

# **Tuscan Water District Application for District Formation (2021)**

Prepared For:  
**Butte Local Agency Formation Commission**

Chief Petitioners:  
**Richard McGowan  
Darren Rice  
Edward McLaughlin**

**June 9, 2021**

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# COVER LETTER

June 9, 2021

Local Agency Formation Commission of Butte County  
Steve Lucas, Executive Officer  
1453 Downer Street, Suite C  
Oroville, CA 95965-4950

Dear Mr. Lucas,

We are pleased to submit, on behalf of more than 75 farming families and business organizations within the Vina and Butte sub-basins, a Landowner Petition and Application to initiate proceedings for the formation of the Tuscan Water District (“District”). These Landowners, who support District formation by their signatures on the attached petition, represent 58,120 acres, 57% of acreage with Assessor Parcel (APN) numbers in the 102,327-area proposed District service area.

The Application represents several years of hard work, including, but not limited to, assessing and /or meeting with existing agencies to evaluate their capacity to serve the needs of the entire sub-basin, as well as working with Butte County staff and other stakeholders to analyze advantages and disadvantages of forming a California Water District to serve all groundwater dependent lands within the proposed District service area

We believe formation of the District is the only practical, reasonable, and logical solution to coordinate and manage ground and surface water in such a large, un-served area and to achieve groundwater sustainability as required by the Sustainable Groundwater Management Act. Formation of the District will benefit all landowners, small, medium, and large. It will be critical to long-term preservation and protection of valuable agricultural land and rural lifestyles.

Respectfully submitted,

Chief Petitioners,

Richard McGowan  
30 Independence Circle, #300  
Chico, CA 95973

Edward McLaughlin  
PO Box 1  
Durham, CA 95938

Darren Rice  
5209 Anita Road  
Chico, CA 97973

# APPLICATION FOR DISTRICT FORMATION

## SIGNATURE PAGE

### Agent Authorization

*(not applicable if annexation does not have 100% landowner support)*

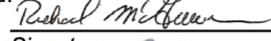
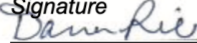
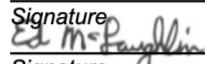
Authorized Agent: \_\_\_\_\_ Telephone: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 is hereby authorized to process this application on my property identified as Butte County Assessor's Parcel Number(s) \_\_\_\_\_

This authorization allows representation for all applications, hearings, appeals, etc. and to sign all documents necessary for said processing, but not including document(s) relating to record title interest. Owner(s) of Record:

Date	Signature	Printed Name	Title
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

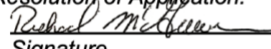
### Disclosure Requirements

Pursuant to Government Code Sections 56700.1 and 81000 et seq., and Butte Local Agency Formation Commission policies, any person or combination of persons who directly or indirectly contribute \$1000 or more or expend \$1000 or more in support of or in opposition to a change of organization or reorganization that has been submitted to the commission and will require an election must comply with the reporting and disclosure requirements of the Political Reform Act of 1974 and the Butte Local Agency Formation Commission. These disclosure requirements mandate disclosures be made at specified intervals. Additional information may be obtained by contacting the LAFCo office at (530) 538-7784. Disclosure requirements have been read and acknowledged.

6-9-2021		Richard McGowan	Chief Petitioner
Date	Signature	Printed Name	Title
6-9-2021		Darren Rice	Petitioner
Date	Signature	Printed Name	Title
6-9-2021		Ed McLaughlin	Petitioner
Date	Signature	Printed Name	Title

### Certification

Applicants request that proceedings as described in this application be taken in accordance with the provisions of Government Code Section 56000 et seq. and herewith affix their signatures. **Note:** Applications will not be accepted without the signature of one or more of the following: 1) the legal owner(s) or official agents with Power of Attorney or written authorization to sign, 2) Chief Petitioners, and/or 3) Chair of the Legislative Body submitting a Resolution of Application.

_____		Richard McGowan	Chief Petitioner
Date	Signature	Printed Name	Title
_____	_____	_____	_____
Date	Signature	Printed Name	Title
_____	_____	_____	_____
Date	Signature	Printed Name	Title

---

**Agreement to Pay for Time and Materials**

**Charges and Deposits**

LAFCo charges are based upon actual staff time and other expenses attributable to processing applications, reviewing project proposals and researching matters as requested. Such charges may be incurred prior to or without the filing of an application with LAFCo. Individuals and agencies who request services, research, or review must provide a deposit toward project expenses, as listed on the attached current fee schedule, along with a signed copy of this agreement. All deposits are subject to increase, should the Executive Officer determine that the magnitude of the project justifies the increase.

The amount of staff time necessary to process any individual application cannot be easily predicted in advance. Therefore, applicants should be aware that LAFCo charges may exceed the applicable deposit. (unexpended deposits will be refunded.)

**PLEASE UNDERSTAND THAT THE CHARGES MUST BE PAID WHETHER OR NOT THE PROPOSAL IS APPROVED.**

**Staff Assignments**

The Executive Officer shall assign LAFCo staff members to projects as appropriate. Should the scope of a project require that outside consulting or other needed services be obtained, applicants will be responsible for the entire cost of recruitment, source selection, and payment for such outside services. Applicants are responsible for paying actual costs for any services obtained through contract, even if such costs exceed the charge-out rate of a regular staff member providing similar services.

**Billing Procedure**

LAFCo invoices will detail tasks, hours, staff charge-out rates, staff members responsible for work, and/or costs of contracted services. Invoices will also reflect the remaining balance of the initial deposit. Should the deposit be depleted, all staff work will cease until the deposit on file has been replenished. Projects with delinquent balances will not be scheduled for hearing, and the Commission will consider applicants to have waived any and all statutory deadlines.

This form must be signed by the person responsible for payment or the employee or officer duly authorized to bind the applicant and must be filed with LAFCo along with the applicable deposit when an application is filed or a request for staff services is submitted.


**Questions regarding specific billing procedures should be directed to the LAFCo Executive Officer at (530) 538-7784.**

**Agreement**

*On behalf of Applicant, I certify and agree to the following: Applicant has reviewed the above information, the attached LAFCo fee schedule, and the attached State Board of Equalization fee schedule all of which are part of this agreement. Applicant agrees to pay Butte LAFCo for all staff services, materials, and other charges attributable to its application or request for services. Applicant understands that services may be required before LAFCo receives a formal application, and agrees to pay for such services whenever incurred and regardless of whether a formal application is submitted to LAFCo. Applicant also understands and agrees that LAFCo's charges are payable regardless of whether the application is withdrawn, denied, or otherwise terminated prior to completion. Applicant understands that if the cost of services exceeds the deposit on file, staff work on the project will cease, and the project will not be scheduled for hearing until additional funds are provided. Applicant agrees to remit the applicable State Board of Equalization filing fee when required. Applicant agrees to pay all charges within 30 days of receipt of invoice or if no invoice has been sent, in any case prior to the filing of the Certificate of Completion for the project.*

*In the event of failure to pay charges when due, the unpaid balance will be subject to a monthly FINANCE CHARGE of 0.833% of the amount of the unpaid balance with a minimum charge of \$1.00. This is an ANNUAL PERCENTAGE RATE of 10%. Any payments made on the account will be credited first to any accrued interest. Should legal action be necessary to collect the charges due, the prevailing party shall be entitled to collect their attorney's fees, staff time and other expenses incurred in the action, in addition to any other relief.*

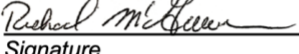
□ Butte Local Agency Formation Commission □ Annexation Application □ Revised April 19, 2011 □ Page 4 □

<u>6-9-2021</u>	<u></u>	<u>Richard McGowan</u>	<u>Chief Petitioner</u>
Date	Signature	Printed Name	Title
<u>        </u>	<u>        </u>	<u>        </u>	<u>        </u>
Date	Signature	Printed Name	Title
<u>        </u>	<u>        </u>	<u>        </u>	<u>        </u>
Date	Signature	Printed Name	Title

**Indemnity**

*Applicant agrees to indemnify, save harmless, and reimburse LAFCo for all reasonable expenses and attorney fees in connection with the defense of LAFCo and for any damages, penalties, fines or other costs imposed upon or incurred by LAFCo should LAFCo be named as a party in any litigation or administrative proceeding in connection with his/her/its application. Applicant agrees that LAFCo shall have the right to appoint its own counsel to defend it and conduct its own defense in the manner it deems in its best interest, and that LAFCo's taking such actions shall not limit Applicant's obligations to indemnify and reimburse defense costs or relieve Applicant of such obligations.*

*Applicant may request modification of the terms of this agreement in writing, with supporting reasons. Such modification can be approved only by the full Commission.*

<u>6-9-2021</u>	<u></u>	<u>Richard McGowan</u>	<u>Chief Petitioner</u>
Date	Signature	Printed Name	Title
<u>        </u>	<u>        </u>	<u>        </u>	<u>        </u>
Date	Signature	Printed Name	Title
<u>        </u>	<u>        </u>	<u>        </u>	<u>        </u>
Date	Signature	Printed Name	Title

**LAFCO Office Use Only**

LAFCO File No:	_____	Application Submitted:	_____
LAFCO Fees:	_____	Application Incomplete:	_____
SBE Fees:	_____	Application Complete:	_____
Sphere Fees:	_____	Certificate of Filing Issued:	_____

**Butte Local Agency Formation Commission  
Standard Application Form**

**1. Applicant(s):** *(LAFCO will send copies of the staff report to a maximum of three applicants.)*

**Primary Contact of Initiating Agency**

**Name:** Application Prepared by John O'Farrell Associates  
**Address:** 8233 Winding Way, Fair Oaks, CA 95628  
**Phone No.:** 916-952-8935

**Proponents of Proposal**

**Name:** Richard McGowan, 30 Independence Circle, Chico, CA 95973 530-342-4040  
**Address:** Darren Rice, 5209 Anita Road, Chico, CA 95973 530-518-5519  
**Phone No.:** Ed McLaughlin, PO Box 1, Durham, CA 95038

**Name:** \_\_\_\_\_  
**Address:** \_\_\_\_\_  
**Phone No.:** \_\_\_\_\_

**2. Change of Organization or other Action Requested** *(Please check all applicable actions related to proposal.)*

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Annexation to a city       | <input checked="" type="checkbox"/> Formation of a district | <input type="checkbox"/> City Incorporation                    |
| <input type="checkbox"/> Annexation to a district   | <input type="checkbox"/> Formation of a County Service Area | <input type="checkbox"/> City Disincorporation                 |
| <input type="checkbox"/> Detachment from a city     | <input type="checkbox"/> Consolidation of cities            | <input type="checkbox"/> District Dissolution                  |
| <input type="checkbox"/> Detachment from a district | <input type="checkbox"/> Consolidation of districts         | <input type="checkbox"/> District Merger                       |
| <input type="checkbox"/> Service Agreement          | <input type="checkbox"/> Sphere of Influence Amendment      | <input type="checkbox"/> Establishment of Subsidiary Districts |

**3. Authority to File Application**

- Resolution of Application of Affected Agency. Certified copies of the Resolution of Application shall be included as "LAFCO Exhibit 1"; or
- Petition of landowners or registered voters shall be included as "LAFCO Exhibit 1." Complete the Petition for Change of Organization. *(Note: A petition is provided as LAFCO Form L-1.)*

**4. Proposal Boundaries**

- Provide a map of the subject territory meeting the specifications of the State Board of Equalization as listed in the Application Instructions. The boundary map shall be included as "LAFCO Exhibit 2."
- A legal description of the boundaries of the subject territory meeting the specifications of the State Board of Equalization. The legal description shall be included as "LAFCO Exhibit 3."
- Provide a Boundary Statement describing how the boundaries of this proposal were determined. *(Note: One of LAFCO's major responsibilities is to insure that public agencies have logical boundaries. If your proposal would create an "island," peninsula, or other illogical boundary, you may be requested to revise the boundaries.)*



**ANNEXATION SUPPLEMENT**

**A. Justification**

- 1. What is the purpose of the annexation? See attached.
- 2. Why or how will the proposal provide greater efficiency in the delivery of governmental services? See attached.
- 3. What governmental services, if any, will be enhanced or reduced by the change of organization? See attached.
- 4. What terms or conditions, if any, are proposed for this project? See attached.

**B. Land Use**

- 1. How many acres are proposed for annexation? 102,327
- 2. What is the current General Plan See attached. and zoning \_\_\_\_\_ designations on the affected parcels?
- 3. What is the current General Plan See attached. and zoning \_\_\_\_\_ designations on adjoining parcels?
- 4. What are the General Plan designation See attached., pre-zoning \_\_\_\_\_, and future use of the affected parcels?
- 5. Describe the existing land use on the subject parcels. Agriculture, Rural Residential.
- 6. What is the estimated population number and density of the proposed annexation area? ~6,463
- 7. Describe any significant land use issues that will result from the annexation area currently or in the future. None.
- 8. Describe the topography of the subject area. See attached.
- 9. Describe any concurrent land use applications. None.

**C. Infrastructure and Public Services**

- 1. How is storm water drainage managed on and adjacent to the proposed annexation area? N/A
- 2. How is public access provided to the proposed annexation area? N/A
- 3. How will the proposal impact regional circulation/transportation plans? N/A
- 4. Discuss how the proposal will assist the receiving entity in achieving its fair share of the regional housing needs as determined in the agency's General Plan Housing Element.  
N/A

5. Provide documentation that indicates adequate domestic water supplies for projected uses of the annexation area are available. N/A
6. How will the annexation improve or hinder organized community services? N/A
7. How will the annexation result in an improvement in social and economic integration of the annexation area? N/A
8. Please complete the following table of service providers:

<b>Service</b>	<b>Presently Provided By</b>	<b>Proposed Provider</b>
<b>Fire Protection</b>		
<b>Police Protection</b>		
<b>Domestic Water Service</b>		
<b>Agricultural Water Service</b>		
<b>Sewer Service</b>	See attached - Plan for Services / Municipal Review	
<b>Solid Waste</b>		
<b>Road/Street Maintenance</b>		
<b>Power</b>		
<b>Street Lighting</b>		
<b>Planning &amp; Zoning</b>		
<b>Schools</b>		

**D. Significant Issues**

1. Describe any unique issues and/or pre-existing uses or conditions such as flooding, groundwater contamination, animal keeping, agricultural uses, ecological preserves, airport activity, traffic movement, pedestrian uses, etc., that characterize the proposed annexation area. None.
2. Describe any unique or special communities of interest such as day care providers or neighborhood associations that characterize the proposed annexation area. There is currently no locally controlled, subbasin-wide special district in the Vina and Butte subbasins that can evaluate, determine, fund, implement, and oversee various programs to implement the Groundwater Sustainability Plans (GSPs) and achieve groundwater sustainability.

**E. Intergovernmental Coordination**

1. Identify governmental agencies that overlay the proposed annexation area, such as special districts, County supervisorial districts, county service areas, maintenance districts, others. See attached.
2. Has the proposal been circulated to all affected local agencies? Yes  No
3. Attach any responses/comments that have been received from the affected agencies listed.

4. What functions of identified agencies will be duplicated as a result of the annexation?  
None. See attached.  


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5. Are there any conditions requested by affected government agencies that will substantially affect or impact the annexation area? Yes  No  (please describe)  


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6. Are there any existing Contractual Agreements between the landowners and the city or district for the provision of services such as sewer or water service? Yes  No  (please describe)  


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**F. Environmental Determination**

1. Indicate what the Lead Agency has done to comply with the requirements of the California Environmental Quality Act (CEQA).  
 Categorical Exemption                       Negative Declaration (with mitigations)  
 Environmental Impact Report                       Other, please specify \_\_\_\_\_  
  
Copies of the complete environmental documentation prepared by the Lead Agency (including the initial study, any technical reports, and any written comments or recorded public testimony relative to the environmental documents), and a copy of the Notice of Determination/Notice of Exemption, showing the date filed with the County Clerk shall be included as **"LAFCO Exhibit 4."**
2. Was the environmental documentation (Notice of Intent/Notice of Preparation) circulated to the Butte Local Agency Formation Commission prior to adoption by the Lead Agency? Yes  No  (If no, please explain why.)  


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3. Attach comments received from LAFCO, if any.

**G. Fiscal Issues**

1. Does the Resolution of Application from the lead agency include documentation that the agency is in agreement with a standing Master Tax Exchange Agreement, has negotiated a tax exchange agreement, or has made a determination that the proposal is revenue neutral? Yes  No  (please describe)  
N/A  


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2. If this application is by petition, provide documentation of applicants' request that the affected agencies initiate tax exchange agreements, included as **"LAFCO Exhibit 5."**
3. To what extent will residents or landowners within the subject area be liable for any existing indebtedness of the city or district accepting the annexation?  
See attached.  


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4. Upon annexation, will the territory be included within any assessment district and be subject to assessment for the new or extended services? Yes  No  (please describe)

**H. Support or Protest**

1. Provide a list or table labeled “**LAFCO Exhibit 6**” of all affected property owners within the proposed annexation area that includes (*Note: A sample table is provided as LAFCO Form L-2*):

For an uninhabited annexation proposal (less than 12 registered voters):

- ❖ Assessor’s Parcel Number (APN);
- ❖ Situs Address of parcel;
- ❖ Property owner(s) name and mailing address(es);
- ❖ Size of property in acres;
- ❖ Responses in favor of annexation, opposed to annexation or no response; and
- ❖ Assessed land value as determined by the County Assessor.

For an inhabited annexation proposal (more than 12 registered voters) also include:

- ❖ Assessor’s Parcel Number (APN);
- ❖ Situs Address of parcel;
- ❖ Property owner(s) name and mailing address(es);
- ❖ Size of property in acres;
- ❖ Responses in favor of annexation, opposed to annexation or no response;
- ❖ Assessed land value as determined by the County Assessor; and
- ❖ Number and names of Registered Voters at each site address.

**I. Public Notice Requirements**

1. Provide a mailing list of all property owners AND/OR registered voters (depending on type of annexation) located within the area to be annexed AND a separate mailing list for those properties located within 300 feet of the exterior boundaries of the area to be annexed. These mailing lists must be extracted from the most recent assessment rolls and registered voter rolls prepared by the County at the time the local agency adopts a resolution of application. Mailing lists shall be submitted with the application as “**LAFCO Exhibit 7.**” The mailing list shall also be submitted in electronic format compatible with WordPerfect or Microsoft Word. The mailing list shall include:

- ❖ The property owners and/or registered voters name residing at address;
- ❖ Mailing address and situs address;
- ❖ The Assessor’s Parcel Number; and
- ❖ Mailing labels.

**The LAFCO Application is intended to provide the Commission with all relevant data in order to make an informed decision. LAFCO staff will review each application for completeness within 30 days of submittal and inform the applicant in writing of any deficiencies or additional information required.**

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**REQUIRED LAFCO EXHIBITS**

- LAFCO Exhibit 1:** Certified copies of the Resolution of Application or Petition for Change of Organization.
- LAFCO Exhibit 2:** Boundary map of annexation area.
- LAFCO Exhibit 3:** Legal description of proposed annexation area.
- LAFCO Exhibit 4:** Copies of the complete environmental documentation.
- LAFCO Exhibit 5:** Tax Exchange Agreement.
- LAFCO Exhibit 6:** List of all affected property owners and/or registered voters.
- LAFCO Exhibit 7:** Public Notice requirements mailing list.

L:\FORMS\Application-Petitions\Annexation Application\Annexation App 03-05.doc

# PETITIONS

## PETITION FOR CHANGE OF ORGANIZATION OR REORGANIZATION (EXHIBIT 1)

1. The specific change of organization is approval of the formation of a California Water District, to be named the Tuscan Water District, and establishment of a sphere of influence coterminous with the District's service area boundary.
2. The boundaries, map and legal description of the territory included in the proposal have been transmitted under separate cover due to the length and size of the metes and bounds description. (See Legal Description and Metes and Bounds Description, LAFCO Exhibits 3A and 3B)
3. The proposal is not consistent with the proposed new California Water District sphere of influence, as the district does not currently exist and a sphere of influence has not been established; however, upon district formation, the district boundary, service area and sphere of influence will be one and the same.
4. The reasons for the proposal are: The Vina sub-basin and a portion of the Butte sub-basin are lacking public infrastructure and a subbasin-wide water district with statutory power, authority, and support of groundwater-dependent landowners to plan, manage, coordinate, develop, enhance, and preserve beneficial use of groundwater and surface water for all landowners in the proposed district for both agricultural and domestic uses. The principal objective is to create a local agency to evaluate, determine, fund, implement, and oversee projects and actions to achieve groundwater sustainability under the Groundwater Sustainability Plan to be adopted by the Vina and Rock Creek Reclamation District Groundwater Sustainability Agencies.

Other objectives of the district include, but are not limited to:

- a. Creation of a new independent special water district with locally elected representation to serve all landowners, including groundwater pumpers, domestic well users and agricultural interests in the district service area.
- b. Cooperate and participate with Butte County, Butte County Groundwater Sustainability Agencies (GSAs) and other stakeholders to plan for and implement the Sustainable Groundwater Management Act (SGMA).
- c. To the extent consistent with, or required by, the applicable Groundwater Sustainability Plan (GSP), acquire, plan, construct, maintain, improve, operate, and keep in repair the works for the production, storage, transmission, and distribution of water, including water recharge.
- d. Preserve and protect groundwater resources in the proposed district for the benefit of all groundwater-dependent users.

- e. Creation of an organization within the water district of all types of groundwater-dependent landowners to collaborate on sustainable groundwater management to preserve and protect agricultural and rural water supplies in Butte County.
  - f. Obtain the power and authority of California Water Districts under the Water Code and other applicable state laws.
5. The proposed terms and conditions of the change of organization (special district formation) are:
- a. The name of the new California Water District shall be the Tuscan Water District.
  - b. A map of the boundary, service area and sphere of influence of the territory is included with the Application. A Metes and Bounds Description and mapping per State Board Of Equalization standards has been submitted under separate transmittal.
  - c. The Tuscan Water District is proposed to be an independent, special water district with 7 directors, one of whom will be a “domestic well” user, initially elected at large, and serving staggered terms and selected on the same ballot forming the District. Within a reasonable time, the Tuscan Water District Board of Directors may evaluate the geographic representation of communities of interest and determine the appropriate number of directors, as well as the appropriate organization of the directors, whether by divisions or at-large or a combination of the two, taking into consideration unique communities of interest and diversity of landownership of groundwater-dependent users.
  - d. The Tuscan Water District is requesting to have the power and authority of the California Water Districts (Water Code Section 34000 and following) under the Water Code and other applicable state laws, including, but not limited to, the following:
    - i. Ability to establish zones of benefit based on conditions and needs to provide appropriate levels of service.
    - ii. Notwithstanding the authorizations of the California Water Code, not be authorized to acquire, plan, construct, maintain, improve, operate, or keep in repair the necessary works for the production, storage, transmission, and distribution of water, unless the exercise of such power is consistent with, or required by, the applicable Groundwater Sustainability Plan.
    - iii. Notwithstanding the California Water District law, the Government Code, or California Article XIII (D), by their affirmative vote to form the Tuscan Water District, landowners: (A) consent to board of directors levying assessments on district lands; (B) approve initial assessments not to exceed \$10.00 per acre; and (C) authorize Butte County to collect such assessments along with other taxes to recover district formation costs, costs

for initial staff and administration of the district, and to cover expenses associated with collaborating with Butte County, the Vina GSA and the Rock Creek Reclamation District (RCRD) GSA to implement the GSP applicable to the area covered by the Tuscan Water District.

- iv. It is also acknowledged that the Tuscan Water District will not:
  - Provide reclamation, flood control, or agricultural drainage services in the RCRD service area unless RCRD consents to such service or is unable to do so.
  - Export water out of Butte County unless such export of surface or groundwater, under specified conditions adopted by Butte County, allows other public agencies with water delivery authority to do so, including Butte County.

Additionally, the California Water District Law would limit the new district's authority to transfer water out of the district to "surplus water not then necessary for use within the district." (Water Code § 35425.)

6. Signers of the petition are landowners.

7. Chief petitioners are:

Richard McGowan	Edward McLaughlin	Darren Rice
30 Independence Circle, #300	PO Box 1	5209 Anita Rd
Chico, CA 95973	Durham, CA 95938	Chico, CA 97973

8. Do petitioners include all landowners within the proposed Tuscan Water District? No; however, petition signers represent a majority of holders of interest in terms of acreage within the proposed district service area.

9. The territory of the proposed district is inhabited, meaning there are more than 12 registered voters.

10. (a) The principal act under which the district is proposed to be formed is the California Water Code, Water Code Section 34000 and following.

(b) The proposed name of the district is the Tuscan Water District.

(c) The boundaries, map and legal description of the proposed district have been transmitted to Butte LAFCO under separate cover due to size and length of metes and bounds description.

11. The proposal does not include consolidations of separate districts.

Landowners are initiating district formation by landowner petition and not by pursuing a Resolution of Application by an affected agency.

# NOTICE OF INTENT



## BUTTE LOCAL AGENCY FORMATION COMMISSION

1453 Downer Street, Suite C • Oroville, California 95965-4950  
(530)538-7784 • Fax (530)538-2847 • www.buttelafco.org

September 2, 2020

Affected Local Agencies: **Sent Via Email**

Pine Creek Cemetery District	Sacramento River Reclamation District
Durham Irrigation District	Rock Creek Reclamation District
Richvale Irrigation District	Butte County Mosquito & Vector Control District
Western Canal Water District	Butte County Resource Conservation District
City of Chico	Durham Mosquito Abatement District
County of Butte	Butte County Resource Conservation District

Re: **Notice of Intent to Circulate Petition - Proposed Tuscan Water District**

Affected Local Agencies:

The Butte Local Agency Formation Commission (LAFCo) has received a **Notice of Intent to Circulate Petition** (Attachment A) from Chief Petitioner Richard McGowan for the purpose of forming a California Water District that is proposed to be named the Tuscan Water District.

The LAFCo Executive Officer is required (Government Code Section 56700.4) to notify all affected local agencies of the receipt of the **Notice of Intent to Circulate Petition**.

Following the receipt of the Notice of Intent to Circulate Petition, the proponents can begin circulating a petition to affected landowners seeking support for the proposed district formation. For the Petition to be valid, the proponents will need to collect signatures from the holders of title to a majority in area of land which is capable of using water beneficially for irrigation, domestic, industrial or municipal purposes and which can be serviced from common sources of supply and by the same system of works (Water Code Section 34153).

Should the petition be valid, the proponents are then permitted to make an application with the Butte LAFCo for the proposed District formation.

The purpose of this **Notice of Intent to Circulate Petition** is simply to inform your agency that the proponents intend to circulate a petition, no action is required at this time.

Sincerely,

*Steve Lucas*

Stephen Lucas  
Executive Officer

cc: LAFCO





Attachment A

Butte Local Agency Formation Commission  
Petition for Proceedings Pursuant to the Cortese-Knox-Hertzberg Local Government  
Reorganization Act of 2000

PART 1: Notice of Intent to Circulate Petition

Proponents are required to file a Notice of Intent to Circulate Petition with the Executive Officer of the Butte Local Agency Formation Commission before a petition to initiate a change of organization or reorganization can be circulated [GC §56700.4(a)]

Date: July 24, 2020

Proponents Name: Richard McGowan *Richard McGowan*  
(print) (signature of proponent or representative)

Address: 30 Independence Circle #300 Chico CA 95973  
(Street) (City) (State) (zip)

Contact Information: 530-342-4040 rmfrich@hotmail.com  
(phone number) (email address)

1. Notice is hereby given to circulate a petition proposing to: Formation of Tuscan Water District  
(Type of change of organization or reorganization)

2. The reason(s) for proposal are: The Vina and Butte sub-basins are lacking the public infrastructure and a basin wide local agency with the necessary powers and support of groundwater dependent landowners to manage/coordinate development, enhancement and preservation of beneficial use of ground and surface water for agricultural purposes.

Pursuant to Section 56700.4 of the California Government Code, this Notice of Intent to Circulate Petition was filed with me on 9-2-2020 *[Signature]*  
Date Stephen Lucas, Executive Officer

Written Statement of Reasons for the Proposal - GC Section 56700.4

**NOTICE OF INTENT TO CIRCULATE PETITION—PROPOSED TUSCAN WATER DISTRICT**

**AFFECTED LOCAL AGENCIES:** Pine Creek Cemetery District, Durham Irrigation District, Richvale Water District, Western Canal Water District, Sacramento River Reclamation District, Rock Creek Reclamation District, Butte County Mosquito and Vector Control District, City of Chico, County of Butte.

Notice is hereby given that a petition will be submitted by landowners to initiate proceedings to form the Tuscan Water District (District) and establish a sphere of influence for the District pursuant to California Water District law (Water Code Sections 34000-38501) and Cortese Knox Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000---).

**TITLE AND ACTIONS:** Notice of Intent to form Tuscan Water District, a California Water District in the Vina and a portion of the Butte Sub-basins of Butte County; and, establish a coterminous sphere of influence with proposed District boundaries pursuant to California Water Code and Cortese Knox Hertzberg Local Reorganization Act of 2000.

**REQUIRED DISTRIBUTION:** Affected agencies—Pine Creek Cemetery District, Durham Irrigation District, Richvale Water District, Western Canal Water District, Sacramento River Reclamation District, Rock Creek Reclamation District, Butte County Mosquito and Vector Control District, City of Chico, County of Butte

**ADDITIONAL DISTRIBUTION:** Glenn County, Tehama County, Durham Mutual Water Company, Dayton Mutual Water Company, Cal Water, Chico, CSUS, Chico (the Farm).

**AUTHORITY:** Pursuant to Government Code Section 56700.4, a landowner-voter petition will be circulated to initiate proceedings for the formation of the Tuscan Water District and establish District sphere of influence coterminous with proposed District boundary.

**LOCATION AND SERVICE AREA:** 57,116.37 acres. On the north, west of Highway 99, stretching from the Tehama county line south to the northern boundary of the Western Canal Water District service area; the eastern boundary is Highway 99 and the City of Chico corporate boundary, the western boundary generally following the Sacramento river, Big Chico Creek, M and T Ranch, Llano Seco Ranch Water District and Reclamation District 2106. The southern boundary is the northern boundary of the Western Canal Water District. The District is proposed to include approximately 152 square miles in the Vina and a portion of the Butte Sub-basins.

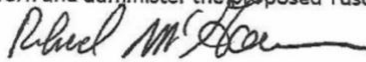
**OBJECTIVES:**

1. Form a new independent, special district, with elected representation of groundwater users to serve all landowners, including groundwater pumpers, domestic well users, and agricultural and other interests in the proposed District service area; and,
2. Cooperate and participate in partnership with Butte county, Butte County Groundwater Sustainability Agencies (GSA's) and other stakeholders to plan for and implement the Sustainable Groundwater Management Act (SGMA); and,

3. To the extent consistent with or required by the applicable Groundwater Sustainability Plan (GSP), acquire, plan, construct, maintain, improve, operate and keep in repair the works for production, storage, transmission and distribution of water, including groundwater recharge; and
4. Preserve and protect groundwater resources in the proposed District for the benefit of all groundwater dependent users, domestic pumpers, and any commercial enterprises dependent on groundwater.
5. Create an organization of all types of groundwater dependent users within the proposed Tuscan Water District to collaborate on sustainable groundwater management and practices to assist in the preservation and protection of agricultural water supplies in Butte County

POWER AND AUTHORITY: Power and authority pursuant to the California Water District statute (Water Code Section 34000 et. seq.), Government Code (CKH Local Government Act of 2000), Public Resource Code (CEQA), Revenue and Taxation, and Election Codes.

ORGANIZATION: Seven directors, elected at-large, serving four-year, staggered terms, to govern and administer the proposed Tuscan Water District.



Signature:

Date: July 24, 2020

Richard McGowan, Chief Petitioner.

30 Independence Court, #300

Chico, CA. 95973

1 530 342 4040

# CERTIFICATE OF SUFFICIENCY



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## BUTTE LOCAL AGENCY FORMATION COMMISSION

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1453 Downer Street, Suite C • Oroville, California 95965-4950  
(530)538-7784 • Fax (530)538-2847 • www.buttelafco.org

### CERTIFICATE OF SUFFICIENCY Landowner Petition

The undersigned certifies as follows:

The attached petition, entitled: **Formation of the Tuscan Water District** (a California Water District GC 34000) was received by LAFCO on February 22, 2021.

The petition is signed by landowners and, pursuant to Sections §56706 and §56708 of the Government Code, I have compared the names of the signers of the petition against the names of persons shown as owners of land on the last equalized assessment roll of the County. The results of my examination are as follows:

1. All initial signatures on the petition were secured within six months of the date on which the first signature on the petition was affixed. Additional clarifying information for originally submitted petitions was requested and received by the Executive Officer during the petition examination period.
2. Pursuant to the California Water Code Section 34153, the minimum signature requirements for a sufficient petition are signatures from holders of title to a majority in area of land (acres) capable of using water beneficially for irrigation, domestic, industrial, or municipal purposes.
3. The total land area for the proposed district is 102,237 acres. Acceptable landowner petitions were submitted by landowners owning 57,092 acres of land which represents a majority of the land area proposed.

Based upon this examination, it is hereby determined that the petition to form the Tuscan Water District is sufficient as it was signed by the requisite number of qualified signers.

*Steve Lucas*

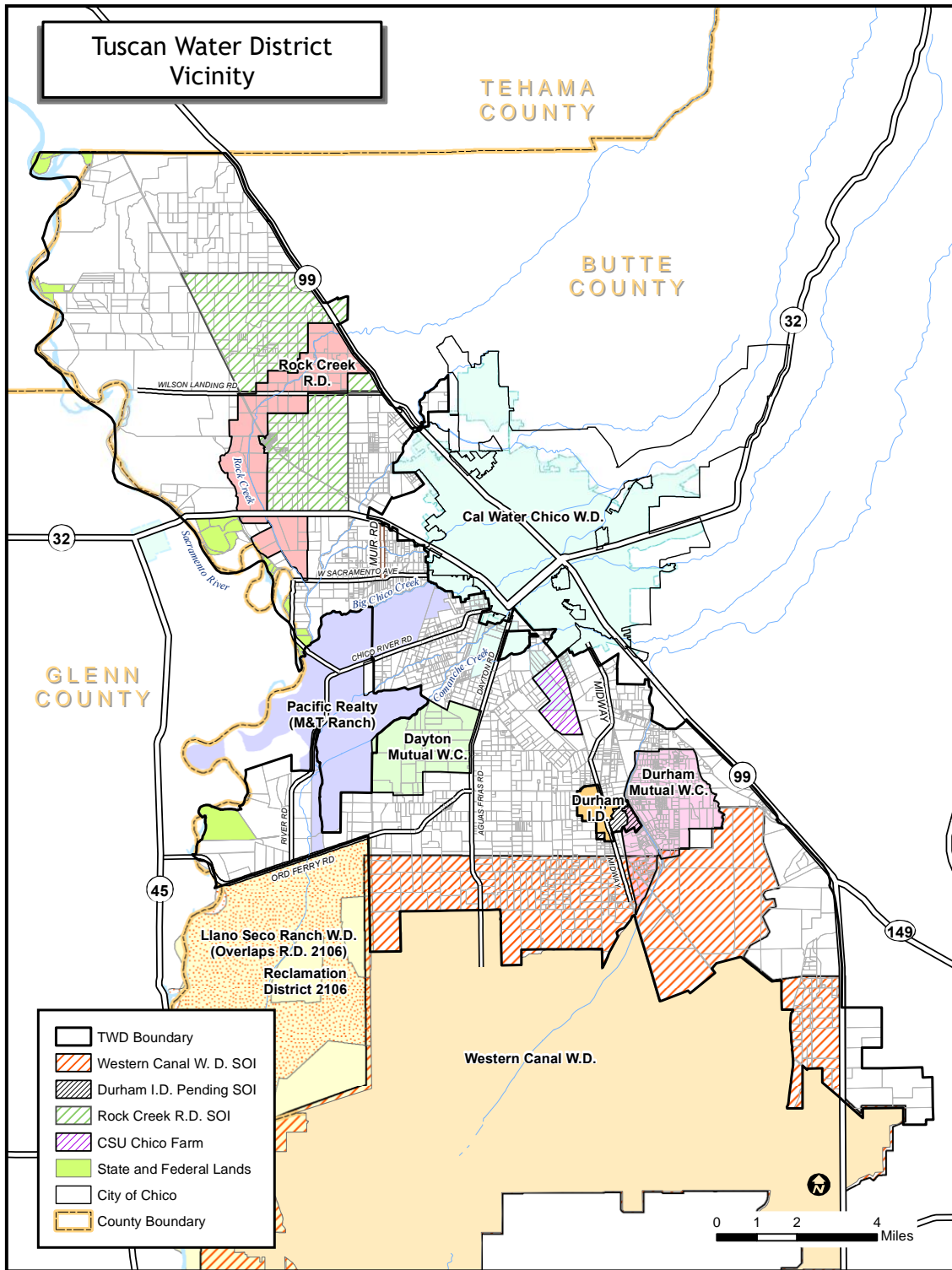
April 8, 2021

\_\_\_\_\_  
Stephen Lucas  
Executive Officer

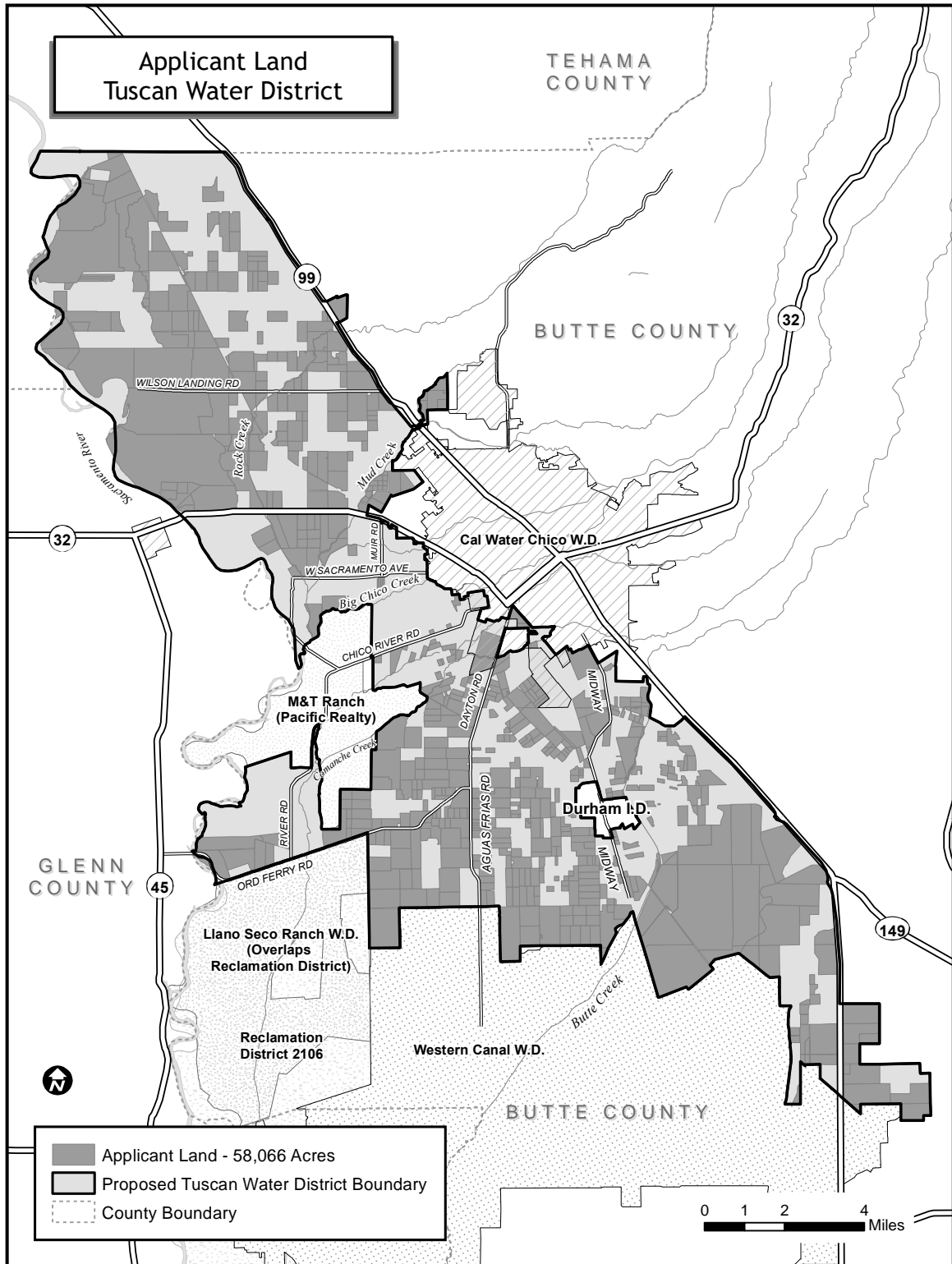
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Date

# PROJECT MAPS

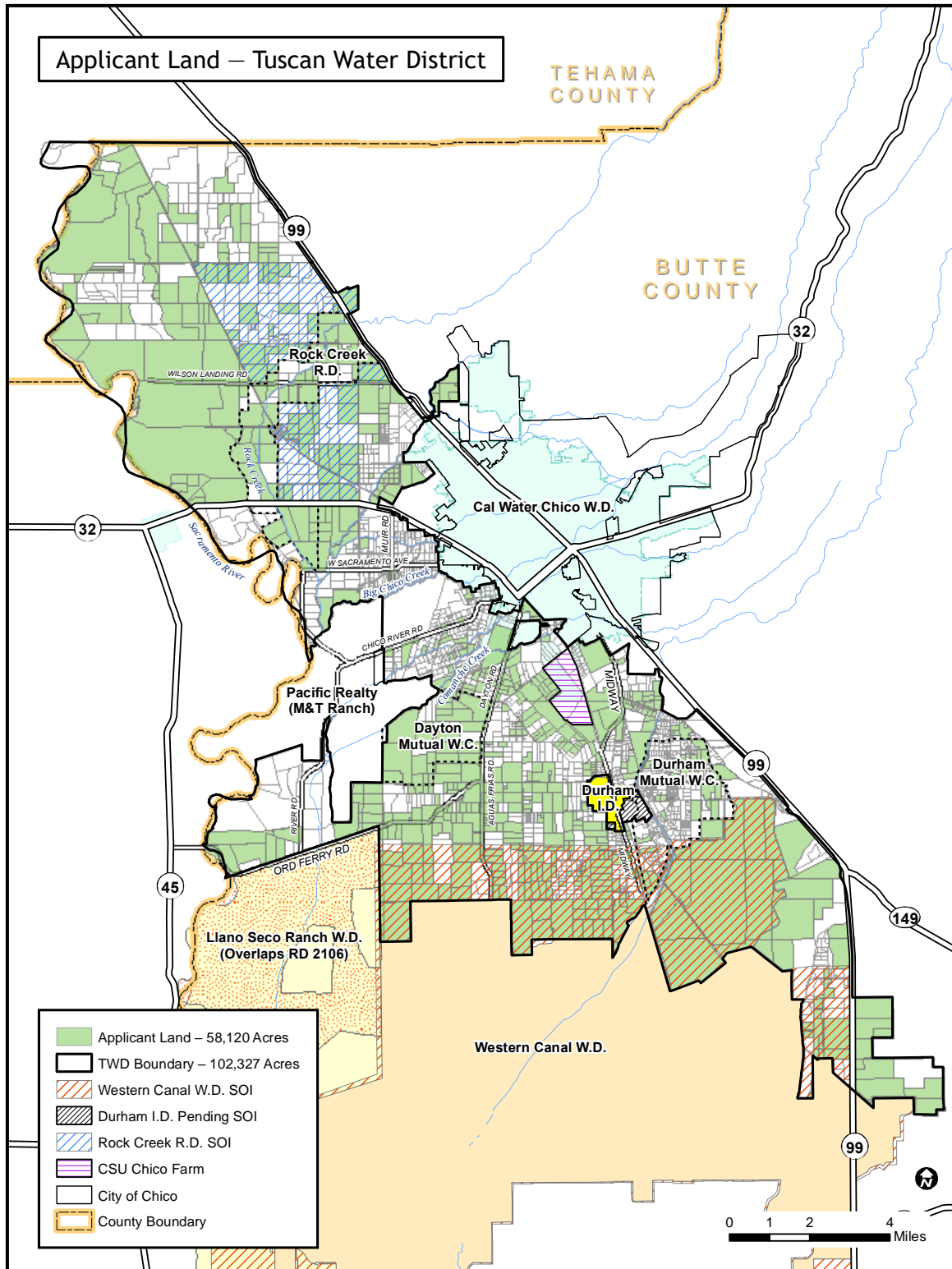
## VICINITY MAP (EXHIBIT 2A)



# EXTERIOR BOUNDARY MAP (EXHIBIT 2B)



# PROJECT APPLICANT ACREAGE MAP (EXHIBIT 2C)



# PROPOSAL JUSTIFICATION

## STATEMENT OF PURPOSE

**There is currently no locally controlled, subbasin-wide special district in the Vina and Butte sub-basins that can evaluate, determine, fund, implement, and oversee various programs to implement the Groundwater Sustainability Plans (GSPs) and achieve groundwater sustainability. The primary purpose of the Tuscan Water District (TWD) is to create a local special district to fill this gap. After the Vina Groundwater Sustainability Agency (Vina GSA) adopts the GSP, the Vina GSA will have new powers under the Sustainable Groundwater Management Act (SGMA) to implement the GSP. However, the role of the Vina GSA will be to manage and oversee the GSP and, therefore, it is not necessarily the appropriate agency for GSP implementation because it is not locally elected or controlled and because the County of Butte (which is a major party to the GSA) has indicated it does not have the time, resources, staffing, or priority to implement the GSP.**

In the past, Butte County staff and elected officials have indicated the County was not prepared to form a county agency for this purpose. Nor is there any public record at the time of publication of the District Formation Application that this position has changed. On the contrary, with the encouragement and support of Butte County, landowners in the Vina Subbasin formed a 501(c)(6) “Agricultural Association” called the Agricultural Groundwater Users of Butte County for the specific purpose of preserving, protecting, and improving the beneficial use of groundwater for groundwater dependent users in the “white area” of the Vina and Butte Sub-basins.

The Board of Supervisors of Butte County memorialized, in “Resolution of Support of the Agricultural Groundwater Users of Butte County”, the important role the AGUBC because of its interest and significant membership in groundwater development, planning and management in the Vina and Butte Sub-basins. Since the Resolution was adopted in 2017, the AGUBC has been continuing to meet with Butte County and to work through issues associated with Agricultural representation in the Vina JPA governance structure and to design the path forward to provide for the creation of a basin-wide agency that will allow for local control.

In 2019, Butte County staff provided additional encouragement to Vina subbasin landowners to start the California Water District formation process, writing,

“...This is a good time to begin the process for district formation since it will take significant time to work out the details of the scope, extent, and objectives of the new Water District and complete the LAFCO Process...Having a Water District formed to inform promising management actions and recharge projects during plan development will be valuable. After the GSP is completed, the Water District would be a valuable local entity to continue to explore and implement strategies for effective groundwater management in its jurisdiction.”



*Source: January 14, 2019 Letter to Richard McGowan re:  
Water District Formation Status*

As currently proposed, TWD will contain approximately 102,327 acres, most of which are considered agricultural acreage according to mapping performed by the California Department of Conservation Farmland Mapping and Monitoring Program. In addition, the proposed District contains 71,566 acres of prime agricultural land of which more than 50,316 acres of the proposed District is held under Williamson Act Contract.

These lands have been farmed or ranched by many of the same families for decades. The 2019 Annual Crop Report of Butte County notes the total economic value of agricultural production for FY 2019 with the proposed TWD at \$289,369,469 for all crops, or nearly 50% percent of total county-wide agricultural economy. This area not only contributes to the Butte County tax base, but to the overall economy directly and indirectly as well.

Formation of a new California Water District in the Vina subbasin is essential to the long-term vitality and protection of a large value portion of the agricultural industry in Butte County. TWD provides a landowner supported solution for a largely un-served area to provide for local control and oversight of water management and comprehensively deal with the water issues in the Vina and Butte Sub-basins.

## PLAN FOR SERVICES

Government Code Section 56653 states: (a) If a proposal for a change of organization or reorganization is submitted pursuant to this part, the applicant shall submit a plan for providing services within the affected territory. (b) The plan for providing services shall include all of the following information required by the Local Agency Formation Commission or the Executive Officer:

(1) *An enumeration and description of the services currently provided or to be extended to the affected territory.*

In the subject territory, there is a need for a basin-wide water district that can manage and provide water service, such as the California Water District that is proposed (Tuscan Water District), to serve the 102,327-acre District service area. There are three existing special districts, Durham Irrigation District, Rock Creek Reclamation District and Western Canal Water District, and two private water companies, Durham and Dayton Mutual Water Companies, and a portion of an Investor -Owned Utility, Cal Water, Chico, located within the proposed Tuscan Water District (District) service area. None of these agencies is large enough, has the capacity, or primary authority to serve the entire sub-basin.

For full enumeration of California Water District power and authority, see Water Code Sections 35300-35455.

(2) *The level and range of those services.*

Once the District has been formed, it will evaluate and determine the appropriate level of service to be provided to district lands. Landowners will receive the appropriate level of service with respect to groundwater monitoring, management, and the protection of groundwater resources. Once the Vina Groundwater Sustainability Agency (GSA) and the Rock Creek Reclamation District GSA have adopted a Groundwater Sustainability Plan (GSP) for the Vina sub-basin, the Tuscan Water District will evaluate the possible GSP implementation actions and projects and prepare a Capital Improvement Plan consistent with projects and management actions identified in the GSP, as well as any necessary elements to comply with the law, such as compliance with Proposition 218 and preparation of an Engineer's Report(s) which will evaluate the timing and cost-benefit analysis of district sustainability needs. At that time, the Board of Directors may designate specific areas as "zones of benefit" for surface water delivery and/or recharge, or both. It is anticipated that the lands within these special zones would be assessed based upon the benefit received to pay for the service.

(3) *When can service be feasibly extended?*

The basic, uniform level of service for District operation and oversight by staff and directors will occur once the District has been formed and the Board of Directors has taken the "oath of office". With respect to capital projects, consistent with the Vina GSP, as described above, the District will first need to identify projects of immediate concern, comply with

Proposition 218 requirements, and conduct environmental impact studies of the physical effects of the project on the environment as may be needed in compliance with the California Environmental Quality Act. With respect to the environmental assessment, a determination must be made as to the level and extent of the project's physical impact on the environment and subsequent mitigation required after the District has identified the proposed GSP implementation action(s). The formation of a new local special district, in and of itself, does not create a physical effect on the environment. Future projects where the "earth will be disturbed" or plants and animals jeopardized because of water lines, pumping stations, and diversion of water will certainly require a much higher level of review and environmental analysis. Factors such as proximity to a surface water source, cost of service extension, and available funding will be important considerations dictating where, how, and when projects will be undertaken and the degree of environmental review the project(s) is subject to.

- (4) *An indication of any improvement or upgrading of structures, roads, sewer or water facilities, or other conditions the local agency would impose or require within the affected territory if the change of organization or reorganization is completed.*

There is no need to upgrade roads or sewer systems; an adequate transportation via the state highways and local surface streets is more than adequate. There will be no required improvement or upgrading of the noted facilities just because of District formation.

- (5) *Information with respect to how the services will be financed.*

For the most part, new service not currently available will be financed by landowner approved assessments as follows: an initial assessment not to exceed ten dollars per acre (\$10.00/acre) for all District lands. Subsequent assessments will also be required as major projects are identified. Other sources of funding might include state approved water bond monies, bonded debt, and short and long terms loans.

## DISTRICT OVERVIEW

The Tuscan Water District (District), a California Water District, will be initiated by landowner-voter petition pursuant to Water Code Section 34000 and following and Cortese Knox Hertzberg Local Government Reorganization Act of 2000, Government Code Section 56000 and following. **The District is requesting all the power, authority, and responsibility of a California Water District to work in concert with Butte County and Butte County GSAs to plan for the implementation of the Sustainable Groundwater Management Act (SGMA) within the District boundaries.**

As proposed, the District will cover approximately 160 square miles in the Vina and a portion of the Butte sub-basins. **There is currently no basin-wide special district in the Vina subbasin that can oversee various programs to recharge and deliver surface water to groundwater dependent landowners. The primary purpose of the Tuscan Water District (TWD) is to create a local public agency to fill this gap.**

The fact that the District service area will overlap the Western Canal Water District (WCWD) sphere of influence should be helpful in that the two water districts may work together to create opportunities to utilize both surface and groundwater to achieve sustainability in the WCWD sphere of influence area. WCWD provides surface water to properties within its boundaries, but not to this area. Also, the purpose of the District will be to manage, monitor and protect groundwater with other stakeholders in the District's service area. The primary goal of each agency is the same, namely, to provide sources of water to landowners that will allow them to continue to farm and ranch, but to also ensure sustainability of the sub-basin.

Other special districts providing services within the Vina sub-basin and a portion of the Butte sub-basin include Rock Creek Reclamation District (RCRD), Durham Irrigation District (DID), Durham and Dayton Mutual Water Companies (MWC) and Cal Water, Chico. RCRD provides flood control and protection and agricultural drainage within the 4,644-acre district service area; RCRD does not provide irrigation or domestic water service to lands within its service area. DID provides domestic water service within its 506- acre service area. Durham and Dayton MWCs supply irrigation water to the agricultural lands in and around Durham and Dayton. Cal Water, Chico, serves the city of Chico, but the franchise area of the Investor-Owned Utility extends into an unincorporated area of Butte County which is proposed for inclusion in the District. This portion of the franchise area is groundwater dependent and includes significant acreage of proponent lands. The District is proposed to overlay the RCRD service area and sphere of influence west of Highway 99. The District is also proposed to overlay the Durham and Dayton MWCs, where a significant number of applicants' acres are located. It will also overlay the WCWD sphere of influence. The District will not overlay any portion of the DID service area or sphere of influence.

**Formation of the District will provide landowners within its boundaries with representation through locally elected directors that may, if approved by Butte LAFCO, exercise all powers provided to California Water Districts under California Water law.**

The proposed purpose and objectives of the District include, but are not limited to:

1. Creating a new, independent California Water District with elected representation to serve the Vina sub-basin and a portion of the Butte sub-basin.
2. Cooperating and participating with Butte County and the Butte County GSAs to implement the SGMA within District boundaries.
3. To the extent consistent with, and/or required by the applicable GSP(s), acquire, plan construct, maintain, improve, operate and keep in repair the works for the production, storage, transmission and distribution of water, including groundwater recharge.
4. Preserve and protect groundwater resources in the proposed District for the benefit of all groundwater users.
5. Creation of an organization of all types of groundwater users to collaborate on sustainable groundwater management to preserve and protect agricultural and rural water supplies in Butte County.

## Governing Body

As part of the District formation election, a board of directors will be elected at-large by landowner-voters of the District to serve four- year, staggered terms in accordance with the elections-related provisions of the California Water District Law and Elections Code. The number of directors required to be elected for the initial four years is not specified in the Water Code or Cortese Knox Hertzberg Local Government Reorganization Act of 2000. For the initial four-year term, as a condition of District formation, proponents of the District are requesting 7 directors, one of whom will be a domestic pumper. After the District is formed, and prior to the next general election, the Board of Directors of the District may increase or decrease the number of directors and reorganize by “division” (or combination of ‘division’ and at large representation) following a process set forth in Water Code Sections 34400-34502, 35100-35110

## Management & Operations

Following District formation, the Board of Directors will hire key staff positions to assist with the management and operation of the District. These staff positions are anticipated to include: (1) a General Manager, appointed by, and serving at the pleasure of, the Board of Directors, to generally direct and pursue the purposes of the District; and (2) other support services, which may include legal counsel, accounting, office management, auditing and bookkeeping services, and surveying and engineering services, all of which may be provided by permanent or part-time staff or under contract.

## Finance & Budget

The District will adopt an annual budget as prescribed by the Water Code on the calendar date specified and submitted to Butte County and appropriate agencies of the State of California. The District will have authority to generate revenue for administrative activities, operations and maintenance, construction of capital projects, and to participate in the Butte County SGMA process from sources cited in the Water Code and assessment law.

The first- year budget will range from \$400,000.00 to a maximum assessment of ten dollars per acre (\$10.00/acre), depending on the level of assessments imposed by the Board of Directors. Initial assessments may be used to reimburse proponents for District formation costs and to cover start-up costs, which may include hiring a General Manager, and other consulting or specialized services.

Notwithstanding California Water District law, Government Code, or California Article XIII (D), landowners, as a condition of formation, (A) consent to a board of directors levying assessments on District lands, (B) approve initial assessments not to exceed \$10.00 per acre, and (C) authorize Butte County to collect such assessments along with other taxes to recover District formation costs, costs for initial staff and administration of the District, and to cover

expenses associated with collaborating with Butte County and the Vina GSA and RCRD GSA to implement the basin GSP, applicable to the area covered by the District.

## Sustainable Groundwater Management Act Responsibilities

The District may request the Vina and Butte Sub-basin GSAs to enter into a Memorandum of Understanding (MOU) with the District describing mutually agreed upon goals, roles, and responsibilities of the District’s participation in the development and implementation of the sub-basin GSP(s). The District may also, at the appropriate time, petition the Vina GSA for a seat on the Vina GSA Board.

## Summary

The District Plan for Services will evolve and be a “work in progress” as needs are identified and opportunities arise. The District can act as a strong partner with Butte County and the Vina GSA, and other local stakeholders, contributing significant value acting as a potential future water provider and assisting with the preparation and implementation of the Vina sub-basin GSP and the Butte sub-basin GSP.

# PROPOSAL JUSTIFICATION

## Name of Proposal / Actions Requested

1. Formation of the Tuscan Water District, a Landowner-voter California Water District.
2. Establishment of the Tuscan Water District Sphere of Influence Coterminous with proposed District Boundary.

## General Information

1. Type, designation, and statutory authority for the proposal: Formation of a California Water District (Water Code Section 34000 and following) and Cortese Knox Hertzberg Local Government Act of 2000 (Government Code Section 56000 and following)
2. Name and address of Applicant/other contacts: Applicant—Chief Petitioners and landowner-voters of the Vina Sub-basin and a portion of the Butte Sub-basin

Richard McGowan  
30 Independence Circle, #300  
Chico, CA 95973

Edward McLaughlin  
PO Box 1  
Durham, CA 95938

Darren Rice  
5209 Anita Road  
Chico, CA 97973

## Location

Vina Sub-basin and a portion of the Butte Sub-basin of Butte County, stretching from the Tehama County line to the northern boundary of Western Canal Water District. The proposed Tuscan Water District (the “District” or “TWD”) will serve approximately 160 square miles, consisting of approximately 102,327 acres. The District service area has been designed to include primarily agricultural land and agricultural properties dependent on groundwater.

## Physical Features

1. **Topography:** From the east, flat to gently rolling hills with elevation decreasing from 198 feet above sea level to 120 feet above sea level to west at the Sacramento River. There are over 85,000 acres of agricultural and open space lands.
2. **Physical and natural features:** Rock Creek, Butte Creek, Big Chico Creek, Pine Creek, Mud Creek, Angel Slough, Hamlin Slough, Kusal Slough, Western Canal and the Sacramento River
3. **Major highways/railways:** Highway 99, Highway 32 and Union Pacific Railroad
4. **Proposed boundary and service area proximate to adjacent counties, cities, special districts and other agencies:**  
 Tehama county; Glenn county; city of Chico; communities of Durham, Dayton and Nord; Rock Creek Reclamation District; Durham Irrigation District; Western Canal ~Mutual Water Company; Butte Creek Estates (Country Club) Mutual Water Company; and Cal Water Chico

## Population & Related Matters

1. Estimated Population of District: 6,500
2. Population density: 40-45 persons per square mile
3. Number of registered voters: to be determined by Butte County
4. Number of landowner-voters: to be determined by Butte County
5. TWD, land only, assessed valuation approximately \$1.5 billion
6. Total County unincorporated area land and improvements, assessed valuation: \$8,768,975,574
7. Total unincorporated land only assessed valuation: \$3,873,529,965

## Proximity to Developed and/or Developing Areas

The eastern boundary of the District is adjacent to/coterminous to the Chico sphere of influence and city limit. The proposed District includes the communities of Durham, Dayton and Nord.

## Land Use

Predominantly agricultural and open space lands consisting of ranches and farms varying in size from small to large, all dependent on groundwater. Key crops include almonds, walnuts, pistachios, prunes, plums, and rice. *Source: 2019 Annual Report of Butte County Agricultural Commissioner on Crop Production.*

1. General Plan land use designations: agriculture, agricultural residential, open space
2. Total land area of Tuscan Water District: 102,327 acres; applicant acreage, 58,120
3. Total Agricultural Acreage in the Tuscan Water District Service Area: 88,951 acres (*Source: California Department of Conservation Farmland Mapping and Monitoring Program: , <https://www.conservation.ca.gov/dlrp/fmmp/Pages/Butte.aspx>*)
4. Amount of federal, state owned land/permanent open space: 2,358 acres
5. Gross value of agricultural production estimated at \$289,369,469 (2019 Butte County Crop Report)

### DISTRICT ACREAGE BREAKDOWN

0 to 10 acres	5,956 acres (5.82%)
10.01 to 20 acres	5,946 acres (5.81%)
20.01 to 40 acres	10,605 acres (10.36%)
40.01 to 2761.54 acres	77,506 acres (75.74%)
<u>Non-APN acreage</u>	<u>2,313 acres (2.26%)</u>
Totals	102,327 acres

## Prime Ag Land

***Will the proposal affect prime agricultural land as defined under section 56064 of the Cortese Knox Hertzberg Local Government Reorganization Act of 2000?*** Yes, the proposed Tuscan Water District will serve agricultural lands and other groundwater dependent properties in the Vina sub-basin and a portion of the Butte sub-basin, with the ability to work with Butte County, the Vina GSA and other GSA's on groundwater sustainability measures. Ultimately, the power to purvey water provides a new independent, special district with the ability to preserve and protect agricultural land and the crops produced. The proposed District will not lead to the conversion of prime agricultural land in either sub-basin. In fact, the converse is true. Creation of the District will help to prevent the conversion of prime agricultural land to urban uses. Urbanization of agricultural land and open space within the District would require : 1) approval of Butte County, the state of California, the State Water Board, and possibly the federal government (Bureau of Reclamation) to provide municipal and industrial water to District lands; 2) Butte County would also need to amend its General Plan to accommodate urbanization, which is highly unlikely; and 3) the District, if formed, has no intention to provide municipal water essential for urbanization.



***Is the proposal consistent with the agricultural, open space and conservation policies of Butte County?*** Yes.

### Existence of Social and Economic Interest and Interdependence

The ranchers, farmers and other groundwater dependent properties in the proposed District all rely on a plentiful aquifer in the sub-basins to provide groundwater for their livelihood. The prudent use, protection and preservation of the sub-basins' groundwater is essential to their ability to farm and ranch family lands and maintain rural lifestyles. The landowners involved in spearheading the formation of the proposed Tuscan Water District, in many cases, are second, third and fourth generation farmers. They rely upon each other in many ways, but the common bond is the water they share from the sub-basins. Many are socially connected as family and friends and economically tied together as they are dependent on managing and monitoring water they need to continue farming and ranching in Butte County.

The loss of the value of agricultural production from the 102,327-acre proposed District would not only destroy the lives and livelihood of the farmers and ranchers but the economy of Butte County as a whole. Water is the most important resource for the preservation and protection of agriculture.

### Economic Impact of the Key Crop Production within the proposed TWD:

Walnuts, almonds, pistachios, plums, prunes and rice are the key crops in terms of acreage and value in the proposed TWD service area. The value of these key crops within the District land is estimated at 48% (2019) of the County total. The figure was developed by determining the percentage of crops produced in the TWD against the total for each category from the 2019 Annual Crop report and applying that percentage against the total value for each of the key crops.

The added value or indirect impact of the total Tuscan Water District crop / industry output of agricultural production in terms of impact on local economy (labor force wages and spending, agricultural products, and farming equipment) has not been calculated, but planning firms typically use a multiplier of 2.0 to get a rough back-of-the-benefits associated with agricultural output.

For example, \$10,000,000.00 in tree nut production would have the following impacts to Butte County: total industry output of \$15.4 million and income of approximately \$6.1 million for a total annual output of \$21.5 million including direct, indirect, and induced 135 jobs. (Source: Economic and Planning Systems (EPS), Sacramento California).

## **JUSTIFICATION AND REASONS FOR THE CREATION OF THE TUSCAN WATER DISTRICT RATHER THAN PURSUING ANNEXATION TO AN EXISTING AGENCY**

GOVERNMENT CODE SECTION 56886.5 a): “If the proposal includes the formation of a district, or the incorporation of a city, the Commission (LAFCO) shall determine whether existing agencies can feasibly provide the needed service or services in a more efficient and accountable manner. If a new single purpose local agency is deemed necessary, the commission shall consider reorganization with other single-purpose local agencies that provide related services”.

The formation of a California Water District, on the foundation of a landowner-voter base representing 102,327 acres, with elected representation, will have the primary purpose of working with Butte County and other stakeholders to implement the Vina GSA Groundwater Sustainability Plan, which goals would likely include planning for, managing, preserving, protecting, purchasing, and providing agricultural water. To achieve this purpose, it is anticipated that the Tuscan Water District will participate in water exchanges within Butte County. Within the Application Packet are two documents prepared by the Applicants that describe in detail the reasons for the Tuscan Water District formation: “Statement of Purpose” for the formation of the Tuscan Water District, and “Analysis of Potential Agencies in the Vina and Butte sub-basins with the ability to maximize the use of ground and surface water”. These two documents form the foundation and justification for the Applicants proceeding with District formation rather than pursuing other changes of organization which would not meet their goals and objectives.

The purpose and objectives of the District are as follows:

1. Create a local agency to evaluate, determine, fund, implement, and oversee projects and actions to achieve groundwater sustainability under the Groundwater Sustainability Plan to be adopted by the Vina and Rock Creek Reclamation District Groundwater Sustainability Agencies.
2. Creation of a new, independent California Water District with locally elected and accountable representation to serve the Vina sub-basin and a portion of the Butte sub-basin.
3. Cooperating with Butte County and other stakeholders to implement the Sustainable Groundwater Management Act (SGMA) within the District service area.
4. Preserving and protecting groundwater resources in the District.
5. Partnering with Butte County and other stakeholders to advance conjunctive use within the Vina sub-basin and a portion of the Butte sub-basin and to assist in the replenishment of groundwater by the strategic use of groundwater recharge.
6. Assisting groundwater dependent landowners with the ability to provide local agency water oversight, monitoring and delivery.

7. Creating a California Water District within which groundwater dependent landowners can cooperate and collaborate on sustainable groundwater management to preserve and protect agricultural and rural water supplies in Butte County.

## California Water District Powers

The Tuscan Water District is requesting the Butte LAFCO to grant the District the power and authority of all California Water Districts to provide the following services, including, but not limited to:

1. Developing, constructing and operating facilities to purchase, import, move, recharge, and transfer water within the District service area.
2. Attaining legal status as a special district to work with Butte County and other agencies within the sub-basins to develop strategies and plans to preserve and protect agricultural and rural water supplies within the District.
3. To be able to enter into Joint Powers Agreements, participate in Joint Powers Authorities, and/or be a signatory to a Memorandum of Understanding, to plan for groundwater sustainability. (Example: MOU between Butte County and South Feather River Water and Power Agency related to SGMA).
4. To impose assessments on District lands, with approval of landowner-voters, consistent with applicable laws, to operate, and manage District facilities, and finance needed construction projects to purvey, recharge, import and otherwise move water.
5. To be able to apply for State and Federal grants and State approved Bond Measures to preserve and protect water quality and supply sources within the District service area and Butte County.
6. To advance groundwater management practices and conservation programs to improve groundwater sustainability within the District service area.

None of the underlying agencies, public or private, has the capability or capacity to serve the proposed 102,327 service area of the Tuscan Water District due to size, purpose or for other reasons. The following discussion addresses why Applicants have concluded that Rock Creek Reclamation District, Durham irrigation District, Western Canal Water District, or Durham or Dayton Mutual Water Companies are not the answer or solution to the basin-wide problem, the lack of one agency, specifically a California Water District, to work with Butte County and the Vina GSA to implement SGMA within the Tuscan Water District service area.

In 2018, TWD Applicants commissioned a local government expert and consultant to study and analyze local agencies in the Vina sub-basin and a portion of the Butte sub-basin not only with the power and authority to transport water to maximize the beneficial conjunctive use of ground and surface water, but with the intent and ability to do so. The report found no such agency existed that actually conveyed water on a scale to serve the Tuscan Water District service area. The report considered the political and practical feasibility of the following options:

1. Formation of a new, basin-wide landowner-voter special district that has, as its primary purpose, the power and ability to work with other local agencies to purvey, import, transfer and recharge water in the Vina sub-basin and a portion of the Butte sub-basin.
2. Alternatively, or in conjunction with the formation of a new special landowner-voter water district, evaluate the issues associated with annexation to Rock Creek Reclamation District and/or Durham Irrigation District to accomplish the same goals.

The original analysis did not address annexation to Western Canal Water District, but in subsequent investigation by Applicants, Western Canal was also evaluated.

## Rock Creek Reclamation District

Rock Creek Reclamation District (Rock Creek RD) was formed in 1985 to provide flood control and drainage services in northern Butte County. Currently, the District provides these services to 4,644 acres of agricultural and single-family residential parcels. While the proposed Tuscan WD's boundaries would overlap with Rock Creek RD's boundaries, there would not be any duplication of services. Although Rock Creek RD has the latent power to provide water for irrigation purposes, it does not exercise that power. In fact, Rock Creek RD does not convey, transport, or export irrigation water to agricultural properties or residences within its boundaries. Any water conveyance the Rock Creek RD currently performs is for drainage and flood control.

Additionally, Rock Creek RD serves as the Groundwater Sustainability Agency (GSA) for the area within its boundaries. As one of the two GSAs covering the Vina Subbasin, Rock Creek GSA is tasked with preparing and implementing a groundwater sustainability plan (GSP). Under the Sustainable Groundwater Management Act (SGMA), each GSP must include management actions and projects that the GSA determines will achieve its sustainability goal for its basin. (Cal. Code Regs., tit. 23, § 354.44, subd. (a).)

The proposed Tuscan WD would play a much-needed role in planning and performing the management actions as well as pursuing projects to sustain groundwater sustainability. Tuscan WD would cover over 100,000 acres of land throughout Butte County and the Vina Subbasin. Therefore, the water district would be able to perform wide-scale and coordinated actions in furtherance of the goals of the GSP for the Rock Creek GSA and Vina GSA. After all, this is one of the primary purposes for Tuscan WD's formation: to participate and cooperate with Rock Creek GSA and Vina GSA in their efforts to achieve sustainability in the Vina Subbasin.

### **RCRD Sphere of Influence (SOI)**

Although RCRD has the latent power to purvey water for irrigation purposes, it does not exercise that power. The district fulfills its primary purpose within its service area by transmitting water through streams, canals, and ditches to accommodate agricultural drainage and provide for flood control protection. Furthermore, the process to annex the sphere area would be cumbersome and costly.

### **Durham Irrigation District (DID)**

The Durham irrigation District (DID) was formed in 1948 to provide domestic (municipal) water service to landowners within the district service area. Currently, the district is 506 acres in size, but a recent SOI amendment added 277 acres to the future service area.

The district operates three active wells and contracts for operation and management services from a private contractor. DID is governed by three elected directors each serving four-year, staggered terms. California Water Code, Division 11, Section 20500 establishes power, purpose and authority for irrigation districts including water purveyance, drainage, electricity, flood control, sewer service and recreational facilities. The district is very small, less than one square mile, and provides domestic water service to less than 500 customers. Thus, it does not have the capacity or ability to serve the 102,327 acres of the Tuscan Water District service area.

### **Western Canal Water District (WCWD)**

Western Canal Water District (WCWD) was formed in 1984 by majority vote of landowner-voters to provide irrigation water to district properties. The WCWD was formed pursuant to the California Water District Law, which provides for the creation and operation of California Water Districts. It is a multi-county district serving southern Butte County and a portion of eastern Glenn County. When the district was formed, it purchased the Western Canal water system from Pacific Gas and Electric Company. The district contains 59,000 irrigable acres in both Butte and Glenn counties. The WCWD provides surface water to irrigate district lands. The water source is the Feather River. The District does not operate or own any irrigation wells. Some landowners have constructed agricultural production wells to provide the option of conjunctive use during drought years. The cropping pattern in the WCWD is 90 percent rice, and 10 percent miscellaneous uses (orchards, habitat and row crops).

### **WESTERN CANAL SPHERE OF INFLUENCE**

The WCWD sphere of influence was established at the time of district formation or shortly thereafter. The last annexation of any new territory occurred in 1998, over twenty years ago. The northern two portions of the WCWD sphere of influence contain 17,923 acres, of which Applicant membership acres total 13,494, or 75 percent. The entire 17,923 acres is groundwater dependent with no surface water available, and the primary water source of the WCWD service area is surface water. Over the last twenty years WCWD could have annexed this sphere of influence area but has not.

### **Other Agencies that Purvey Water: Durham Mutual Water Company, Dayton Mutual Water Company, Cal Water, Chico, Proposed Tuscan Water District**

### **MUTUAL WATER COMPANIES**

Typically, mutual water companies provide domestic and agricultural water in rural areas that at the time of creation had no alternative water source. They continue to exist today in urban and rural pockets where the conversion to the public system is neither practical nor expensive. Mutual water companies are private, not-for-profit entities organized under Corporations Code

14300 and regulated under US EPA Safe Drinking Water Act, and California Water and Safety Codes. If Mutual Water Company By -Laws include operating a public water system, they are also regulated by the California Department of Public Health. They must report to Local Agency Formation Commissions, but their structure, organization and service area changes are not subject to LAFCO review and approval.

#### **DURHAM MUTUAL WATER COMPANY**

The Durham MWC provides surface water from Butte Creek to agricultural properties west of the community of Durham. The water company's service area is just less than 3,600 acres, of which over 30 per cent are AGUBC member properties.

#### **DAYTON MUTUAL WATER COMPANY**

The Dayton MWC also provides surface water indirectly from Butte Creek to agricultural properties in the Dayton area. The water company service area is 2,281 acres, of which 80 per cent of the land is Applicant owned.

Mutual water companies have very little public accountability, that is, there are no publicly elected directors, and no local agency oversight or control. They are essentially private corporations with landowner stockholders, and water rights either tied to the land, or held by the water company.

Each of these water companies was created decades ago and does not have capacity, power or financing tools to accomplish the objectives of the Applicants for the formation of the Tuscan Water District.

#### **CAL WATER CHICO-HAMILTON CITY DISTRICT**

Cal Water Chico-Hamilton City District (Cal Water) is part of a larger investor-owned public utility, the California Water Service Company, which supplies water to nearly 2 million people through 24 separate systems and 63 communities from Chico to southern California. Investor-owned utilities are regulated by the Public Utility Commission. Within Cal Water, separate rates are set for each system depending on a variety of factors—source and cost of water, treatment needs development and maintenance of the water system, number of customers, etc. Rates, service charges, and service area are all regulated by the California Public Utilities Commission.

#### **PROPOSED TUSCAN WATER DISTRICT**

Annexations to RCRD, DID or WCWD are not viable alternatives to the formation of the Tuscan Water District. The Tuscan Water District is proposed to overlay groundwater dependent lands in the Vina Sub-basin and a portion of the Butte Sub-basin. It contains 58,120 acres of Applicant lands, and other agricultural properties that rely on groundwater for both domestic and irrigation uses.

The Tuscan Water District is proposed to overlay the RCRD service area and sphere of influence west of Highway 99, and act only as a water purveyor and not provide any flood control

protection of agricultural drainage services. Applicant lands dependent on groundwater within the RCRD service area and sphere of influence total 8,760 acres or roughly 68 percent of the approximate 12,800 service area/SOI acre total.

The Tuscan Water District is also proposed to overlay all of the Dayton Mutual Water Company service area and the Durham Mutual Water Company service area. Applicant lands in Durham MWC represent over 918 acres of the 3,598- acre water company total and in the Dayton MWC, represent over 2,281 acres of the 2,844 Dayton MWC land. Finally, the Tuscan Water District will include the 17,923 acres of the Western Canal Water District sphere of influence along its northern border. There are 13,494 Applicant acres in this area.

## **CALIFORNIA LOCAL GOVERNMENT STRUCTURE**

The overlay of local governments in California is not out of the ordinary, it is the norm when those agencies are formed for different purposes. Cities overlay portions of special districts; special districts lie on top of cities. Large special districts may overlay entire counties or multiple counties. In rural and urban areas, special districts are stacked one on top of the other. In urban areas, it is not uncommon for fire, park, water, sewer, and street lighting districts to share some or all of the same service area. In rural areas, one might find volunteer fire districts, possibly a park district, resource conservation, cemetery, reclamation and soil conservation districts sharing territory. The point of this discussion is to recognize that the proposed Tuscan Water District over-laying RCRD, DID, Durham MWC and Dayton MWC is not irregular, but very common.

### **Proposed District Governance**

California Water Districts are autonomous, landowner-voter, special districts, created and managed by landowner-voters. The number of directors may range from five to eleven. (Ca Water Code Section 34708) Applicants are requesting 7 directors initially, with one director seat dedicated to a domestic well pumper.

The first Board of Directors will run “at large”, each director elected district-wide for one of the 7 director seats. All 7 Directors are selected during the district formation election. In future elections, the directors may follow a process established in the Water Code to set up “divisions” within the district, and if divisions are ultimately created, each director would run within a specific division (WCS 35025-35031).

Alternatively, directors may set up a number of divisions and also provide for one or two directors to run at large, or district wide. The number of directors may be increased or decreased following provisions in the Water Code. Finally, the directors may be converted from a landowner-voter district to registered voter district (WCS 34050) should circumstance drastically change within the Tuscan Water District following procedure set forth in the law.

Because of the size of the Tuscan Water District, approximately 160 square miles containing well over 100,000 acres, the Tuscan Water District Board of Directors may consider establishing a reasonable number of directors and divisions to recognize the geographic expanse of the district, communities represented, and diversity of ownership pattern for future elections

## Potential for Expansion of Service Area / Sphere of Influence

Once the District is formed and fully operational and begins to work with various stakeholders on water management, planning and delivery, it may expand the service area, if adjacent properties use, need and desire services and if LAFCO approves of the annexation.

## Greater Efficiency in the Delivery of Governmental Services

Currently, the area proposed for the formation of the Tuscan Water District does not have a local agency capable of providing the level and range of services across the entire Vina Sub-basin and a portion of the Butte Sub-basin. Further, Applicants for the Tuscan Water District formation have evaluated the alternatives to the formation of a new California Water District and do not believe any of the agencies evaluated is capable of meeting their needs and objectives.

Readers of this document should continually recognize during the review and analysis of the district formation request that Applicant acreage represents over 58,120 acres or 58% of the proposed service area of the Tuscan Water District. They have spent considerable time, money, and study to arrive at this conclusion and desire to move forward with the Tuscan Water District formation.

## Boundaries and Sphere of Influence

### 1. Rationale and methods to establish the boundaries of the proposed district:

The exterior boundaries of the District have been drawn to follow natural and physical boundaries to the extent possible, such as the southern Tehama county line, Highway 99, eastern boundary of Glenn county and the Sacramento River; the city of Chico's sphere of influence and corporate boundary, northern boundary of the Western Canal Water District; the western boundaries of the M and T Chico Ranch and Llano Seco Water District. The proposed Tuscan Water District boundary has been drafted to capture predominantly groundwater-dependent parcels. The DID service area and sphere of influence have been omitted from the Tuscan Water District as well. The Tuscan Water District also includes 1,286 acres of Cal Water, Chico franchise area, and the CSUS "Farm" (631 acres)

### 2. Will the district boundary and sphere of influence be coterminous?

Initially, yes, but the sphere of influence and service area may change in the future dependent on land use needs of adjacent properties.

### 3. Does the proposed district boundary or its sphere of influence overlap with other local agency boundaries or sphere of influence boundaries? Yes, the District boundary (and its



sphere of influence, which would be the same) would overlap with following local agency areas:

- RCRD service area and portion of sphere of influence
- Western Canal Water District sphere of influence
- Durham and Dayton Mutual Water Companies service areas
- A portion of the Cal Water, Chico western franchise area

## Plan for Services / Municipal Service Review

1. **Description of range and level of services to be provided:** The Tuscan Water District is requesting the Butte Local Agency formation Commission be authorized to provide all services afforded to California Water Districts pursuant to Water Code Section 34000 and following. Generally, services will be provided uniformly across all Tuscan Water District lands; however, as projects are determined, specific areas of benefit may be created based upon needs within these areas. Within these benefitting areas, landowners will pay assessments to finance projects undertaken.
2. **When can services feasibly be extended within the District?** As soon as the Tuscan Water District has been formed, the Board of Directors will begin meeting to prepare an operating budget and develop a long-range work plan. Services such as the conveyance of water to lands within the Tuscan Water District will be described in that work plan with a long-range plan for implementation.
3. **Are there needed improvements to structures, roads and sewer or water facilities?** No
4. **Estimated cost of extending the service, a description of how the service will be financed and a projected five- year budget for revenue and expenditures.** A Water Master Plan will be developed for the district which will identify needs by geographic area and financing options to implement the various projects. The financing options will be described in the Facilities Finance Plan which may include district-wide or special area assessment, State Department of Water Resource grants, available State Bond funding. A hypothetical first-year and three to five -year budget is attached based upon both start-up and on-going expenses. The projected revenue stream to support Tuscan Water District operations will be derived from per acre assessments on irrigated lands and on domestic pumpers.
5. **Is retail water service to be provided?** No.
6. **Will the new district share existing property tax revenue collected within district boundaries?** No
7. **List of service providers:**
  - a. Fire: Cal Fire
  - b. Law enforcement: Butte County Sheriff and California Highway Patrol
  - c. Domestic water service: domestic wells
  - d. Sewer and sanitation: none, septic tanks
  - e. Solid waste: Waste management and Ecology
  - f. Road/street maintenance: Butte County
  - g. Power: Pacific Gas and Electric Company
  - h. Planning and Zoning: Butte County

- i. Schools: Chico Unified School District; Durham Unified School District
- j. Miscellaneous: Durham Mosquito Abatement District, Durham Recreation and Park District, Pine Creek Cemetery District.

## Significant Issues

The absence of a special district with the primary mission of water conveyance that covers almost the entire Vina and a portion of the Butte sub-basins will inhibit the County's ability to effectively work with groundwater dependent agricultural groundwater users within the service area of the Tuscan Water District. Creation of the Tuscan Water District over the proposed service area will provide a basin-wide local agency, with elected leadership, that can unite all groundwater users to work with other stakeholders and Butte County to provide a better local approach to evaluate and implement GSP implementation actions and projects to alleviate groundwater depletion—all goals and objectives of the Sustainable Groundwater Management Act (SGMA).

## Intergovernmental Coordination

A Notice of Intent has been circulated to all affected agencies in Butte County notifying each of the proposal, time, place and date of public hearing to adopt the Resolution of Application. Additionally, formal letters, other methods of communication or personal contact have been used as outreach to contact all public and private agencies in the proposed Tuscan Water District service area.

## Conclusion

The formation of the Tuscan Water District is the only practical, reasonable and logical solution to coordinate and manage water in such a large, un-served area. The critical mass of Applicants' lands assembled – 58,120 Applicant acres, over 58% of the land area – is evidence that the Tuscan Water District is wanted, needed, and should be created. If the district formation is approved by the Butte LAFCO, landowner-voters must then ratify the formation at a district-wide election. A majority of those voting, in terms of acreage supporting formation, will determine the fate of the Tuscan Water District. Applicants are confident that the Tuscan Water District will be formed if approved by Butte LAFCO, and Applicants also believe that individuals selected as Directors will be good stewards of land and water with the goal of positive and progressive policies to manage groundwater resources to help to achieve groundwater sustainability for generations to come.

## TUSCAN WATER DISTRICT SIZE AND OTHER FACTS

- GIS Surveyed Boundary Acreage: 102,327 acres
- Applicant Total Acreage: 58,120 acres
- Non-Applicant Total Acreage: 41,894 acres
- Acreage without an APN: 2,313 acres
- Approximate size of District: 160 square miles
- Total Agricultural Acreage in District: 88,951 acres *(Based on CA Dept. of Conservation Farmland Mapping and Monitoring Program, <https://www.conservation.ca.gov/dlrp/fmmp/Pages/Butte.aspx>)*
- Prime Agricultural Land in District: 71,566 acres *(Same as above)*
- Williamson Contract Land in District: 50,316a *(Williamson Enrollee data from Butte County)*
- Domestic well acreage, i.e., parcels with a size of 10.0 acres or less and with a domestic well only: 5,956 acres (5.8% of the proposed District)
- Estimated population of District: 6,463
- Total number of Assessor Parcels in the District: ~3,136
- Butte County Unincorporated Assessed Value: \$8,768,975,574
- District Assessed Value: \$1,459,397,597
- Estimated value of TWD Agricultural Production: \$289,369,469 (2019 B.C. Crop Report)

## AFFECTED AGENCIES

- Rock Creek Reclamation District (RCRD)
  - RCRD Service Area: 4,644 acres; TWD Applicant acreage within Service Area: 3,602 acres (78%)
  - RCRD Sphere of Influence west of Hwy 99: 8,232 acres; TWD Applicant acreage within W SOI: 4,106 acres
  - RCRD Sphere of Influence east of Hwy 99; 10,970 acres; TWD Applicant acreage within E SOI: 275 acres
- Durham Irrigation District (DID)
  - DID Service Area: 506 acres; TWD Applicant acreage within DID Service Area: 0
  - DID Sphere of Influence: 277 acres; TWD Applicant acreage within DID SOI: 0
- Western Canal Water District (WCWD)
  - WCWD Sphere of Influence: 17,923 acres; TWD Applicant acreage within WCWD SOI: 14,157 acres
- Durham Mutual Water Company (DMWC)
  - DMWC Service Area: 3,643 acres; TWD Applicant acreage within DMWC Service Area: 951 acres

- Dayton Mutual Water Company (Dayton)
  - Dayton Service Area: 2,844 acres; TWD Applicant acreage within Dayton Service Area: 2,360 acres
- Cal Water, Chico (CWC)
  - Cal Water Chico Service Area Overlap: 1,286 acres
- CSUC Farm and Foundation Property (CSUC Farm)
  - CSUC Farm Acreage Overlap: 800 acres

*Estimates based upon the best available data at the time of submission of the application.*

## **DISTRICT HYPOTHETICAL BUDGET**

Once formed, the Tuscan Water District (“District”), as prescribed by the Water Code on the date specified, will develop, and adopt a calendar-year budget with estimated expenditures and anticipated revenue for District administration and operation. The District will have the authority to derive necessary funding from various sources. Those sources include: (1) the Sustainable Groundwater Management Act (SGMA); (2) California Water District statutes; (3) Revenue and Taxation codes; (4) assessment law; (5) grants and loans; and (6) bond measures approved by California statewide electorate for water quality, conservation, and programs for new surface and groundwater development for domestic and agricultural uses.

Formation of the District is contingent upon a successful formation election by a majority of holders of interest and, among other things, approval of a revenue proposal capable of funding activities for the District. The action shall also establish a provisional appropriations limit for the first year of operation. Applicants for District formation have agreed to, and are proposing, with approval of District formation, that landowners of the proposed District agree and stipulate to, notwithstanding any other provisions of law (California Water Code, Proposition 218, California Article XIII D/Proposition 13), their consent to the initial Board of Directors levying assessments on all District lands and to authorize Butte County to collect such assessments along with county taxes as follows: Initial assessments will not exceed ten dollars per acre (\$10.00/acre) for all District lands.

### **Proposed District Revenue Structure**

Once formed, the District Board of Directors will adopt an annual budget as described above. They will determine first year priorities for the District including staffing, level of participation in SGMA, and initial projects to be undertaken. The first year is anticipated to be dedicated to development of operating procedures, bylaws, Board organization and other start up activities.

The proposed initial per acre assessment the District Board of Directors may impose on District lands will not exceed ten dollars per acre (\$10.00/acre).

The land use of the parcels within the District includes irrigated farmland, domestic well user residential, range land for cattle and other livestock, and permanent open space in the form of state and federal preserve and habitat. The District Board of Directors will need to weigh the benefit each of these parcels will receive from District services and assess appropriately.

Funding from the initial assessment may also be used to reimburse District proponents for costs of District formation and start-up activities of the District, including involvement in the planning and implementation of the SGMA.

Total year one operating revenue, approximately \$400,000.00 to a maximum of ten dollars per acre (\$10.00/acre) depending on the level of assessment imposed by the District Board of Directors.

Gap financing (operating revenue needed between assessment collection and distribution, and District formation). Potential sources of revenue include, but are not limited to, bank loans; grants; and state water bond money.

**Full Calendar Year, Year 1 Projected Expenditures**

Staffing:

General Manager/District Engineer (salary and benefits)	\$120,000.00
Legal Counsel (under contract/hourly)	\$ 50,000.00
Office Manager (salary and benefits (full-time)	\$ 60,000.00
Contract administrative, computer, tech support	\$ 25,000.00
Rent/office space	\$ 18,000.00
Office furniture (desks, chairs, tables, file cabinets, computers phone lines, and other support material)	<u>\$ 15,000.00</u>
Sub-total	<b>\$288,000.00</b>
Reimbursement for District formation expenses	(TBD)
Contingency (20%)	\$ 57,600.00
General Reserve	<u>\$100,000.00</u>
Total Operating, Contingency and Reserve	<b>\$445,600.00*</b>

*\*Total for Year 1 projected expenditures may increase to account for reimbursement for District formation costs, but will not exceed a maximum of ten dollars per acre (\$10.00/acre).*

### **Long-term Funding Strategies, 2-5 years**

On an ongoing basis, annual assessments, future Proposition 218 property-based assessments, and charges for surface water delivery will be the backbone revenue stream for financing District administration and operations. The initial years after District formation will be dedicated to dealing with SGMA issues and working with Butte County and the Butte County GSAs on sustainability planning and implementation, including project identification and financing for both the importation of surface water and strategic recharge in the most impacted areas of declining groundwater in the District.

A ten dollar per acre (\$10.00/acre) assessment on all groundwater dependent District lands could potentially generate more than \$800,000.00 annually.

The District Board of Directors will develop a short and long-term capital improvement plan for the District service area, as well as financing options and strategies moving forward. Strategies should be consistent with measures and recommendations contained in the Vina sub-basin Groundwater Sustainability Plan (GSP) and/or the Butte sub-basin GSP. Recommended measures may include assessments higher than ten dollars per acre (\$10.00/acre) to purchase and distribute surface water to District lands. Should those measures be considered, all of the studies and processes consistent with Proposition 218 will be followed.

Future budgets for the District will depend on a variety of factors not entirely predictable, such as changes in the local, national, and international markets, demand for certain agricultural products, environmental factors, unpredictable weather (both droughts and excessive rainfall), availability of labor, and so on. The main objective of the District will be to achieve groundwater sustainability within the District boundaries and the Vina sub-basin.

## OTHER KEY ISSUES

**Applicants for the formation of the Tuscan Water District are generational farmers and ranchers. As such, they have a deep respect and appreciation for the importance and value of groundwater to their life and livelihood and to all landowners in the Vina and Butte sub-basins. Groundwater in the Vina and Butte sub-basins has been declining very slowly for many years. It is one of the most valuable resources of Butte County, and its importance is not to be taken for granted. It must be managed wisely and used judiciously.**

There are wet years and dry years, drought years and years when the Sacramento River, Butte Creek and other waterways run over their banks. When there is abundant rainfall, the underlying aquifers are naturally replenished and recharged. During drought years there is drawdown of the aquifer. If there is an alternative water source—surface water to be employed for agricultural and domestic uses—the aquifer may remain stable or may even grow in volume.

One of the many important objectives of proponents for Tuscan Water District formation, in addition to creating a basin-wide California Water District with locally elected representation, is the formation of a local agency to evaluate GSP implementation actions and projects.

### Plan for Domestic Well User Representation

**When the Tuscan Water District is formed, proponents believe it is essential for all landowners (small and large, domestic well users and agricultural production well users) to be afforded the opportunity for representation on the Tuscan Water District board of directors. The interest of each of these groups is linked and intertwined---to preserve and protect groundwater, and to find and import surface water resources to supplement the use of groundwater, to create a balanced and sustainable yield for the Vina and a portion of the Butte sub-basins.**

To that end, applicants of the Tuscan Water District formation are proposing the Butte Local Agency Formation Commission, as a condition of District formation, designate one director seat to be a domestic well pumper seat on the board of directors. For purposes of this plan, domestic well users or pumpers would be defined as landowners on parcels of 10 acres or less where the parcel only has a domestic well. Applicants for the proposed District formation believe one domestic pumper seat is reasonable and appropriate as domestic pumpers represent 5.82% of the acreage of the proposed District service area.

In order to implement the plan for domestic well user representation on the District Board, petitioners request that LAFCO approve the District formation subject to the following condition: “In establishing the 7-member Board of Directors, one director seat shall be reserved for and filled by a qualified director who represents the interests of domestic well users. In order to be qualified to serve in that seat, (1) the candidate must meet the regular director qualifications in Water Code section 34700, (2) the candidate must be the holder of title (as

defined at Water Code section 34026) or be the legal representative (as defined at Water Code section 34030) of the holder of title to a parcel in the District of 10 acres or less, and (3) the parcel must contain a domestic well that serves the buildings, structures, and uses on the parcel. For purposes of Board elections, the domestic well user at-large seat shall be considered a separate office distinct from the other six at-large seats.

The impetus for the formation of the Tuscan Water District has been to create a basin-wide local agency to preserve and protect groundwater for agricultural and domestic use regardless of size of parcel or land use, not only for the current generation of farmers, ranchers and individuals enjoying rural life- styles, but others to follow. Butte County General Plan Land Use policy 1.1 sets forth the county's interest to preserve and protect agriculture, including crop and grazing land. The creation of the District will provide the needed local agency to manage and develop water for both agricultural and rural life-style needs.

If approved, the Tuscan Water District will contain approximately 160 square miles and 102,327 acres. Nearly 90 percent of the land (88,951 acres) in the District is dedicated to agriculture according to the State Department of Conservation Farmland Mapping and Monitoring Program. The District stretches from the Tehama County line to the northern boundary of the Western Canal Water District.

Cortese Knox-Hertzberg, the Local Agency Formation Commission law, Government Code Section 56886 (n), states the Commission has the following conditioning power where proceedings are for the consolidation, or reorganization providing for consolidation, or formation of a new district, to establish (1) the method of selection of members of a legislative body of a district, or (2) the number of those members, or (3), both the method of selection and number of directors.

Acreage from 20 to 160 acres is classified as agricultural with dwelling unit density allowed per Butte County General Plan guidelines. Generally, parcels of the smallest sizes have one domestic well and are classified as "domestic pumpers or well users" by the California Department of Water Resources.

It is difficult to pinpoint the exact number of domestic pumpers in the proposed District as both local and state data bases do not have a precise number for the Tuscan Water District service area. In addition, the District includes land in both the Vina and Butte sub-basins, complicating the domestic well count even more.

There are roughly 3,121 wells in the Vina sub-basin. The smaller parcels in the Tuscan Water District, those 10 acres or less, are concentrated in the Durham, Dayton, and Nord communities, and along the western boundary of the city of Chico. Many of these parcels in the above-recognized communities are very low density ranging from one to three dwelling units per acre, one dwelling unit per 5-10 acres (rural residential), and one dwelling unit per 10-20 acres (larger ranchettes).



If approved, the Tuscan Water District will have seven board of director seats, with one of the seven designated for a domestic pumper. All landowners would vote on all board of director seats in the district formation election as all directors must run “at-large”, district -wide in the initial formation election.

If a district wishes to reorganize the manner in which elections are conducted (i.e. by director division or otherwise) after it has been formed, then the Water Code provides that it can do so as long as such change is made within 140 days of the next general election (Water Code Section 34708). A California Water District board of directors may apply to the board of supervisors of the principal county “to reorganize by division” to establish voting divisions of generally equally size in land area. Options for reorganization of elections for board of directors for the Tuscan Water District could be elections by divisions (i.e. divisions equal to the number of board seats), maintaining elections at-large (as directed by LAFCO), or elections reflecting a combination of divisions and at-large seats (i.e. 4 divisions and 3 at-large seats, or some other combination). Where elections are done by divisions, only landowners within each division would vote on respective nominees for that division’s board seat.

A domestic pumper division could be constructed in such a fashion as to capture a majority of domestic well users around communities of interest, similar in land size and use. The remaining board seats (six if there are a total of seven board seats) could be shaped to either (1) capture the balance of the District land area by division (generally agricultural production well lands) or (2) divide the balance of the District land area into three or four divisions with the remaining three or two board seats selected by at-large voting with all landowners voting.

This proposal will not only provide for initial representation of domestic pumpers on the Tuscan Water District board of directors, but also, after formation, provide for a guaranteed domestic pumper seat as the District moves forward to manage and plan for water development in the District service area.

## Protecting Butte County’s Groundwater

There are some who may question the Tuscan Water District’s “true” intent with respect to importing surface water into the District. Here are the facts:

1. In this Application, TWD proponents have voluntarily proposed to limit the authority of the District as follows: “Notwithstanding the authorization of the California Water Code, [TWD will] not be authorized to acquire, plan, construct, maintain, improve, operate, or keep in repair the necessary works for the production, storage, transmission and distribution of water, unless the exercise of such power is consistent with, or required by, the applicable GSP.”

2. The objective of forming the District is not to supplant groundwater use within the District using imported surface water in order to enable transferring excess groundwater for sale outside of Butte County.
3. If pursued, future projects to implement the GSP would be subject to environmental evaluation under the California Environmental Quality Act (CEQA), along with state and local permitting requirements.
4. Local Groundwater Sustainability Agencies (GSAs), including the Vina GSA and Rock Creek GSA, have considerable authority under the Sustainable Groundwater Management Act to impose any regulation, ordinance, or rule that they deem necessary to implement their respective Groundwater Sustainability Plans.
5. Applicants have stated time and again and memorialized their position in all Formation Application documents that they want to preserve and protect groundwater for the use of all landowners in the sub-basin. Any water imported into the District will remain in the District.
6. Long-standing, recognized water law has litigated the concept of “overlying water rights” and provides: “Any landowner whose land overlies a groundwater basin may extract and use that groundwater, but the use must be reasonable and beneficial. Among overlying users, it does not matter who first developed the groundwater; each has a right in the common supply,” regardless of whether the landowner is a farmer, rancher or domestic pumper. The Applicants view the Tuscan aquifer as a community resource with each landowner sharing in that resource based upon historical use.
7. The courts have established that the regulation of groundwater is within a county’s police power. Butte County Conservation Ordinance, Chapter 33, General Appendix D—Protection of Groundwater Resources prohibits extraction of groundwater for use outside of Butte County without a permit. A permit is also required for groundwater pumping for use on land within the county, in lieu of surface water, if surface water which would otherwise have been used on land is proposed to be transferred outside of the county.
8. The California Water District Law would limit the new District's authority to transfer water out of the District to “surplus water not then necessary for use within the district.” (Water Code § 35425.) Consequently, the District could transfer water outside the area only if it determined that the water was surplus to the needs of those within the District.

The Tuscan Water District board of directors, as proposed, will have broad representation containing both agricultural and domestic pumpers. The board and management will be excellent stewards of the groundwater underlying the District. The board will, both as a measure of conscientiousness and in compliance with Butte County regulation, adhere to all adopted policies and ordinances pertaining to the export of both ground and surface water in Butte County.

## Protecting the Tuscan Aquifer

Concerns have been raised that the Tuscan Water District, once formed, may attempt to “privatize the aquifer” by recharging and replenishing the aquifer with surface water, and in essence, establish a “private water bank” for its exclusive use during dry years. This is not true. Tuscan Water District will be a public agency with publicly elected directors and public oversight. The District will adhere to all of the transparency laws (e.g., Brown Act and Public Records Act) applicable to all public agencies. It will not be a private entity.

Proponents of District formation respect the rights and water needs of all landowners within the sub-basin. One of the objectives of the proponents of District formation as a public agency is to preserve and protect short-term and long-term groundwater needs and availability of for all landowners. Groundwater banking of imported surface water, if done properly, is a benefit to the subbasin and does not take anything away from the landowners who rely on groundwater from the aquifer. The public oversight required of public agencies will ensure that the District will not be run for the benefit of a select few.

The concept of who owns, or the privatization of, the aquifer is being addressed by an ad hoc task force of the Vina Groundwater Sustainability Agency (Vina GSA). Once it has completed its task, it will report findings and recommendations to the Vina GSA for consideration. The concept of privatization of the aquifer is not unique to Butte County, or the state of California. It is a very important issue that is being addressed throughout the state.

The Sustainable Groundwater Management Act of 2014 is, to a large degree, the impetus for the formation of the Tuscan Water District. It establishes regulatory goals and long-term compliance deadlines with enforcement powers delegated to both local government and the state. It reinforces the protection of existing water rights and local control of groundwater supplies, such as the Butte County groundwater ordinance. Proponents of the Tuscan Water District formation support equitable regulation of groundwater within the Vina and Butte sub-basins for the benefit of all landowners. The Tuscan Water District will subscribe to policies and regulations adopted by the Vina GSA and Butte County with respect to groundwater banking and recharge and use of the aquifer.

# CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE

The California Environmental Quality Act (CEQA) requires public agencies to identify significant impacts of their actions on the environment and to avoid, or mitigate them, if feasible. Pursuant to CEQA, an activity that may cause either a direct, or a reasonably foreseeable or indirect physical change in the environment, is generally considered a project. Agencies must comply with CEQA before they approve a project. For activities that do not constitute a project within the meaning of CEQA or for projects determined to be exempt under CEQA, agencies may prepare a Notice of Exemption.

The lead agency, or approving agency, for the Tuscan Water District (District) formation is the Local Agency Formation Commission (LAFCO) of Butte County. The Butte LAFCO will need to make a determination if the formation of the Tuscan Water District, and terms of district formation as approved by LAFCO (which after LAFCO approval will still require majority landowner vote of those landowners voting to ratify the Tuscan Water District formation), will cause a direct or reasonably foreseeable indirect physical change in the environment. As explained below, petitioners have determined that TWD formation is not a project subject to CEQA review, that TWD formation at this time is exempt from CEQA, that detailed CEQA review at this stage would be premature and speculative and would not produce meaningful information, and that CEQA review would be conducted later in the GSP implementation process as and when the newly formed district evaluates and identifies appropriate GSP implementation actions.

## PROJECT LOCATION AND DESCRIPTION

The proposed District is located entirely in the Vina sub-basin and a portion of the Butte sub-basin of the unincorporated area of Butte County. The proposed District consists of 102,327 acres bounded on the north by Tehama County, on the west by Glenn County, the Sacramento River, Big Chico Creek, the M and T Ranch, and Reclamation District 2106, on the south by the Western Canal Water District, and on the east by Highway 99 and the city of Chico corporate boundary and sphere of influence.

The total proposed service area of the District is approximately 160 square miles of agricultural, open space, preserve, agricultural-residential and other residential lands, most of which are dependent on groundwater.

## PUBLIC AGENCY APPROVING THE PROJECT (DISTRICT FORMATION)

The Butte LAFCO is the “lead agency” for the project as it is the local agency with the statutory authority and responsibility for reviewing and approving changes of organization and reorganization. The Butte LAFCO has distributed a Notice of Intent of District formation to “affected agencies”, other stakeholders, and published, posted and provided mailed (e-mail, USPS) notice of hearing on the project.

## REASONS FOR THE PROPOSAL AND GSP STATUS

The proposed District will fill a service void—there is no subbasin-wide local agency or water district in the proposed District service area with the power and authority to plan for and implement programs and projects to implement the GSP to be adopted by the Vina and Rock Creek Reclamation District GSAs and achieve groundwater sustainability in the subbasin. The GSAs are in the process of preparing the GSP. The principal objective in forming TWD is to establish a local agency that will evaluate, determine, fund, implement, and oversee projects and actions to achieve groundwater sustainability under the GSP.

The GSP will include a Projects and Management Actions chapter that will list possible implementing projects and management actions (PMAs) that would help move the subbasin towards its goal of sustainability. The Vina GSA website refers to the PMAs as a “menu of options” for the subbasin to achieve sustainability. (From VINA Subbasin GSP Project and Management Action Submittal Form, available at [https://www.vinagsa.org/files/218cdc7ec/PMA+Submittal+Form+for+Vina+Subbasin+consideration\\_v04-23-2021.pdf](https://www.vinagsa.org/files/218cdc7ec/PMA+Submittal+Form+for+Vina+Subbasin+consideration_v04-23-2021.pdf).) The potential PMAs fall under several categories, including recharge projects; supply augmentation projects; water conservation projects; projects to reduce non-beneficial consumptive use; and, monitoring programs (inter-basin flows, stream-aquifer interactions, groundwater pumping, water levels). A Vina GSA PowerPoint presentation on the subject (available at <https://www.vinagsa.org/groundwater-sustainability-plan-gsp>) includes four slides of PMA examples with over a dozen projects listed.<sup>1</sup> Vina GSA also currently is gathering ideas for potential additional PMAs that could be included in the GSP. Consequently, the final GSP is expected to include a menu of many different PMAs that could be implemented to achieve sustainability.

The varied PMA choices range from water supply projects to recharge projects to water conservation to groundwater regulation. These choices involve a wide array and very different

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<sup>1</sup> The PMA examples are: recharge projects (FloodMAR; recharge basins; field flooding; stormwater recharge (land application); waste water recycling (land application); in-lieu recharge (import surface water supply); injection wells; upper watershed management); demand management projects (incentive based groundwater pumping reduction; agricultural conservation; urban conservation; groundwater pumping allocation (requires metering); groundwater pumping fees above allocation amount; water trading (cap and trade)); demand management projects (well moratorium; land use/zoning ordinances (low impact development; gray water; impervious surfaces; domestic well depths); voluntary land fallowing; non-native vegetation removal); projects to augment stream flows (e.g., environmental water purchase); domestic well mitigation (deepen wells; connect to an existing water purveyor).

types of potential environmental impacts. At this planning stage, neither the GSA nor the TWD petitioners have identified any particular preferred, intended, or proposed PMA.

After the GSP is adopted, and if TWD is formed, the new water district and its governing board would evaluate the GSP and its menu of PMA options and it would proceed to determine, fund, and implement appropriate PMAs to achieve sustainability in consultation with the area residents, landowners, farmers, and other interested parties. Appropriate PMAs would be implemented over a 20-year horizon. TWD would be a local government agency with its own CEQA responsibilities and obligations. Consequently, as TWD identifies any proposed PMA project, it would review the PMA under CEQA before approving the project.

## REASONS FOR THE EXEMPTION

When considering approval of an activity that may result in a change in the environment, LAFCO must undertake a preliminary review to first determine whether the activity is a project subject to CEQA. An activity is not subject to CEQA review if it (1) does not involve the exercise of discretionary powers by a government agency, (2) will not result in a direct or reasonably foreseeable indirect physical change in the environment, or (3) is not a project. (CEQA Guidelines § 15060.) A “project” for purposes of CEQA is an activity (1) that has a potential for resulting in either a direct or reasonably foreseeable indirect physical change in the environment, and (2) that (a) is directly undertaken by LAFCO, (b) is undertaken by a private person but supported in whole or in part through government grant or loan funding, or (c) involves LAFCO issuance of a lease, permit, license, or other entitlement for use. (CEQA Guidelines § 15378.) If LAFCO’s preliminary review concludes that the activity is a project subject to CEQA, LAFCO next should review whether the project is exempt from CEQA. (CEQA Guidelines § 15061.) If LAFCO determines that the activity is a project and is not exempt, then it must prepare an initial study of the project and its potential impacts and, depending upon the results of the initial study, either a negative declaration or mitigated negative declaration or EIR.

A proposal to form a new special district is an activity that triggers a preliminary review under CEQA. *Fullerton Joint Union High School Dist. v. State Bd. of Education* (1982) 32 Cal.3d 779 and *Bozung v. Local Agency Formation Com.* (1975) 13 Cal.3d 263 are California Supreme Court cases holding that some LAFCO actions are subject to CEQA review. However, the facts in these cases are very different from the facts involving TWD formation. In *Fullerton*, the court concluded that the formation of a new school district required CEQA review because the facts indicated that school district formation was a first step toward the construction of a new high school and the movement of students from one school district to another, which were potential environmental effects that the school district needed to evaluate. In *Bozung*, the court ruled that LAFCO approval of an annexation of territory to a city required CEQA review because the annexation was a necessary first step in the planned development of the territory. In reaching this conclusion, the court observed: “[T]he impetus for the Bell Ranch annexation is Kaiser’s desire to subdivide 677 acres of agricultural land, a project apparently destined to go nowhere

in the near future as long as the ranch remains under county jurisdiction. The city's and Kaiser's application to LAFCO shows that this agricultural land is proposed to be used for 'residential, commercial and recreational' purposes. Planning was completed, preliminary conferences with city agencies had progressed 'sufficiently' and development in the near future was anticipated." (13 Cal.3d at 281.)

Unlike the situation in *Fullerton* and *Bozung*, formation of a water district at this stage in the GSP process is not a project subject to CEQA because it is uncertain whether, when, where, and what GSP implementation actions will later be undertaken by TWD (following its formation and consideration and evaluation of the GSP menu of possible implementation actions and projects). Rather, LAFCO approval of TWD formation leaves open the issue of whether, when, where, or what actual physical change affecting the environment may ultimately take place later in the SGMA/GSP process. It therefore would be premature to conduct an environmental analysis at this stage.

A related CEQA consideration involves the proper timing of CEQA review and the need to avoid unhelpful early speculation. "Choosing the precise time for CEQA compliance involves a balancing of competing factors. EIRs and negative declarations should be prepared as early as feasible in the planning process to enable environmental considerations to influence project program and design and yet late enough to provide meaningful information for environmental assessment." (CEQA Guidelines § 15004(b).)

For example, in *Pala Band of Mission Indians v. County of San Diego* (1998) 68 Cal.App.4th 556, the county adopted a countywide waste management plan that included a siting element evaluating 10 proposed landfill sites. In finding that an EIR would be premature and its analysis speculative at the planning stage, the court reasoned, "Because the proposed potential landfill sites identified in the siting element are only 'tentatively reserved,' there is nothing in the administrative record to establish it is reasonably foreseeable at the current planning stage that any of the sites will actually be developed. ... In our view, preparation of an EIR ... at the current planning stage would be premature in that any analysis of potential environmental impacts would be wholly speculative." (*Id.* at 575-576.)

TWD formation is occurring early in the GSP planning process when the potential GSP implementation actions and projects are varied and uncertain. The draft GSP and Vina GSA materials indicate that the plan will include a menu of a wide array of options involving very different project attributes and potential environmental impacts. Preparation of an EIR at this planning stage therefore would be speculative and would not produce meaningful information that would aid LAFCO in deciding whether to form the district. Instead, detailed environmental review should be deferred until later when the GSP has been finished and adopted and GSP implementation projects and actions have been evaluated, identified, and matured into specific proposals.

TWD formation therefore should not be considered as a project subject to CEQA review. The mere formation of a water district under these facts and at this time is not a CEQA project

because the GSP is still in the planning stage, the appropriate GSP actions and projects to be implemented have not yet been identified, evaluated, or determined, and approval of district formation will not result in any reasonably foreseeable change to the environment.

Additionally, there are a few related CEQA exemptions that apply to this situation:

1. Common sense exemption. CEQA does not apply “where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” (CEQA Guidelines § 15061(b)(3).) At the time of TWD formation, there will not be any identifiable environmental changes that are reasonably foreseeable because GSP implementation actions will be evaluated, determined, and implemented at a later stage in the SGMA/GSP process.
2. Organizational activity exemption. Similarly, CEQA defines “project” to exclude “organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.” (CEQA Guidelines § 15378(b)(5).) At this stage and as part of the planning work toward implementing groundwater regulation, LAFCO’s organizational action to create a new water district is exempt because that action at this time will not result in any physical change in the environment.
3. Funding mechanism creation exemption. A principal objective for TWD formation is to create a local agency with the authority to generate local revenue through fees or assessments and fund GSP implementation projects. The creation of a government funding mechanism is not a project. (CEQA Guidelines § 15378(b)(4).)
4. Natural resource protection exemption. LAFCO approval of TWD formation is an action intended to facilitate GSP implementation and achieve groundwater sustainability, which is an action to maintain and restore the groundwater, a natural resource and a matter involving environmental protection. The activity therefore is exempt under CEQA Guidelines sections 15307 and 15308.
5. Planning study exemption. “A project involving only feasibility or planning studies for possible future actions which the agency, board, or commission has not approved, adopted, or funded does not require the preparation of an EIR or negative declaration.” (CEQA Guidelines § 15262.) TWD formation is exempt under this provision because it is a GSP planning-related action that will facilitate future GSP implementation actions that LAFCO, GSA, and TWD have not yet approved, adopted, or funded.
6. SGMA exemption. SGMA contains a special CEQA exemption: “[CEQA] does not apply to the preparation and adoption of plans pursuant to this chapter. Nothing in this part shall be interpreted as exempting from [CEQA] a project that would implement actions taken pursuant to a plan adopted pursuant to this chapter.” (Wat. Code § 10728.6.) This exemption distinguishes between GSP preparation and adoption (exempt) and later GSP implementing projects (not exempt). Petitioners are pursuing TWD formation concurrent with GSA



preparation of the GSP in order for the district to implement the GSP after it is adopted. Petitioners view TWD formation as an organizational activity that is part of GSP preparation and adoption. At this stage, the SGMA/GSP process is in the planning (exempt) phase and TWD formation at this stage similarly should be considered exempt. Conversely, if LAFCO were to treat TWD formation as a CEQA project and undertake detailed environmental review of potential GSP implementation actions, then the environmental analysis essentially would become an analysis of the GSP, which would be inconsistent with the SGMA exemption for GSP adoption.

TWD petitioners therefore recommend that LAFCO determine that district formation is not a project and is exempt from CEQA review at this time and under the present circumstances (which should be memorialized in the LAFCO resolution approving formation) and prepare and file a detailed CEQA notice of exemption explaining and confirming that TWD formation is not a project subject to CEQA review, that the formation is exempt from CEQA, that detailed CEQA review at this planning stage would be premature and speculative and would not provide meaningful information, and that CEQA review would be conducted later in the GSP implementation process as and when TWD identifies appropriate PMAs to be implemented.

## INITIAL STUDY / ENVIRONMENTAL QUESTIONNAIRE

1. Applicant Name: Applicants for the formation of the Tuscan Water District; Chief petitioners--Richard McGowan, Darren Rice, Ed McLaughlin
2. Applicant Address: 30 Independence Circle, #300, Chico, Ca. 95973
3. Project Title: Formation of the Tuscan Water District. Establishment of the Tuscan Water District Sphere of Influence coterminous with District boundary
4. Project Location: Unincorporated area of Butte County within the Vina sub-basin and a portion of the Butte subbasin
5. Name, Address, Telephone Number of Contact Persons Concerning this Project: Richard McGowan, Landowner, 30 independence Court, #300, Chico, Ca. 95973
6. Required Agency Approvals: Butte Local Agency Formation Commission (Butte LAFCO)
7. Project Description: Formation of a California Water District (Water Code Section 34000-38501) to exercise the powers of a California Water District within the proposed district boundaries in the Vina Sub-Basin and a portion of the Butte Sub-Basin
8. Description of Project Area:
  - a. Acreage, Williamson Act Contract Land, Prime Farmland: The Tuscan Water District (“District”) will encompass 102,327 acres in the Vina sub-basin and a portion of the Butte sub-basin. Approximately 6% (six per cent) of the total acreage of the district are parcels less than 10 acres in size. There are agricultural groundwater production wells, municipal wells, and domestic well pumpers within the proposed district. The vast majority of the land area contains agricultural groundwater-irrigated and open space acreage Crops include almonds, walnuts, pistachios, prunes, plums, some row crops and rice. The balance of the land area consists of fallow land, seasonally irrigated pasture, and domestic well users on residential and semi- residential parcels. Domestic well parcels range in size of “a small city-type” residential lot in the Durham, Dayton and Nord communities to 5-to-10-acre rural farms and ranches scattered among District lands. The gross value of agricultural production is \$289,369,469 (2019).
  - b. Topography: Flat to gently rolling hills, elevation decreasing from the eastern District boundary at 198 feet above sea level to the western District boundary at 120 feet above sea level. The project area contains numerous water features: Rock Creek; Butte Creek; Big Chico Creek; Pine Creek; Mud Creek; Angel Slough; Hamlin Slough; Kieffer Slough; Western Canal; and the Sacramento River.
  - c. Major Highways/Railways: Highway 99 and Highway 32; Union Pacific Railroad.

- d. Preserves, Flora and Fauna: Within the project area there are both Federal and State Habitat Preserves. Plants and animals are those typical of orchards, pasture and grasslands, row crops, and amphibians and fish associated with local waterways.
  - e. Proximity to urban clusters or centers: The eastern boundary is coterminous with the Chico corporate boundary and sphere of influence. Within this area, there are many rural residential parcels. The community of Durham, located inside of the Durham Irrigation District, has a significant number of residences and rural residential parcels. Communities of Dayton Nord also have residences and rural residential properties.
  - f. Cultural and Historic Resources: There are no cultural or historic resources that project applicants are aware of, other than historic farms and communities.
  - g. Existing Structures and Uses of Structures: Residences scattered throughout the project area as well as barns, sheds, and equipment storage areas for farming and ranching machinery and equipment.
9. Describe Surrounding Properties: The project area consists of approximately 102,327 acres which equate to nearly 160 square miles ranging from the Tehama County line on the north, to the Glenn County line on the west, to the city of Chico’s western boundary on the east, to Western Canal Water District’s northern boundary on the south. Much of the adjacent Glenn County area is agricultural, predominantly rice. Tehama County to the north contains orchards, rice, and pasture lands. The surrounding areas are both similar and different to the project area. There are orchards, pasture lands and open space, seasonally flooded fields for rice, and urban development within the City of Chico.
10. Change in Existing Features of Any Waterway, Hills, Or Substantial Alteration of Ground Contours: No, not as a result of District formation.
11. Change in Scenic Views or Vistas from Existing Residential Areas or Public Lands or Roads: No, not as a result of District formation.
12. Change in Pattern, Scale or Character of General Area of The Project Area: No, not as a result of District formation.
13. Generation of Significant Amounts of Litter, Waste: No, not as a result of District formation.
14. Change in Dust, Ash or Smoke, Fumes, or Odors in the Vicinity: No, not as a result of District formation.
15. Change in Lake, Stream, Groundwater Quality or Quantity, or Alteration of Existing Drainage Patterns. No, not a result of District formation.

16. Substantial Change in Noise or Vibration Levels in The Vicinity: No, not as a result of District formation
17. Site of Filled Land or Slope Of 10 percent Or More: No
18. Use or Disposal of Potentially Hazardous Materials, Toxic Substances, Flammable Materials or Explosives: No
19. Substantial Change in Demand for Municipal Services: No, no new municipal services are required.
20. Substantial Increase in Fossil Fuel Consumption: No, not as a result of District formation.
21. Relationship to A Larger Project or Projects: No, not as a result of District formation. Any future projects undertaken by the District alone or in partnership with others will be subject to further environmental review under CEQA.
22. Potential to Have A Growth-inducing Impact on Population or Economic Growth: No, not as result of District formation.
23. Reduction in Acreage of Any Agricultural Crop: No, not as a result of District formation. Farming and ranching practices may change over time due to market conditions, drought, or other factors.
24. Loss of Open Space Resources or Potential Impact on Adjacent Resources: No, not as a result of District formation.

## CRITICAL PATH ANALYSIS & HISTORY

**2014-15:** Sustainable Groundwater Management Act (SGMA) passed by the California State Legislature and Implementing legislation incorporated into the Public Resources Code regarding Groundwater Sustainability Agencies (GSAs) and Groundwater Sustainability Plans (GSPs)

**2015-16:** Butte County, potential agencies that can elect to become GSA's along with farmers, ranchers and domestic pumpers begin to meet to address the requirements of SGMA. Groundwater dependent farmers and ranchers (groundwater pumpers) in the Vina and a portion of the Butte sub-basin, in what SGMA defines as "white areas", those areas un-served by a local agency that can elect to become a GSA, begin meeting with Butte County staff to determine the best path forward to plan for reaching a sustainable yield of groundwater by the following State mandated deadlines:

- June 30, 2017 Local groundwater sustainability agencies (GSAs) must be formed
- January 22, 2020, GSPs must be completed in all other high- and medium priority basins not currently in overdraft
- January 31, 2020, Groundwater sustainability plans (GSPs) must be completed for basins in a critical condition of overdraft
- Twenty years after the adoption of the GSP (2040 or 2042)—all high and medium priority basins must achieve sustainability

**2017-18:** Formal organization to achieve the path forward, include:

- Step 1: Formal organization of the Agricultural Groundwater Users of Butte County (AGUBC) as a 501C (6), non-profit Agricultural Association to have formal standing and a voice in the SGMA discussion
- Step 2: Formal recognition of the AGUBC by the Butte County Board of Supervisors in a Memorandum of Understanding pledging mutual cooperation and assistance to achieve common goals
- Step 3: Groundwater pumpers request and receive representation in the governance structure on the Vina sub-basin JPA board with the appointment of one of their membership to the agricultural stakeholder seat
- Step 4: Voluntary funding is solicited from AGUBC membership as "seed money" to hire Counsel and Consultants to investigate and analyze if any existing public agency in the sub-basin can meet groundwater pumper needs on a basin-wide basis. They would also work with Butte County and the Butte County GSA's to plan for and have the power to import and deliver surface water within the Vina sub-basin to achieve sustainability by the target goals
- Step 5: Consultants and Counsel are retained to analyze existing Vina sub-basin local agencies with the ability to deliver surface water to determine if any, or a combination of agencies, can provide the level, range and basin-wide services and representation to meet groundwater pumper needs and work collaboratively with Butte County. The conclusion, no such agency exists and the best option for moving forward, is the

formation of a California Water District, which is a landowner-based special district to serve as much of the Vina sub-basin (and parts of the Butte basin) as possible

- Step 6: Meetings continue to occur with Butte County, and County staff agrees the formation of a California Water District, on a broad land base, could provide the necessary local agency, that would not only provide representation for groundwater pumpers, but could have the power to import surface water to the proposed district service area. This will help to achieve a sustainable yield of groundwater in the sub-basin
- Step 7: The Board of Supervisors considers the recommendation to take the lead in the formation of the Tuscan Water District
- Mid 2019: Landowners decide to move forward with the Tuscan Water District with landowner petition, rather than the County initiating the process. This avenue allows applicants to better control the application by proposing terms, conditions, boundaries, revenue strategies, etc. consistent with their need and plans for future district management and operation
- December 2019: Petition drive is initiated with landowners in the proposed District service area, and within 90 days, 75 landowners, representing 56,429.89 acres have signed petitions requesting formation of the Tuscan Water District
- May 2020: Petition #1 initially deemed to be sufficient by LAFCO Executive Officer
- July 2020: Petition challenged on the grounds that signatures do not reflect status of owners
- July 2020: Applicants voluntarily agree to withdraw petition and recirculate
- February 2021: Applicants recirculate petition and submit Petition #2 for certification
- April 2021: Butte County LAFCO Executive Officer certifies petition #2 as sufficient
- June 2021: District Formation Application is submitted

LAFCO Actions following submittal of completed formal Application and tentative timeline:

- June – September 2021:
  - LAFCO Executive Officer review of formal Application and deems completed or incomplete. Executive Officer may require additional clarification and/or additional information.
  - Executive Officer prepares Analysis of the proposal with recommendation to approve with or without condition or modification, the proposed formation of the new district.
  - Initial notice of public hearing before the Local Agency Formation Commission.
- Tentative hearing dates may occur between October and December 2021.
- If approved by Butte LAFCO, the Executive Officer will forward to the Butte County Board of Supervisors, January-March 2022, a resolution approving formation of the Tuscan Water District, including terms and conditions of the formation, and request the Board of Supervisors to direct the Butte County Clerk to set a date for landowner election on the formation of the Tuscan Water District

- Election Process (mail ballot/mail ballot in-person election) and timing determined by Butte County in accordance with California Government, Water and Elections Codes.
- If district formation is approved by landowner voters, the District Board will be sworn in and the District will become fully operational once all of the required notifications and filings are made with required local agencies.

# IMPACT OF AGRICULTURE WITHIN THE TUSCAN WATER DISTRICT ON THE LOCAL ECONOMY

The Vina and Butte subbasins, because of the location of the Tuscan Water District service area which includes most of the subbasin, contributes significantly to the local economy of Butte County, certainly the cities of Chico, Gridley and Oroville. Within the proposed 160 square mile California Water District lies the heart of the agricultural economy of Butte County. Based upon 2019 data from the “Butte County 2019 Crop Report” prepared by the Butte County Department of Agriculture and Weights and Measures, important crops within the proposed District contributing to the local economy include:

Commodity 2019	County Acres	TWD Acres	% Acres in TWD	Petitioner Acres	Petitioners % of TWD	Countywide \$ Value 2019	TWD \$ Share	TWD % Value
Almond	38,940.76	33,612.28	86%	20,468.77	61%	140,698,904	121,446,293	86%
Field Crop	4,417.91	2,525.95	57%	1,421.73	56%	7,650,345	4,374,102	57%
Grape	143.38	2.98	2%	0.00	0%	0	0	#DIV/0!
Organic	7,853.52	833.94	11%	200.33	24%	30,145,653	3,201,070	11%
Other*	32,160.16	3,717.02	12%	1,438.99	39%	1,950,000	225,378	12%
Peach	1,512.27	8.98	1%	0.00	0%	10,995,831	65,294	1%
Pecan**	201.81	139.48	69%	113.79	82%	5,513,640	3,810,725	69%
Pistachio	911.96	727.22	80%	602.08	83%	3,096,600	2,469,307	80%
Prune	8,414.51	3,817.26	45%	2,575.96	67%	24,850,000	11,273,254	45%
Rice	99,719.72	8,624.70	9%	6,772.52	79%	166,060,830	14,362,504	9%
Row Crop***	2,077.68	379.24	18%	109.73	29%	1,723,471	314,586	18%
Walnut	53,859.53	32,132.30	60%	18,782.85	58%	214,261,031	127,826,955	60%
<b>TOTAL</b>	<b>250,213.21</b>	<b>86,521.35</b>	<b>35%</b>	<b>52,486.75</b>	<b>61%</b>	<b>606,946,305</b>	<b>289,369,469</b>	<b>48%</b>

\*I used "Pasture, Other" category \$ value, crop report p10 for this, since crop permit shapefile said uncultivated land, etc

\*\*I used fruit and nut crops miscellaneous \$ Value for Pecans p 9 of Crop report

\*\*\* I used the "Vegetable" \$ Value for row crops p.11 of crop report

Pink areas in dollar value are the products explicitly valued in the Crop report that correlated with the GIS shapefile.  
 Value totals don't match the crop report because the GIS shapefile does not have specifics about other crops, including rangeland and many miscellaneous crops.

The multiplier effect of the value of the crops noted above is roughly 2.0 times the direct value of crops produced through indirect and induced impacts. The indirect and induced effect of the crops includes: wages for farm workers and domestic help, money to pay for doctors, dentists, attorneys, accountants, bookkeepers, and other professionals and non-professionals; dollars spent within the local communities for food and clothing, automobiles and trucks and farm equipment and products.

Butte County also benefits from property taxes generated, sales taxes generated on local spending, gasoline taxes for road maintenance and repair.



## FREQUENTLY ASKED QUESTIONS

### Why is the Tuscan Water District being proposed?

There is no basin-wide water district in the Vina and a portion of the Butte sub-basins providing a range of water services, including acting as a water purveyor with the power of recharge, the ability to plan for and implement projects to help the sub-basin achieve sustainability, or working in concert with Butte County and Butte County Groundwater Sustainability Agencies (GSAs) to develop a Groundwater Sustainability Plan (GSP) for the “white” or un-served areas of these two subbasins.

There are also no other local agencies providing basin-wide surface water delivery and recharge, and local basin-wide representation, or planning for and implementing water projects on a basin-wide basis.

The proposed Tuscan Water District would fill these voids.

### What is the process to form the Tuscan Water District?

The process to form any special district in California is a long, complicated and expensive process. Landowner voter districts are particularly difficult to form as a majority of holders of interest (50 percent plus one acre) need to both initiate the process by landowner petition, if no affected agency is willing to do so by resolution, and, if approved by the local LAFCO, vote to approve the formation of the district by majority of holders of interest voting on district formation.

The steps to form the Tuscan Water District generally require:

- (1) Initiation by landowner-voter petition or resolution of application.
- (2) Preparation of a metes and bounds legal description and accompanying map.
- (3) Submitting a completed Application Packet, which, in addition to the above noted initiating document, includes a map and legal description approved by the State Board of Equalization, a Plan of Services, hypothetical first and three to five year revenue and expenditure data based upon the Plan of Services, Proposal Justification, and appropriate environmental analysis.
- (4) Acceptance of the required documents by the local LAFCO Executive Officer, triggering a timeline for his/her review and preparation of a report and recommendation on the need, advisability, and financial feasibility of the proposed district.
- (5) LAFCO may then, by majority vote, approve with or without conditions or modifications the formation of the district subject to both protest hearing and landowner-voter election, or disapproval of the proposal.
- (6) This entire LAFCO review, hearing and election process can potentially take 12-18 months to complete, with this time adding on to the “front end” of the process

## Are there any issues that may be addressed as “Conditions of District Formation?”

Yes. The following issues can be addressed by LAFCO imposing conditions to Tuscan Water District’s formation:

- **Representation:** number of directors; organization by division (creating divisions of nearly equal size) and/or at-large board seats following provisions in the California Water District law prior to a general election of directors.
- **Landowner vote:** a successful vote of affected landowners pursuant to the California Water Code and simultaneous approval of a revenue proposal capable of funding initial activities of the district. The action may also establish a provisional appropriations limit based upon anticipated revenue of the district.
- **Surface water delivery:** at the time the Vina Groundwater Sustainability Agency (GSA) establishes a Groundwater Sustainability Plan (GSP), Tuscan Water District will act in a manner consistent with the GSP and its goals in reaching sustainability, including importing and making available surface water to agricultural and rural residential properties to recharge the aquifer and supplement groundwater use in the Vina and a portion of the Butte sub-basins.
- **Assessment of district lands:** in voting for district formation and selecting directors, landowners will also be asked to approve a district-wide assessment not to exceed \$10 per acre for initial district setup, including administration and operation, possibly recouping district formation expenses, and initial participation in the Vina GSA to begin to achieve sustainability within district boundaries. After district formation, future assessments will be subject to Proposition 218 requirements, as applicable, including Engineer’s Report, Capital Improvement Needs Assessment, Facilities Financing Plan, and appropriate environmental review and approval of landowners.

## Are there any surface water supplies potentially available to Tuscan Water District?

Yes. These include: Table A Settlement Contract Water (terms of use), Paradise Irrigation District (Camp Fire excess water), Sacramento River and Butte Creek water, Excess Water from other Local Purveyors.

## Why is formation of the Tuscan Water District important for Butte County?

The Vina and a portion of the Butte sub-basins have experienced overdraft. The County began monitoring the overdraft over 20 years ago. The proposed Tuscan Water District service area is not served by a basin-wide water purveyor capable of working with Butte County and the local GSAs to plan for and achieve sustainable water use. If the district is not formed, the problem becomes the County’s and the GSAs’ to solve.

## What is Tuscan Water District’s economic impact to the Butte County economy?

Many proponents of the Tuscan Water District formation contribute significantly to the local economy not only in terms of value of crops produced, but in terms of property and sales tax generated by the value of their lands as well as their spending in the community. The 2017 value of 5 key crops produced in the proposed Tuscan Water District service area was estimated to be approximately \$290,000,000. The economic impact of those crops is not a single factor.

In addition to direct impacts, there are indirect and induced impacts as well. For example, every \$10,000,000 of tree nut production results in the following impacts to Butte County:

- Total industry output (excluding income) of approximately \$15.4 million, and
- Income of \$6.1 million (employee compensation and proprietor’s income).

These total an annual output of \$21.5 million and 132 total jobs generated.

The 2018 assessed value of Tuscan Water District lands has been estimated to be \$1.4 billion, which translates into significant revenue to support Butte County government and other local services.

## What are the key differences between California Water Districts, Irrigation Districts, Reclamation Districts, Mutual Water Companies, Investor-Owned Utilities, and Groundwater Sustainability Agencies?

Currently, there are over 300 California Water Districts in the state. Typically, water districts have been formed in agricultural areas needing irrigation water for several reasons: they can develop and import surface water for irrigation; they are landowner-voter districts meaning landowner-voters, not registered voters, form, manage and operate the districts; and the landowner-voters have the ability to assess district lands with landowner approval. Water districts may have 5 to 11 directors, elected “at large” and/or by “division.” Water districts have experienced a resurgence in interest since 2014 when SGMA was enacted because of their organization, powers, purpose, and authority. California Water Districts are formed and operated pursuant to Water Code Section 34000 and following, codified in 1951.

Irrigation Districts are also independent, special districts and are formed under Water Code Section 20500. Their primary purpose is also water purveyance, but they also have other powers as well.

Mutual Water Companies are formed by landowners but are not “public” agencies. They are private, not for profit companies organized under Corporations Code Section 14300. They have the power to provide water for both domestic and agricultural uses. Historically, they have been formed in areas without public water systems in place. The Board of Directors are locally selected landowners; however, there is no political accountability or local public (County, City or LAFCO) oversight. The Department of Corporations and Division of Drinking Water of the

State of California have the only significant role in Mutual Water Company oversight and regulation.

Investor owned Utilities in California are for-profit corporations regulated by the California Public Utility Commission (PUC). Typically, they provide municipal and industrial water service and natural gas in franchise areas approved by the California PUC. The two Investor Owned Utilities providing service in Butte County are California Water Service Company (Cal Water, Chico) and Pacific Gas and Electric Company (PGE). Rate setting, utility charges, and service area expansion are not subject to local oversight. Cal Water, Chico has come under criticism in the past in the Oroville and Chico areas; likewise, PGE is under scrutiny and currently involved in lawsuits and facing possible insolvency because of wildland fires in California.

Reclamation Districts are normally formed by landowners in territory subject to seasonal or regular inundation of water due to creek and river flooding and/or to provide agricultural drainage services both in agricultural and urban areas. The primary purpose of a reclamation district is to reclaim and protect property by managing the watershed with the construction of levees, dams and other facilities to protect property. They are formed and regulated under Water Code Section 50000. Authorized powers include local control and drainage, building levees, canals and dams, and water purveyance.

Groundwater Sustainability Agencies (GSAs) are public agencies required as part of SGMA. Any local public agency that has water supply, water management, or land use responsibilities, and overlies a groundwater basin may become a GSA (Water Code Sections 10721(n) and 10723(a).) This includes cities, counties and some special districts which may elect to become a GSA. The authority of a GSA is focused on providing a framework to develop a Groundwater Sustainability Plan (GSP) which will help to attain sustainability in the basin or sub-basin which it applies to, not necessarily purvey water.

**Why should the Tuscan Water District cover the entire “White Area” or un-served area of the Vina and Butte sub-basins including domestic pumper, RCRD, WCWD SOI, Durham and Dayton MWCs, and Cal Water acreage?**

If areas are removed from the proposed Tuscan Water District service area, those areas will be unable to participate in the benefits the district will bring to district lands such as local public agency control and oversight, surface water availability and strategic recharge in needed areas, as well as a formal voice in SGMA discussions. Those responsibilities will fall to the County, except in Rock Creek.

However, there is one other important reason why Tuscan Water District should cover Rock Creek -- it does not provide water service and would need to petition the Butte LAFCO for the power, provide a plan of services and figure out adequate financing to deliver water to district lands. More importantly, a majority of landowners in the Rock Creek service area (81%), and sphere of influence for Rock Creek west of highway 99 (50%), have signed the petitions in

support of the Tuscan Water District formation and want the benefit of local representation and the services that could be offered. With respect to the Western Canal sphere of influence, a majority of landowners (79%) within that sphere of influence have signed petitions to be in the Tuscan Water District service area. In addition, as of the date of filing the application for the Tuscan Water District formation, Western Canal has chosen not to annex these lands to provide opportunities to bring surface water to this area as it has for other territories within the Western Canal Water District.

**Does the overlay of the Tuscan Water District affect the sovereignty, purpose, current service authority, or assessment ability of any of these agencies?**

No. Rock Creek and Western Canal will continue to carry on as they have since the day they were approved for formation.

Rock Creek directors will continue to set flood control and reclamation policy, assess district lands and function as a GSA within the district service area. Moreover, the overlay of the Tuscan Water District of the Rock Creek sphere of influence will not prevent Rock Creek from annexing the area for reclamation purposes.

Western Canal will continue to exercise all power and authority within its service area. With respect to the sphere of influence, it has no power to provide service in this area unless the area is annexed to the district. A sphere of influence is simply a future possible service area based upon landowner or resident desire, need and capability of the local agency to provide such service. Mutual Water Companies are not public agencies and the overlay of the Tuscan Water District will not affect their ability to provide water to their shareholders. They must maintain their corporate status and be in good standing with the Secretary of State with appropriate annual filings and current with the IRS and FTB to stay in business. With respect to the overlay of the Tuscan Water District and the portion of the Cal Water, Chico, no water service is provided by Cal Water, Chico in this area as the land is groundwater dependent. The overlay of local government is not out of the ordinary. In fact, it is the norm when those agencies are formed for and provide different services. Cities overlay portions of special districts, and special districts overlay cities. Large special districts may overlay counties or multiple counties. In rural and urban areas, special districts are stacked one upon the other. In rural areas, one might find volunteer fire districts, a park district, cemetery district, reclamation district, and resource conservation district sharing all or part of the same service area.

## **APPENDIX**

LAFCO Exhibit 1 – Certified copies of the Resolution of Application or Petition for Change of Organization – submitted separately

LAFCO Exhibit 2a - Vicinity Map – see Project Maps above

LAFCO Exhibit 2B - Exterior Boundary Map – see Project Maps above

LAFCO Exhibit 2c - Project Applicant Acreage Map – see Project Maps above

LAFCO Exhibit 3a – Legal Description – submitted separately

## LAFCO Exhibit 3b – Metes & Bounds Description

Methods and Reasoning Statement for the Proponents of the Proposed Tuscan Water District Boundary Legal Description and Boundary Map Exhibit

Prepared 04/28/2021 by Lester E. Carter Jr., PLS No. 6148

Cell: 805-503-3632

Email: [lester.carter@psomas.com](mailto:lester.carter@psomas.com)

Due to the unique nature of the subject metes and bounds description that I have prepared to comply with the State Board of Equalization requirements, the following narrative is provided to serve as the "Methods and Reasoning Statement" for the procedures applied in the development of the Legal Description and Boundary Map Exhibit for the Proponents of the Proposed Tuscan Water District Boundary:

The basis of bearings for the legal description is: "The geo-referenced cadastral landbase as registered to record 'ties and calls' to the Public Land Survey System (PLSS), Caltrans Right-of-Way (ROW), existing adjacent district boundaries, Record Maps, Grant Deeds and existing improvements and lines of occupation where no other record information was available to plot the subject boundary". The referencing ties and callouts made therein to the PLSS, Caltrans ROW, Record Maps and Deed Corners are clearly noted in the full metes and bounds description.

The record geometry for the Proposed Tuscan Water District Boundary ("Bearing, Distances and curve data where applicable") was based on the PLSS Survey, Caltrans ROW, Record Maps and Deeds was constrained to the PLSS Township line on the North, the westerly Caltrans Highway 99 ROW on the East and the northerly boundary of the Canal Water Districts existing boundary on the south. The geometry of the interior boundaries was also created from similar record information and geo-referenced to existing improvements and lines of occupation such as existing roadways, streets, water boundaries and historical fence lines.

The legal description and the attached Exhibit B Drawing are based primarily on the available land records and ground evidence observed from available aerial ortho imagery. No field surveying was performed. The legal description and attached Exhibit A do not represent a Record of Survey as defined in Section 8762 of the California Business and Professions Code ("Land Surveyors Act"). All distances described in the subject legal description are ground distances in U.S. Survey Feet and decimals thereof. The Caltrans Right of Way Maps, other Record Maps and Deeds referenced herein using other measurement units, such as the Caltrans ROW Maps in metric units and deed descriptions described in "chains", were converted to U.S. Survey Feet.

End – "Methods and Reasoning" Statement

  
 Lester E. Carter Jr., CA. LS No 6148

4/28/2021  
 Date



LAFCO Exhibit 4 – Copies of the complete Environmental Documentation – see CEQA Section

LAFCO Exhibit 5 – Tax Exchange Agreement – not applicable

LAFCO Exhibit 6 – List of all affected property owners – submitted separately

LAFCO Exhibit 7 – Public Notice requirements mailing list – submitted separately

LAFCO Exhibit 8 – Letters of Support – Attached below and at [www.tuscanwaterdistrict.com/support](http://www.tuscanwaterdistrict.com/support)





## **SUPPORT FOR TUSCAN WATER DISTRICT**

**More than 75 local family farms have supported formation of the Tuscan Water District through a financial contribution and by signing the initial LAFCO landowner petition. In addition, the following organizations and individuals have provided letters of support.**

**California Farm Bureau Federation  
Butte County Farm Bureau  
Congressman Doug LaMalfa  
Assemblyman James Gallagher  
Rock Creek Reclamation District  
Durham Irrigation District  
Western Canal Water District  
Richvale Irrigation District  
Paradise Irrigation District  
Monroeville Water District  
Northern California Water Association  
Family Water Alliance**

**M&T Ranch  
C.F. Koehnen & Sons, Inc  
Sanders Family Trust  
Dog Creek Cellars  
Carrier Farms  
Ginochio Associates  
A&G Orchards  
Hengst Orchards, Inc  
Almont Orchards, Inc  
Willadsen Orchards, Inc  
Parsly Farms  
C&C Ranches  
Merlo Farms  
Slightom Orchards  
2DSD LLC  
S&S Enterprises  
Meline Orchards  
Fortier & Sons, Inc  
Sohnrey and Son Family Farms  
Amator Orchards  
Rice & Sons, Inc  
Lyle Livingston**

*(Partial List)*



# CALIFORNIA FARM BUREAU FEDERATION

2600 RIVER PLAZA DRIVE, SACRAMENTO, CA 95833-3377 · PHONE (916) 561-5520 · FAX (916) 561-5690

4/06/2020

To Whom It May Concern:

The California Farm Bureau Federation (CFBF) works to protect family farms and ranches on behalf of nearly 34,000 members statewide and as part of a nationwide network of nearly 5.6 million Farm Bureau members. I am writing this letter on behalf of the members we represent in Butte County. CFBF strongly supports their efforts in the formation of the Tuscan Water District. The formation of the Tuscan Water District would strengthen and better allow groundwater pumpers in Butte County a more organized pathway to groundwater sustainability and management.

In 2014, the Sustainable Groundwater Management Act (SGMA) was signed into law, with a framework for the management and use of groundwater without causing undesirable results on groundwater basins. To accomplish this, SGMA outlined a path by which local jurisdictions would create Sustainable Groundwater Management Plans, that would be approved by the State, and implemented and managed through means including development of local infrastructure.

The Tuscan Water District, a California Water District when approved, would be comprised of 95,000 acres from the Tehama County line south to the northern border of the Western Canal Water District in the Durham area.

Upon signing SGMA into law, Governor Brown stated that “groundwater management in California is best accomplished locally.” Unfortunately, unlike the many surface water districts who already have well run local governance, agricultural and domestic groundwater users in many outlying areas were not in a legal position to represent themselves as an organized body to achieve SGMA compliance. As a result, many California groundwater users were left to be represented by the SGMA-defined catchall, the County. Many county governments, however, themselves lack, not only financial resources and institutional structures to effectively managed groundwater, but also the direct interest and motivation of affected pumpers and private landowners to devise tailored solutions to the needs of a targeted portion of a basin. The formation of the Tuscan Water District will ensure that groundwater users are at the table and part of the discussion and decision-making process for Butte County’s groundwater future, and that they are also able to act nimbly and efficiently in pursuing the best possible management options for their own uniquely local challenges.

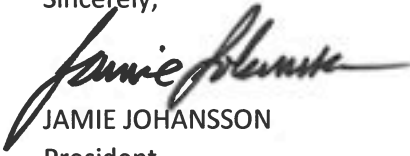
The Tuscan Water District would be governed by a Board of Directors, all of whom will be landowners and/or landowner representatives from within the district’s boundary. All landowners will have an opportunity to participate in the governance process – small and large landowners, domestic and agricultural pumpers. Moreover, as SGMA requires, the District would coordinate closely with all other portions of the larger basin of which they are a part, to comply with the law and achieve the basin’s long-term sustainability goals.

The new district would directly serve users and residents of the area, to whom it would be directly accountable. The district would remain engaged with the County of Butte and undergo the county’s local

LAFCO process as part of its formation. As a GSA, the new district would enjoy the legal powers and privileges of other districts, including the ability to acquire water, to contract, to apply for and obtain water rights, to issue regulations, to assess fees, to require reporting and monitoring, to operate systems, and to finance and incur debt in connection with the local infrastructure needs of the area—all necessary tools in the toolkit of any local area to effectively meet the challenge of long-term, sustainable management under SGMA.

For all these reasons, consistent with SGMA’s strong affirmation of responsible local management, the California Farm Bureau Federation extends its full support in favor the proposed Tuscan Water District formation.

Sincerely,

A handwritten signature in black ink, appearing to read "Jamie Johansson", with a long horizontal flourish extending to the right.

JAMIE JOHANSSON  
President



March 31, 2020

RE: Support for the formation of the Tuscan Water District

To whom it may concern:

The Butte County Farm Bureau recommends, without reservation, the formation of the Tuscan Water District to allow groundwater pumpers in Butte County an organized pathway to groundwater sustainability and management.

In 2014, the Sustainable Groundwater Management Act (SGMA) was signed into law, with a framework for the management and use of groundwater without causing undesirable results on groundwater basins. To accomplish this, SGMA outlined a path by which local jurisdictions would create Sustainable Groundwater Management Plans, that would be approved by the State, and implemented and managed by local infrastructure.

The Tuscan Water District, a California Water District when approved, would be comprised of 95,000 acres from the Tehama County line south to the northern border of the Western Canal Water District in the Durham area.

Why do we need the Tuscan Water District? There is currently no water district in the Vina basin that can manage the area it covers in its entirety. A district is necessary to oversee and maintain groundwater resources, provide representation of the landowners and coordinate water services such as future infrastructure projects to move surface water into the basin.

Opponents would argue that Butte County is better suited to fulfill the basin oversight role. The County has already noted that they are not interested in water delivery to the basin area to support recharge. While a plan for sustainability has not been finalized, allowing Butte County to oversee the basin management will almost certainly limit opportunities for recharge which is a priority solution option in seeking basin sustainability.

The Tuscan Water District would be governed by a Board of Directors, all of whom will be landowners and/or landowner representatives from within the district's boundary. All landowners will have an opportunity to participate in the governance process – small and large landowners, domestic and agricultural pumpers.

Governor Brown boasted when he signed SGMA into law that “groundwater management in California is best accomplished locally.” Unfortunately for a county like Butte, our agricultural and domestic groundwater users, whom would be most impacted by SGMA, were not in a legal position to represent themselves as an organized body, like the many surface water districts who already have well run local governance. The groundwater users were left to be represented by the SGMA defined catchall, the County. The Tuscan Water District will ensure that groundwater users are at the table and part of the discussion and decision-making process for Butte County’s groundwater future.

We have heard from Butte County’s groundwater users, many of whom are our Butte County Farm Bureau members, and the overwhelming message from these landowners is they want the Tuscan Water District to be their representative. That is why the Butte County Farm Bureau offers this letter of endorsement, with unanimous support from the Board of Directors of our 103-year-old organization.

The agricultural economy is the backbone of Butte County’s economy. As we have done for well over 200 years, and quite successfully, agriculture looks forward to the continued conscientious use of our natural resources, the ability to protect our local landscape, ensure jobs for North State residents and continue to raise generations of our families in Butte County. The Tuscan Water District will meet the need for local oversight and ensure that the users of the groundwater resource have the ability to be part of the solution making process.

Respectfully,

A handwritten signature in black ink, appearing to read 'Lee Heringer', written over a light blue horizontal line.

Lee Heringer  
President

DOUG LAMALFA  
1st DISTRICT, CALIFORNIA  
COMMITTEE ON AGRICULTURE  
COMMITTEE ON  
TRANSPORTATION AND INFRASTRUCTURE

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-0501**

May 5, 2021

Steven Lucas, Executive Officer  
Local Agency Formation Commission  
1453 Downer St., Ste. C  
Oroville, CA 95966

WASHINGTON OFFICE:  
322 CANNON HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
TEL: (202) 225-3076  
FAX: (202) 226-0852

CHICO DISTRICT OFFICE:  
120 INDEPENDENCE CIRCLE  
SUITE B  
CHICO, CA 95973  
TEL: (530) 343-1000  
FAX: (530) 343-0240

REDDING DISTRICT OFFICE:  
2895 CHURN CREEK ROAD  
SUITE C  
REDDING, CA 96002  
TEL: (530) 223-5898  
FAX: (530) 223-5897

AUBURN DISTRICT OFFICE:  
2399 ROCKENBACH WAY  
AUBURN, CA, 95602  
TEL: (530) 878-5035  
FAX: (530) 878-5037

<http://lamalfa.house.gov>

Re: Tuscan Water District

Dear Mr. Lucas:

California is facing huge problems due to the past and current drought conditions. Lack of water is having major impacts, including an earlier fire season, but also real shortages for agricultural operations. Our North State farms provide food to the world, employment for thousands of families and habitat for countless animals. The lack of water will have devastating impacts on our way of life and economy. Now, more than ever, it is so important we effectively manage our surface and groundwater resources. It is vitally necessary we manage this precious resource by building more water storage, providing conveyance methods from these storage facilities and managing our surface and groundwater while taking into consideration the entire region.

Water districts are an effective means to properly manage these resources by providing representation and the resources required to effectively manage the surface and groundwater in their perspective district. The inter-coordination with other adjacent water districts is also key to a successful and sustainable plan. The Tuscan Water District, a California Water District when approved, would act as an effective tool to provide the necessary representation for currently over 57,000 acres of agriculture land as well as many domestic water users contained within the proposed district's 112,000 acres.

The proposed Tuscan Water District would provide representation for landowners in the Vina basin. A district is necessary to oversee and maintain groundwater resources, provide representation and coordinate water services such as future infrastructure projects to move surface water into the basin.

The proposed Tuscan Water District has briefed me on their goals for the new district and how it will be operated. Based on said briefing I understand it would be governed by a Board of Directors, all of whom would be landowners and/or landowner representatives from within the district's boundary. All landowners will have an opportunity to participate in the governance process including small and large landowners, domestic and agricultural groundwater pumpers.

When the Sustainable Groudwater Management Act (SGMA) was signed into law, State lawmakers advertised groundwater management in California is best accomplished locally. That is exactly what the Tuscan Water District will accomplish, local representation. As a strong

advocate for local governance, I am confident the Tuscan Water District will ensure groundwater users are at the table and part of the discussion and decision-making process for Butte County's groundwater future.

It is my pleasure to have this opportunity to share this information with the Local Agency Formation Commission and provide my support for the formation of the Tuscan Water District. Please feel free to direct any questions to my staff, Laura Page, Senior Advisor, at [laura.page@mail.house.gov](mailto:laura.page@mail.house.gov) or 530-343-1000.

Sincerely,

A handwritten signature in cursive script that reads "Doug LaMalfa". The signature is written in dark ink and is positioned above the printed name.

Doug LaMalfa  
Member of Congress

STATE CAPITOL  
P.O. BOX 942849  
SACRAMENTO, CA 94249-0003  
(916) 319-2003  
FAX (916) 319-2103

# Assembly California Legislature



**JAMES GALLAGHER**  
ASSEMBLYMEMBER, THIRD DISTRICT

**DISTRICT OFFICES**  
1130 CIVIC CENTER BOULEVARD, SUITE F  
YUBA CITY, CA 95993  
(530) 671-0303  
FAX (530) 671-0308  
2060 TALBERT DRIVE, SUITE 110  
CHICO, CA 95928  
(530) 895-4217  
FAX (530) 895-4219

**E-MAIL**  
Assemblymember.Gallagher@assembly.ca.gov

April 27, 2020

To Whom It May Concern:

I support the formation of the Tuscan Water District. The proposed Tuscan Water District, becoming a California Water District when approved, will be comprised of 95,000 acres from the Tehama County line to the northern border of the Western Canal Water District in Durham. Formation of this district will better allow groundwater pumpers in Butte County to support the sustainability and management of our groundwater resources.

In 2014, the Sustainable Groundwater Management Act (SGMA) was signed into law, providing a framework for the local management of groundwater to provide for the overall sustainability of groundwater basins. To accomplish this, SGMA outlined a path by which local jurisdictions would create Sustainable Groundwater Management Plans, approved by the State, and implemented and managed locally.

The Tuscan Water District will be a valuable part of groundwater management because currently there is no water district in the Vina basin that can manage the area it covers in its entirety. A district is necessary to oversee and maintain groundwater resources, provide representation of the landowners, and coordinate water projects and usage throughout the basin. A Board of Directors made up of landowners and/or landowner representatives from within the district's boundary will govern the District. All groundwater-using landowners – small and large, domestic and agricultural – will have representation in this governance process.

Butte County is not best suited to provide the necessary oversight and stakeholder representation. The County has already noted it is not interested in undertaking this endeavor. Even though a plan for sustainability has not been finalized, allowing Butte County to oversee the basin management will likely limit opportunities for infrastructure improvements necessary to provide sustainability and dilute the overall representation of the stakeholders. A district where impacted stakeholders can elect their own representation would seem to be the best form of governance.

When SGMA was signed into law, Governor Brown boasted that "groundwater management in California is best accomplished locally." The Tuscan Water District will ensure that groundwater users in the Vina basin are able to do just that by providing an organized, representative body that can effectively manage their precious groundwater resource and participate in the decision-making process for Butte County's groundwater future.

Our region, which is largely agricultural in nature, has long been a responsible steward of our land, water and natural resources. The Tuscan Water District will continue this legacy and help meet the management needs of our local groundwater resources. I would respectfully ask that you give their application the utmost consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Gallagher".

James Gallagher  
Assemblymember, Third District





## ROCK CREEK RECLAMATION DISTRICT

*A Butte County Reclamation District Operating Under Division 15 of the  
California Water Code*

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May 11, 2021

Mr. Stephen Lucas, Executive Officer  
Butte Local Agency Formation Commission  
1453 Downer Street, Suite #C  
Oroville, California 95965  
Email: [slucas@buttecounty.net](mailto:slucas@buttecounty.net)

### **RE: Formation of Tuscan Water District**

Dear Mr. Lucas:

We, the Board of Trustees of the Rock Creek Reclamation District, are writing to express our support for the formation of the Tuscan Water District (Tuscan WD).

Rock Creek Reclamation District (Rock Creek RD) was formed in 1985 to provide flood control and drainage services in northern Butte County. Currently, the District provides these services to 4,644 acres of agricultural and single-family residential parcels. While the proposed Tuscan WD's boundaries would overlap with Rock Creek RD's boundaries, there would not be any duplication of services. Although Rock Creek RD has the latent power to provide water for irrigation purposes, it does not exercise that power. In fact, Rock Creek RD does not convey, transport, or export irrigation water to agricultural properties or residences within its boundaries. Any water conveyance the Rock Creek RD currently performs is for drainage and flood control.

Additionally, the Rock Creek RD serves as the Groundwater Sustainability Agency (GSA) for the area within its boundaries. As one of the two GSAs covering the Vina Subbasin, Rock Creek GSA is tasked with preparing and implementing a groundwater sustainability plan (GSP). Under the Sustainable Groundwater Management Act (SGMA), each GSP must include management actions and projects that the GSA determines will achieve its sustainability goal for its basin. (Cal. Code Regs., tit. 23, § 354.44, subd. (a).)

The proposed Tuscan WD would play a much-needed role in planning and performing the management actions, and pursuing projects. We anticipate that Tuscan WD will cover over 100,000 acres of land throughout Butte County and the Vina Subbasin. Therefore, the water district would be able to perform wide-scale and coordinated actions in furtherance of the goals of the GSP for the Rock Creek GSA and Vina GSA. After all, this is one of the primary purposes for Tuscan WD's formation: to participate and cooperate with Rock Creek GSA and Vina GSA in their efforts to achieve sustainability in the Vina Subbasin.



Accordingly, the Rock Creek RD offers its support for the formation of the Tuscan WD subject to the following understandings and principles:

- Tuscan WD will not perform any service currently performed by Rock Creek RD.
- Rock Creek GSA will retain its autonomy to develop, adopt, and implement its GSP within its boundaries. Tuscan may, however, participate in the development and implementation of Rock Creek GSA's GSP.
- Tuscan WD will, subject to an agreement with Rock Creek WD, cooperate with the Rock Creek GSA in the pursuit of management actions and projects identified in Rock Creek GSA's GSP.

Please feel free to contact me if you have any questions or wish to discuss this matter.

Very truly yours,

Hal Crain, Chairman

A handwritten signature in black ink, appearing to be "H. Crain", is written over a horizontal line. The signature is stylized and cursive.

Chairman



April 16, 2020

**VIA FIRST CLASS MAIL**

Stephen Lucas, Executive Officer  
Butte Local Agency Formation Commission  
1453 Downer Street, Suite C  
Oroville, CA 95965

**Re: Formation of Tuscan Water District**

Dear Mr. Lucas:

At the March 17, 2020 meeting of the Board of Directors of Durham Irrigation District, representatives of the Agricultural Groundwater Users of Butte County, including Rich McGowan, Darren Rice, and Ed McLaughlin, discussed the intended formation of the Tuscan Water District and the reasons therefor and the benefits thereof. Their presentation was well organized and persuasive. They requested the District's support of their efforts.

On behalf of the Board, I wish to inform you of our conceptual support for the formation of the Tuscan Water District. As we well know, under the Sustainable Groundwater Management Act (SGMA) it is imperative that groundwater users within the sub-basin whose lands are not within existing water or irrigation districts have the means to manage and protect their groundwater resources and through the district provide water services to themselves and their neighbors.

Durham Irrigation District does this for its landowners and residents. It is a member of the Vina Subbasin Joint Powers Agency and in such capacity, is working closely with the County of Butte and the City of Chico, the other parties to the JPA, in developing a Groundwater Sustainability Plan for these purposes.

We therefore support localized control over sustainability efforts and see the formation of the Tuscan Water District as an effort to protect the groundwater resources upon which landowners and residents within the proposed District are dependent. Our support, however, is conceptual at this time, as the particulars of the proposed District remain incomplete. We will follow carefully proceedings before Butte LAFCo for the formation of the District and trust as they are fleshed out publicly, we may be able to fully support such.

We look forward to participating in the LAFCo process concerning formation of the Tuscan Water District.

Thank you,

Matt Doyle, Chair

cc: Richard McGowan

**DIRECTORS**

GREG JOHNSON  
ERIC LARRABEE  
BRYCE LUNDBERG  
DANIEL ROBINSON  
JOSH SHEPPARD



**OFFICERS**

TED TRIMBLE  
GENERAL MANAGER  
& SECRETARY

**ATTORNEY**

DUSTIN COOPER  
MINIASIAN LAW FIRM

April 6, 2020

To Whom It May Concern:

The Western Canal Water District (WCWD) supports the concept of the formation of the Tuscan Water District. WCWD applauds the foresight of landowners wishing to take a more active role in managing their water resources. Indeed, WCWD formed back in 1984 for similar purposes when it acquired the water rights and conveyance system from Pacific Gas & Electric Co.

We look forward to reviewing the application for formation through the Butte County Local Agency Formation Commission.

Sincerely,

A handwritten signature in blue ink that reads "Ted Trimble".

Ted Trimble,  
General Manager

**DIRECTORS**  
**LYLE JOB**  
**WALT MEYER**  
**GARY STONE**



**SEAN EARLEY, SECRETARY/MGR.**  
**DUSTIN COOPER, ATTY.**  
**KELBY SHEPPARD, TREASURER**

**RICHVALE IRRIGATION DISTRICT**

**P.O. Box 147**  
**RICHVALE, CALIFORNIA 95974-0147**  
**TEL. (530) 882-4243**  
**FAX: (530) 882-4580**  
E-mail: [searley@richvaleid.com](mailto:searley@richvaleid.com)

4/8/20

Steve Lucas  
Butte Local Agency Formation Commission  
1453 Downer Street, Ste C  
Oroville, CA 95965

Mr. Lucas,

On behalf of the Richvale Irrigation District, Board of Directors, please accept our support for the concept of forming the proposed Tuscan Water District in the Vina Sub-basin of Butte County. With the passage of the Sustainable Groundwater Management Act (SGMA) it is imperative that those within the sub-basin have the means to manage and protect groundwater resources for all beneficial uses.

Richvale Irrigation District is one of the oldest surface water/irrigation districts in Butte County. It was formed by forward thinking people that understood the importance of a consistent source of water. The Tuscan Water District organizers are trying to follow along those same lines. While the District has not yet received and reviewed Tuscan's application of formation with Butte LAFCO, the District has communicated with its proposed founding landowners and supports the concept of Tuscan's formation. Having another water district in Butte County only makes the entire county stronger. When people are organized and have a face, it is much easier to manage a resource.

We support localized control over groundwater sustainability goals and see this as an effort to protect our local water resources, as well as domestic and agricultural groundwater dependent landowners. The formation of the Tuscan Water District will ensure that rural lifestyles and generations of the local farmers will continue.

If Tuscan is ultimately formed, we look forward to working with it as a local public water agency. We believe that the formation of the Tuscan Water District is a helpful step to achieving groundwater sustainability in the Vina Sub-basin.

Thank you,

A handwritten signature in black ink, appearing to read "Sean Earley".

Sean Earley  
General Manager



# Paradise Irrigation District

6332 Clark Rd, Paradise, CA 95969 · 530-877-4971 · Fax: 530-876-0483 · [www.pidwater.com](http://www.pidwater.com)

August 20, 2020

Mr. Steve Lucas  
Butte County Local Agency Formation Commission  
1453 Downer Street, Suite C  
Oroville, California 95965

Dear Mr. Lucas:

At the August 19, 2020 meeting of the Board of Directors of Paradise Irrigation District, representatives of the Agriculture Groundwater Users of Butte County, including Rich McGowan, Nicole Johansson, and Tovey Giezentanner, discussed the proposed formation of the Tuscan Water District and requested a letter of support of their efforts.

On behalf of the Board, please accept our support for the concept of forming the proposed Tuscan Water District. Under the Sustainable Groundwater Management Act (SGMA) it is imperative that groundwater users within the sub-basin, whose lands are not with an existing water or irrigation district, have the means to manage and protect their groundwater resources for all beneficial uses of water.

Paradise Irrigation District (PID) was formed for this community's control over water resources in 1916. PID's founding landowners were able to raise funds to build water storage and conveyance facilities to allow farming and home and business development to occur and flourish. PID supports efforts to enhance local control over public resources, such as groundwater.

PID thus supports the concept of the proposed Tuscan Water District. PID will review the eventual formation application for Tuscan Water District and plans on following the proceedings before Butte LAFCo. PID looks forward to participating in the LAFCo process and offering further comments concerning the proposed formation once an application is made public and the hearing process commences.

Respectfully,

Marc Sulik  
President of the Board

**Our water. Our future.**

**Monroeville Water District**

109 N Marshall Ave  
Willows, CA 95988

April 6, 2020

Stephen Lucas  
Executive Officer  
Butte Local Agency Formation Commission  
1453 Downer Street, Suite C  
Oroville, CA 95965

Dear Mr. Lucas,

On behalf of the Monroeville Water District, we offer our strong support for formation of the Tuscan Water District.

The Monroeville Water District is a recently formed water district in Glenn County, which has sustainable groundwater management as its principal purpose.

Like the Monroeville Water District, the Tuscan Water District is an effort by local groundwater dependent landowners to actively participate in sustainable groundwater management, which is precisely the sort of active involvement it will take from all of us, in order for us to successfully manage and preserve groundwater in our region for future generations.

As fellow farmers, ranchers, and residents in the Northern Sacramento Valley, we support the Tuscan Water District's goals of managing and coordinating the beneficial use of ground and surface water.

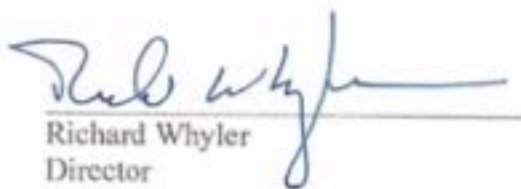
As neighbors to our east, the Tuscan Water District aims to fill a gap in ground and surface water management in the region, and in doing so, will work to preserve the life and livelihood of future generations in the Sacramento Valley.

We strongly support its formation. Please do not hesitate to contact us if you have any questions, or if we can be of any assistance in the formation of this proposed district.

Thank you for your time and attention to this matter.

Sincerely,

  
\_\_\_\_\_  
Julia Violich  
Director

  
\_\_\_\_\_  
Richard Whyler  
Director



*To advance the economic, social and environmental sustainability of Northern California  
by enhancing and preserving the water rights, supplies and water quality.*

May 7, 2021

Mr. Stephen Lucas  
Executive Officer  
Butte County Local Agency Formation Commission  
1453 Downer Street, Suite C  
Oroville, California 95965

Dear Mr. Lucas:

On behalf of the Northern California Water Association (NCWA), we support the formation of the proposed Tuscan Water District in the Vina Sub-Basin in Butte County.

NCWA represents the water suppliers and local governments throughout the Sacramento Valley as shown on the attached map. We fully respect the ability for landowners to organize special districts and pool their collective resources to more effectively manage both surface and groundwater resources. For more than one-hundred years, landowners in the Sacramento Valley have formed various water districts and companies throughout the region. These local districts and companies now ensure water is available for the area of origin, including reliable and affordable supplies for cities and rural communities, farms and ranches, refuges and wildlife management areas, fisheries and recreation. Importantly, without these local districts and companies and their ability to effectively manage and use water within the region for these multiple benefits, the water in Butte County and the Sacramento Valley flows south and leaves the region.

With the passage of the Sustainable Groundwater Management Act (SGMA) and the efforts to sustainably manage groundwater resources throughout the region, there is also value for groundwater users whose lands are not within existing water districts to have the means to manage and protect their groundwater resources, as well as provide water services to themselves and their neighbors. The Tuscan Water District would be a helpful step to achieving groundwater sustainability in the Vina Sub-basin.

In sum, the formation of the Tuscan Water District will further the collective efforts by other water districts in the region to protect and sustainably manage our precious water supplies for both our economy and the environment in Northern California—both now and for future generations. In this process, we encourage the Tuscan Water District to work closely and collaboratively with other special districts in Butte County and avoid overlapping jurisdictions with respect to water resources.

Please let us know if you have any questions or we can provide further details on the value of water districts in Northern California.

Sincerely yours,

David J. Guy  
President





**FWA**  
*Family Water Alliance*

(530) 438-2026  
Fax: (530) 438-2940  
E-mail: fwa@frontiernet.net

*"Every Day is Earth Day on the Farm"*  
July 30, 2020

P. O. Box 365, Maxwell, California 95955

Mr. Steve Lucas  
Butte County Local Agency Formation Commission  
1453 Downer Street, Suite C  
Oroville, California 95965

Dear Mr. Lucas:

Family Water Alliance, Inc.(FWA), is writing to extend their full support of the formation of the proposed Tuscan Water District in the Vina Sub-Basin of Butte County.

FWA is a non profit 501c3, that works to educate people about the importance of family farms, to protect private property and water rights. For three decades FWA has been at the forefront of the protection of family farms.

The proposed Tuscan Water District will fill a void - there is no basin-wide water district in the Vina and a portion of the Butte sub-basins with the ability to plan for and implement programs to help the sub-basin achieve sustainability. Butte County has historically stated that it will not form any type of County agency with the power to deliver and recharge water within the proposed Tuscan Water District service area. Furthermore, the other basin-wide agency, the Vina Groundwater Sustainability Agency, has as its primary purpose the development and adoption of a Groundwater Sustainability Plan by 2022 to comply with the Sustainability Groundwater Management Act.

When SGMA was signed into law, Governor Brown stated that "groundwater management in California is best accomplished locally." The Tuscan Water District will ensure that we are able to do just that by providing an organized, representative body that can effectively manage our precious groundwater resource and participate in the decision-making process for Butte County's groundwater future.

The formation of the Tuscan Water District will preserve and protect our water and ensure that rural lifestyles and generations of the local farmers will continue.

We appreciate your consideration and would respectfully request that you process this application as quickly as possible.

Sincerely,

A handwritten signature in black ink, appearing to read "Johannes B. Lauwerijssen". The signature is fluid and cursive.

Johannes Lauwerijssen  
President, Family Water Alliance



Richard McGowan

March 18, 2020

Butte Groundwater Users Association

75 Declaration Drive #11

Chico, CA 95926

Dear Richard,

This is being written to express the M&T Ranch's support for the formation of the Tuscan Water District in Butte County. The new water district will be M&T's neighbor on both our east side as well as our north side and we feel its formation will benefit not only this ranch but farmers from all over Butte County as well.

Thank you for all your and your Board's time and effort in accomplishing this task. It will prove very beneficial to farmers and ranchers and Butte County in the future. We hope LAFCO is able to process your application as quickly as is possible.

Yours truly,

A handwritten signature in black ink, appearing to read 'LHeringer', written over a large, light-colored circular mark.

Les Heringer

Manager, M&T Ranch





June 22, 2020

Mr. Steve Lucas  
Butte County Local Agency Formation Commission  
1453 Downer Street, Suite C  
Oroville, California 95965

Dear Mr. Lucas:

On behalf of C.F. Koehnen & Sons, Inc., representing 670 acres within the boundaries of the conceptualized Tuscan Water District, I am writing to extend my full support of the formation of the proposed Tuscan Water District in the Vina Sub-Basin of Butte County.

Our farm is located North and South Butte County and has been an integral part of the agricultural economy in Butte County for four generations.

The proposed Tuscan Water District will fill a void – there is no basin-wide water district in the Vina and a portion of the Butte sub-basins with the ability to plan for and implement programs to help the sub-basin achieve sustainability. Butte County has historically stated that it will not form any type of County agency with the power to deliver and recharge water within the proposed Tuscan Water District service area. Furthermore, the other basin-wide agency, the Vina Groundwater Sustainability Agency, has as its primary purpose the development and adoption of a Groundwater Sustainability Plan by 2022 to comply with the Sustainability Groundwater Management Act.

When SGMA was signed into law, Governor Brown boasted that “groundwater management in California is best accomplished locally.” The Tuscan Water District will ensure that we are able to do just that by providing an organized, representative body that can effectively manage our precious groundwater resource and participate in the decision-making process for Butte County’s groundwater future.

The formation of the Tuscan Water District will preserve and protect our water and ensure that rural lifestyles and generations of the local farmers will continue.

We appreciate your consideration and would respectfully request that you process this application as quickly as possible.

Respectfully,

A handwritten signature in black ink that reads "Michael Koehnen". The signature is written in a cursive style.

Michael Koehnen  
President

July 22, 2020

Mr. Steve Lucas  
Butte County Local Agency Formation Commission  
1453 Downer Street, Suite C  
Oroville, California 95965

Dear Mr. Lucas:

On behalf of the Sanders Family Trust, representing 90.01 acres within the boundaries of the conceptualized Tuscan Water District, I am writing to extend my full support of the formation of the proposed Tuscan Water District in the Vina Sub-Basin of Butte County.

Our farm is located at O Cana Pine Creek Road and has been an integral part of the agricultural economy in Butte County for at least 100 years.

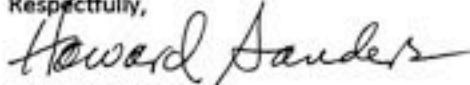
The proposed Tuscan Water District will fill a void – there is no basin-wide water district in the Vina and a portion of the Butte sub-basins with the ability to plan for and implement programs to help the sub-basin achieve sustainability. Butte County has historically stated that it will not form any type of County agency with the power to deliver and recharge water within the proposed Tuscan Water District service area. Furthermore, the other basin-wide agency, the Vina Groundwater Sustainability Agency, has as its primary purpose the development and adoption of a Groundwater Sustainability Plan by 2022 to comply with the Sustainability Groundwater Management Act.

When SGMA was signed into law, Governor Brown boasted that “groundwater management in California is best accomplished locally.” The Tuscan Water District will ensure that we are able to do just that by providing an organized, representative body that can effectively manage our precious groundwater resource and participate in the decision-making process for Butte County’s groundwater future.

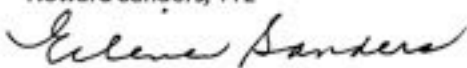
The formation of the Tuscan Water District will preserve and protect our water and ensure that rural lifestyles and generations of the local farmers will continue.

We appreciate your consideration and would respectfully request that you process this application as quickly as possible.

Respectfully,



Howard Sanders, TTE



Eilene Sanders, TTE

Date: 7/15/2020

Mr. Steve Lucas  
Butte County Local Agency Formation Commission  
1453 Downer Street, Suite C  
Oroville, California 95965

Dear Mr. Lucas:

On behalf of Cline Organics DBA Dog Creek Cellars representing 5 acres within the boundaries of the conceptualized Tuscan Water District, I am writing to extend my full support of the formation of the proposed Tuscan Water District in the Vina Sub-Basin of Butte County.

Our farm is located in Durham and has been an integral part of the agricultural economy in Butte County for since 1988

The proposed Tuscan Water District will fill a void – there is no basin-wide water district in the Vina and a portion of the Butte sub-basins with the ability to plan for and implement programs to help the sub-basin achieve sustainability. Butte County has historically stated that it will not form any type of County agency with the power to deliver and recharge water within the proposed Tuscan Water District service area. Furthermore, the other basin-wide agency, the Vina Groundwater Sustainability Agency, has as its primary purpose the development and adoption of a Groundwater Sustainability Plan by 2022 to comply with the Sustainability Groundwater Management Act.

When SGMA was signed into law, Governor Brown boasted that “groundwater management in California is best accomplished locally.” The Tuscan Water District will ensure that we are able to do just that by providing an organized, representative body that can effectively manage our precious groundwater resource and participate in the decision-making process for Butte County’s groundwater future.

The formation of the Tuscan Water District will preserve and protect our water and ensure that rural lifestyles and generations of the local farmers will continue.

We appreciate your consideration and would respectfully request that you process this application as quickly as possible.

Respectfully,

Neal Cline, Owner  
RN, BSN, JD, CFRN, certified Enologist, Vineculturalist

Mr. Steve Lucas  
Butte County Local Agency Formation Commission  
1453 Downer Street, Suite C  
Oroville, California 95965

Dear Mr. Lucas:

On behalf of CARRIER FARMS, representing 670 acres within the boundaries of the conceptualized Tuscan Water District, I am writing to extend my full support of the formation of the proposed Tuscan Water District in the Vina Sub-Basin of Butte County.

Our farm is located 7 MILE LAKE & GRANITE RD and has been an integral part of the agricultural economy in Butte County for 5 generations.

The proposed Tuscan Water District will fill a void – there is no basin-wide water district in the Vina and a portion of the Butte sub-basins with the ability to plan for and implement programs to help the sub-basin achieve sustainability. Butte County has historically stated that it will not form any type of County agency with the power to deliver and recharge water within the proposed Tuscan Water District service area. Furthermore, the other basin-wide agency, the Vina Groundwater Sustainability Agency, has as its primary purpose the development and adoption of a Groundwater Sustainability Plan by 2022 to comply with the Sustainability Groundwater Management Act.

When SGMA was signed into law, Governor Brown boasted that “groundwater management in California is best accomplished locally.” The Tuscan Water District will ensure that we are able to do just that by providing an organized, representative body that can effectively manage our precious groundwater resource and participate in the decision-making process for Butte County’s groundwater future.

The formation of the Tuscan Water District will preserve and protect our water and ensure that rural lifestyles and generations of the local farmers will continue. We appreciate your consideration and would respectfully request that you process this application as quickly as possible.

Respectfully,

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GARY ENOS                      PARTNER

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Name/Title

July, 16, 2020

Mr. Steve Lucas  
Butte County Local Agency Formation Commission  
1453 Downer Street, Suite C  
Oroville, California 95965

Dear Mr. Lucas:

On behalf of Ronald and Sally Ginochio/Ginochio Associates, representing approximately 180 acres within the boundaries of the conceptualized Tuscan Water District, I am writing to extend my full support of the formation of the proposed Tuscan Water District in the Vina Sub-Basin of Butte County.

Our orchards are located in Butte County (Cana Hwy, Bennett Rd, and, Hamilton Nord Cana Hwy) and have been an integral part of the agricultural economy in Butte County for 20+ years.

The proposed Tuscan Water District will fill a void – there is no basin-wide water district in the Vina and a portion of the Butte sub-basins with the ability to plan for and implement programs to help the sub-basin achieve sustainability. Butte County has historically stated that it will not form any type of County agency with the power to deliver and recharge water within the proposed Tuscan Water District service area. Furthermore, the other basin-wide agency, the Vina Groundwater Sustainability Agency, has as its primary purpose the development and adoption of a Groundwater Sustainability Plan by 2022 to comply with the Sustainability Groundwater Management Act.

When SGMA was signed into law, Governor Brown boasted that "groundwater management in California is best accomplished locally." The Tuscan Water District will ensure that we are able to do just that by providing an organized, representative body that can effectively manage our precious groundwater resource and participate in the decision-making process for Butte County's groundwater future.

The formation of the Tuscan Water District will preserve and protect our water and ensure that rural lifestyles and generations of the local farmers will continue.

We appreciate your consideration and would respectfully request that you process this application as quickly as possible.

Respectfully,



Ronald Ginochio, 6401 Cana Hwy, Chico, CA 95973 Grower/Owner



July 16, 2020

Mr. Steve Lucas  
Butte County Local Agency Formation Commission  
1453 Downer Street, Suite C  
Oroville, California 95965

Dear Mr. Lucas:

On behalf of A&G Orchards LLC, representing 725 acres within the boundaries of the conceptualized Tuscan Water District, I am writing to extend my full support of the formation of the proposed Tuscan Water District in the Vina Sub-Basin of Butte County.

Our farm is located Durham, California and has been an integral part of the agricultural economy in Butte County for 50+ years.

The proposed Tuscan Water District will fill a void – there is no basin-wide water district in the Vina and a portion of the Butte sub-basins with the ability to plan for and implement programs to help the sub-basin achieve sustainability. Butte County has historically stated that it will not form any type of County agency with the power to deliver and recharge water within the proposed Tuscan Water District service area. Furthermore, the other basin-wide agency, the Vina Groundwater Sustainability Agency, has as its primary purpose the development and adoption of a Groundwater Sustainability Plan by 2022 to comply with the Sustainability Groundwater Management Act.

When SGMA was signed into law, Governor Brown boasted that “groundwater management in California is best accomplished locally.” The Tuscan Water District will ensure that we are able to do just that by providing an organized, representative body that can effectively manage our precious groundwater resource and participate in the decision-making process for Butte County’s groundwater future.

The formation of the Tuscan Water District will preserve and protect our water and ensure that rural lifestyles and generations of the local farmers will continue.

We appreciate your consideration and would respectfully request that you process this application as quickly as possible.

Respectfully,

A handwritten signature in black ink that reads "Patrick Andersen".

Patrick Andersen, Owner

9093 Troxel Road, Durham, California 95928



Mr. Steve Lucas  
Butte County Local Agency Formation Commission  
1453 Downer Street, Suite C  
Oroville, California 95965

Dear Mr. Lucas:

On behalf of Hengst Orchards Inc, representing 500 acres within the boundaries of the conceptualized Tuscan Water District, I am writing to extend my full support of the formation of the proposed Tuscan Water District in the Vina Sub-Basin of Butte County.

Our farm is located E. Chico and has been an integral part of the agricultural economy in Butte County for 4 generations.

The proposed Tuscan Water District will fill a void – there is no basin-wide water district in the Vina and a portion of the Butte sub-basins with the ability to plan for and implement programs to help the sub-basin achieve sustainability. Butte County has historically stated that it will not form any type of County agency with the power to deliver and recharge water within the proposed Tuscan Water District service area. Furthermore, the other basin-wide agency, the Vina Groundwater Sustainability Agency, has as its primary purpose the development and adoption of a Groundwater Sustainability Plan by 2022 to comply with the Sustainability Groundwater Management Act.

When SGMA was signed into law, Governor Brown boasted that “groundwater management in California is best accomplished locally.” The Tuscan Water District will ensure that we are able to do just that by providing an organized, representative body that can effectively manage our precious groundwater resource and participate in the decision-making process for Butte County’s groundwater future.

The formation of the Tuscan Water District will preserve and protect our water and ensure that rural lifestyles and generations of the local farmers will continue. We appreciate your consideration and would respectfully request that you process this application as quickly as possible.

Respectfully,

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Jack Hengst - Pres

Name/Title

Mr. Steve Lucas  
Butte County Local Agency Formation Commission  
1453 Downer Street, Suite C  
Oroville, California 95965

Dear Mr. Lucas:

On behalf of ALMONT ORCHARDS, INC., representing 1100 acres within the boundaries of the conceptualized Tuscan Water District, I am writing to extend my full support of the formation of the proposed Tuscan Water District in the Vina Sub-Basin of Butte County.

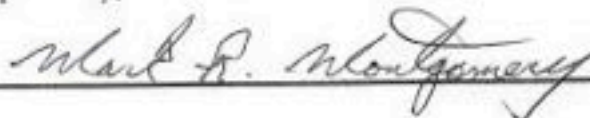
Our farm is located IN DURHAM and has been an integral part of the agricultural economy in Butte County for 4 generations.

The proposed Tuscan Water District will fill a void – there is no basin-wide water district in the Vina and a portion of the Butte sub-basins with the ability to plan for and implement programs to help the sub-basin achieve sustainability. Butte County has historically stated that it will not form any type of County agency with the power to deliver and recharge water within the proposed Tuscan Water District service area. Furthermore, the other basin-wide agency, the Vina Groundwater Sustainability Agency, has as its primary purpose the development and adoption of a Groundwater Sustainability Plan by 2022 to comply with the Sustainability Groundwater Management Act.

When SGMA was signed into law, Governor Brown boasted that "groundwater management in California is best accomplished locally." The Tuscan Water District will ensure that we are able to do just that by providing an organized, representative body that can effectively manage our precious groundwater resource and participate in the decision-making process for Butte County's groundwater future.

The formation of the Tuscan Water District will preserve and protect our water and ensure that rural lifestyles and generations of the local farmers will continue. We appreciate your consideration and would respectfully request that you process this application as quickly as possible.

Respectfully,



MARK R. MONTGOMERY - PRESIDENT  
Name/Title

Mr. Steve Lucas  
Butte County Local Agency Formation Commission  
1453 Downer Street, Suite C  
Oroville, California 95965

Dear Mr. Lucas:

On behalf of Willadsen Orchards Inc. representing 890 acres within the boundaries of the conceptualized Tuscan Water District, I am writing to extend my full support of the formation of the proposed Tuscan Water District in the Vina Sub-Basin of Butte County.

Our farm is located East of Durham and has been an integral part of the agricultural economy in Butte County for 23 generations.

The proposed Tuscan Water District will fill a void – there is no basin-wide water district in the Vina and a portion of the Butte sub-basins with the ability to plan for and implement programs to help the sub-basin achieve sustainability. Butte County has historically stated that it will not form any type of County agency with the power to deliver and recharge water within the proposed Tuscan Water District service area. Furthermore, the other basin-wide agency, the Vina Groundwater Sustainability Agency, has as its primary purpose the development and adoption of a Groundwater Sustainability Plan by 2022 to comply with the Sustainability Groundwater Management Act.

When SGMA was signed into law, Governor Brown boasted that “groundwater management in California is best accomplished locally.” The Tuscan Water District will ensure that we are able to do just that by providing an organized, representative body that can effectively manage our precious groundwater resource and participate in the decision-making process for Butte County’s groundwater future.

The formation of the Tuscan Water District will preserve and protect our water and ensure that rural lifestyles and generations of the local farmers will continue. We appreciate your consideration and would respectfully request that you process this application as quickly as possible.

Respectfully,

Lawrence E. Willadsen

Larry Willadsen Pres.

Name/Title

Mr. Steve Lucas  
Butte County Local Agency Formation Commission  
1453 Downer Street, Suite C  
Oroville, California 95965

Dear Mr. Lucas:

On behalf of Parsky Farms, representing 352.75 acres within the boundaries of the conceptualized Tuscan Water District, I am writing to extend my full support of the formation of the proposed Tuscan Water District in the Vina Sub-Basin of Butte County.

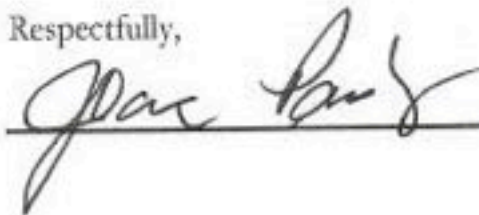
Our farm is located 6280 Bennett and has been an integral part of the agricultural economy in Butte County for 1 generations.

The proposed Tuscan Water District will fill a void – there is no basin-wide water district in the Vina and a portion of the Butte sub-basins with the ability to plan for and implement programs to help the sub-basin achieve sustainability. Butte County has historically stated that it will not form any type of County agency with the power to deliver and recharge water within the proposed Tuscan Water District service area. Furthermore, the other basin-wide agency, the Vina Groundwater Sustainability Agency, has as its primary purpose the development and adoption of a Groundwater Sustainability Plan by 2022 to comply with the Sustainability Groundwater Management Act.

When SGMA was signed into law, Governor Brown boasted that "groundwater management in California is best accomplished locally." The Tuscan Water District will ensure that we are able to do just that by providing an organized, representative body that can effectively manage our precious groundwater resource and participate in the decision-making process for Butte County's groundwater future.

The formation of the Tuscan Water District will preserve and protect our water and ensure that rural lifestyles and generations of the local farmers will continue. We appreciate your consideration and would respectfully request that you process this application as quickly as possible.

Respectfully,



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Name/Title

Mr. Steve Lucas  
Butte County Local Agency Formation Commission  
1453 Downer Street, Suite C  
Oroville, California 95965

Dear Mr. Lucas:

On behalf of C & C RANCHES, representing 49 acres within the boundaries of the conceptualized Tuscan Water District, I am writing to extend my full support of the formation of the proposed Tuscan Water District in the Vina Sub-Basin of Butte County.

Our farm is located HEGAN LANE, CIVIL and has been an integral part of the agricultural economy in Butte County for 2 generations.

The proposed Tuscan Water District will fill a void – there is no basin-wide water district in the Vina and a portion of the Butte sub-basins with the ability to plan for and implement programs to help the sub-basin achieve sustainability. Butte County has historically stated that it will not form any type of County agency with the power to deliver and recharge water within the proposed Tuscan Water District service area. Furthermore, the other basin-wide agency, the Vina Groundwater Sustainability Agency, has as its primary purpose the development and adoption of a Groundwater Sustainability Plan by 2022 to comply with the Sustainability Groundwater Management Act.

When SGMA was signed into law, Governor Brown boasted that "groundwater management in California is best accomplished locally." The Tuscan Water District will ensure that we are able to do just that by providing an organized, representative body that can effectively manage our precious groundwater resource and participate in the decision-making process for Butte County's groundwater future.

The formation of the Tuscan Water District will preserve and protect our water and ensure that rural lifestyles and generations of the local farmers will continue. We appreciate your consideration and would respectfully request that you process this application as quickly as possible.

Respectfully,



Bill CHANCE      OWNER  
Name/Title

Mr. Steve Lucas  
Butte County Local Agency Formation Commission  
1453 Downer Street, Suite C  
Oroville, California 95965

Dear Mr. Lucas:

On behalf of Rocyo Mexlo, representing 5000 acres within the boundaries of the conceptualized Tuscan Water District, I am writing to extend my full support of the formation of the proposed Tuscan Water District in the Vina Sub-Basin of Butte County.

Our farm is located Bu He Glan Telenia and has been an integral part of the agricultural economy in Butte County for 3 generations.

The proposed Tuscan Water District will fill a void – there is no basin-wide water district in the Vina and a portion of the Butte sub-basins with the ability to plan for and implement programs to help the sub-basin achieve sustainability. Butte County has historically stated that it will not form any type of County agency with the power to deliver and recharge water within the proposed Tuscan Water District service area. Furthermore, the other basin-wide agency, the Vina Groundwater Sustainability Agency, has as its primary purpose the development and adoption of a Groundwater Sustainability Plan by 2022 to comply with the Sustainability Groundwater Management Act.

When SGMA was signed into law, Governor Brown boasted that “groundwater management in California is best accomplished locally.” The Tuscan Water District will ensure that we are able to do just that by providing an organized, representative body that can effectively manage our precious groundwater resource and participate in the decision-making process for Butte County’s groundwater future.

The formation of the Tuscan Water District will preserve and protect our water and ensure that rural lifestyles and generations of the local farmers will continue. We appreciate your consideration and would respectfully request that you process this application as quickly as possible.

Respectfully,

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Rocyo Mexlo  
Name/Title

Mr. Steve Lucas  
Butte County Local Agency Formation Commission  
1453 Downer Street, Suite C  
Oroville, California 95965

Dear Mr. Lucas:

On behalf of Dave Sigler, representing 550 acres within the boundaries of the conceptualized Tuscan Water District, I am writing to extend my full support of the formation of the proposed Tuscan Water District in the Vina Sub-Basin of Butte County.

Our farm is located \_\_\_\_\_ and has been an integral part of the agricultural economy in Butte County for \_\_\_\_\_ generations.

The proposed Tuscan Water District will fill a void – there is no basin-wide water district in the Vina and a portion of the Butte sub-basins with the ability to plan for and implement programs to help the sub-basin achieve sustainability. Butte County has historically stated that it will not form any type of County agency with the power to deliver and recharge water within the proposed Tuscan Water District service area. Furthermore, the other basin-wide agency, the Vina Groundwater Sustainability Agency, has as its primary purpose the development and adoption of a Groundwater Sustainability Plan by 2022 to comply with the Sustainability Groundwater Management Act.

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The formation of the Tuscan Water District will preserve and protect our water and ensure that rural lifestyles and generations of the local farmers will continue. We appreciate your consideration and would respectfully request that you process this application as quickly as possible.

Respectfully,

Dave Sigler

Owner

Name/Title

Mr. Steve Lucas  
Butte County Local Agency Formation Commission  
1453 Downer Street, Suite C  
Oroville, California 95965

Dear Mr. Lucas:

On behalf of 2 DSD LLC, representing 400 acres within the boundaries of the conceptualized Tuscan Water District, I am writing to extend my full support of the formation of the proposed Tuscan Water District in the Vina Sub-Basin of Butte County.

Our farm is located Broyles Rd and has been an integral part of the agricultural economy in Butte County for 3 generations.

The proposed Tuscan Water District will fill a void – there is no basin-wide water district in the Vina and a portion of the Butte sub-basins with the ability to plan for and implement programs to help the sub-basin achieve sustainability. Butte County has historically stated that it will not form any type of County agency with the power to deliver and recharge water within the proposed Tuscan Water District service area. Furthermore, the other basin-wide agency, the Vina Groundwater Sustainability Agency, has as its primary purpose the development and adoption of a Groundwater Sustainability Plan by 2022 to comply with the Sustainability Groundwater Management Act.

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The formation of the Tuscan Water District will preserve and protect our water and ensure that rural lifestyles and generations of the local farmers will continue. We appreciate your consideration and would respectfully request that you process this application as quickly as possible.

Respectfully,

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Roque Mank Wayne  
Name/Title



Mr. Steve Lucas  
Butte County Local Agency Formation Commission  
1453 Downer Street, Suite C  
Oroville, California 95965

Dear Mr. Lucas:

On behalf of SIS Enterprises, representing 374 acres within the boundaries of the conceptualized Tuscan Water District, I am writing to extend my full support of the formation of the proposed Tuscan Water District in the Vina Sub-Basin of Butte County.


Our farm is located \_\_\_\_\_ and has been an integral part of the agricultural economy in Butte County for 4 generations.

The proposed Tuscan Water District will fill a void – there is no basin-wide water district in the Vina and a portion of the Butte sub-basins with the ability to plan for and implement programs to help the sub-basin achieve sustainability. Butte County has historically stated that it will not form any type of County agency with the power to deliver and recharge water within the proposed Tuscan Water District service area. Furthermore, the other basin-wide agency, the Vina Groundwater Sustainability Agency, has as its primary purpose the development and adoption of a Groundwater Sustainability Plan by 2022 to comply with the Sustainability Groundwater Management Act.

When SGMA was signed into law, Governor Brown boasted that “groundwater management in California is best accomplished locally.” The Tuscan Water District will ensure that we are able to do just that by providing an organized, representative body that can effectively manage our precious groundwater resource and participate in the decision-making process for Butte County’s groundwater future.

The formation of the Tuscan Water District will preserve and protect our water and ensure that rural lifestyles and generations of the local farmers will continue. We appreciate your consideration and would respectfully request that you process this application as quickly as possible.

Respectfully,



WALTER L. Stile II

Name/Title

July 24, 2020

Mr. Steve Lucas  
Butte County Local Agency Formation Commission  
1453 Downer Street, Suite C  
Oroville, California 95965

Dear Mr. Lucas:

On behalf of R. C. Meline Orchards Inc., representing 285 within the boundaries of the conceptualized Tuscan Water District, I am writing to extend my full support of the formation of the proposed Tuscan Water District in the Vina Sub-Basin of Butte County.

Our farm is located one to two miles north-west of Durham and has been an integral part of the agricultural economy in Butte County for 4 generations.

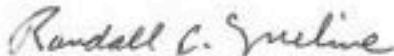
The proposed Tuscan Water District will fill a void – there is no basin-wide water district in the Vina and a portion of the Butte sub-basins with the ability to plan for and implement programs to help the sub-basin achieve sustainability. Butte County has historically stated that it will not form any type of County agency with the power to deliver and recharge water within the proposed Tuscan Water District service area. Furthermore, the other basin-wide agency, the Vina Groundwater Sustainability Agency, has as its primary purpose the development and adoption of a Groundwater Sustainability Plan by 2022 to comply with the Sustainability Groundwater Management Act.

When SGMA was signed into law, Governor Brown boasted that "groundwater management in California is best accomplished locally." The Tuscan Water District will ensure that we are able to do just that by providing an organized, representative body that can effectively manage our precious groundwater resource and participate in the decision-making process for Butte County's groundwater future.

The formation of the Tuscan Water District will preserve and protect our water and ensure that rural lifestyles and generations of the local farmers will continue.

We appreciate your consideration and would respectfully request that you process this application as quickly as possible.

Respectfully,

  
Randall C. Meline, President

Mr. Steve Lucas  
Butte County Local Agency Formation Commission  
1453 Downer Street, Suite C  
Oroville, California 95965

Dear Mr. Lucas:

On behalf of Fortier and Sons, Inc., representing 1100<sup>+</sup> acres within the boundaries of the conceptualized Tuscan Water District, I am writing to extend my full support of the formation of the proposed Tuscan Water District in the Vina Sub-Basin of Butte County.

Our farm is located 9160 Agnes Fries Rd. and has been an integral part of the agricultural economy in Butte County for 4 generations.

The proposed Tuscan Water District will fill a void – there is no basin-wide water district in the Vina and a portion of the Butte sub-basins with the ability to plan for and implement programs to help the sub-basin achieve sustainability. Butte County has historically stated that it will not form any type of County agency with the power to deliver and recharge water within the proposed Tuscan Water District service area. Furthermore, the other basin-wide agency, the Vina Groundwater Sustainability Agency, has as its primary purpose the development and adoption of a Groundwater Sustainability Plan by 2022 to comply with the Sustainability Groundwater Management Act.

When SGMA was signed into law, Governor Brown boasted that “groundwater management in California is best accomplished locally.” The Tuscan Water District will ensure that we are able to do just that by providing an organized, representative body that can effectively manage our precious groundwater resource and participate in the decision-making process for Butte County’s groundwater future.

The formation of the Tuscan Water District will preserve and protect our water and ensure that rural lifestyles and generations of the local farmers will continue. We appreciate your consideration and would respectfully request that you process this application as quickly as possible.

Respectfully,



Richard Fortier, VP

Name/Title

Mr. Steve Lucas  
Butte County Local Agency Formation Commission  
1453 Downer Street, Suite C  
Oroville, California 95965

Dear Mr. Lucas:

On behalf of Schrey and Son Family Farm, representing 1500 acres within the boundaries of the conceptualized Tuscan Water District, I am writing to extend my full support of the formation of the proposed Tuscan Water District in the Vina Sub-Basin of Butte County.

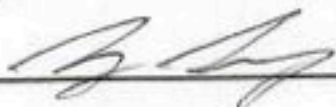
Our farm is located all over Butte County and has been an integral part of the agricultural economy in Butte County for 4 generations.

The proposed Tuscan Water District will fill a void – there is no basin-wide water district in the Vina and a portion of the Butte sub-basins with the ability to plan for and implement programs to help the sub-basin achieve sustainability. Butte County has historically stated that it will not form any type of County agency with the power to deliver and recharge water within the proposed Tuscan Water District service area. Furthermore, the other basin-wide agency, the Vina Groundwater Sustainability Agency, has as its primary purpose the development and adoption of a Groundwater Sustainability Plan by 2022 to comply with the Sustainability Groundwater Management Act.

When SGMA was signed into law, Governor Brown boasted that “groundwater management in California is best accomplished locally.” The Tuscan Water District will ensure that we are able to do just that by providing an organized, representative body that can effectively manage our precious groundwater resource and participate in the decision-making process for Butte County’s groundwater future.

The formation of the Tuscan Water District will preserve and protect our water and ensure that rural lifestyles and generations of the local farmers will continue. We appreciate your consideration and would respectfully request that you process this application as quickly as possible.

Respectfully,

  
\_\_\_\_\_  
Greg Schrey owner  
\_\_\_\_\_  
Name/Title

Mr. Steve Lucas  
Butte County Local Agency Formation Commission  
1453 Downer Street, Suite C  
Oroville, California 95965

Dear Mr. Lucas:

On behalf of R+A Amator Berchards representing 760.15 acres within the boundaries of the conceptualized Tuscan Water District, I am writing to extend my full support of the formation of the proposed Tuscan Water District in the Vina Sub-Basin of Butte County.

Our farm is located \_\_\_\_\_ and has been an integral part of the agricultural economy in Butte County for 2 generations.

The proposed Tuscan Water District will fill a void – there is no basin-wide water district in the Vina and a portion of the Butte sub-basins with the ability to plan for and implement programs to help the sub-basin achieve sustainability. Butte County has historically stated that it will not form any type of County agency with the power to deliver and recharge water within the proposed Tuscan Water District service area. Furthermore, the other basin-wide agency, the Vina Groundwater Sustainability Agency, has as its primary purpose the development and adoption of a Groundwater Sustainability Plan by 2022 to comply with the Sustainability Groundwater Management Act.

When SGMA was signed into law, Governor Brown boasted that “groundwater management in California is best accomplished locally.” The Tuscan Water District will ensure that we are able to do just that by providing an organized, representative body that can effectively manage our precious groundwater resource and participate in the decision-making process for Butte County’s groundwater future.

The formation of the Tuscan Water District will preserve and protect our water and ensure that rural lifestyles and generations of the local farmers will continue. We appreciate your consideration and would respectfully request that you process this application as quickly as possible.

Respectfully,

Roy Amator  
\_\_\_\_\_  
Roy Amator Owner  
\_\_\_\_\_  
Name/Title

Mr. Steve Lucas  
Butte County Local Agency Formation Commission  
1453 Downer Street, Suite C  
Oroville, California 95965

Dear Mr. Lucas:

On behalf of Rice and Sons Inc, representing 195 acres within the boundaries of the conceptualized Tuscan Water District, I am writing to extend my full support of the formation of the proposed Tuscan Water District in the Vina Sub-Basin of Butte County.

Our farm is located on Anita Rd + DAYTON AREA and has been an integral part of the agricultural economy in Butte County for 4 generations.

The proposed Tuscan Water District will fill a void – there is no basin-wide water district in the Vina and a portion of the Butte sub-basins with the ability to plan for and implement programs to help the sub-basin achieve sustainability. Butte County has historically stated that it will not form any type of County agency with the power to deliver and recharge water within the proposed Tuscan Water District service area. Furthermore, the other basin-wide agency, the Vina Groundwater Sustainability Agency, has as its primary purpose the development and adoption of a Groundwater Sustainability Plan by 2022 to comply with the Sustainability Groundwater Management Act.

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The formation of the Tuscan Water District will preserve and protect our water and ensure that rural lifestyles and generations of the local farmers will continue. We appreciate your consideration and would respectfully request that you process this application as quickly as possible.

Respectfully,

Darren Rice

Darren Rice President

Name/Title

Mr. Steve Lucas  
Butte County Local Agency Formation Commission  
1453 Downer Street, Suite C  
Oroville, California 95965

Dear Mr. Lucas:

On behalf of Lyle Livingston, representing 10 acres within the boundaries of the conceptualized Tuscan Water District, I am writing to extend my full support of the formation of the proposed Tuscan Water District in the Vina Sub-Basin of Butte County.

Our farm is located 14061 Hamilton - Nord - Sana Hwy and has been an integral part of the agricultural economy in Butte County for 1 generations.

The proposed Tuscan Water District will fill a void – there is no basin-wide water district in the Vina and a portion of the Butte sub-basins with the ability to plan for and implement programs to help the sub-basin achieve sustainability. Butte County has historically stated that it will not form any type of County agency with the power to deliver and recharge water within the proposed Tuscan Water District service area. Furthermore, the other basin-wide agency, the Vina Groundwater Sustainability Agency, has as its primary purpose the development and adoption of a Groundwater Sustainability Plan by 2022 to comply with the Sustainability Groundwater Management Act.

When SGMA was signed into law, Governor Brown boasted that “groundwater management in California is best accomplished locally.” The Tuscan Water District will ensure that we are able to do just that by providing an organized, representative body that can effectively manage our precious groundwater resource and participate in the decision-making process for Butte County’s groundwater future.

The formation of the Tuscan Water District will preserve and protect our water and ensure that rural lifestyles and generations of the local farmers will continue. We appreciate your consideration and would respectfully request that you process this application as quickly as possible.

Respectfully,

Lyle Livingston Owner

Name/Title