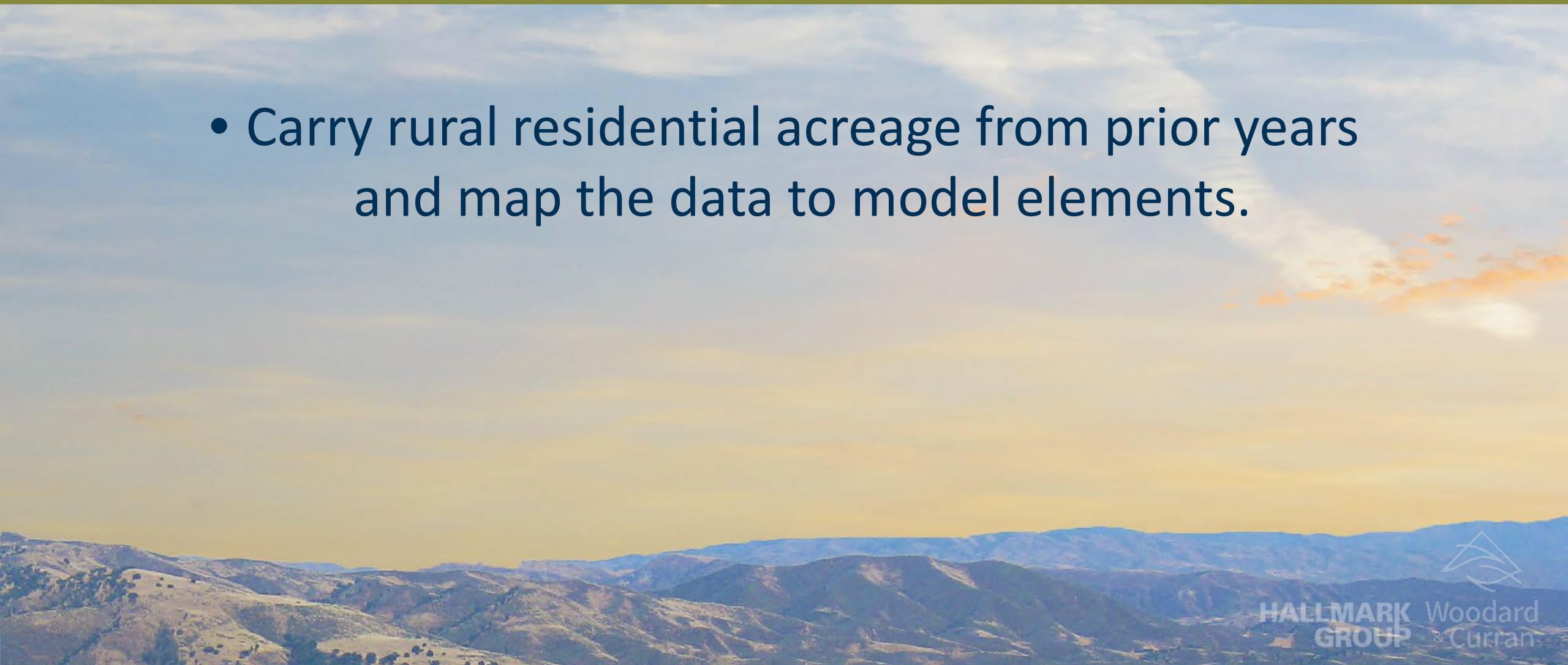
Land Use Processing Assumptions – Step 3

- Fields that stay idle for several consecutive years are assigned as non-irrigated.



Land Use Processing Assumptions – Step 4

- Carry rural residential acreage from prior years and map the data to model elements.



Model Land Use Types

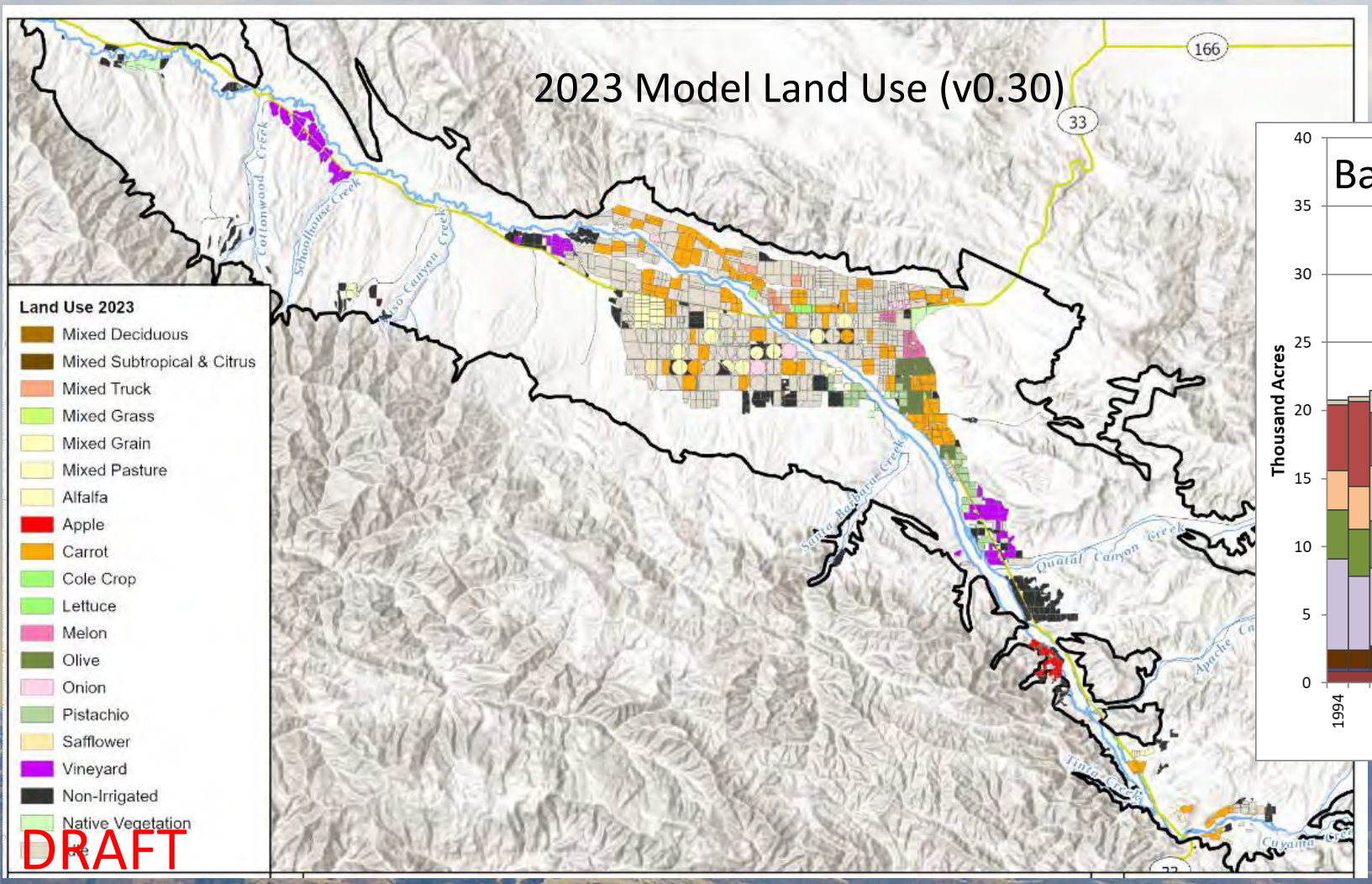
Alfalfa	Apple	Bean	Berry	Carrot	Citrus	Cole
Corn	Grape	Green	Idle	Lettuce	M Decid.	M Field
M Grain	M Grass	M Pasture	M Subt.	M Truck	Melons	Olive
Onion	Pistachio	Potato	Safflower	Wheat	YTrees	Non-Irr.

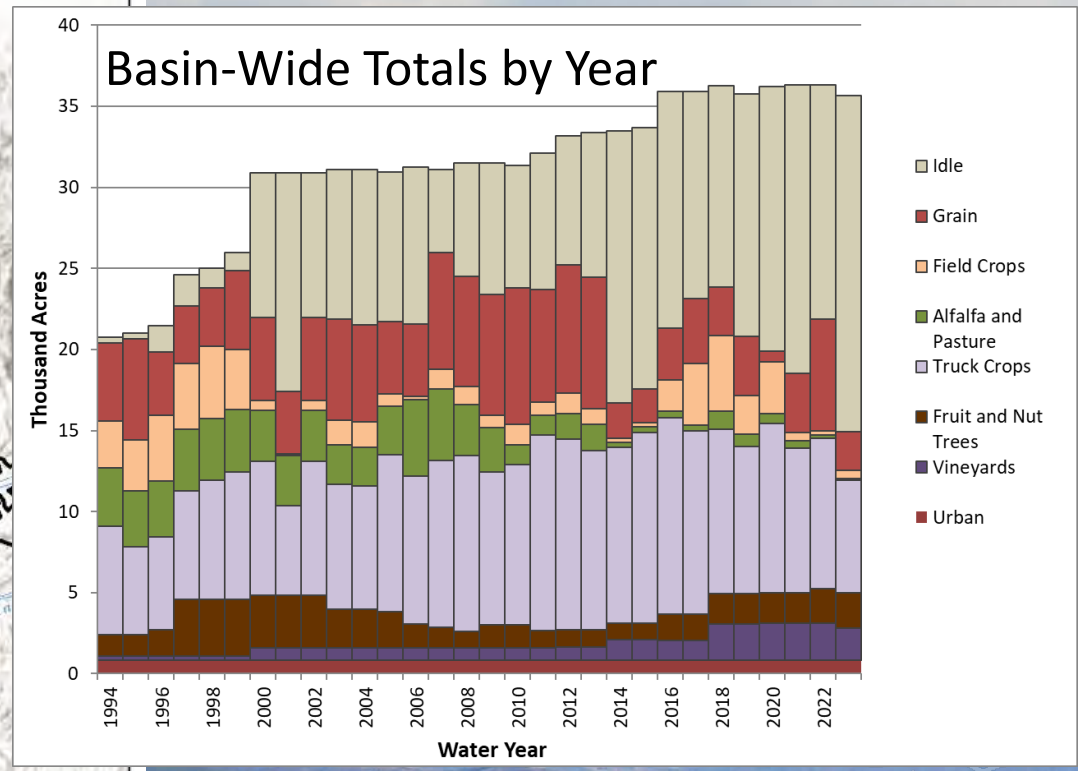
Native Veg.	Rural Residential

Model Land Use Types Summary

	Groundwater Supply?	Water Use
Irrigated Crops	Yes	~3-4 ft/yr
Idle, M Field, M Grain, Safflower	Yes	~0.5 ft/yr for germination, dust management etc.
Native Veg., M Pasture, Non-Irr.	No	Depends on the available precipitation, <1ft/yr
Rural Residential	Yes	Based on population and per cap. use rate

Historical Land Use Data in the Model





TO: Standing Advisory Committee
Agenda Item No. 10c

FROM: Brian Van Lienden, Woodard & Curran

DATE: January 9, 2025

SUBJECT: Update on Grant-Funded Projects

Recommended Motion
None – information only.

Discussion
An update on Cuyama Basin Groundwater Sustainability Agency (CBGSA) grant-funded projects is provided as Attachment 1.

Cuyama Basin Groundwater Sustainability Agency

9b. Update on Grant Funded Projects

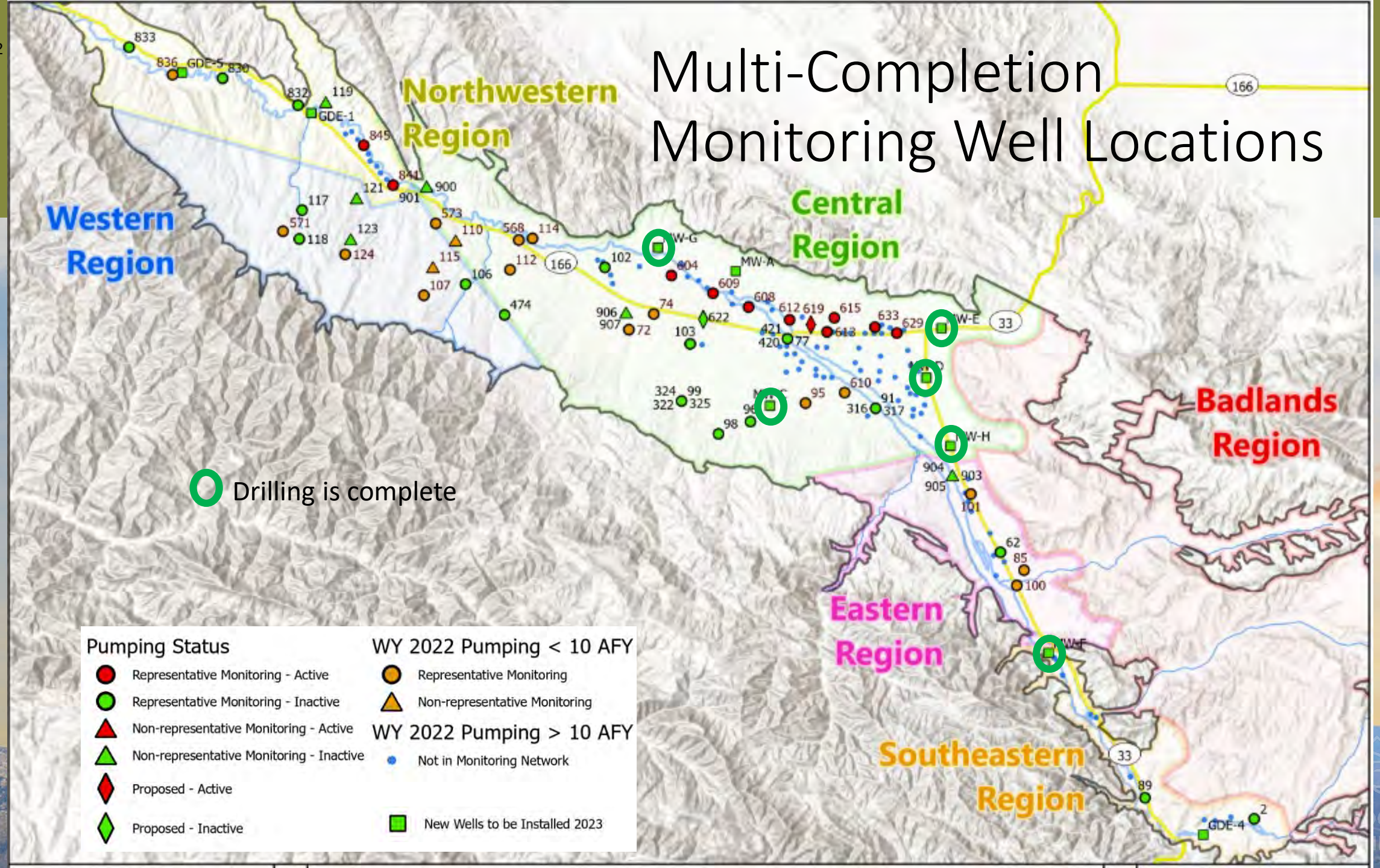
Brian Van Lienden

January 9, 2025

Updates on Grant Funded Projects

- The 2025 GSP Update and Periodic Evaluation are both undergoing final review/completion and will be submitted in January 2025
- Multi-Completion Nested Monitoring Wells:
  - Installation of wells at all locations is complete
  - Currently working to procure transducers to install in each well
    - Installation expected by March 2025
- Cuyama Basin website redesign is complete: cuyamabasin.org
- Under development with expected completion by March 2025:
  - Cloud seeding study report
  - Fault investigation report
  - Data Management System update

Multi-Completion Monitoring Well Locations



TO: Standing Advisory Committee
Agenda Item No. 10d

FROM: Brian Van Lienden, Woodard & Curran

DATE: January 9, 2025

SUBJECT: Update on October 2024 Groundwater Conditions Report

Recommended Motion
None – information only.

Discussion
The annual Groundwater Conditions Report – Cuyama Valley Groundwater Basin October 2024 report is summarized as Attachment 1 and the detailed report is provided as Attachment 2.

Cuyama Basin Groundwater Sustainability Agency

10d. Update on Quarterly Groundwater Conditions Report

Brian Van Lienden

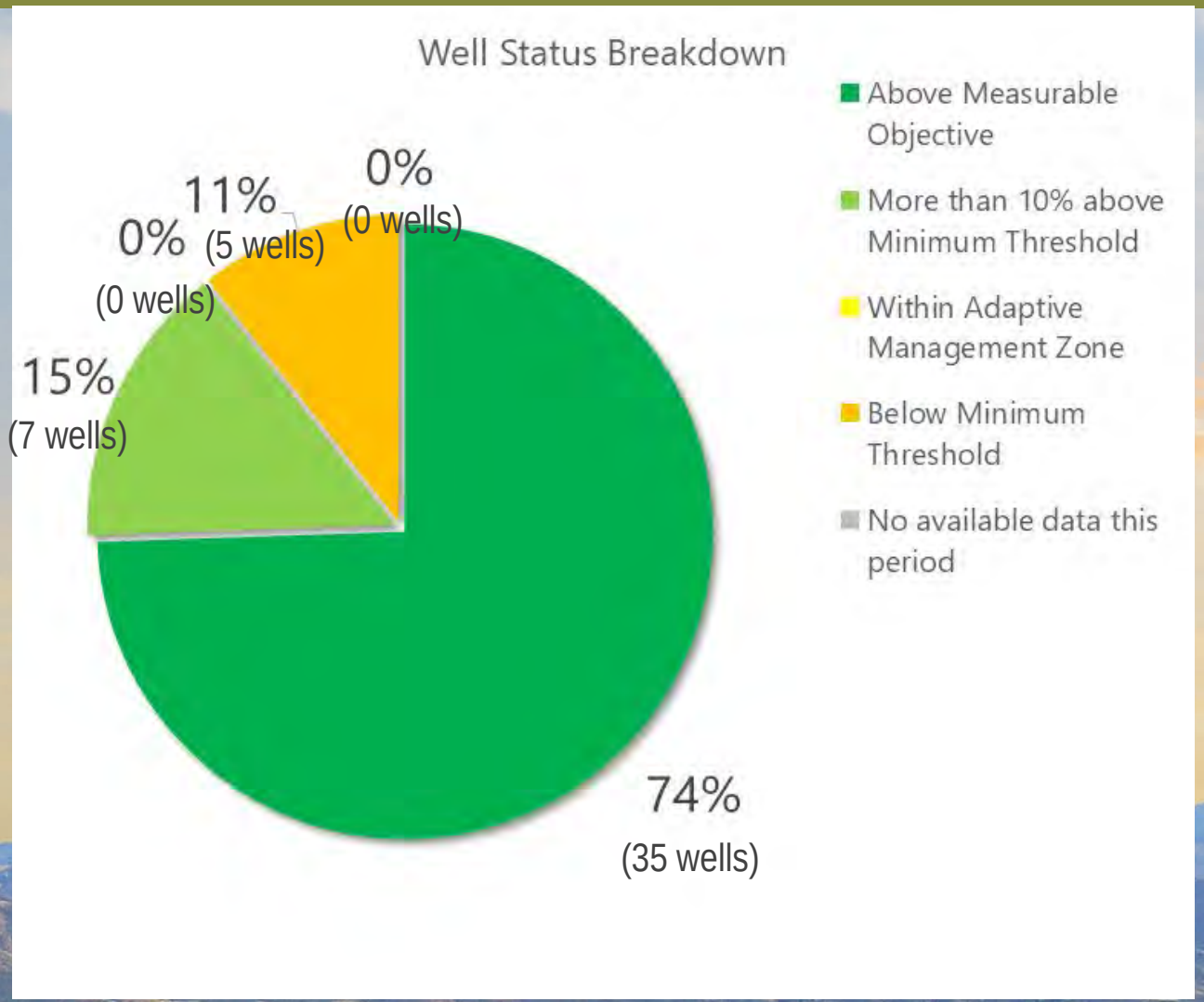
January 9, 2025

Groundwater Levels Monitoring Network – Summary of Current Conditions

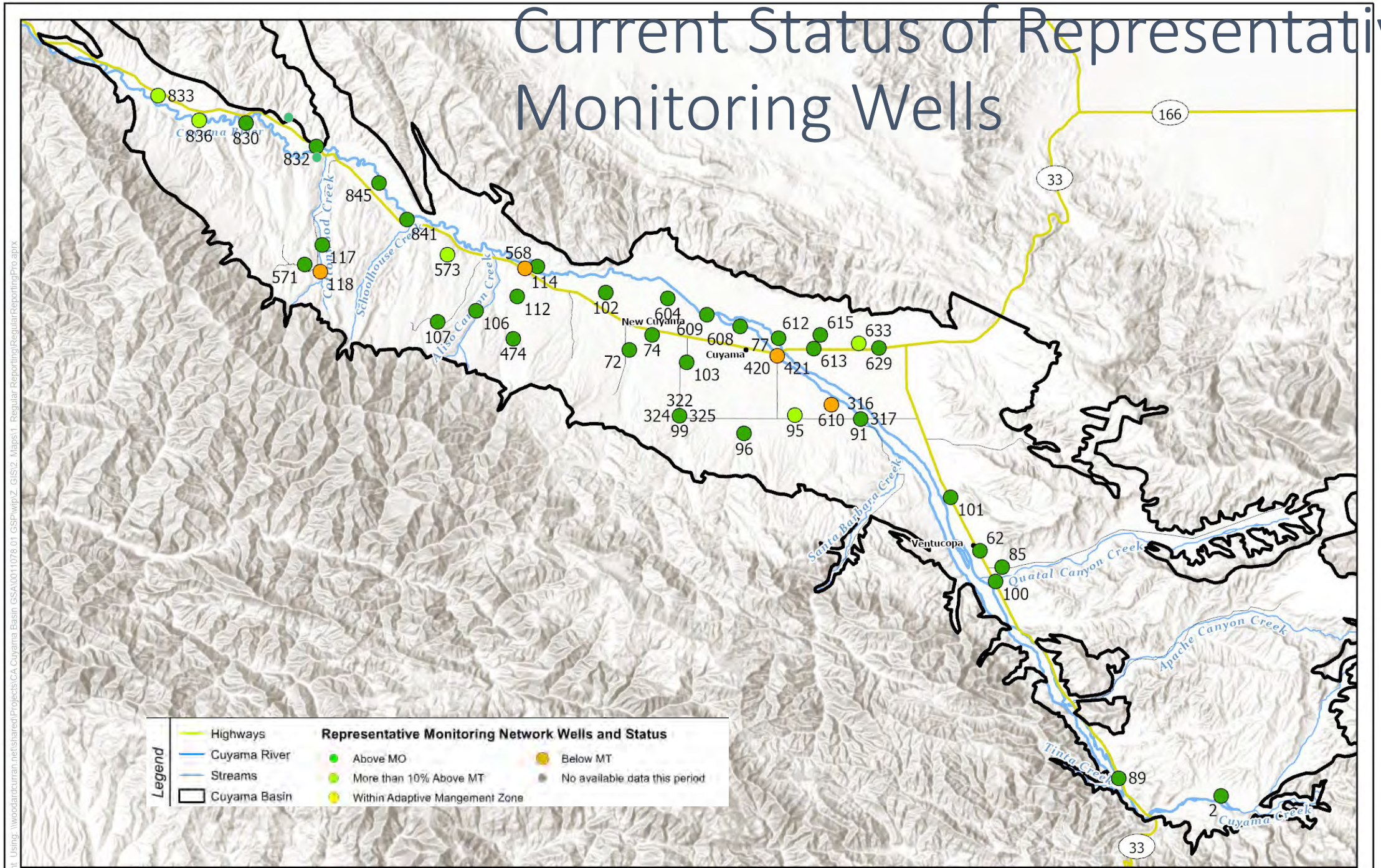
- Monitoring data from April 2024, July 2024 and October 2024 for representative wells is included in the Groundwater Conditions report
- **The Groundwater Conditions report has been updated to reflect the updated monitoring network and minimum thresholds approved by the CBGSA Board in the 2025 GSP Update:**
  - All 47 representative monitoring wells have levels data at least once in the previous 12 months
  - 5 wells were below the updated minimum threshold based on latest measurement since April 2024

Summary of Groundwater Well Levels as Compared To Sustainability Criteria

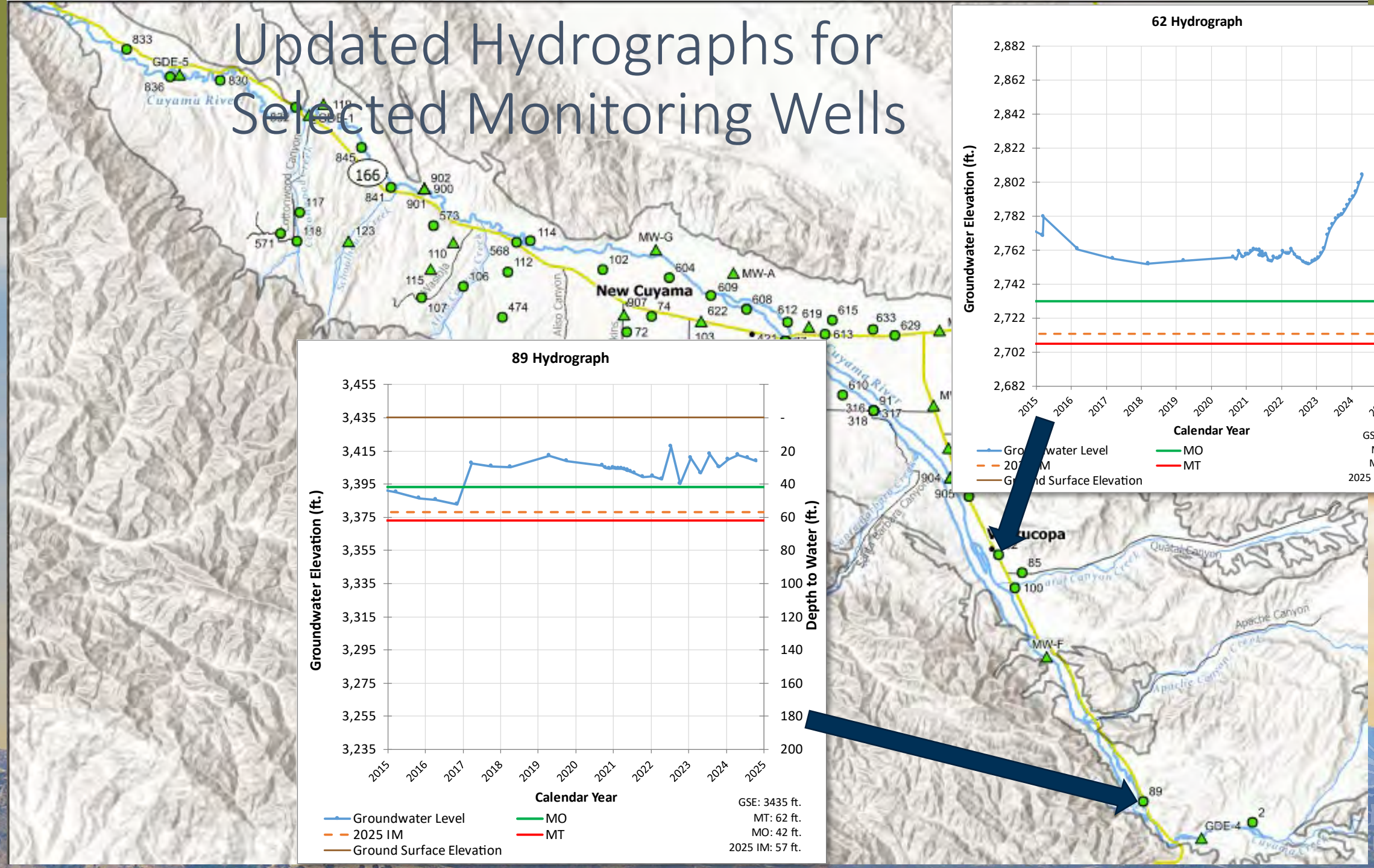
- 5 wells are currently below the updated minimum threshold (MT)
  - 2 wells (4%) have been below the MT for at least 24 months
  - 1 well dropped below the MT in October 2024

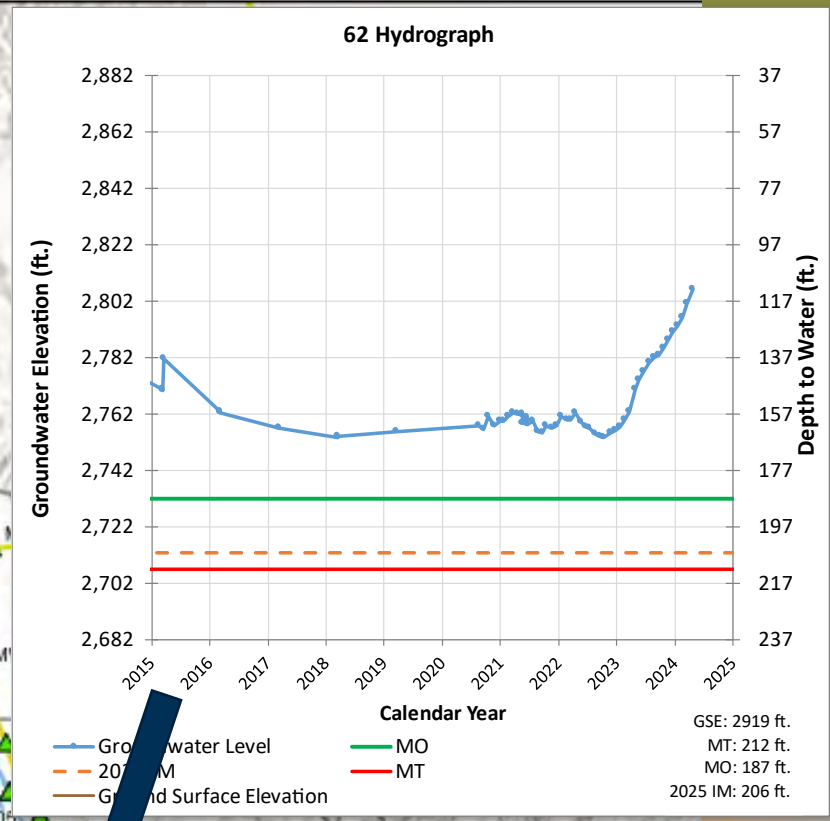


Current Status of Representative Monitoring Wells

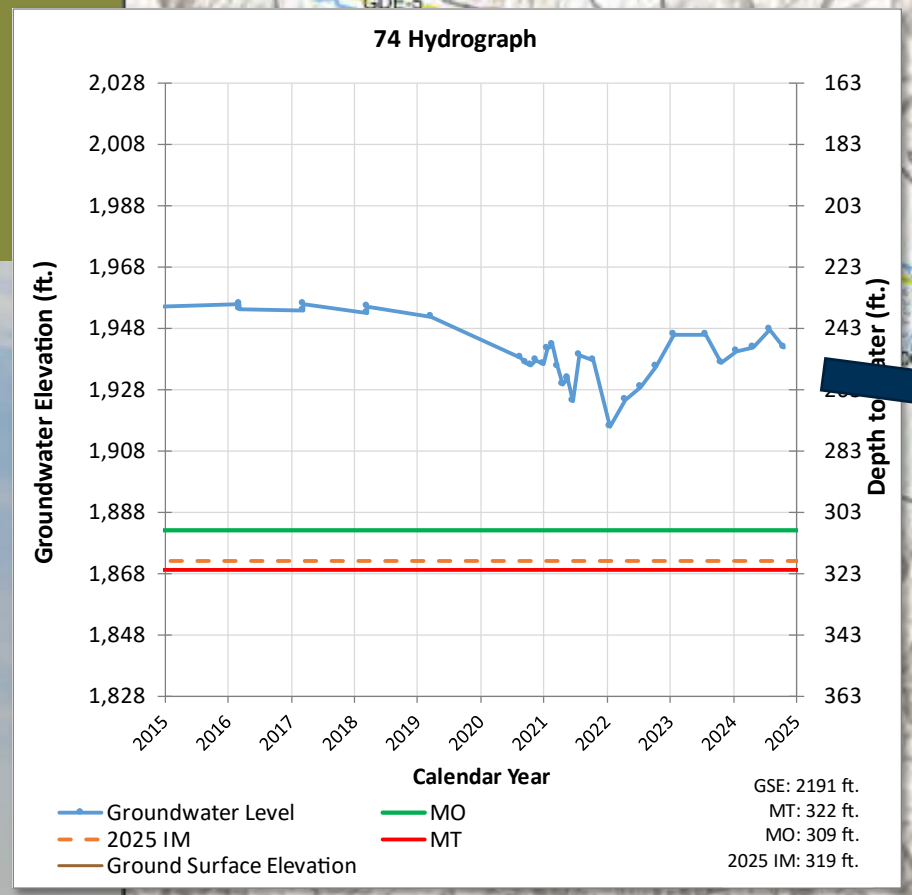


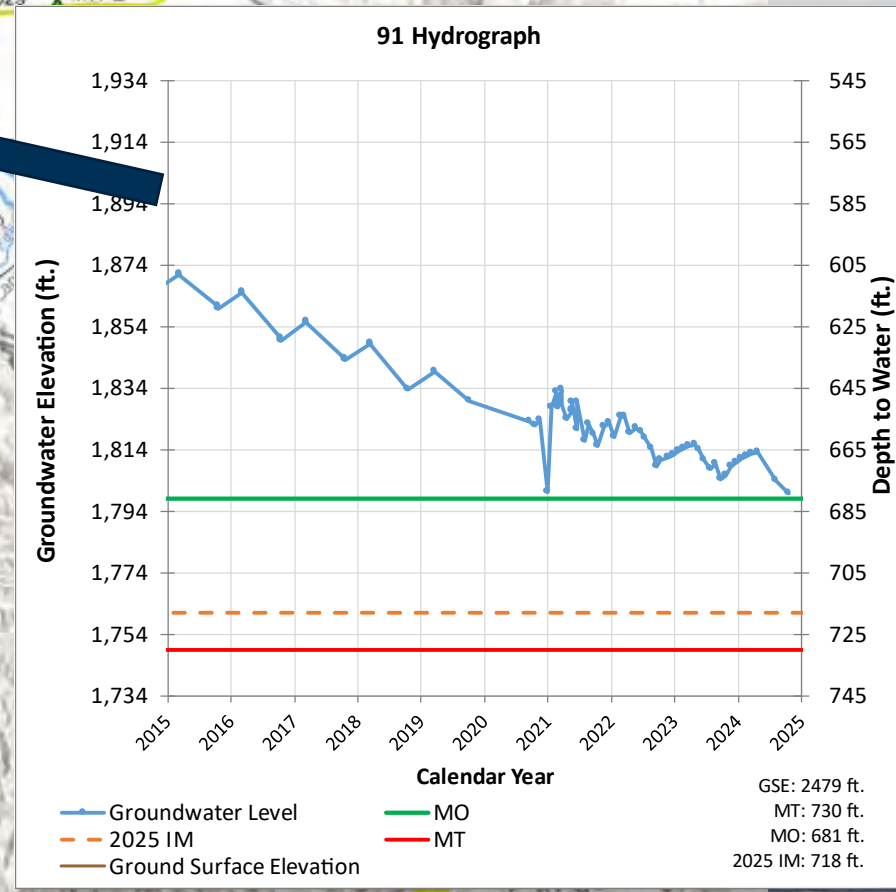
Updated Hydrographs for Selected Monitoring Wells

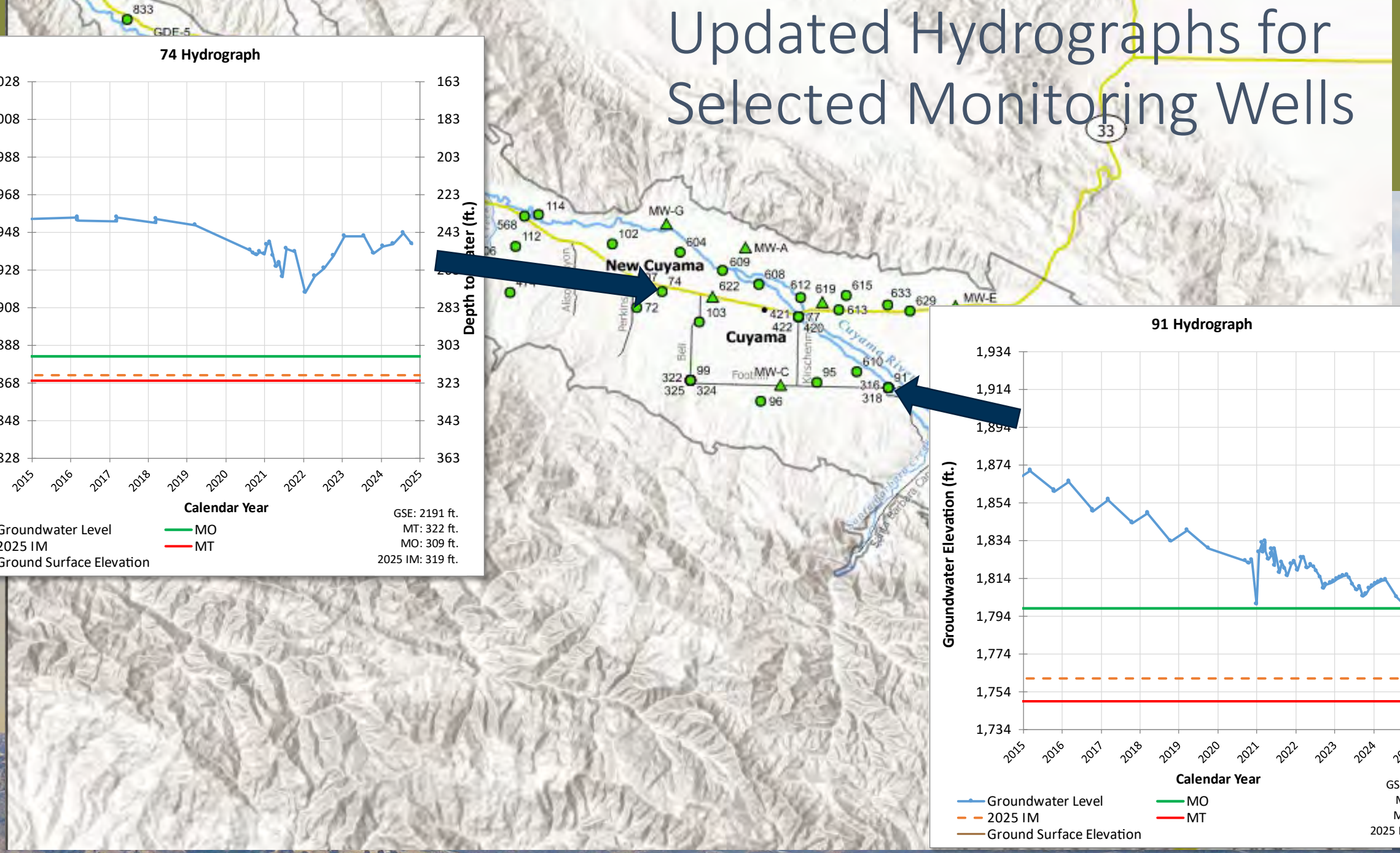




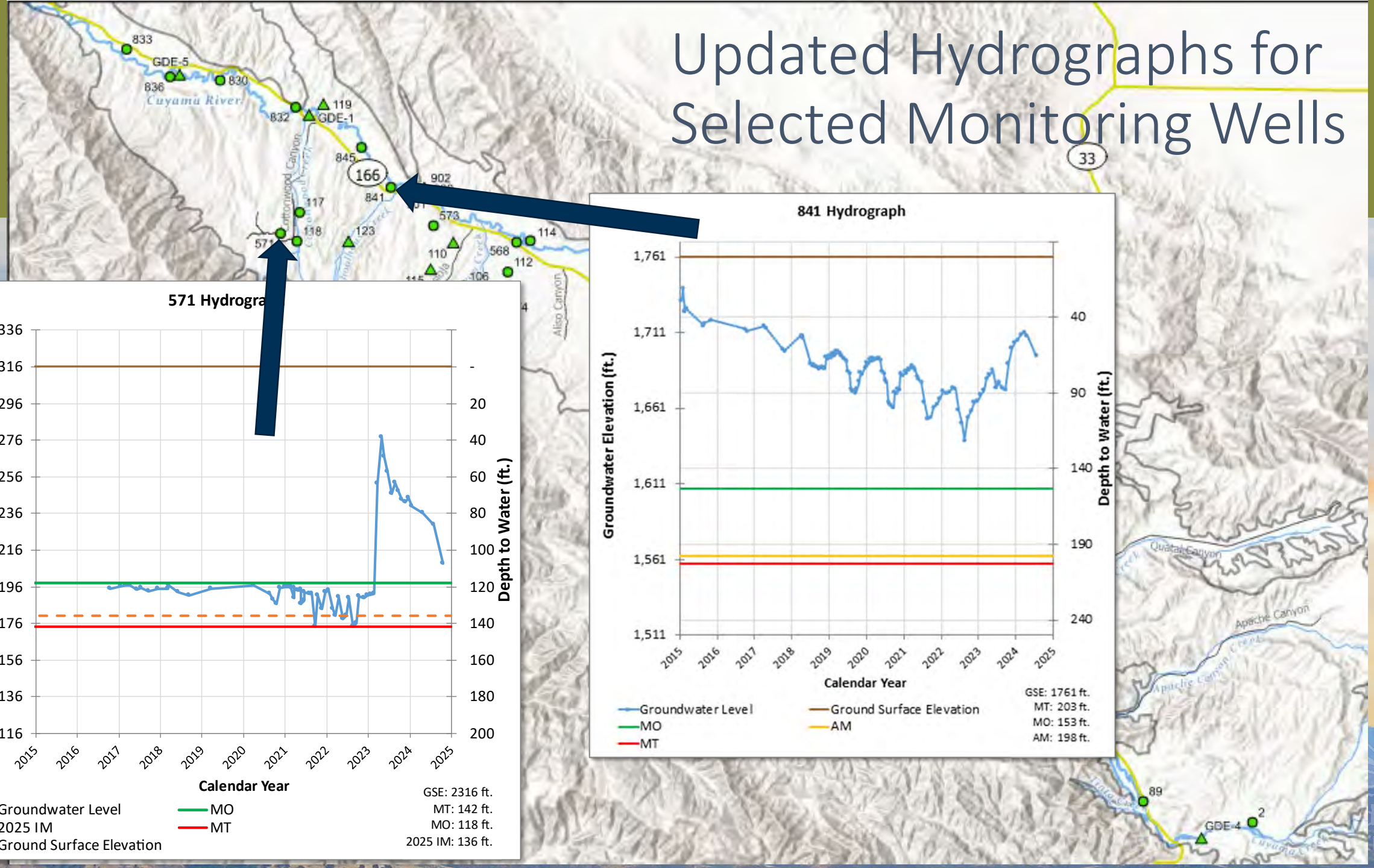
Updated Hydrographs for Selected Monitoring Wells

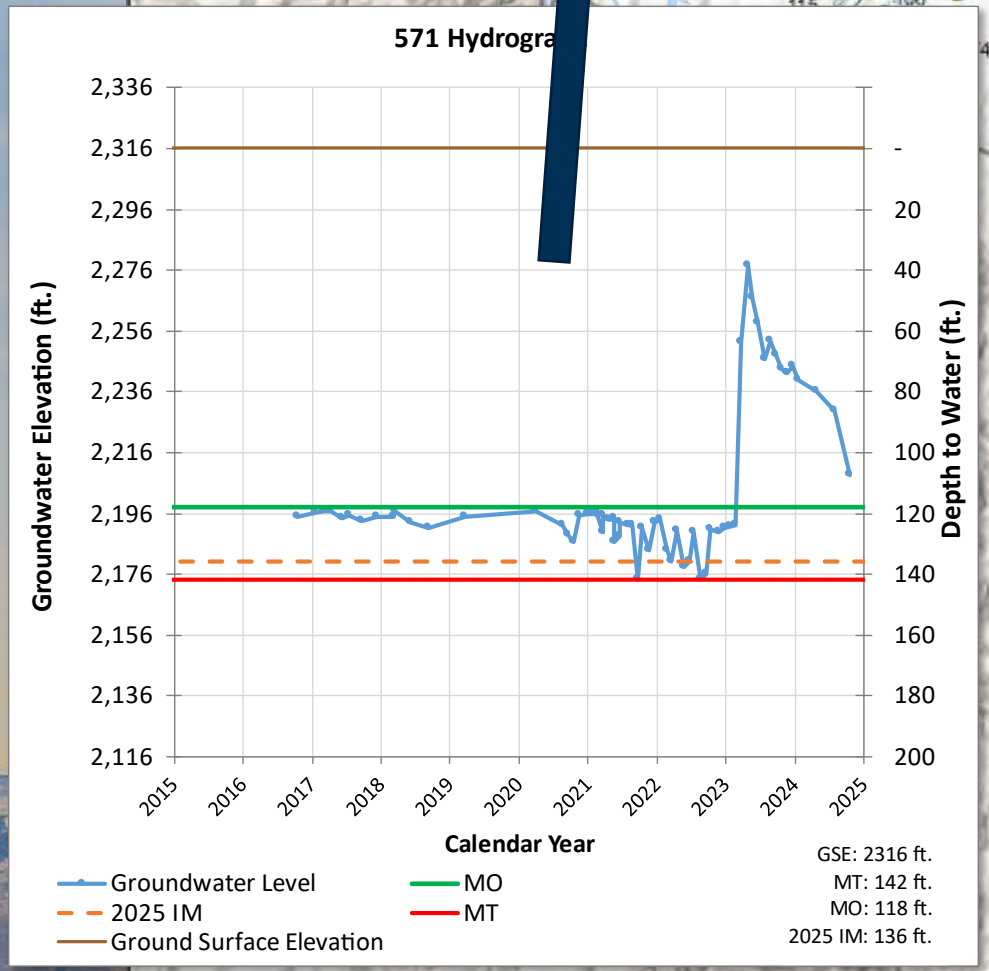






Updated Hydrographs for Selected Monitoring Wells





GROUNDWATER CONDITIONS REPORT – CUYAMA VALLEY GROUNDWATER BASIN

October 2024

Woodard & Curran

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Sacramento, CA
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woodardcurran.com

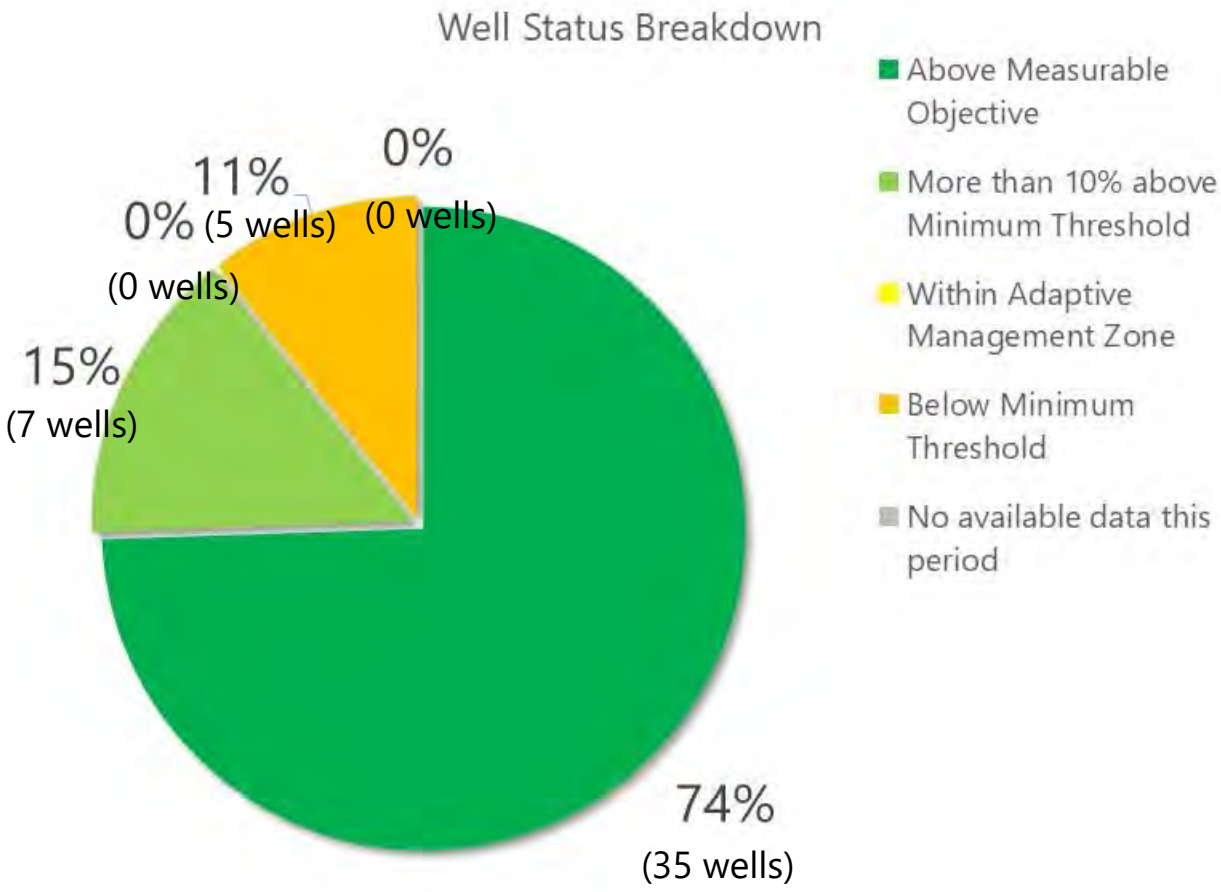
Cuyama Basin Groundwater Sustainability Agency

TABLE OF CONTENTS

1. INTRODUCTION

This report is intended to provide an update on the current groundwater level conditions in the Cuyama Valley Groundwater Basin. This work is completed by the Cuyama Basin Groundwater Sustainability Agency (CBGSA), in compliance with the Sustainable Groundwater Management Act (SGMA).

2. SUMMARY STATISTICS



With the approval of the 2025 GSP Update by the CBGSA Board in November 2024, this report has been updated to remove two wells (98 and 124) and to report monitoring data relative to the updated minimum thresholds that were approved by the Board. There are currently 5 wells with groundwater levels exceeding the updated minimum thresholds. As outlined in the GSP, undesirable results for the chronic lowering of groundwater levels occurs, "when 30 percent of representative monitoring wells… fall below their minimum groundwater elevation threshold for two consecutive years." (Cuyama GSP, pg. 3-2). Currently, 4% of

representative monitoring wells (i.e. 2 wells) have exceeded the minimum threshold for 24 or more consecutive months.

3. CURRENT CONDITIONS

Table 1 includes the most recent groundwater level measurements taken in the Cuyama Basin from representative wells included in the Cuyama GSP Groundwater Level Monitoring Network, as well as the previous two measurements and the measurement from the same time period in the previous year. Table 2 includes all of the wells and their current status in relation to the thresholds applied to each well. This information is also shown on Figure 1.

All measurements are also incorporated into the Cuyama DMS, which may be accessed at https://opti.woodardcurran.com/cuyama/login.php.

Table 1: Recent Groundwater Levels for Representative Monitoring Network

Well	Region	Apr-24	Jul-24	Oct-24	Last Year		Elevation Change
		GWL (ft. msl)	GWL (ft. msl)	GWL (ft. msl)	GWL (ft. msl)	Month/ Year	
72	Central	2034	-	2005	2017	Oct-23	-12.5
74	Central	1941	1947	1942	1940	Oct-23	1.6
77	Central	1795	1754	1766	1793	Oct-23	-26.9
91	Central	1813	1804	1800	1800	Oct-23	0.3
95	Central	2389	1868	1867	1841	Oct-23	26.1
96	Central	2269	2266	2266	2270	Oct-23	-4
99	Central	2218	2137	2145	2223	Oct-23	-78.1
102	Central	-	-	1671	1758	Oct-23	-86.8
103	Central	2050	2046	2051	2044	Oct-23	6.3
112	Central	2042	2042	2043	2053	Oct-23	-10.6
114	Central	1880	1881	1878	-	-	-
316	Central	1812	1804	1800	1799	Oct-23	0.8
317	Central	1814	1806	1802	1801	Oct-23	1
322	Central	2217	2134	2138	2222	Oct-23	-84.5
324	Central	2216	2168	2169	2221	Oct-23	-52
325	Central	2216	2194	2193	2222	Oct-23	-28.6
420	Central	1794	1750	1766	1792	Oct-23	-26.2
421	Central	1800	1778	1781	1793	Oct-23	-11.4
474	Central	2232	2234	2235	-	-	-
568	Central	1874	1873	1858	1867	Oct-23	-9.4

Well	Region	Apr-24	Jul-24	Oct-24	Last Year		Elevation Change
		GWL (ft. msl)	GWL (ft. msl)	GWL (ft. msl)	GWL (ft. msl)	Month/ Year	
604	Central	1655	1661	1650	1684	Oct-23	-34.4
608	Central	1778	1740	1769	1790	Oct-23	-21.6
609	Central	1723	1691	1722	1725	Oct-23	-2.2
610	Central	1808	1797	1795	1805	Oct-23	-10.1
612	Central	1796	1780	1805	1788	Oct-23	17.5
613	Central	1797	1814	1818	1801	Oct-23	17.6
615	Central	1806	1794	1805	1809	Oct-23	-4.5
629	Central	1821	1791	1800	1848	Oct-23	-48.7
633	Central	1800	1794	1805	1798	Oct-23	7.7
62	Eastern	2806	-	-	2789	Oct-23	-
85	Eastern	2891	2902	2907	2870	Oct-23	36.9
100	Eastern	2939	2939	2935	2909	Oct-23	25.6
101	Eastern	2658	2654	2655	2635	Oct-23	19.7
841	Northwestern	1709	1695	1688	1692	Oct-23	-4
845	Northwestern	1643	1632	1632	1637	Oct-23	-5.7
2	Southeastern	3706	3704	3686	3698	Oct-23	-12.3
89	Southeastern	3413	3411	3409	3432	Oct-23	-23.1
106	Western	2175	2176	2176	2185	Oct-23	-9.1
107	Western	2419	2421	2419	-	-	-
117	Western	1947	1945	1945	1946	Oct-23	-1.9
118	Western	2213	2212	2212	2217	Oct-23	-5.4

Well	Region	Apr-24	Jul-24	Oct-24	Last Year		Elevation Change
		GWL (ft. msl)	GWL (ft. msl)	GWL (ft. msl)	GWL (ft. msl)	Month/ Year	
571	Western	2236	2230	2209	2235	Oct-23	-26.3
573	Western	2010	2012	2012	2015	Oct-23	-2.6
830	Far-West Northwestern	1511	1515	-	1522	Oct-23	-
832	Far-West Northwestern	1604	1606	1605	1595	Oct-23	10
833	Far-West Northwestern	1433	1435	1436	1434	Oct-23	1.7
836	Far-West Northwestern	1479	1478	1477	1456	Oct-23	21.3
*Well 608 is now confirmed to be "destroyed" and is no longer available for monitoring. The landowner and monitoring staff have identified a well within 100 ft that is suitable to continue monitoring in this location, and the groundwater level monitoring network will be modified to remove well 608 and add in this new well. The new well is in the process of being incorporated into Opti and being assigned an ID number.							

Table 2: Well Status Related to Thresholds

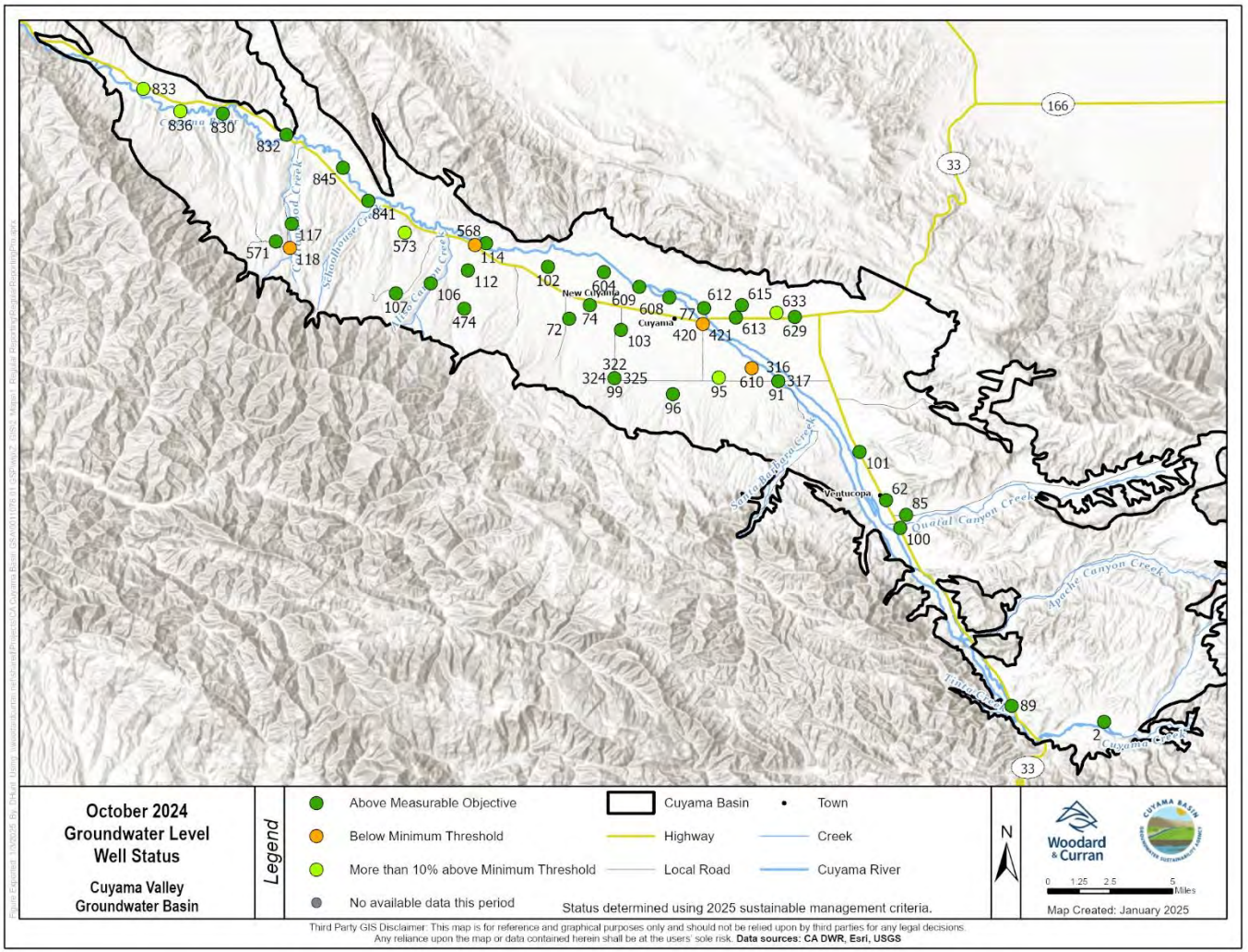
Well	Region	Current Month		Minimum Threshold	Within 10% Minimum Threshold	Measurable Objective	Well Depth	Status	GSA Action Required?
		GWL (DTW)	Date						
72	Central	161	10/16/2024	373	369	328	790	Above Measurable Objective	No
74	Central	246	10/16/2024	322	321	309	-	Above Measurable Objective	No
77	Central	518	10/17/2024	514	509	464	980	Below Minimum Threshold (4 months)	No
91	Central	681	10/18/2024	730	725	681	980	Above Measurable Objective	No
95	Central	589	10/18/2024	597	594	562	805	More than 10% above Minimum Threshold	No
96	Central	340	10/18/2024	369	368	361	500	Above Measurable Objective	No
99	Central	361	10/16/2024	379	378	368	750	Above Measurable Objective	No
102	Central	370	10/20/2024	470	466	432	-	Above Measurable Objective	No
103	Central	233	10/17/2024	379	374	324	1030	Above Measurable Objective	No
112	Central	83	10/16/2024	102	102	100	441	Above Measurable Objective	No
114	Central	47	10/16/2024	58	58	56	58	Above Measurable Objective	No
316	Central	681	10/18/2024	731	726	682	830	Above Measurable Objective	No
317	Central	679	10/18/2024	700	695	650	700	More than 10% above Minimum Threshold	No
322	Central	368	10/16/2024	387	386	378	850	Above Measurable Objective	No
324	Central	337	10/16/2024	365	364	353	560	Above Measurable Objective	No
325	Central	312	10/16/2024	331	330	323	380	Above Measurable Objective	No
420	Central	519	10/17/2024	514	509	464	780	Below Minimum Threshold (4 months)	No

Well	Region	Current Month		Minimum Threshold	Within 10% Minimum Threshold	Measurable Objective	Well Depth	Status	GSA Action Required?
		GWL (DTW)	Date						
421	Central	503	10/17/2024	514	509	466	620	More than 10% above Minimum Threshold	No
474	Central	128	10/16/2024	197	195	178	213	Above Measurable Objective	No
568	Central	50	10/16/2024	47	47	46	188	Below Minimum Threshold (1 month)	No
604	Central	466	10/16/2024	544	540	505	924	Above Measurable Objective	No
608	Central	441	10/18/2024	504	501	475	745	Above Measurable Objective	No
609	Central	436	10/16/2024	499	495	462	970	Above Measurable Objective	No
610	Central	642	10/18/2024	557	554	527	780	Below Minimum Threshold (51 months)	No
612	Central	464	10/17/2024	513	511	490	1070	Above Measurable Objective	No
613	Central	506	10/17/2024	578	575	550	830	Above Measurable Objective	No
615	Central	516	10/17/2024	588	585	556	865	Above Measurable Objective	No
629	Central	578	10/17/2024	613	610	581	1000	Above Measurable Objective	No
633	Central	558	10/17/2024	605	600	551	1000	More than 10% above Minimum Threshold	No
62	Eastern	-	-	212	210	187	212	No available data this period (above MO in April 2024)	No
85	Eastern	140	10/17/2024	200	198	176	233	Above Measurable Objective	No
100	Eastern	72	10/17/2024	186	183	157	284	Above Measurable Objective	No
101	Eastern	91	10/17/2024	138	136	115	200	Above Measurable Objective	No
841	Northwestern	71	10/20/2024	203	198	153	600	Above Measurable Objective	No
845	Northwestern	78	10/20/2024	203	198	153	380	Above Measurable Objective	No
2	Southeastern	34	10/17/2024	52	50	35	73	Above Measurable Objective	No

Well	Region	Current Month		Minimum Threshold	Within 10% Minimum Threshold	Measurable Objective	Well Depth	Status	GSA Action Required?
		GWL (DTW)	Date						
89	Southeastern	25	10/17/2024	62	60	42	125	Above Measurable Objective	No
106	Western	141	10/16/2024	164	163	152	228	Above Measurable Objective	No
107	Western	72	10/16/2024	122	120	103	200	Above Measurable Objective	No
117	Western	154	10/16/2024	163	162	154	212	Above Measurable Objective	No
118	Western	50	10/16/2024	40	37	10	500	Below Minimum Threshold (49 months)	No
571	Western	106	10/16/2024	142	140	118	280	Above Measurable Objective	No
573	Western	66	10/16/2024	93	88	42	404	More than 10% above Minimum Threshold	No
830	Far-West Northwestern	-	-	63	63	60	77	No available data this period (above MO in July 2024)	No
832	Far-West Northwestern	32	10/17/2024	50	49	35	132	Above Measurable Objective	No
833	Far-West Northwestern	18	10/17/2024	48	44	10	504	More than 10% above Minimum Threshold	No
836	Far-West Northwestern	29	10/17/2024	49	45	10	325	More than 10% above Minimum Threshold	No
*Well 608 is now confirmed to be “destroyed” and is no longer available for monitoring. The landowner and monitoring staff have identified a well within 100 ft that is suitable to continue monitoring in this location, which is where the measurement shown was taken. The groundwater level representative network will be modified to remove well 608 and add in this new well. The new well is in the process of being incorporated into Opti and being assigned an ID number.									

Note: Wells only count towards the identification of undesirable results if the level measurement is below the minimum threshold for 24 consecutive months.

Figure 1: Groundwater Level Representative Wells and Status in October 2024



4. HYDROGRAPHS

The following hydrographs provide an overview of conditions in each of the six areas threshold regions identified in the GSP.

Figure 2: Southeast Region – Well 89

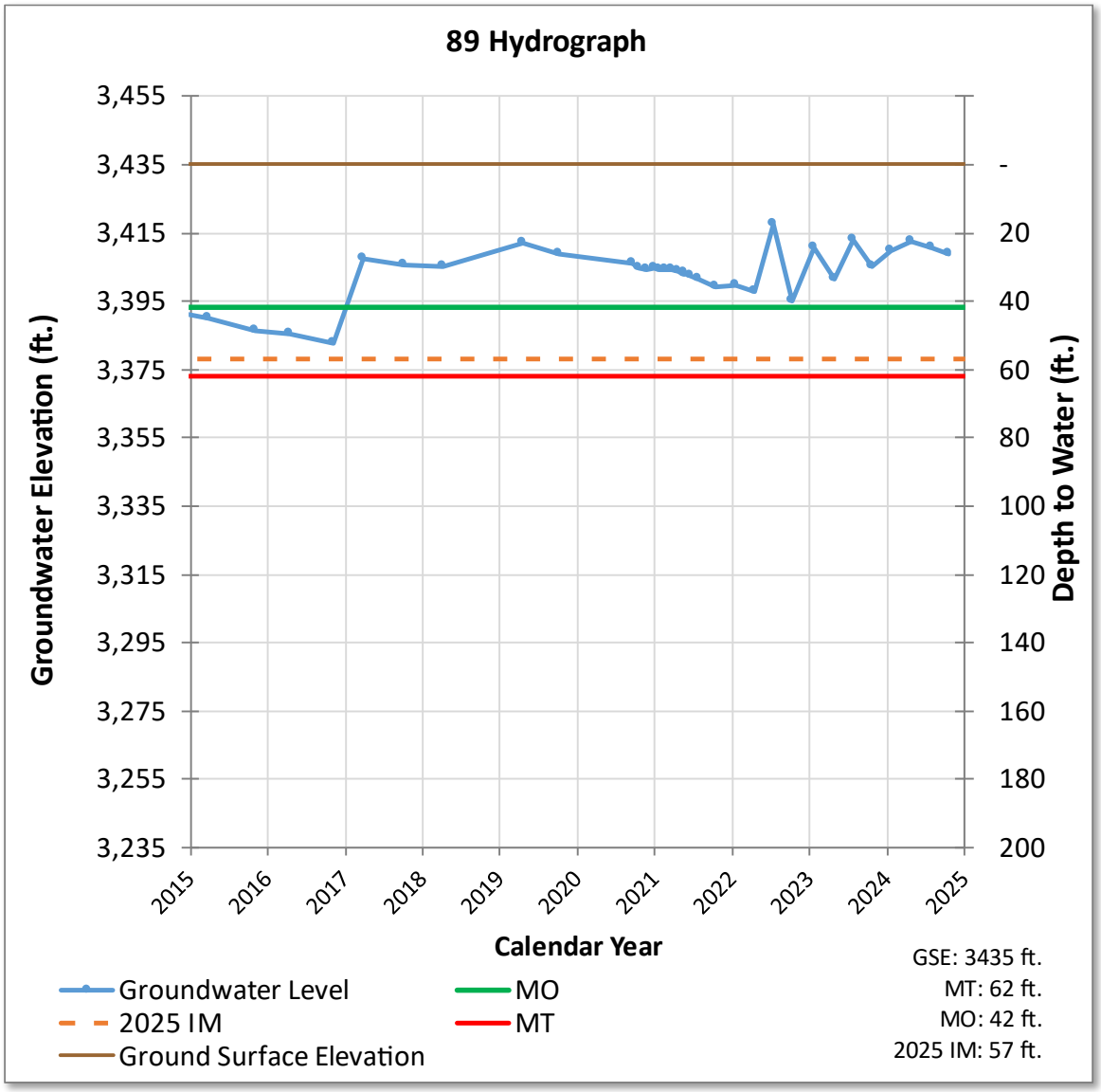


Figure 3: Eastern Region – Well 62

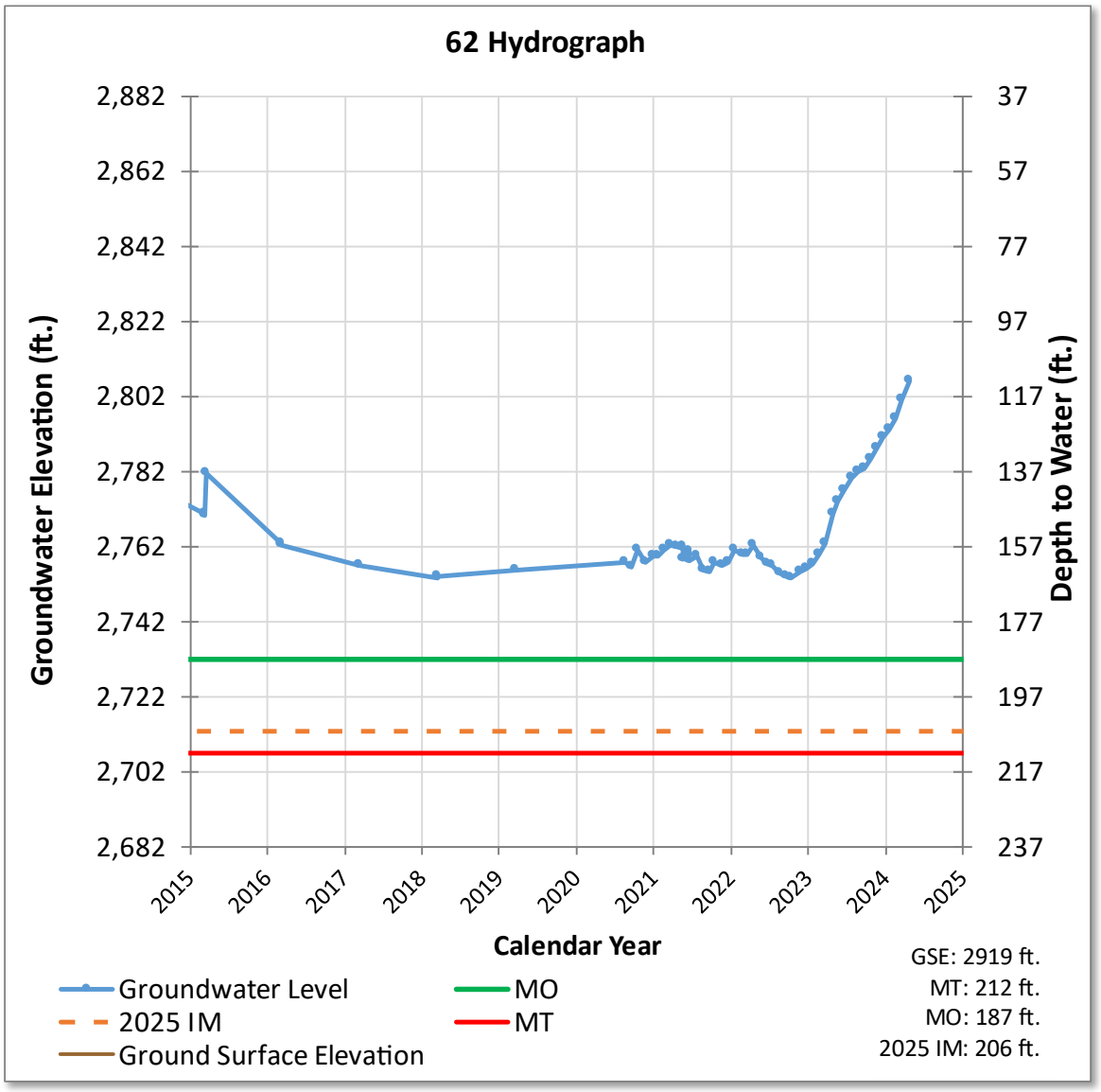


Figure 4: Central Region – Well 91

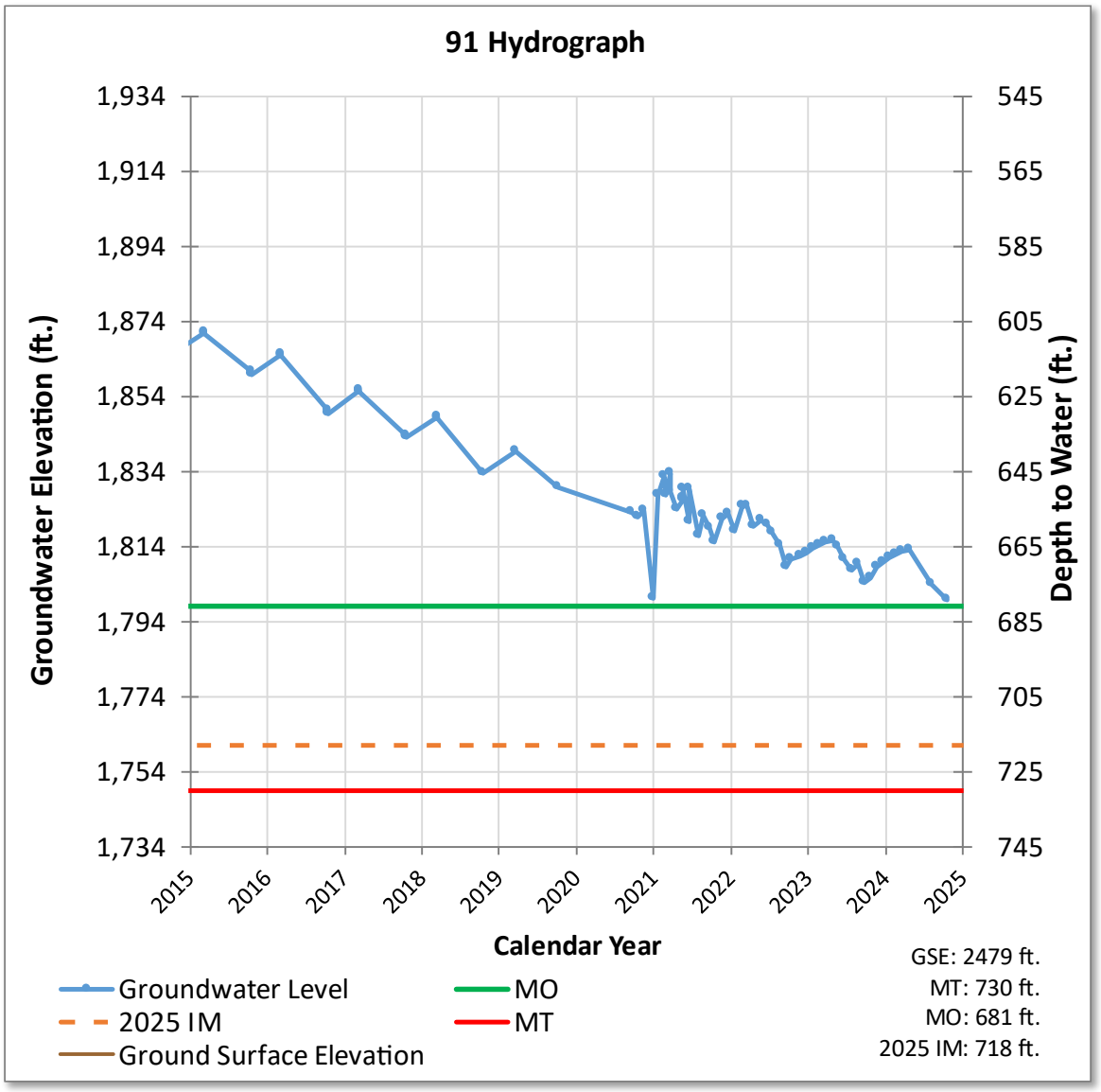


Figure 5: Central Region – Well 74

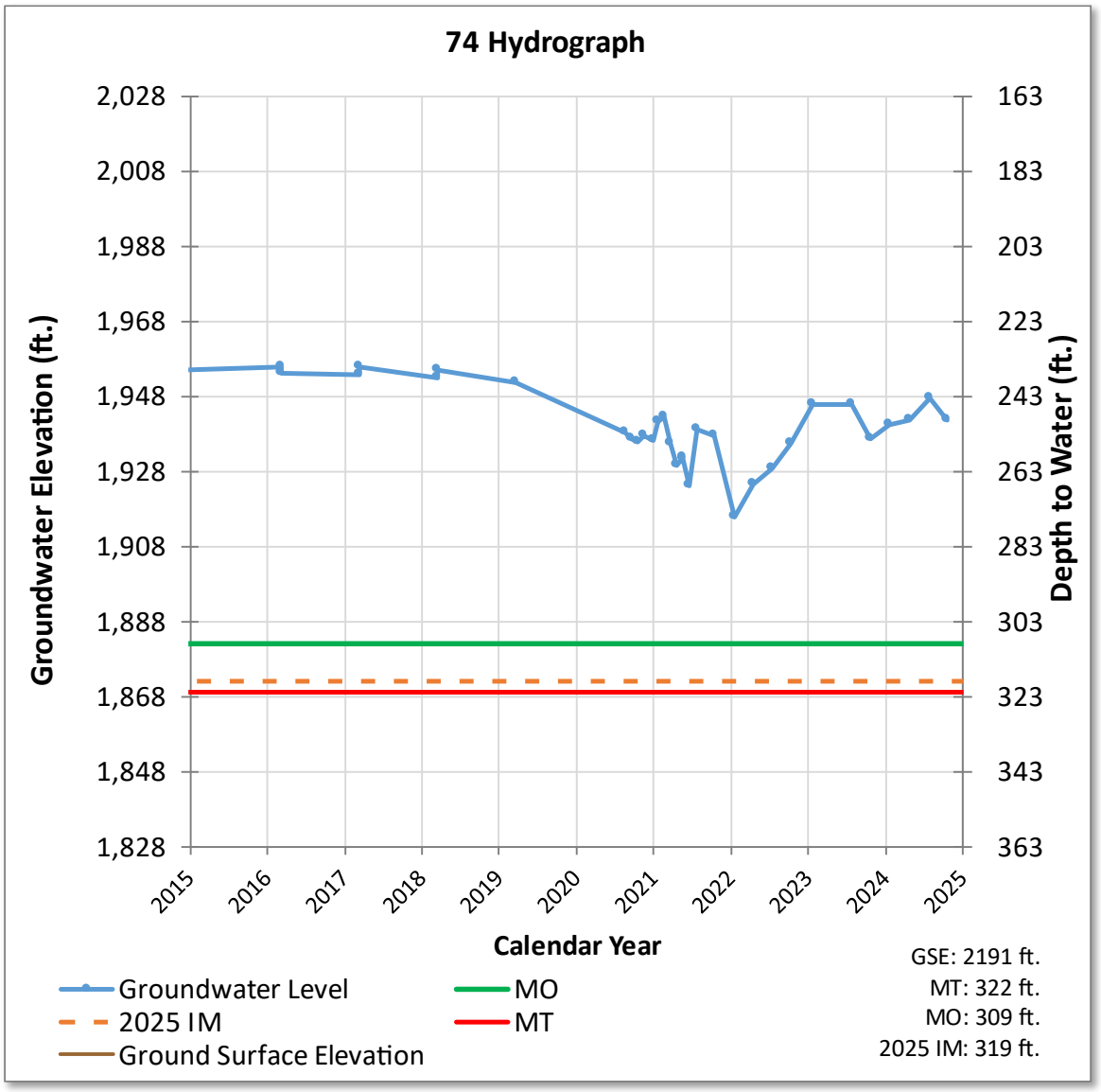


Figure 6: Western Region – Well 571

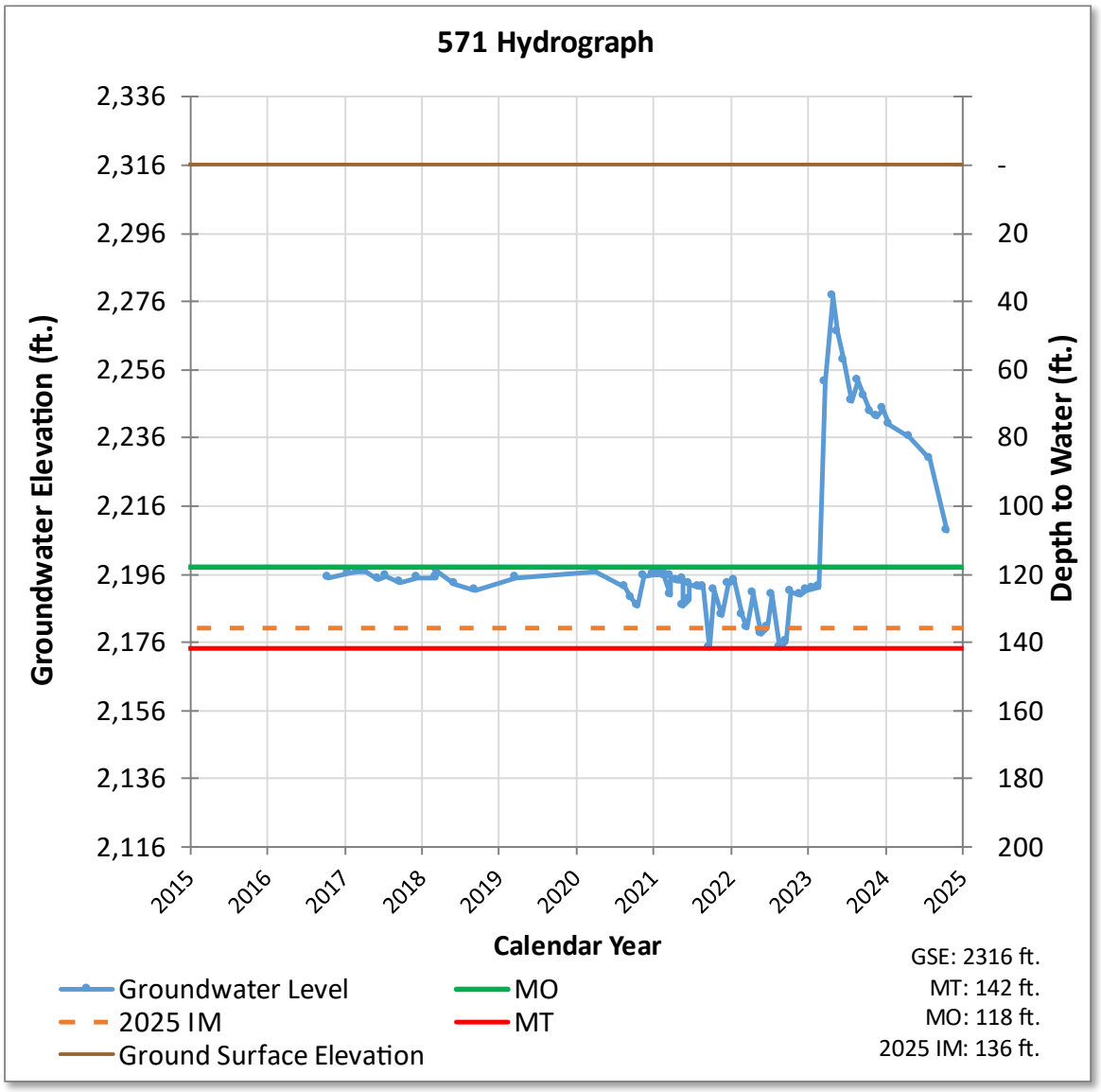
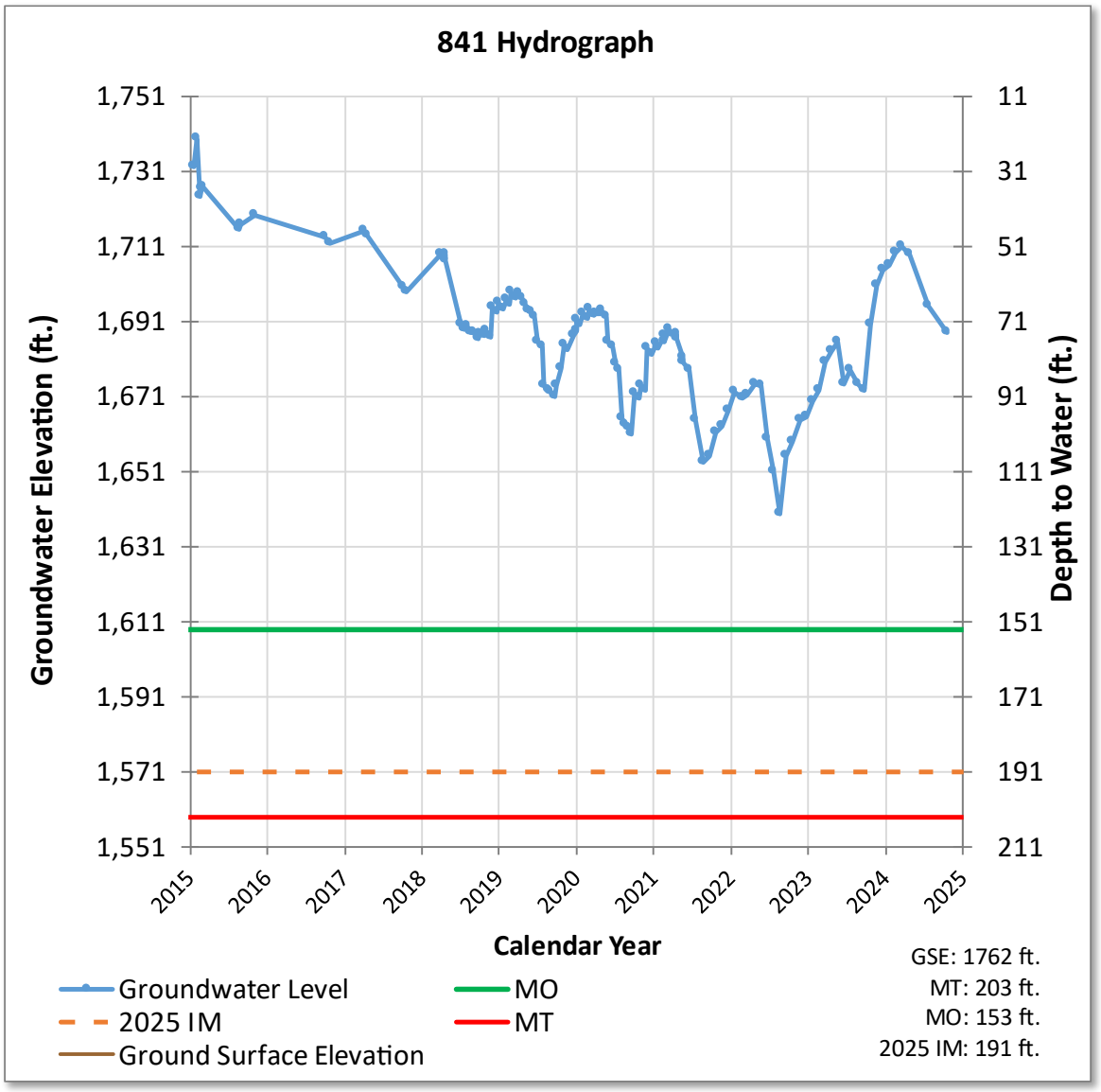


Figure 7: Northwestern Region – Well 841



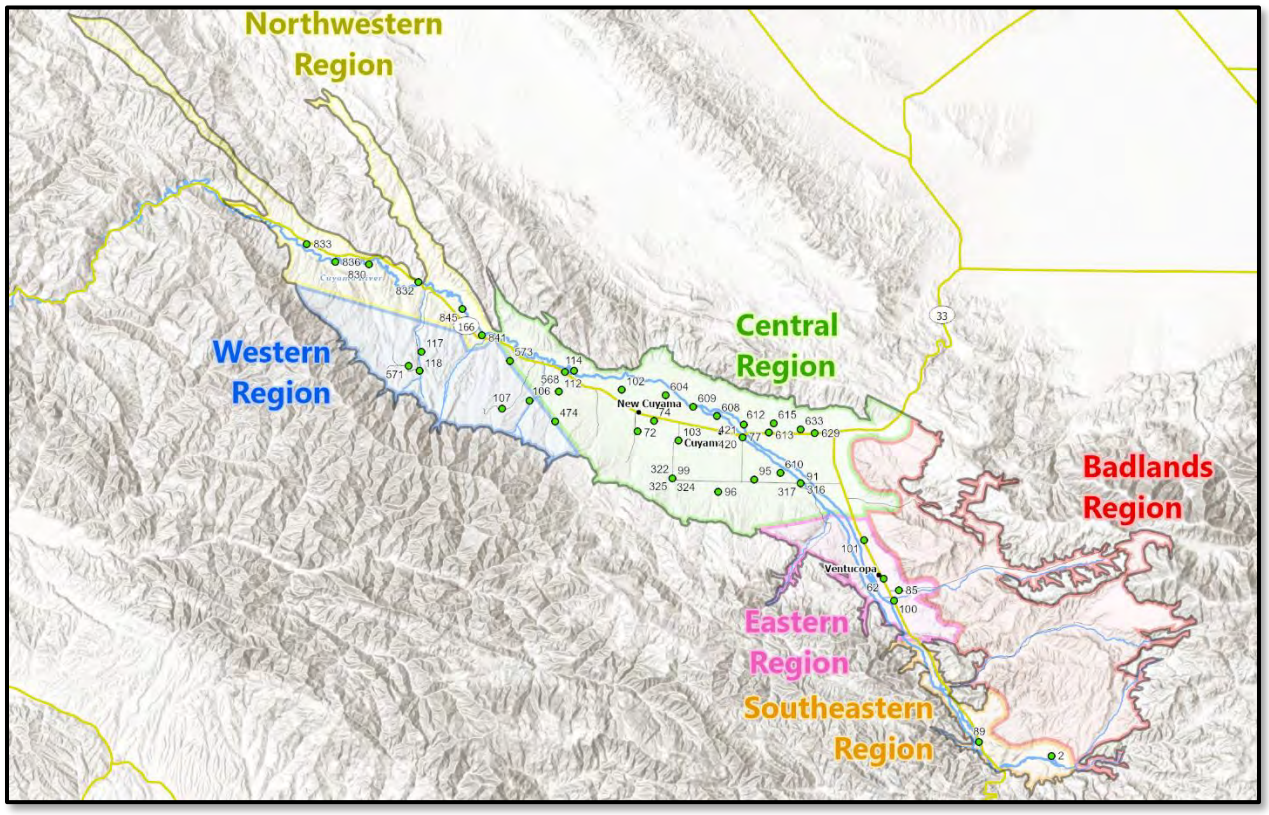


Figure 8: Threshold Regions in the Cuyama Groundwater Basin

5. MONITORING NETWORK UPDATES

With the approval of the 2025 GSP Update by the CBGSA Board, wells 98 and 124 are no longer included in the monitoring network.

As shown in Table 2, there are two wells with no measurement during the current monitoring period. These "no measurement codes" can have different causes as described below.

- Landowner changed and an access agreement have not been established with the current landowner:
  - Well 830
- Data not yet available due to transducer malfunction:
  - Well 62

Additionally, well 608 is now confirmed to be "destroyed" and is no longer available for monitoring. The landowner and monitoring staff have identified a well within 100 ft that is suitable to continue monitoring in this location; the data from that new well is still reported for well 608 in this version of the report. The groundwater level monitoring network will be modified to remove well 608 and add in this new well. The new well is in the process of being incorporated into Opti. The new well will use historical data from Well 608 as a proxy for future analysis conducted for GSP implementation.

[redacted]

Woodard & Curran

TO: Standing Advisory Committee
Agenda Item No. 11d

FROM: Taylor Blakslee, Hallmark Group

DATE: January 9, 2025

SUBJECT: Board of Directors Agenda Review

Recommended Motion
None – informational only.

Discussion
The Cuyama Basin Groundwater Sustainability Agency Board of Directors agenda for the January 15, 2024, Board of Directors meeting is provided as Attachment 1.

CUYAMA BASIN GROUNDWATER SUSTAINABILITY AGENCY

BOARD OF DIRECTORS MEETING

Board of Directors

Cory Bantilan Chair, Santa Barbara County Water Agency
Derek Yurosek Vice Chair, Cuyama Basin Water District
Arne Anselm Secretary, County of Ventura
Byron Albano Treasurer, Cuyama Basin Water District
Rick Burnes Cuyama Basin Water District
Steve Jackson Cuyama Basin Water District
Jimmy Paulding County of San Luis Obispo
Katelyn Zenger County of Kern
Matthew Young Santa Barbara County Water Agency
Deborah Williams Cuyama Community Services District
Jane Wooster Cuyama Basin Water District

AGENDA

January 15, 2025

Agenda for a meeting of the Cuyama Basin Groundwater Sustainability Agency Board of Directors to be held on Wednesday, January 15, 2025, at 2:00 PM at the **Cuyama Valley Family Resource Center 4689 CA-166, New Cuyama, CA 93254.** Participate via computer at: https://msteams.link/4GXC or by going to Microsoft Teams, downloading the free application, then entering Meeting ID: 211 568 992 705 Passcode: et2fD66g or enter or telephonically at (469) 480-3918 Phone Conference ID: 839 596 065#.

Teleconference Locations:

4689 CA-166 New Cuyama, CA 93254	1115 Truxtun Ave, 5th Floor Bakersfield, CA 93314	800 S. Victoria Ave, #1610 Ventura, CA 93009	5319 W. Delaware Ave Visalia, CA 93291

The order in which agenda items are discussed may be changed to accommodate scheduling or other needs of the Board or Committee, the public, or meeting participants. Members of the public are encouraged to arrive at the commencement of the meeting to ensure that they are present for discussion of all items in which they are interested.

In compliance with the Americans with Disabilities Act, if you need disability-related modifications or accommodations, including auxiliary aids or services, to participate in this meeting, please contact Taylor Blakslee at (661) 477-3385 by 4:00 p.m. on the Friday prior to this meeting. The Cuyama Basin Groundwater Sustainability Agency reserves the right to limit each speaker to three (3) minutes per subject or topic.

1. Call to Order (Bantilan) (1 min)
2. Roll Call (Blakslee) (1 min)
3. Pledge of Allegiance (Bantilan) (1 min)
4. Meeting Protocols (Blakslee) (2 min)
5. Election of Officers (Bantilan) (5 min)
6. Standing Advisory Committee Meeting Report (Kelly) (3 min)
7. Report from Auditors on Fiscal Year 2023-2024 Audit (Daniells Phillips Vaughan & Bock) (10 min)

CONSENT AGENDA

Items listed on the Consent Agenda are considered routine and non-controversial by staff and will be approved by one motion if no member of the Board or public wishes to comment or ask questions. If comment or discussion is desired by anyone, the item will be removed from the Consent Agenda and will be considered in the listed sequence with an opportunity for any member of the public to address the Board concerning the item before action is taken.

8. Approve November 6, 2024, Meeting Minutes (Bantilan) (1 min)

9. Approve Payment of Bills for October and November 2024 (Blakslee) (1 min)

10. Approve Financial Reports for October and November 2024 (Blakslee) (1 min)

ACTION ITEMS

All action items require a simple majority vote by default (50% of the vote). Items that require a super majority vote (75% of the weighted total) will be noted as such at the end of the item.

11. Groundwater Sustainability Plan Implementation

    a) Discuss and Take Appropriate Action on Variance Findings and Direction on Setting Final CMA Groundwater Allocations for 2025-2029 (Beck/Van Lienden) (60 min)

    b) Discuss and Take Appropriate Action on GSA Project Prioritization/Schedule (Beck) (45 min)

    c) Discuss and Take Appropriate Action on Stormwater Capture Surface Rights Analysis (Dominguez) (15 min)

REPORT ITEMS

12. Administrative Updates

    a) Report of the Executive Director (Blakslee) (5 min)

    b) Report on Fiscal Year 2025-2026 Budget Schedule (Blakslee) (5 min)

    c) Report on Water Year 2024 Annual Report Schedule (Blakslee) (5 min)

    d) Report of the General Counsel (Hughes) (5 min)

13. Technical Updates

    a) Update on Groundwater Sustainability Plan Activities (Van Lienden) (5 min)

    b) Update on Grant-Funded Projects (Van Lienden) (5 min)

    c) Update on October 2024 Groundwater Levels Report (Van Lienden) (5 min)

14. Report of Ad Hoc Committees (1 min)

15. Directors' Forum (1 min)

16. Public Comment for Items Not on the Agenda (5 min)

17. Correspondence (1 min)

CLOSED SESSION

18. Conference with Legal Counsel – Existing Litigation (15 min)

    Pursuant to Government Code section 54956.9(d)(1)

    (a) Bolthouse Land Company, LLC, et al v. All Persons Claiming a Right to Extract or Store Groundwater in the Cuyama Valley Groundwater Basin (BCV-21-101927)

19. Adjourn (5:24 p.m.)