Vina GSA Legal Implications for Recharge Webinar Transcripts

00:15:43.000 --> 00:15:51.000
Christina Buck: All right, welcome all. It's just about 12 o'clock, so we're gonna get started here in just a minute. It looks like folks.

00:15:52.000 --> 00:15:55.000
Christina Buck: Books are still trickling in, so…

00:15:55.000 --> 00:15:57.000
Christina Buck: Um…

00:15:57.000 --> 00:15:59.000
Christina Buck: I'll just wait.

00:15:59.000 --> 00:16:03.000
Christina Buck: 10 more… 10 or 20 seconds, and then we'll jump right in.

00:16:30.000 --> 00:16:37.000
Christina Buck: All right, so welcome all! I'm Christina Buck, Assistant Director with Butte County Department of Water and Resource Conservation, and we provide.

00:16:38.000 --> 00:16:47.000
Christina Buck: technical assistance and support to the Vina GSA. So, welcome to today's webinar. I'm going to give just a little bit of framing for this, and then.

00:16:47.000 --> 00:16:49.000
Christina Buck: Introduce our speaker.

00:16:49.000 --> 00:17:02.000
Christina Buck: So, here we go. Um, as many of you know, the Vina GSA received a $5.5 million grant award from the Department of Water Resources through their Sustainable Groundwater Management Grant Program.

00:17:02.000 --> 00:17:10.000
Christina Buck: And it included, um, a number of different components, as they call it, or projects, as we refer to them, that are.

00:17:10.000 --> 00:17:18.000
Christina Buck: Pursuing feasibility and field investigation work on different types of projects, including demand reduction strategies, so reducing demand.

00:17:18.000 --> 00:17:27.000
Christina Buck: Through a couple… through two specific strategies in the Vina set basin, extend orchard replacement and, um, irrigation efficiency.

00:17:27.000 --> 00:17:37.000

Christina Buck: efforts, uh, several recharge-related, uh, projects, feasibility studies, Lindo channel recharge, and then also a more general sub-basin-wide.

00:17:37.000 --> 00:17:43.000
Christina Buck: Uh, Recharge Feasibility and field investigations and pilot projects, as well as water supply, um.

00:17:44.000 --> 00:17:52.000
Christina Buck: Feasibility studies looking for opportunities to utilize additional surface water supplies in the Vina subbasin to reduce groundwater demand.

00:17:53.000 --> 00:18:00.000
Christina Buck: Um, and then there was also included Inter-basin coordination and refined modeling for the Butte Basin groundwater model.

00:18:00.000 --> 00:18:13.000
Christina Buck: Um, and for all of these, kind of, outreach support for these projects. The… most of that work is completed, what I just described. What remains is a data gap Identification and data improvement project, which includes.

00:18:13.000 --> 00:18:15.000
Christina Buck: The Vina is, um…

00:18:15.000 --> 00:18:22.000
Christina Buck: groundwater sustainability plan Periodic Evaluation and so that work is continuing, and if you are interested in.

00:18:23.000 --> 00:18:27.000
Christina Buck: Um, how the GSA is working to address the.

00:18:28.000 --> 00:18:32.000
Christina Buck: Department of Water Resources recommended corrective actions, and any, um…

00:18:33.000 --> 00:18:44.000
Christina Buck: any adjusted, uh, monitoring or other aspects of the plan associated with that. That work is underway and being shaped right now, so tune in to other GSA meetings.

00:18:44.000 --> 00:18:50.000
Christina Buck: The other piece that is wrapping up in the next couple of months is this recharge Feasibility. That'll be done in June.

00:18:50.000 --> 00:18:57.000
Christina Buck: But a part of that overall component in the grant is this specific task.

00:18:57.000 --> 00:19:07.000
Christina Buck: to look at legal implications of recharge, um, and do some analysis on this. So, the completion date for this particular task is the end of the year.

00:19:07.000 --> 00:19:21.000
Christina Buck: And it has two main grant deliverables. One is this legal implications of Recharge Analysis Summary, and the second is an Adopted policy or ordinance for Recharge projects, if necessary. So, depending on, kind of, how the analysis and what the.

00:19:21.000 --> 00:19:29.000
Christina Buck: scope of this task is to meet the needs of the sub-basin, that second deliverable can adjust, kind of, accordingly.

00:19:29.000 --> 00:19:35.000
Christina Buck: So, that is the scope of what we're talking about today. You're gonna get an idea of where this is headed.

00:19:35.000 --> 00:19:40.000
Christina Buck: And so, with that, I'm going to introduce Valerie Kincaid, Vina GSA legal counsel. Thanks a lot for being here, Valerie.

00:19:44.000 --> 00:19:46.000
ValerieKincaid: Sure, thanks for having me.

00:19:46.000 --> 00:19:57.000
ValerieKincaid: And I'll, um, jump right in. I think when I think about, uh, the GSA role, um, and limitations with regard to recharge, it's good to think about.

00:19:57.000 --> 00:20:05.000
ValerieKincaid: what a GSA can do, and then, um, maybe more importantly, sometimes what a GSA can't do.

00:20:05.000 --> 00:20:11.000
ValerieKincaid: Um, and so I'll start with this slide, kind of 3… 3 cans and 3 cants.

00:20:11.000 --> 00:20:18.000
ValerieKincaid: Um, a GSA not only can, but actually has the duty to set sustainable management criteria.

00:20:18.000 --> 00:20:27.000
ValerieKincaid: And I think probably most people on this call, certainly most SHAC members, are well informed about minimum thresholds, measurable objectives.

00:20:27.000 --> 00:20:31.000
ValerieKincaid: And avoiding undesirable results, right? That's all the language.

00:20:31.000 --> 00:20:40.000
ValerieKincaid: that we commonly use with Sigma, and of course, the GSA has the duty to set those, um, and then implement the GSP to achieve them.

00:20:41.000 --> 00:20:47.000
ValerieKincaid: Um, the GSA also has the specific authority to limit the extraction of groundwater.

00:20:47.000 --> 00:20:55.000
ValerieKincaid: So, it can put limitations on groundwater extractions. Um, and remember that groundwater is different than surface water.

00:20:55.000 --> 00:21:04.000
ValerieKincaid: Um, as we'll see in the next couple cants. The GSA also has the authority to develop projects, projects and management actions.

00:21:04.000 --> 00:21:11.000
ValerieKincaid: Okay, so the GSA does not have the authority to determine water rights. That was specifically carved out.

00:21:11.000 --> 00:21:18.000
ValerieKincaid: in Sigma as something that the GSAs would not be doing, and expressly don't have the authority to do.

00:21:19.000 --> 00:21:23.000
ValerieKincaid: Um, the GSA has no authority or jurisdiction over surface water.

00:21:23.000 --> 00:21:31.000
ValerieKincaid: And that becomes really important when we talk about recharge. I think that's pretty obvious, but I'll probably go into why that's… why that's so important going forward.

00:21:31.000 --> 00:21:38.000
ValerieKincaid: Um, and really, the GSA has no authority to restrict storage in an aquifer, and I think this is, um…

00:21:39.000 --> 00:21:45.000
ValerieKincaid: Kind of a subject that, uh, from a legal perspective has a lot of, um.

00:21:45.000 --> 00:21:52.000
ValerieKincaid: Remaining development to, to go. Um, there are not very many cases about what.

00:21:52.000 --> 00:21:59.000
ValerieKincaid: Agency or authority has the authority to actually limit or manage aquifer storage.

00:21:59.000 --> 00:22:12.000
ValerieKincaid: Um, obviously that… what happens in the aquifer is an important component of sustainability, but Sigma, interestingly, does not specifically delegate to GSAs the ability to say, hey, you can or cannot put water.

00:22:12.000 --> 00:22:19.000
ValerieKincaid: in an aquifer, it can limit it if it messes with the SMC achievement or sustainability.

00:22:20.000 --> 00:22:25.000
ValerieKincaid: Or if it causes problems, um, with its above duties, the three cans.

00:22:25.000 --> 00:22:35.000

ValerieKincaid: But, um, other than that, it really doesn't have any independent authority to tell someone that they cannot, um, store water in an underground aquifer. So…

00:22:35.000 --> 00:22:45.000
ValerieKincaid: What, what does that mean, big, big picture, for, uh, the GSA authority, and how that, um, their authority to regulate recharge projects?

00:22:45.000 --> 00:22:48.000
ValerieKincaid: Well, what it really means is that.

00:22:48.000 --> 00:22:57.000
ValerieKincaid: Um, if a recharge project was a perfect project, and it put in surface water, right, which is kind of the definition of recharge.

00:22:57.000 --> 00:23:07.000
ValerieKincaid: You're putting in, not groundwater, but surface water supplies, and someone accounted for those surface water supplies, they lawfully diverted them, they lawfully put them in the ground.

00:23:07.000 --> 00:23:13.000
ValerieKincaid: And then they only extracted what they augmented the basin with, which is kind of the… the…

00:23:13.000 --> 00:23:22.000
ValerieKincaid: legal rule coming from case law, then the GSA would have really no authority or role over a recharge project.

00:23:22.000 --> 00:23:25.000
ValerieKincaid: Assuming all of those things are true.

00:23:26.000 --> 00:23:36.000
ValerieKincaid: But of course, I think everyone's concerned and worried that those things won't be true, and there won't be perfect accounting, there won't be perfect right, and maybe most concerning that potentially a recharger.

00:23:37.000 --> 00:23:44.000
ValerieKincaid: Would begin to take more than, um, what they have recharged and what they've augmented the basin supply with.

00:23:44.000 --> 00:23:54.000
ValerieKincaid: In which case, then you begin to get into, um, a trigger for the GSA having jurisdiction, right? So if you begin to extract groundwater.

00:23:54.000 --> 00:23:59.000
ValerieKincaid: That's, of course, when the GSA begins to step in and say, hey, we do have some authority over that.

00:24:00.000 --> 00:24:06.000

ValerieKincaid: So, again, I think it's really important to know… to know what we can do and can't do. Um, Christine, if you can move to the next.

00:24:07.000 --> 00:24:09.000
ValerieKincaid: Slide, that would be great.

00:24:10.000 --> 00:24:18.000
ValerieKincaid: Terrific. Okay, so, um, and I don't know if Christina said this, I forget, but if people have questions or thoughts.

00:24:18.000 --> 00:24:21.000
ValerieKincaid: Feel free to raise your hand, we'll try to kind of take them.

00:24:21.000 --> 00:24:30.000
ValerieKincaid: As we go here. Um, but I will continue to talk about the presentation until I see that, or until someone alerts me to it.

00:24:30.000 --> 00:24:37.000
ValerieKincaid: Um, so given the CANS and the CAMPS that we just saw on the previous slide, what are the range of regulatory options?

00:24:37.000 --> 00:24:40.000
ValerieKincaid: for AGSA when it comes to Recharge.

00:24:40.000 --> 00:24:46.000
ValerieKincaid: And really, there are kind of two different categories, GSA projects and non-GSA projects.

00:24:47.000 --> 00:24:56.000
ValerieKincaid: Um, number one is GSA projects, and that, of course, is that if the GSA is actually doing the recharge, running the project, then it, of course, has full control, right?

00:24:57.000 --> 00:25:04.000
ValerieKincaid: It would, um, acquire surface water, it would apply that surface water somehow, it would maintain and monitor.

00:25:04.000 --> 00:25:09.000
ValerieKincaid: Um, and account for extractions, and storage.

00:25:09.000 --> 00:25:14.000
ValerieKincaid: Um, and so it would really have control over all components of a project.

00:25:14.000 --> 00:25:17.000
ValerieKincaid: However, um, GSAs are fairly new entities.

00:25:17.000 --> 00:25:27.000
ValerieKincaid: getting new water rights, um, is very difficult. It's a long and expensive process. So there are a lot of times where, frankly, you have non-GSAs doing.

00:25:27.000 --> 00:25:34.000
ValerieKincaid: Recharge projects, sometimes they just are non-GSA agencies are just, frankly, more.

00:25:34.000 --> 00:25:39.000
ValerieKincaid: Um, ready to do recharge projects, for a lot of different reasons.

00:25:39.000 --> 00:25:46.000
ValerieKincaid: So, if we're talking about non-GSA projects, what are the range of regulatory kind of options?

00:25:46.000 --> 00:25:51.000
ValerieKincaid: And I think 2, 3, and 4 talk about those from a little bit of a lighter touch to a heavier touch.

00:25:52.000 --> 00:25:59.000
ValerieKincaid: Um, the first is an agreement with the GSA, right? So, a recharger could come to the GSA and say, hey, listen.

00:25:59.000 --> 00:26:11.000
ValerieKincaid: I'd like to enter into an agreement, I'd like to know what you think about my Recharge projects, I'd like to work with you, I'd like to partner with you, I'm, you know, pro-sustainability, I'm pro our GSP, and I want to work with you.

00:26:11.000 --> 00:26:19.000
ValerieKincaid: on this Recharge project. And then GSA could say, great, we're happy that you're here, and let's talk about the specific terms.

00:26:19.000 --> 00:26:24.000
ValerieKincaid: Under which we all think this Recharge project should go.

00:26:24.000 --> 00:26:31.000
ValerieKincaid: And of course, um, that agreement would probably include, and I'll talk about this on a future slide in much more detail.

00:26:31.000 --> 00:26:41.000
ValerieKincaid: Um, supply, location, you know, quantity, timing, leave behind, reporting. It would include a number of components that the parties, the recharger party and the GSA party.

00:26:42.000 --> 00:26:49.000
ValerieKincaid: would agree to, and the Recharge project would move forward with that agreement. And of course, if the project.

00:26:49.000 --> 00:26:55.000
ValerieKincaid: um, you know, violated the agreement that, of course, the GSA has, like any other party to an agreement.

00:26:56.000 --> 00:27:05.000

ValerieKincaid: has breach of contract and agreement ways to enforce the recharging party to comply with the terms. So that is kind of this.

00:27:06.000 --> 00:27:10.000
ValerieKincaid: Everyone coming together, everyone agreeing on things, really partnership-based.

00:27:11.000 --> 00:27:12.000
ValerieKincaid: Um, approach.

00:27:13.000 --> 00:27:22.000
ValerieKincaid: Number 3, um, is similar, and… but it's a little bit more top-down. So it basically is that a GSA could adopt an ordinance.

00:27:22.000 --> 00:27:24.000
ValerieKincaid: or other rule…

00:27:24.000 --> 00:27:27.000
ValerieKincaid: Um, that… that govern Recharge.

00:27:28.000 --> 00:27:36.000
ValerieKincaid: Um, projects. You would probably have the same components. You would touch on supply, location, quantity, timing, leave behind, reporting, accounting.

00:27:36.000 --> 00:27:43.000
ValerieKincaid: Um, all of those issues that a GSA wants to make sure that Recharge projects are following.

00:27:43.000 --> 00:27:52.000
ValerieKincaid: You could put those into a, again, more top-down, not project-specific, but an ordinance saying, hey, anyone who does Recharge projects.

00:27:52.000 --> 00:27:57.000
ValerieKincaid: In our basin, we think that this ordinance is something that you should follow.

00:27:57.000 --> 00:28:03.000
ValerieKincaid: And again, as long as the ordinance was lawful, and it didn't violate those cants.

00:28:03.000 --> 00:28:08.000
ValerieKincaid: In the… in my first slide, it didn't try to regulate.

00:28:08.000 --> 00:28:17.000
ValerieKincaid: surface water, it didn't try to determine water rights. It would likely be a lawful ordinance. Uh, Sigma definitely gives.

00:28:17.000 --> 00:28:24.000
ValerieKincaid: GSA is the ability to draft ordinances on its subject matter jurisdiction. So as long as you stay to groundwater.

00:28:25.000 --> 00:28:35.000
ValerieKincaid: Um… can someone mute? Yeah, thanks. Then, then you should be able to develop, again, these recharge rules from an ordinance. And again.

00:28:36.000 --> 00:28:43.000
ValerieKincaid: The enforcement component of that would be that if a recharger came in, developed a project that violated the ordinance.

00:28:43.000 --> 00:28:49.000
ValerieKincaid: Then, obviously, the GSAs have enforcement authority under Sigma to, um…

00:28:49.000 --> 00:28:56.000
ValerieKincaid: To ensure that that ordinance is followed and that Recharge projects comply with the rules that it's set forward.

00:28:56.000 --> 00:29:02.000
ValerieKincaid: And then finally, probably the most extreme and heavily regulated.

00:29:02.000 --> 00:29:08.000
ValerieKincaid: Uh, approach is number 4, and this is really developing an allocation system.

00:29:08.000 --> 00:29:17.000
ValerieKincaid: And, um, again, that goes beyond Recharge, frankly, but it does touch on Recharge if the GSA develops an entire allocation system.

00:29:17.000 --> 00:29:23.000
ValerieKincaid: Um, it would need to develop that system for accounting management and reporting. It would be run by the GSA.

00:29:24.000 --> 00:29:29.000
ValerieKincaid: There are several GSAs who have done this, basically defined.

00:29:29.000 --> 00:29:34.000
ValerieKincaid: What a native yield is, and then, um, allocated.

00:29:34.000 --> 00:29:42.000
ValerieKincaid: that native yield to groundwater users. They basically, you know, these GSAs that have allocation systems in place.

00:29:43.000 --> 00:29:49.000
ValerieKincaid: have a really heavy lift, right? They have to have a huge amount of data to understand these systems.

00:29:49.000 --> 00:29:58.000
ValerieKincaid: Um, and then there's enforcement component as well. But within these systems, obviously, a Recharge project would fit into how the specific accounting.

00:29:59.000 --> 00:30:04.000

ValerieKincaid: Um, of the allocation system would go would include recharge.

00:30:05.000 --> 00:30:10.000
ValerieKincaid: and probably some surface water. Obviously, those allocation systems cannot define rights.

00:30:10.000 --> 00:30:18.000
ValerieKincaid: and they cannot regulate surface water, but certainly most of those allocation systems that GSAs have in place.

00:30:18.000 --> 00:30:27.000
ValerieKincaid: Consider the fact that, um, certain users included in the allocation systems, conjunctive users.

00:30:27.000 --> 00:30:30.000
ValerieKincaid: Use both surface water and groundwater.

00:30:30.000 --> 00:30:35.000
ValerieKincaid: So within an allocation system, you would certainly develop rules for recharge.

00:30:36.000 --> 00:30:41.000
ValerieKincaid: So, those are the four, um, kind of regulatory options that could apply.

00:30:41.000 --> 00:30:46.000
ValerieKincaid: to, um, Recharge projects, again, going from a GSA project to kind of a light touch agreement.

00:30:46.000 --> 00:30:51.000
ValerieKincaid: Uh, a top-down ordinance, and then a full allocation system, where you're really running.

00:30:52.000 --> 00:30:55.000
ValerieKincaid: Um, what happens in the accounting part of Recharge?

00:30:56.000 --> 00:30:59.000
ValerieKincaid: Alright, Christine, next slide, if you don't mind?

00:31:00.000 --> 00:31:05.000
ValerieKincaid: So I'm going to talk a little bit related to Vina, um, with the challenges of Options 1 and 4.

00:31:06.000 --> 00:31:14.000
ValerieKincaid: And this is true for a lot of folks statewide, but really for Vina, um, the Vina GSA is, of course, a joint powers authority.

00:31:14.000 --> 00:31:18.000
ValerieKincaid: And, uh, made up of several public agencies.

00:31:18.000 --> 00:31:25.000

ValerieKincaid: And it really is not, at least at this point, it could change, but it's really not crafted, created, set up.

00:31:25.000 --> 00:31:35.000
ValerieKincaid: to be, um, a water supplier. So, it is not, you know, it is a GSA, so it's going to be managing for sustainability.

00:31:35.000 --> 00:31:45.000
ValerieKincaid: But, um, currently Vina is not set up to have staff resources and, frankly, liability of running recharge projects itself. You would obviously have to start with an application.

00:31:45.000 --> 00:31:53.000
ValerieKincaid: For water rights, you would have to have someone run that system, and you really begin to go down the road of a water supplier.

00:31:54.000 --> 00:32:00.000
ValerieKincaid: And at least the JPA, as it currently exists, does not consider this rule, really, for Vina.

00:32:00.000 --> 00:32:06.000
ValerieKincaid: Excuse me. So, that could change, um, and it's not, like, Vina couldn't do it.

00:32:06.000 --> 00:32:12.000
ValerieKincaid: you could, but I think you'd really have to rethink Vina GSA's JPA.

00:32:12.000 --> 00:32:18.000
ValerieKincaid: An approach to becoming, um, really an agency that's going to own a water right on behalf.

00:32:19.000 --> 00:32:25.000
ValerieKincaid: Of its constituent members, um, and it really isn't crafted quite like that at this point.

00:32:26.000 --> 00:32:36.000
ValerieKincaid: Um, the other challenge for Option 4, remember that's the allocation system, and that's a really big hands-on, kind of, the GSA running the system of water supply.

00:32:36.000 --> 00:32:44.000
ValerieKincaid: is that, again, it takes a huge amount of time and resources and data. You have to have a really, really big.

00:32:44.000 --> 00:32:56.000
ValerieKincaid: data management system in order to run an allocation system. And that's because, frankly, an allocation looks a lot… I mean, you really begin to get very close.

00:32:56.000 --> 00:32:59.000
ValerieKincaid: To determining water rights when you have an allocation.

00:33:00.000 --> 00:33:07.000

ValerieKincaid: Um, you're not entirely, you're just telling people what they can use, but you are much, much more likely to be challenged.

00:33:08.000 --> 00:33:18.000
ValerieKincaid: Um, when you're telling people what they can use, because obviously, um, embedded in that is what they can't use. And so, you're really limiting people's extraction, um, limits.

00:33:18.000 --> 00:33:27.000
ValerieKincaid: You're creating rules for accounting, monitoring, and you're going to need to know, you know, very precise amounts of what people are using.

00:33:27.000 --> 00:33:35.000
ValerieKincaid: how they're using it, and what category, what portfolio category they have. Is it an overlying right, an appropriative right, a riparian right?

00:33:35.000 --> 00:33:44.000
ValerieKincaid: surface water right and loo right. There are several different, um, you know, flavors or colors, as people like to say, of water.

00:33:44.000 --> 00:33:49.000
ValerieKincaid: And if you run an allocation system that is defensible, you're going to have to unpack.

00:33:49.000 --> 00:33:58.000
ValerieKincaid: A lot of data to really understand and be able to defend the position of telling people what water they can take, when they can take it, and when they can't.

00:33:59.000 --> 00:34:05.000
ValerieKincaid: Um, so those are really challenges, I think, especially for Vina for Options 1 and 4.

00:34:06.000 --> 00:34:08.000
ValerieKincaid: So, you know, we can move to the next slide.

00:34:08.000 --> 00:34:10.000
ValerieKincaid: Okay, so…

00:34:10.000 --> 00:34:19.000
ValerieKincaid: what does that mean for options 2 and 3? And again, I think I mentioned this when we were on the slide about the several options.

00:34:19.000 --> 00:34:26.000
ValerieKincaid: The same components, um, you would use different mechanisms. Obviously, an agreement is very different than an ordinance.

00:34:26.000 --> 00:34:37.000
ValerieKincaid: Um, an agreement probably is more tailored towards a recharge project, whereas an ordinance, um, you know, that's more of a set of rules that the GSA has developed.

00:34:38.000 --> 00:34:42.000

ValerieKincaid: And, um, all projects would have to comply.

00:34:42.000 --> 00:34:49.000
ValerieKincaid: With those rules, so it's less tailored, it's less partnership-oriented, but really, um, those are just different mechanisms.

00:34:49.000 --> 00:34:56.000
ValerieKincaid: The components that would be in an agreement or an ordinance are very similar, most likely.

00:34:56.000 --> 00:35:03.000
ValerieKincaid: And I'll talk a little bit about, um, each of these components that you would have to really think about.

00:35:03.000 --> 00:35:09.000
ValerieKincaid: in order to figure out, um, you know, Recharge and the role of a GSA in Recharge.

00:35:09.000 --> 00:35:17.000
ValerieKincaid: Um, and again, these begin to get specific, and I think we're going to, I think in this next step of this project.

00:35:17.000 --> 00:35:22.000
ValerieKincaid: Begin to apply how these components.

00:35:22.000 --> 00:35:35.000
ValerieKincaid: or rules or guidelines, or agreement terms would apply to specific projects. So they become really specific really quickly, but I'll talk about them from kind of a higher level perspective of what you would need to consider.

00:35:35.000 --> 00:35:41.000
ValerieKincaid: If you were going to put together an agreement or an ordinance as a GSA, trying to kind of put.

00:35:41.000 --> 00:35:46.000
ValerieKincaid: Um, some buffer requirements on a Recharge project.

00:35:47.000 --> 00:35:50.000
ValerieKincaid: Um, first is the accounting component.

00:35:50.000 --> 00:35:55.000
ValerieKincaid: And that's pretty important, because Recharge is, you know, by definition, surface water.

00:35:55.000 --> 00:36:05.000
ValerieKincaid: So I think historically, or, um, by kind of default, the accounting system is likely going to be, um, developed by.

00:36:05.000 --> 00:36:07.000
ValerieKincaid: the Recharger.

00:36:07.000 --> 00:36:13.000
ValerieKincaid: So, you're going to have a recharger who has, assuming that they're diverting.

00:36:13.000 --> 00:36:19.000
ValerieKincaid: surface water lawfully. They have a certain amount of surface water. They're going to measure that.

00:36:19.000 --> 00:36:25.000
ValerieKincaid: They're going to track where it is, and how it infiltrates the aquifer.

00:36:25.000 --> 00:36:37.000
ValerieKincaid: Um, that could be through, you know, actual, you know, application to agriculture. It could be seepage through facilities and systems.

00:36:37.000 --> 00:36:44.000
ValerieKincaid: Um, it could be application to, uh, settling ponds for specifically for the purpose.

00:36:44.000 --> 00:36:50.000
ValerieKincaid: Of Recharge, but it is, um, you know, the accounting is going to have to be agreed upon.

00:36:50.000 --> 00:36:59.000
ValerieKincaid: And you're gonna have to say, okay, are you the recharger going to account? How are you measuring that water? Where are you applying it? How much of it is seeped in?

00:36:59.000 --> 00:37:04.000
ValerieKincaid: Um, you know, so who keeps track is a really big issue.

00:37:04.000 --> 00:37:10.000
ValerieKincaid: Um, I… included in this accounting is, um, you know, whether…

00:37:10.000 --> 00:37:13.000
ValerieKincaid: Existing storage is defined.

00:37:13.000 --> 00:37:18.000
ValerieKincaid: And not just defined in quantity, but really defined in ownership.

00:37:18.000 --> 00:37:27.000
ValerieKincaid: And that becomes a really big issue for people who are doing recharge projects. A lot of times, GSAs talk about this concept of, you know, transition water.

00:37:27.000 --> 00:37:36.000
ValerieKincaid: And that really is allocating existing storage. So when you're talking about accounting, obviously there's an accounting mechanism of how much water you're putting in.

00:37:36.000 --> 00:37:44.000
ValerieKincaid: Um, but… but how much water stays there? You have a sub-basin that migrates water very easily.

00:37:44.000 --> 00:37:51.000
ValerieKincaid: Then you're gonna have a different accounting system, um, frankly, and accounting rules than if you have, kind of, more of your bathtub.

00:37:51.000 --> 00:37:55.000
ValerieKincaid: Um, sub-basin where if you put water in, it kind of just stays there.

00:37:55.000 --> 00:38:02.000
ValerieKincaid: Another interesting, and I know, I'm sure non-controversial, um, subject is how people treat in lieu.

00:38:02.000 --> 00:38:10.000
ValerieKincaid: Um, how do you account for in-loo, um, banking? And of course, in lieu banking means that you have the right.

00:38:10.000 --> 00:38:16.000
ValerieKincaid: To extract groundwater, but instead of extracting that groundwater, you apply surface water.

00:38:16.000 --> 00:38:21.000
ValerieKincaid: And then you are getting a credit for the groundwater that you had a right to use but did not use.

00:38:21.000 --> 00:38:23.000
ValerieKincaid: And you've banked that.

00:38:23.000 --> 00:38:30.000
ValerieKincaid: So, what… what color water does that become? Is it… does it remain groundwater? Does it become surface water?

00:38:31.000 --> 00:38:37.000
ValerieKincaid: Um, all of those are difficult questions, and… and would have to be included in the accounting.

00:38:37.000 --> 00:38:41.000
ValerieKincaid: Um, that is usually, again, done by the Recharger.

00:38:42.000 --> 00:38:47.000
ValerieKincaid: So, um, I'll move on to monitoring and reporting. You know, who reports to who?

00:38:48.000 --> 00:38:52.000
ValerieKincaid: So again, in our CANS and CANS, our first slide.

00:38:52.000 --> 00:38:55.000
ValerieKincaid: If a Recharger had a perfect project.

00:38:55.000 --> 00:39:05.000

ValerieKincaid: Where they were taking only the surface water that augmented the basin, and they accounted for it, and you had an agreed upon accounting mechanism, and they only diverted that.

00:39:05.000 --> 00:39:15.000
ValerieKincaid: um, exact, you know, recharged surface water, they really don't have a legal obligation to report or tell the GSA.

00:39:15.000 --> 00:39:26.000
ValerieKincaid: how they're doing that. But, of course, the concern is that that water does migrate, or that water does leave, or that water didn't augment the base end, or maybe the recharger's overcounting.

00:39:26.000 --> 00:39:34.000
ValerieKincaid: Double counting water. Maybe there's a concern with how much in lieu, um, water you're including in your accounting system.

00:39:34.000 --> 00:39:39.000
ValerieKincaid: So the concept of having a Recharge or actually report to.

00:39:39.000 --> 00:39:46.000
ValerieKincaid: Um, and talk to the GSA about how that accounting is going. It's probably a really good idea.

00:39:46.000 --> 00:39:55.000
ValerieKincaid: Um, however, keep in mind, if the project is perfect, they don't really have a responsibility or a legal obligation to report to.

00:39:56.000 --> 00:40:01.000
ValerieKincaid: the GSA, if they're just minding their own business, they're just dealing with surface water, and that's all they're taking.

00:40:01.000 --> 00:40:08.000
ValerieKincaid: Um, however, you can have an ordinance where you, you… or an agreement where you insure.

00:40:08.000 --> 00:40:15.000
ValerieKincaid: That that accounting is done, so you're preventing any recharger from taking, um, any groundwater.

00:40:15.000 --> 00:40:24.000
ValerieKincaid: Um, obviously there can be, you know, an approval. You would want to say, you know, are you reporting to me? Is it on a monthly basis and yearly basis?

00:40:25.000 --> 00:40:30.000
ValerieKincaid: Do GSAs want to approve those reports? Do they have the authority to approve the reports?

00:40:30.000 --> 00:40:36.000

ValerieKincaid: Those are all really difficult questions. And of course, then, if there's disputes, right? I mean, if you disagree.

00:40:36.000 --> 00:40:39.000
ValerieKincaid: You're gonna have to put that either into an agreement.

00:40:39.000 --> 00:40:46.000
ValerieKincaid: Or into an ordinance, um, where you begin to disagree on what the monitoring, reporting, and accounting could be.

00:40:48.000 --> 00:40:55.000
ValerieKincaid: Okay, I'll keep moving. Um, a leave behind, this is a pretty popular, um, hot topic that people like to talk about.

00:40:55.000 --> 00:41:00.000
ValerieKincaid: Um, and I think a lot of people talk about it as if it's, like, a single thing, you know, the leave behind.

00:41:00.000 --> 00:41:06.000
ValerieKincaid: And really what it is, is, um, usually through an agreement or through a regulation.

00:41:06.000 --> 00:41:12.000
ValerieKincaid: It's water that, um, remains in the aquifer.

00:41:13.000 --> 00:41:22.000
ValerieKincaid: Even though it is recharged water from Recharge project. And I, um, when people talk about leave behind, I really think it's important to talk about identifying the purpose.

00:41:22.000 --> 00:41:30.000
ValerieKincaid: So what is the reason that a GSA would require water to be left behind? Again, we talked earlier about.

00:41:30.000 --> 00:41:42.000
ValerieKincaid: the limited jurisdiction a GSA has. And I think it really depends on, um, the amount of leave behind should really depend on the reason you're requiring leave behind.

00:41:42.000 --> 00:41:49.000
ValerieKincaid: And is that because you need the leave behind to meet a minimum threshold?

00:41:49.000 --> 00:41:54.000
ValerieKincaid: Is that because you're seeing, um, you know, groundwater quality issue?

00:41:54.000 --> 00:41:56.000
ValerieKincaid: Is that because…

00:41:56.000 --> 00:42:01.000
ValerieKincaid: You're concerned about overdraft, and you think that the Recharge is taking too much.

00:42:01.000 --> 00:42:08.000
ValerieKincaid: And you want kind of a… an accounting factor, or is it really that you're kind of…

00:42:08.000 --> 00:42:22.000
ValerieKincaid: Um, you know, I don't want to say taxing, but in an agreement, certainly, or in an ordinance, you're saying that in order to use the aquifer, just to make sure the accounting is correct, you need to leave behind, you know, 10% or 20%.

00:42:22.000 --> 00:42:28.000
ValerieKincaid: Or whatever of what you recharged. So I think when we're talking about leave behinds, that obviously, you know.

00:42:29.000 --> 00:42:37.000
ValerieKincaid: is incorporated into the accounting, but we really have to talk about why it is the GSA, and what authority does the GSA have.

00:42:37.000 --> 00:42:46.000
ValerieKincaid: to require a leave behind. I think a GSA has significantly more authority if it's finding that, um, MTs are being hit.

00:42:47.000 --> 00:42:52.000
ValerieKincaid: Or there's a recharge or who's taking, you know, water that maybe migrated or left.

00:42:53.000 --> 00:42:58.000
ValerieKincaid: The subbasin. Remember that the rules of recharge are that you can recharge.

00:42:58.000 --> 00:43:04.000
ValerieKincaid: Water and take it back out, but if it does not augment the subbasin.

00:43:04.000 --> 00:43:10.000
ValerieKincaid: you don't have a right to extract that water back out. So, for example, if you had.

00:43:10.000 --> 00:43:21.000
ValerieKincaid: a recharge scenario in the opposite of a bathtub basin. So if you're recharging in an area where water quickly migrates and just leaves the subbasin, almost when you put it in.

00:43:21.000 --> 00:43:30.000
ValerieKincaid: Then really, um, lawfully, the recharge amount that you can extract, or the extraction amount you can take from that recharge project.

00:43:30.000 --> 00:43:35.000
ValerieKincaid: is going to be very small. It's not going to be a great return on investment if that is the.

00:43:35.000 --> 00:43:42.000
ValerieKincaid: physical factors that you have. Because, again, you have to augment the basin. You can't just put in water.

00:43:42.000 --> 00:43:58.000

ValerieKincaid: and then have it leave and then take that water out. But again, Recharge is not a molecule per molecule. You're not… you don't have to take the exact same molecule out, but you certainly cannot extract water that is no longer in the subbasin.

00:43:58.000 --> 00:44:03.000
ValerieKincaid: So there's a really important physical question, um…

00:44:03.000 --> 00:44:14.000
ValerieKincaid: that I think must be asked when you're talking about a leave behind. So, the question becomes, is the leave behind because really, the water leaves physically, and it's no longer there, which means you.

00:44:14.000 --> 00:44:26.000
ValerieKincaid: you know, don't have a right to at least extract it from that sub-basin? Or is it because you want to make sure the accounting process is correct, and you want, you know, a factor of, you know, 10, 20, whatever percent.

00:44:27.000 --> 00:44:30.000
ValerieKincaid: To make sure people are not taking water that's not theirs.

00:44:30.000 --> 00:44:40.000
ValerieKincaid: Um, or are we talking about an MT and a Sigma compliance issue? And those are all very different reasons to require leave-behind amounts, so we should be.

00:44:41.000 --> 00:44:44.000
ValerieKincaid: Clear about that. Um…

00:44:44.000 --> 00:44:46.000
ValerieKincaid: Alright, I'm gonna move on…

00:44:47.000 --> 00:44:50.000
ValerieKincaid: to timing constraints.

00:44:50.000 --> 00:44:56.000
ValerieKincaid: This is one of the most interesting things about timing constraints in the law, is that there really is no specific cap.

00:44:56.000 --> 00:45:04.000
ValerieKincaid: Again, there's that overarching rule that the water has to remain, you know, augmenting the basin so it can't leave.

00:45:04.000 --> 00:45:12.000
ValerieKincaid: But there really is no specific timing constraint, meaning that, you know, we've had clients that say, we've been… we've been really.

00:45:12.000 --> 00:45:20.000
ValerieKincaid: you know, recharging this sub-basin for hundreds of years. Um, we've had the system in place, and we've brought in surface water.

00:45:20.000 --> 00:45:26.000
ValerieKincaid: Literally for 100 years, and so we think that all of that water is available to us.

00:45:26.000 --> 00:45:39.000
ValerieKincaid: Um, and obviously other GSAs in the area may find that to be, you know, shocking, or like, wait a minute, you can't pretend that that water is still there, and then that becomes a technical question, but there really are no timing constraints.

00:45:39.000 --> 00:45:44.000
ValerieKincaid: So you would need to really put into, whether it's based on physical movement.

00:45:44.000 --> 00:45:52.000
ValerieKincaid: If there is data that shows after 10 years, really none of the water remains in the sub-basin, then that's probably a good timing constraint.

00:45:52.000 --> 00:45:57.000
ValerieKincaid: Because you're tying it to a physical attribute. Um…

00:45:57.000 --> 00:46:04.000
ValerieKincaid: But a lot of times, you do see caps on extractions, and cap on a period of storage, meaning.

00:46:04.000 --> 00:46:09.000
ValerieKincaid: you know, I've seen projects where you allow Recharge, and you can take 100%.

00:46:09.000 --> 00:46:19.000
ValerieKincaid: You can extract 100% of the water you've recharged in year 1 through 3, but, um, that number goes down to 50%, and here's, you know, 4 to 6.

00:46:20.000 --> 00:46:26.000
ValerieKincaid: And then you can only really take 20% in years that are later and following.

00:46:27.000 --> 00:46:33.000
ValerieKincaid: Um, there are also issues with maybe kind of this concept of running on the bank, running on Recharge.

00:46:33.000 --> 00:46:38.000
ValerieKincaid: Do you want to limit extractions, um, in drought years?

00:46:38.000 --> 00:46:44.000
ValerieKincaid: Meaning, if someone is an in-loo Recharger, and they're banking in loo water, or they're banking surface water.

00:46:44.000 --> 00:46:55.000
ValerieKincaid: And they really only need that water in drought times because they have a unreliable surface water supply, and they'll go to zero, and then they're going to need to pull all of that water out in drought times.

00:46:55.000 --> 00:47:08.000
ValerieKincaid: I have seen some timing constraints where it says, hey, listen, you can really only pull out 50%, 40% of your supply during drop times. I will tell you that I think that that is beginning to edge.

00:47:09.000 --> 00:47:19.000
ValerieKincaid: Um, kind of on a little bit of a limitation that could be defensible, but may not be. Again, it depends on if it's tied to MT's.

00:47:19.000 --> 00:47:26.000
ValerieKincaid: Um, and Sigma compliance. I think the closer you get to being tied towards Sigma compliance, the more authority a GSA has.

00:47:26.000 --> 00:47:31.000
ValerieKincaid: But you should be very careful about, um, again, telling.

00:47:31.000 --> 00:47:40.000
ValerieKincaid: folks who have a recharge project that's lawful, and therefore it's surface water, when they can use that water. But I have seen timing constraints, again.

00:47:41.000 --> 00:47:46.000
ValerieKincaid: Kind of this idea that you get to extract less and less of your supply as time goes on.

00:47:46.000 --> 00:47:54.000
ValerieKincaid: And then some drought safety provisions, where it says that you can't take, you know, every molecule of water out during drought.

00:47:54.000 --> 00:47:56.000
ValerieKincaid: Because obviously, there'll be a run.

00:47:57.000 --> 00:48:00.000
ValerieKincaid: On, um, on supplies.

00:48:00.000 --> 00:48:03.000
ValerieKincaid: Okay, um, location.

00:48:03.000 --> 00:48:11.000
ValerieKincaid: Interestingly, also, that, um, groundwater law considers a subbasin kind of like a bathtub, whether it is or not.

00:48:11.000 --> 00:48:19.000
ValerieKincaid: In location, so you can lawfully put water in a basin, you can recharge a certain area.

00:48:19.000 --> 00:48:24.000
ValerieKincaid: And legally, you can, um, extract that water in a different area.

00:48:24.000 --> 00:48:40.000

ValerieKincaid: That is what many of the Pasadena and City of LA cases were about back in the 30s, 40s, and 50s, was this exact concept. Water was going in at one point, but it did augment the aquifer, and the City of LA was allowed to take it out in a different location.

00:48:40.000 --> 00:48:49.000
ValerieKincaid: So that is okay, but again, with the advent of Sigma, I would caveat that, that if you're putting water in kind of to an unusable area.

00:48:49.000 --> 00:48:59.000
ValerieKincaid: and it never migrates, and it doesn't augment the basin, and you're taking water out in an overdrafted area where there's better water quality, I think you probably can have some constraints.

00:48:59.000 --> 00:49:05.000
ValerieKincaid: on, um, you know, whether that's going to get you into an issue with MTs.

00:49:05.000 --> 00:49:12.000
ValerieKincaid: Um, violating, um, you know, undesirable results and those types of things. So you can probably put buffers on that, but again.

00:49:13.000 --> 00:49:23.000
ValerieKincaid: Location should probably discuss location, and where location's going to happen, um, and where the extraction, you know, where Recharge is happening, and then where extraction is happening.

00:49:23.000 --> 00:49:25.000
ValerieKincaid: Those could be two very different things.

00:49:28.000 --> 00:49:40.000
ValerieKincaid: Um, GSP compliance, I've touched on that throughout, um, the, the… all of these components, but again, because that is an area of the CAN, that what the… what a GSA certainly can do.

00:49:41.000 --> 00:49:46.000
ValerieKincaid: And it gives the GSA probably most of its regulatory authority.

00:49:46.000 --> 00:49:52.000
ValerieKincaid: Is you can say, hey, listen, if you're gonna do a Recharge project, but it ends up hitting.

00:49:52.000 --> 00:49:58.000
ValerieKincaid: A lot of our SMCs were hitting minimum thresholds. It's causing really.

00:49:58.000 --> 00:50:09.000
ValerieKincaid: to have the basin fail in achieving sustainability. I think that's really where GSAs come in and probably have the most.

00:50:09.000 --> 00:50:16.000
ValerieKincaid: jurisdiction. And again, you're not determining the water right, you're not saying that the water user does not have.

00:50:16.000 --> 00:50:28.000

ValerieKincaid: The right to the surface water that they've recharged, but you certainly can probably limit and say, hey, listen, your recharge activities are causing us to have sustainability issues.

00:50:29.000 --> 00:50:37.000
ValerieKincaid: Um, so as long as that tie is there, I do think that there's probably some increased flexibility that a GSA can have. Again.

00:50:37.000 --> 00:50:45.000
ValerieKincaid: Be very careful. Do not tell a surface water right holder what right they have. Do not tell them that you have jurisdiction over that surface water, because you don't.

00:50:45.000 --> 00:50:50.000
ValerieKincaid: But you certainly have, um, jurisdiction over how groundwater moves.

00:50:50.000 --> 00:50:56.000
ValerieKincaid: And if surface water is moving groundwater in certain ways that, that violate MT's.

00:50:56.000 --> 00:51:00.000
ValerieKincaid: that is certainly when the GSA's kind of authority kicks in as well.

00:51:00.000 --> 00:51:07.000
ValerieKincaid: And finally, indemnification I think it's probably pretty smart, whether it's in an ordinance or an agreement.

00:51:07.000 --> 00:51:15.000
ValerieKincaid: for a GSA to remind, um, every recharger that does a project in its sub-basin.

00:51:15.000 --> 00:51:22.000
ValerieKincaid: that any agreement or any ordinance or any compliance with an ordinance does not mean the GSA is guaranteeing.

00:51:22.000 --> 00:51:27.000
ValerieKincaid: That the stored surface water is safe, or will be there for extraction at a later date.

00:51:28.000 --> 00:51:35.000
ValerieKincaid: Obviously, GSAs also have limited authority over other groundwater users or other recharge projects.

00:51:35.000 --> 00:51:41.000
ValerieKincaid: So, none of these agreements, or ordinances or regulatory actions by a GSA.

00:51:41.000 --> 00:51:48.000
ValerieKincaid: Should ever really be, um, guarantees that, uh, Recharge is safe in that basin.

00:51:49.000 --> 00:51:56.000
ValerieKincaid: these are always kind of a buyer beware situation. Um, I understand, as a recharger, I would want to have.

00:51:56.000 --> 00:52:07.000
ValerieKincaid: um, full, you know, I would like to eliminate the risk, and I would know exactly how my project is going to work. But the GSA obviously, um, cannot…

00:52:08.000 --> 00:52:18.000
ValerieKincaid: be responsible for other people in the sub-basin that are not involved with the GSA from unlawfully diverting recharged water. That's not something a GSA.

00:52:19.000 --> 00:52:26.000
ValerieKincaid: should probably try to control or guarantee. And again, when you get into those allocation systems, that option 4.

00:52:26.000 --> 00:52:35.000
ValerieKincaid: it might be a little bit different, right? Because the GSA is really controlling the accounting, they're controlling the allocation, they're controlling who pumps what, when, how, and where.

00:52:35.000 --> 00:52:41.000
ValerieKincaid: And so maybe that indemnification is not quite as important if you did an option 4, but again.

00:52:41.000 --> 00:52:52.000
ValerieKincaid: Option 4 requires so much data, um, so many resources, and a really, really heavy lift that I think you're talking about something different. But I think it is important for the GSA to say, listen.

00:52:52.000 --> 00:52:58.000
ValerieKincaid: If we… if we're entering into an agreement, or if we're… if you're following an ordinance.

00:52:58.000 --> 00:53:04.000
ValerieKincaid: It doesn't mean we're keeping your recharge water safe. It has the same risk it would always have.

00:53:04.000 --> 00:53:13.000
ValerieKincaid: in a sub-basin, um, where people may try to take that water, and to the extent that a recharger needs to protect its investment and recharge.

00:53:13.000 --> 00:53:18.000
ValerieKincaid: Um, it's gonna have to do that, um, on its own, and probably not through the GSA.

00:53:20.000 --> 00:53:28.000
ValerieKincaid: So, do we have another slide, or is that… is that where we end this? So that's a lot, a lot of factual information, a lot of, um…

00:53:29.000 --> 00:53:35.000
ValerieKincaid: Components and the things that you really have to wrestle with. And obviously, when you start applying these to specific.

00:53:35.000 --> 00:53:45.000

ValerieKincaid: Recharge projects, you'll have a much clearer view, right? I mean, if we're talking about in lieu, if we're talking about accounting and who's going to account for what, we can really apply that.

00:53:45.000 --> 00:53:57.000
ValerieKincaid: much more specifically to projects. Um, and I think that's kind of the goal, but these are… these are ideas that, um, again, that you'll have to think for every Recharge project. You should have in the back of your mind. They're really challenges.

00:53:57.000 --> 00:54:04.000
ValerieKincaid: Um, that not only the Recharger, but the GSA has to wrestle with in figuring out where that line is, and how we work.

00:54:04.000 --> 00:54:12.000
ValerieKincaid: to create sustainability without, um, you know, really overstepping our jurisdiction as a GSA, which I think is really important.

00:54:13.000 --> 00:54:17.000
ValerieKincaid: So I'll leave it there. I'm happy to take questions or thoughts, Christina?

00:54:17.000 --> 00:54:22.000
Christina Buck: Yeah, that's… that's great. Um, and a lot. So, yes, thank you, Valerie. I think…

00:54:22.000 --> 00:54:28.000
Christina Buck: What you said just there, I just wanted to emphasize that. It is the intent of this task to.

00:54:28.000 --> 00:54:34.000
Christina Buck: Think through these aspects for specific projects, so moving out of kind of a theoretical.

00:54:34.000 --> 00:54:40.000
Christina Buck: Um, situation into the specific projects that were identified, or more.

00:54:40.000 --> 00:54:47.000
Christina Buck: thoroughly, kind of, investigated through the feasibility studies that were grant funded are the projects that Valerie will be, um.

00:54:47.000 --> 00:54:56.000
Christina Buck: kind of assessing through these… through this lens of options 2 and 3. And so those include, I'll just list them quickly, uh, the Lindo channel.

00:54:56.000 --> 00:55:09.000
Christina Buck: Recharge feasibility study, the two specific projects that came out of the water supply, um, feasibility study, which was the South Vine Extension Water Supply Project and the Ridge to Valley Water Supply Project.

00:55:09.000 --> 00:55:13.000
Christina Buck: And then direct Recharge projects, um…

00:55:13.000 --> 00:55:20.000

Christina Buck: Those are being written up right now, but really using 1242.1 as a water source, which is flood flows.

00:55:20.000 --> 00:55:35.000
Christina Buck: And then a scenario in which it might be a water source of, uh, existing water rights, such as Durham Mutual Water Company that has Butte Creek water, for example, and what if that was used for recharge in their area? So, um, those are…

00:55:36.000 --> 00:55:42.000
Christina Buck: this kind of… these aspects will be tackled for each of those. That's the intent.

00:55:43.000 --> 00:55:45.000
Christina Buck: Anything to add there, Valerie?

00:55:45.000 --> 00:55:51.000
ValerieKincaid: No, just that it… I think sometimes it actually gets easier when you have a specific project in mind, um…

00:55:46.000 --> 00:55:48.000
Christina Buck: Yeah, okay.

00:55:52.000 --> 00:55:55.000
ValerieKincaid: But then it probably gets more controversial, too, so…

00:55:55.000 --> 00:55:57.000
ValerieKincaid: Goods and bads with that.

00:55:57.000 --> 00:56:04.000
Christina Buck: Yeah. Okay, so if you have questions, you can, um, use… click on the react button and raise your hand, and we'll…

00:56:04.000 --> 00:56:11.000
Christina Buck: Um, call on you in order, or you can also type it in the chat. We do have one from Cheetah. Do you want to raise your hand and…

00:56:12.000 --> 00:56:15.000
Christina Buck: And speak to it, Cheetah, or do you want me to just…

00:56:17.000 --> 00:56:19.000
Christina Buck: Read it, either way.

00:56:17.000 --> 00:56:19.000
Cheetah Tchudi: Yeah, for sure, um…

00:56:20.000 --> 00:56:25.000
Cheetah Tchudi: So, we have, uh, Recharge projects that have been…

00:56:25.000 --> 00:56:30.000

Cheetah Tchudi: kind of determined, uh, through the Sigma process, but…

00:56:30.000 --> 00:56:32.000
Cheetah Tchudi: We now have…

00:56:32.000 --> 00:56:37.000
Cheetah Tchudi: you know, agricultural groundwater users of Butte County, and also…

00:56:37.000 --> 00:56:39.000
Cheetah Tchudi: Tuscan Water District.

00:56:39.000 --> 00:56:43.000
Cheetah Tchudi: picking up the mantle, working with Western Canal Water District.

00:56:44.000 --> 00:56:49.000
Cheetah Tchudi: And so, like, when the exchange of funds happens between the GSA.

00:56:50.000 --> 00:56:52.000
Cheetah Tchudi: And these…

00:56:52.000 --> 00:56:55.000
Cheetah Tchudi: somewhat… I mean…

00:56:55.000 --> 00:56:57.000
Cheetah Tchudi: One is… one is, uh…

00:56:58.000 --> 00:57:00.000
Cheetah Tchudi: uh, lobbying…

00:57:00.000 --> 00:57:05.000
Cheetah Tchudi: Non-profit. One is a water district, and then we have another water district.

00:57:05.000 --> 00:57:13.000
Cheetah Tchudi: I just… it feels like a gray area for me, and so I can't… I can't account for all of it, and so I'm just trying to understand it all.

00:57:13.000 --> 00:57:15.000
Cheetah Tchudi: Thank you for your time.

00:57:15.000 --> 00:57:20.000
ValerieKincaid: Sure, and I guess my question would be, I'm not sure what exchange of funds.

00:57:21.000 --> 00:57:23.000
ValerieKincaid: would happen, right? I mean, I think…

00:57:23.000 --> 00:57:25.000
ValerieKincaid: that…

00:57:23.000 --> 00:57:29.000
Cheetah Tchudi: Yeah, totally, and it's jockey back between Table A water.

00:57:29.000 --> 00:57:32.000
Cheetah Tchudi: And, what is it, uh, Prop 24 water?

00:57:33.000 --> 00:57:41.000
Cheetah Tchudi: Um, and we're not clear exactly what's gonna happen, but that's gonna be the recharge mechanism that's gonna happen between.

00:57:42.000 --> 00:57:46.000
Cheetah Tchudi: Tuscan and Western Canal, and so, like.

00:57:46.000 --> 00:57:48.000
Cheetah Tchudi: In this… in this vein of…

00:57:49.000 --> 00:57:51.000
Cheetah Tchudi: You can recharge to your land.

00:57:51.000 --> 00:57:57.000
Cheetah Tchudi: But that's privately owned water, so you have permission.

00:57:57.000 --> 00:58:01.000
Cheetah Tchudi: to pump out. And so, if it happens under…

00:58:01.000 --> 00:58:03.000
Cheetah Tchudi: Permission and in…

00:58:04.000 --> 00:58:06.000
Cheetah Tchudi: conjunction with Sigma.

00:58:07.000 --> 00:58:18.000
Cheetah Tchudi: where does that land later if it's totally acceptable to pump it out later? Like, there's people talking about it, and, like, the intricacies escape me every day.

00:58:18.000 --> 00:58:24.000
ValerieKincaid: Yeah. Yeah. No, it does, and I mean, I think, um, again, you'll have different.

00:58:18.000 --> 00:58:20.000
Cheetah Tchudi: Does that make sense?

00:58:24.000 --> 00:58:29.000
ValerieKincaid: I guess attorneys read the different law a little bit differently. I…

00:58:29.000 --> 00:58:36.000
ValerieKincaid: tend to be a more hands-off, um, person that, frankly warns GSAs that.

00:58:36.000 --> 00:58:43.000

ValerieKincaid: Um, you know, the more regulatory they get, and the more they want to control.

00:58:43.000 --> 00:58:48.000
ValerieKincaid: If it's not actually within their jurisdiction, they're really inviting risk.

00:58:48.000 --> 00:58:53.000
ValerieKincaid: So, you know, obviously the GSA has to achieve sustainability, and that's kind of our goal.

00:58:54.000 --> 00:59:01.000
ValerieKincaid: But to the extent that there are private parties, or other public agencies that are not related to the GSA.

00:59:01.000 --> 00:59:08.000
ValerieKincaid: doing projects that either help us get to sustainability, or actually maybe don't. They're just neutral.

00:59:08.000 --> 00:59:15.000
ValerieKincaid: But they're exercising conjunctive use, which means surface water and groundwater use.

00:59:15.000 --> 00:59:22.000
ValerieKincaid: So if you've got agencies that are bringing in more surface water and recharging it.

00:59:22.000 --> 00:59:31.000
ValerieKincaid: Um, you know, we have to be really careful that we create room for that, and allow those people to exercise what their rights are. So if you have a…

00:59:31.000 --> 00:59:34.000
ValerieKincaid: Lawful diversion of surface water.

00:59:34.000 --> 00:59:39.000
ValerieKincaid: Unless it's really interfering with achieving sustainability through Sigma.

00:59:39.000 --> 00:59:49.000
ValerieKincaid: Or, unless you're taking out weight, you know, more than you're putting in, which is what triggers… those are the two things that triggered the GSA to come in and talk to you, right?

00:59:49.000 --> 00:59:58.000
ValerieKincaid: Other than that, you know, the GSA's position should really be, tell us what you're doing, we want to make sure that we get to sustainability, we want to make sure your project's working for you.

00:59:58.000 --> 01:00:04.000
ValerieKincaid: But really, you know, the GSA should be careful. Don't… don't try to regulate projects.

01:00:04.000 --> 01:00:10.000
ValerieKincaid: That are surface water, if they're not, again, triggering either of those two.

01:00:11.000 --> 01:00:16.000
ValerieKincaid: jurisdictional triggers for GSAs, which is Sigma sustainability.

01:00:16.000 --> 01:00:19.000
ValerieKincaid: And taking groundwater unlawfully.

01:00:19.000 --> 01:00:24.000
ValerieKincaid: If a project is doing one of those two things, that's when the GSA can step in, and if the project isn't.

01:00:24.000 --> 01:00:28.000
ValerieKincaid: It should really just communicate with rechargers and let them do Recharge.

01:00:32.000 --> 01:00:37.000
ValerieKincaid: So, I don't know if that's helpful, but… Yeah.

01:00:33.000 --> 01:00:36.000
Christina Buck: Mm-hmm. Yeah, I think that's helpful.

01:00:35.000 --> 01:00:39.000
Cheetah Tchudi: I just thank you for your time, and um, yeah, that informs the situation.

01:00:37.000 --> 01:00:39.000
ValerieKincaid: Yeah.

01:00:39.000 --> 01:00:41.000
ValerieKincaid: Yep.

01:00:41.000 --> 01:00:46.000
Christina Buck: And that will be one of the projects that she tackles specifically, so I think that will be helpful.

01:00:47.000 --> 01:00:51.000
Christina Buck: Yeah, any other questions or follow-up?

01:00:51.000 --> 01:00:53.000
Christina Buck: Yeah, Jim Graydon?

01:00:56.000 --> 01:00:59.000
Jim Graydon: Yeah, thank you very much, Valerie. Um…

01:00:57.000 --> 01:00:59.000
Christina Buck: Oops, did I…

01:00:59.000 --> 01:01:08.000
Jim Graydon: just a question that, um, implicitly, when you talk about the perfect project, I'm assuming that.

01:01:08.000 --> 01:01:13.000
Jim Graydon: Recharge is required to precede extraction.

01:01:13.000 --> 01:01:19.000
Jim Graydon: And I'm assuming that would explicitly be built into any, um…

01:01:20.000 --> 01:01:22.000
Jim Graydon: Agreement between the parties?

01:01:23.000 --> 01:01:39.000
ValerieKincaid: Yeah, that's right. I mean, other than in lieu, which is its own thing, there really, um, shouldn't be any borrowing, right? So you can't… you cannot say, I'm gonna take more groundwater than I have a right to take now, but I'm gonna recharge later.

01:01:40.000 --> 01:01:47.000
ValerieKincaid: this is… who is that? The… I'll pay you for a hamburger today, or whatever. Um, there's… there's no doing that in the law.

01:01:47.000 --> 01:01:55.000
ValerieKincaid: So, um, you do have to recharge first, and obviously, the extraction of that recharge is limited by how much it's augmented the basin.

01:01:56.000 --> 01:02:04.000
ValerieKincaid: So, if it's going somewhere else immediately, if it's migrating out, if there are major issues with it, and you begin to take more water.

01:02:05.000 --> 01:02:09.000
ValerieKincaid: Then you really have a right to, under that Recharge project, that's a problem.

01:02:09.000 --> 01:02:19.000
ValerieKincaid: And I think that's your question, Jim, which is, can you say you'll pay back later? And the answer is no. That would be a clear violation of the law, because you'd be taking.

01:02:19.000 --> 01:02:26.000
ValerieKincaid: more groundwater than you have a right to, which would be overdraft, which would be very clearly in the jurisdiction of the GSA.

01:02:27.000 --> 01:02:29.000
Jim Graydon: And, and just to…

01:02:29.000 --> 01:02:35.000
Jim Graydon: Confirm that would be true no matter where you are in relationship to an ammo or an MT.

01:02:37.000 --> 01:02:39.000
ValerieKincaid: Yeah, that's right.

01:02:39.000 --> 01:02:45.000
ValerieKincaid: That's right, that would just be simply, you're taking what's not yours. I mean, to put it as simply as I can.

01:02:45.000 --> 01:02:46.000
Jim Graydon: Yeah.

01:02:45.000 --> 01:02:50.000
ValerieKincaid: You cannot, um, borrow against the basin.

01:02:50.000 --> 01:02:52.000
ValerieKincaid: For a Recharge project.

01:02:51.000 --> 01:02:55.000
Jim Graydon: Thank you. And, um, one more question, if I might, um…

01:02:55.000 --> 01:03:03.000
Jim Graydon: we've got a couple of pilot projects and things being discussed about, I guess I'd call it flood mar.

01:03:04.000 --> 01:03:16.000
Jim Graydon: Um, where we're taking peak flows off of streams for kind of multi-benefits. And, um, what are the water rights implications of flood mar?

01:03:17.000 --> 01:03:22.000
Jim Graydon: That… does that accrue to the benefit of the basin, to the benefit of the…

01:03:22.000 --> 01:03:24.000
Jim Graydon: The, um…

01:03:24.000 --> 01:03:26.000
Jim Graydon: Groundwater users in the basin?

01:03:27.000 --> 01:03:32.000
ValerieKincaid: Well, flood more is interesting, so right now, there are a couple bills in the legislature that are kind of.

01:03:33.000 --> 01:03:40.000
ValerieKincaid: Hoping to change this, but… but if those don't pass, or if we just look at where we are right now for flood flows.

01:03:40.000 --> 01:03:46.000
ValerieKincaid: Um, you're… you are, at some point, and we can get into the technical, like, 90-20.

01:03:46.000 --> 01:03:54.000
ValerieKincaid: Um, but you probably don't want to. At some point, if something's categorized as a flood flow, and under 1242, if you're allowed to divert that.

01:03:54.000 --> 01:03:57.000
ValerieKincaid: Water for flood flow purposes.

01:03:57.000 --> 01:04:00.000

ValerieKincaid: You can recharge that water, but you never own it.

01:04:01.000 --> 01:04:07.000
ValerieKincaid: And that is very strange in the world of groundwater rights. And really, it's a more…

01:04:07.000 --> 01:04:18.000
ValerieKincaid: practical application. I mean, the governor's executive order and things that preceded that law, we're hoping that people would just, frankly, get water out of the way to prevent flooding.

01:04:18.000 --> 01:04:23.000
ValerieKincaid: But you cannot put it in the ground and say, now it is only my right.

01:04:23.000 --> 01:04:29.000
ValerieKincaid: To extract that water later, there can never be, at least right now under the law.

01:04:29.000 --> 01:04:37.000
ValerieKincaid: if you divert pursuant to flood flows, you don't own that water, you're just moving the molecules. So, to the extent that you could, let's say, hypothetically.

01:04:38.000 --> 01:04:43.000
ValerieKincaid: You know, recharge 100 acre feet from a valid flood flow diversion.

01:04:43.000 --> 01:04:50.000
ValerieKincaid: You could put that in the ground, and it would certainly help our groundwater elevations, and it would probably create more water for overlying water rights holders.

01:04:50.000 --> 01:04:57.000
ValerieKincaid: But no one in particular owns and controls that… that amount of water. So when you divert flood flows.

01:04:58.000 --> 01:05:02.000
ValerieKincaid: You simply don't have an ownership component, you're just moving molecules.

01:05:03.000 --> 01:05:05.000
Jim Graydon: Thank you.

01:05:04.000 --> 01:05:06.000
ValerieKincaid: Mm-hmm.

01:05:07.000 --> 01:05:09.000
Becky Fairbanks: Susan, do you want to ask your question?

01:05:15.000 --> 01:05:22.000
susan schrader: Yes. So, all of these details about the recharge and who owns it and this and that, is that all part of.

01:05:23.000 --> 01:05:32.000

susan schrader: The next round of applications that goes to the state, we have to have all those answers built into the request for funds.

01:05:35.000 --> 01:05:45.000
ValerieKincaid: Christina, I don't know if you want to take that, but my sense is that we already have funds to do feasibility studies, and part of the feasibility studies is figuring out whether these projects.

01:05:45.000 --> 01:05:51.000
ValerieKincaid: Um, you know, obviously are feasible. Whether they can go forward, whether there's a lawful way to do recharge.

01:05:51.000 --> 01:06:01.000
ValerieKincaid: Um, so one of the things that we're looking at under that existing grant funding is what are the rules? What are the rules that would apply to the recharge components of existing projects?

01:06:02.000 --> 01:06:09.000
susan schrader: Are you talking about the previous 5 years, or are you talking about the 5 years going forward?

01:06:10.000 --> 01:06:17.000
susan schrader: Because my understanding is we have this feasibility studies and then from these we're going to move forward and.

01:06:11.000 --> 01:06:12.000
Christina Buck: So we're…

01:06:17.000 --> 01:06:30.000
susan schrader: you know, develop them more, and I'm just wondering if all these different recharge rules have to be built into the application so that they… whoever's approving the next 5 years will say, oh yeah, okay, you guys have it.

01:06:30.000 --> 01:06:32.000
susan schrader: organized.

01:06:33.000 --> 01:06:38.000
Christina Buck: Yeah, if we apply… if one or more of these projects moves forward for application to…

01:06:38.000 --> 01:06:46.000
Christina Buck: Prop 4 or some other funding source. I don't know that having all these questions answered would be required by the grantee.

01:06:46.000 --> 01:06:48.000
susan schrader: Mm-hmm.

01:06:46.000 --> 01:06:57.000
Christina Buck: Um, but I think it's… it's part of… at this point, we view it as part of, kind of, that feasibility analysis of the project, of what would this look like to address.

01:06:57.000 --> 01:07:04.000
Christina Buck: these legal aspects of the project, in addition to what was already covered in the feasibility studies, and that was.

01:07:04.000 --> 01:07:08.000
Christina Buck: You know, infrastructure needs, costs, benefits…

01:07:08.000 --> 01:07:10.000
susan schrader: Yeah.

01:07:08.000 --> 01:07:10.000
Christina Buck: Amounts, things like that.

01:07:10.000 --> 01:07:12.000
Christina Buck: Does that help?

01:07:10.000 --> 01:07:30.000
susan schrader: Okay, and then my next question is, you know, you've said that if the water goes in and immediately leaves the basin, you can't really claim it, but how do they know of it? Is it just because you understand the geology, then you know that it's going to flow out, or is there a measurement as to how that happens, or…

01:07:30.000 --> 01:07:36.000
ValerieKincaid: Yeah, that would… that would all probably be included in the accounting mechanism, and… and…

01:07:36.000 --> 01:07:41.000
ValerieKincaid: You know, we've worked with certain subbasins where they have really good areas, and obviously.

01:07:41.000 --> 01:07:49.000
ValerieKincaid: you know, aquifers are not uniform. Some areas are really great, and more bathtubby, and you can put water in, and it.

01:07:49.000 --> 01:07:55.000
ValerieKincaid: it goes, you know, it infiltrates really quickly, and sorry, Christina, I'm sure it's painful for you to hear me.

01:07:55.000 --> 01:07:59.000
ValerieKincaid: Talk about these, um, technical components. Um…

01:07:59.000 --> 01:08:05.000
ValerieKincaid: But, yeah, I mean, it really is based on, um, you know, geology, and, and…

01:08:05.000 --> 01:08:14.000
ValerieKincaid: again, and the top of the eastern San Joaquin Basin is a great example. They have plenty of surface water coming off the McCollumine. They want… they have very little.

01:08:14.000 --> 01:08:20.000
ValerieKincaid: Um, off-stream storage, they want to do recharge, but it just happens that where they could put that water.

01:08:20.000 --> 01:08:28.000
ValerieKincaid: they have figured out it immediately leaves the basin, so it's not a great place for a recharge project. It's not a great place for investment because of that.

01:08:29.000 --> 01:08:34.000
ValerieKincaid: And so, you know, you look around and say, well, can we get it to an other area where it doesn't do that?

01:08:34.000 --> 01:08:41.000
ValerieKincaid: Um, in general, that should probably be… in a perfect project, that would be part of the accounting, and people would.

01:08:35.000 --> 01:08:37.000
Christina Buck: Hmm.

01:08:41.000 --> 01:08:45.000
ValerieKincaid: Either say, hey, listen, we're gonna assume.

01:08:45.000 --> 01:08:55.000
ValerieKincaid: 10% leaves, um, unless you know, like I was telling you about that specific project, unless you know that it's way more than that, you can probably come up with an agreed-upon number.

01:08:55.000 --> 01:09:04.000
ValerieKincaid: Um, again, it would probably be a leave-behind number accounting for some sort of, you know, physical attribute where you say, hey, listen.

01:09:04.000 --> 01:09:06.000
ValerieKincaid: X percent's probably gonna leave.

01:09:06.000 --> 01:09:08.000
susan schrader: Uh-huh.

01:09:06.000 --> 01:09:15.000
ValerieKincaid: And so, but again, in a perfect world, you'd understand… you'd have a particle tracking model, right, where you'd understand where every single molecule went.

01:09:15.000 --> 01:09:21.000
ValerieKincaid: Um, but short of that, you kind of have to come to general agreements and general understanding.

01:09:22.000 --> 01:09:24.000
susan schrader: Okay.

01:09:22.000 --> 01:09:27.000

Christina Buck: And is that typically through modeling? I mean, I… that's what I would assume, is that…

01:09:27.000 --> 01:09:29.000
ValerieKincaid: Mm-hmm.

01:09:28.000 --> 01:09:32.000
Christina Buck: They would analyze that with some sort of groundwater, surface water model.

01:09:32.000 --> 01:09:41.000
susan schrader: Yeah, and all these slides that you have with all this great information on them, will that be available for us to, uh.

01:09:41.000 --> 01:09:43.000
susan schrader: Access later, or…

01:09:43.000 --> 01:09:46.000
susan schrader: Through the Vina GSA website.

01:09:46.000 --> 01:09:49.000
susan schrader: This particular presentation.

01:09:48.000 --> 01:09:51.000
Christina Buck: Yeah, I think we can probably post it.

01:09:51.000 --> 01:09:59.000
susan schrader: Yeah, because, you know, it's a lot of information, but it's valuable, and I'd like to have a chance to look at it again. Okay, thank you, it's been very informative.

01:09:57.000 --> 01:09:59.000
Christina Buck: Yep. Mm-hmm.

01:10:00.000 --> 01:10:02.000
Christina Buck: Thanks, Susan.

01:10:02.000 --> 01:10:04.000
Christina Buck: Ronald?

01:10:10.000 --> 01:10:13.000
Christina Buck: Oh, you're muted, hold on. Can you unmute?

01:10:15.000 --> 01:10:20.000
R Miloh: Thank you, sorry about that. Um, yeah, I had to go on my cell phone for this. Thank you.

01:10:15.000 --> 01:10:17.000
Christina Buck: There you go. Yep.

01:10:20.000 --> 01:10:26.000

R Miloh: I said thank you, Valerie, thank you, Christina, and everyone for this really informative, very dense talk that I…

01:10:27.000 --> 01:10:32.000
R Miloh: Couldn't get everything from. Will there be a transcript available?

01:10:32.000 --> 01:10:36.000
R Miloh: And, uh, also…

01:10:34.000 --> 01:10:41.000
Christina Buck: Yeah, I don't know if a transcript will be available, but the recording will be available. And then, this is really just the intro.

01:10:39.000 --> 01:10:45.000
R Miloh: because I noticed at the beginning, there was an AI… an AI thing that this Zoom…

01:10:45.000 --> 01:10:49.000
R Miloh: Comes with, so the transcript will be very easy to just create.

01:10:49.000 --> 01:10:51.000
Christina Buck: Yeah, okay, we'll look into that.

01:10:49.000 --> 01:10:59.000
R Miloh: Um… because, you know, to review… just to review that, and then to people to ask questions about this later, and also a question that I had was about…

01:11:00.000 --> 01:11:02.000
R Miloh: The…

01:11:02.000 --> 01:11:08.000
R Miloh: Is that potential for a team, for other people, uh, that you cooperate with, for more legal review?

01:11:08.000 --> 01:11:10.000
R Miloh: From the public trust.

01:11:11.000 --> 01:11:15.000
R Miloh: Uh, that would be for you, Christina. I think that…

01:11:15.000 --> 01:11:19.000
R Miloh: This was something that was discussed in previous years in the past cycle.

01:11:21.000 --> 01:11:24.000
Christina Buck: Yeah, Valerie, do you want to address that, actually, or…

01:11:24.000 --> 01:11:28.000
ValerieKincaid: Sure, yeah, I mean, I think what will happen is it will…

01:11:24.000 --> 01:11:26.000
Christina Buck: Alright, what?

01:11:29.000 --> 01:11:36.000
ValerieKincaid: review the feasibility and kind of put out a GSA, this is how the law would apply to these projects.

01:11:36.000 --> 01:11:42.000
ValerieKincaid: And people are more than happy, and I honestly can say I welcome people saying, well, that.

01:11:42.000 --> 01:11:48.000
ValerieKincaid: can't be right, or why would you say that? So, any public comment and any pushback that you have, um…

01:11:48.000 --> 01:11:53.000
ValerieKincaid: On that, but again, it's going to be kind of how the law applies to these projects.

01:11:53.000 --> 01:12:03.000
ValerieKincaid: Um, and again, happy to take public comment on that, happy to discuss why, um, the law works the way it does.

01:12:04.000 --> 01:12:09.000
ValerieKincaid: Um, and happy to take other people's thoughts on why they may agree or disagree with that.

01:12:09.000 --> 01:12:16.000
ValerieKincaid: Um, I don't think there's any, frankly, helpfulness in having… having, like, input.

01:12:16.000 --> 01:12:24.000
ValerieKincaid: on the front end of that, from my perspective, it's pretty mechanical. I mean, the rules aren't what they are, you feed them into the facts of the project.

01:12:24.000 --> 01:12:30.000
ValerieKincaid: And then again, people can, you know, public comment or question that, um, I certainly welcome that.

01:12:35.000 --> 01:12:36.000
Becky Fairbanks: Todd, do you have a question?

01:12:39.000 --> 01:12:45.000
Tod Kimmelshue: I do, and it's probably a real stupid question, and it's probably more towards you, Christina.

01:12:46.000 --> 01:12:53.000
Tod Kimmelshue: Are there accurate ways of measuring how much water is recharged into a basin?

01:12:53.000 --> 01:13:05.000

Tod Kimmelshue: I mean, I can understand how you can tell how much is coming out by metering a well, but how do you actually know how much is being recharged unless, I guess, it goes down a…

01:13:05.000 --> 01:13:07.000
Tod Kimmelshue: A dry well.

01:13:08.000 --> 01:13:10.000
Tod Kimmelshue: Does that make sense?

01:13:08.000 --> 01:13:15.000
Christina Buck: Yes, yeah, how much is natural, like, from the natural environment, and just natural process, or if someone is recharging?

01:13:11.000 --> 01:13:14.000
Tod Kimmelshue: Well, if somebody's… if somebody's saying.

01:13:14.000 --> 01:13:21.000
Tod Kimmelshue: Yeah, if somebody's saying, hey, I recharge this much, I put this much into the ground, how do we know how much? I mean, how do you measure that?

01:13:15.000 --> 01:13:17.000
Christina Buck: Like we've been talking about.

01:13:18.000 --> 01:13:20.000
Christina Buck: Yeah.

01:13:21.000 --> 01:13:30.000
Christina Buck: I… and Valerie, you probably can weigh in more here, too, but I think it's typically, like, whatever their water source was, the amount of their water source.

01:13:30.000 --> 01:13:33.000
Christina Buck: That's kind of the assumed amount to be recharged.

01:13:33.000 --> 01:13:39.000
ValerieKincaid: Yeah, mine is the ET, right? So if you put it… if you were recharging by flood irrigation, you would say, I just…

01:13:36.000 --> 01:13:38.000
Christina Buck: Yeah.

01:13:40.000 --> 01:13:46.000
ValerieKincaid: you know, applied 100 acres, I'm estimating the trees, or whatever the crop was, used.

01:13:47.000 --> 01:13:50.000
ValerieKincaid: Um, this amount, and the remainder…

01:13:50.000 --> 01:13:54.000
ValerieKincaid: Um, has infiltrated, so it's a pretty basic…

01:13:54.000 --> 01:14:00.000
ValerieKincaid: you know, subtraction component. I know that in other projects, you've also… people have, um…

01:14:00.000 --> 01:14:07.000
ValerieKincaid: Measured groundwater elevations really locally to make sure that it's actually doing that, and they've measured infiltration rates, too.

01:14:07.000 --> 01:14:12.000
ValerieKincaid: But you're right, Todd, I mean, it does seem like you're, you know, you're putting water on.

01:14:12.000 --> 01:14:15.000
ValerieKincaid: Um, the big question is, if someone else is taking it.

01:14:15.000 --> 01:14:23.000
ValerieKincaid: You know, if that water doesn't… let's say you put 100 acre feet on, you measured for the ET, and your math was great, but you have a neighbor who's.

01:14:23.000 --> 01:14:29.000
ValerieKincaid: You know, hot to trot and overdrafting a ton, and so you don't see groundwater elevation.

01:14:29.000 --> 01:14:35.000
ValerieKincaid: Um, response. It's not because the water didn't infiltrate, it's just because someone's overdrafting and stole it.

01:14:35.000 --> 01:14:40.000
ValerieKincaid: So, I mean, again, I mean, those are the tools that people are using right now.

01:14:42.000 --> 01:14:44.000
ValerieKincaid: Yep.

01:14:46.000 --> 01:14:48.000
Christina Buck: Patricia?

01:14:50.000 --> 01:14:59.000
Patrizia Hironimus: Thank you so much. I just wanted to know, what would trigger a review of the Joint Powers Agreement of the JPA for the Vina subbasin, um, in…

01:14:59.000 --> 01:15:12.000
Patrizia Hironimus: getting to, uh, establishing an ecological threshold which didn't seem to exist in the original GPA, and under what conditions would the GPA be, um, up for revisement?

01:15:14.000 --> 01:15:19.000
Christina Buck: So, the… I would… I'm… Valerie, do you want to respond to that? I mean…

01:15:19.000 --> 01:15:29.000

ValerieKincaid: Sure, yeah, I mean, the JPA is, um, the document that the members have executed to form the agency that's the GSA.

01:15:29.000 --> 01:15:36.000
ValerieKincaid: So it's not… I mean, it's a governance document, it doesn't really have anything to do with MTs, MOS, or any ecological component.

01:15:37.000 --> 01:15:43.000
ValerieKincaid: Um, I mean, a JPA is often revised when members want a change.

01:15:43.000 --> 01:15:52.000
ValerieKincaid: Or, um, membership changes, or voting changes, or any governance structure needs amendment or changes, those are usually.

01:15:52.000 --> 01:15:54.000
ValerieKincaid: triggers, I would say.

01:15:56.000 --> 01:15:59.000
Christina Buck: Oh, you're muted again, Patricia.

01:15:57.000 --> 01:15:59.000
ValerieKincaid: You're… you're muted.

01:15:58.000 --> 01:16:06.000
Patrizia Hironimus: Oh, I'm sorry. My question comes from the last Board of Supervisors meeting, um, and a request to re…

01:15:59.000 --> 01:16:01.000
Christina Buck: There you go.

01:16:06.000 --> 01:16:16.000
Patrizia Hironimus: revise or revisit the JPA. Um, originally, Supervisor Connolly said that the, um, environmental concerns were, in fact.

01:16:16.000 --> 01:16:23.000
Patrizia Hironimus: Uh, wetted or linked to the dry well or the domestic well levels for, um…

01:16:23.000 --> 01:16:29.000
Patrizia Hironimus: They have the same concerns about the surface water, um, kind of…

01:16:29.000 --> 01:16:42.000
Patrizia Hironimus: you know, how that affects both the ecological or, yeah, the ecological thresholds, or the, um, domestic well owners, that they share a similar, uh, concern. So I was wondering if there would ever be a.

01:16:42.000 --> 01:16:49.000
Patrizia Hironimus: Separate, you know, domestic well user role, non-agricultural, and an ecological.

01:16:49.000 --> 01:17:00.000
Patrizia Hironimus: role, or somebody from the public sphere that is keeping track of our keystone species, and what is needed to keep those keystone species, um, intact in the food web.

01:17:01.000 --> 01:17:10.000
ValerieKincaid: Yeah, and I think that's probably related more, frankly, to the GSP than it is to the JP, unless you're talking about, you know, I hear your question of representation.

01:17:10.000 --> 01:17:20.000
ValerieKincaid: Um, but, you know, we're currently undergoing a periodic review of the GSP, and certainly those are components that anyone in the public.

01:17:20.000 --> 01:17:24.000
ValerieKincaid: Should really pay attention to, and if you've got issues.

01:17:24.000 --> 01:17:30.000
ValerieKincaid: comment on that process. It's kind of an ongoing process. There's tons of public meetings with the GSP.

01:17:30.000 --> 01:17:32.000
ValerieKincaid: Um, yeah.

01:17:32.000 --> 01:17:40.000
Christina Buck: Yeah, I can just add in there that… that is happening, as Beller just said, right now, and taking it by topic, so the topic that is.

01:17:41.000 --> 01:17:48.000
Christina Buck: being really leaned into right now is land subsidence, and how to address the recommended corrective actions on that topic. The next one.

01:17:48.000 --> 01:17:56.000
Christina Buck: likely to be discussed is interconnected surface water, and then groundwater levels will be after that. So, um, what you're talking about, Patricia, really.

01:17:56.000 --> 01:18:04.000
Christina Buck: fits in under the groundwater level, um, sustainable management criteria and DWR's recommended corrective action. So stay tuned, we expect that to be.

01:18:04.000 --> 01:18:12.000
Christina Buck: Um, really, like, late May, June, and then going to the boards, hopefully in July, for that topic, so it's coming.

01:18:15.000 --> 01:18:18.000
Christina Buck: Okay, any other questions related to…

01:18:18.000 --> 01:18:26.000
Christina Buck: legal, we are at 1 o'clock, and I think… I don't see any other hands, so we can call it there. Thank you so much, Valerie, we appreciate it, and…

01:18:25.000 --> 01:18:27.000
ValerieKincaid: Yeah.

01:18:26.000 --> 01:18:33.000
Christina Buck: Look forward to getting, as we said, this is really a kickoff to this topic, and so we wanted to provide some.

01:18:33.000 --> 01:18:43.000
Christina Buck: lay some groundwork on what the key, kind of, pieces are of these issues, um, but more specific information and details will be coming out next, and I think that will be helpful.

01:18:43.000 --> 01:18:46.000
Christina Buck: For the continued conversation. Anything else, Valerie?

01:18:43.000 --> 01:18:45.000
ValerieKincaid: Yeah.

01:18:46.000 --> 01:18:49.000
ValerieKincaid: No, thanks, Christina. It's always fun to work with you.

01:18:48.000 --> 01:18:51.000
Christina Buck: Yeah, you too. Alright.

01:18:50.000 --> 01:18:52.000
ValerieKincaid: Alright. Thanks.

01:18:51.000 --> 01:18:53.000
Christina Buck: Thanks all!