

**Background:**

During the last thirty years the City of Paso Robles has experienced substantial population growth associated with an expanse of residential subdivisions accompanied by significant growth in hotel development and historic growth in both retail businesses along with business serving tourist activities. Moreover, developed irrigated agriculture expanded by 30% during the same period.

The growth and expanded development of the city of Paso Robles has resulted in greater consumption of water resources along with the conversion of undeveloped land area into greater use of land for roads and infrastructure. Thus reducing the historic volume of water percolating underground.

Also during this period the rapid growth of irrigated agriculture has converted largely grazing land and dry farmed land into irrigated land. Unfortunately, even after accounting for percolation there has been a net increase in the use of groundwater to accommodate the increase in irrigated Ag acreage.

**Offsetting Activity:**

A robust program of stormwater capture and percolation into the groundwater would significantly offset the excessive pumping of groundwater associated with the growth of the City of Paso Robles and the introduction of significantly greater irrigated agriculture.

The outline of a plan for a stormwater capture and percolation ponding system must be added to the GSP. The plan must identify the areas where stormwater capture would be diverted and identify the best locations for percolation ponds. Lastly, the plan must identify the cost of developing, creating, and operating the plan. Ideally the County Flood Control and Water Conservation District would manage and operate the plan.

**Consider**

The Paso Robles Area Sub-basin consists of 436,157 acres.

Assume that 30% of the area is conducive to stormwater capture, which rounded equals 131,000 acres.

Assume that average rainfall over the 131,000 acres is 12 inches on average annually, which would produce 131,000 acre feet of water.<sup>1</sup>

Assume only 20% of the average rainfall can be easily captured each year and 30% of that is lost to evaporation in the percolation ponding process. This produces a net of 26,000 AFY of water on average per year percolating into groundwater.

### **Conclusion**

Montgomery & Associates indicates that 14,000 AFY in excess of the annual safe yield is pumped from the Paso Robles Area Sub-basin each year. Conservatively, a well-designed stormwater project would essentially put the Sub-basin in modest annual surplus as long as overall pumping activity is not allowed to grow beyond the availability of the resource.

An essential element of a robust stormwater capture and percolation program is the necessity to properly maintain the receptiveness of the creeks and rivers in order to facilitate capture and percolation. The creeks will need to be properly maintained in order to accommodate the transmission of stormwater into the larger tributaries; and the larger rivers must be relieved of excess sand in order to expose the alluvium layer, which is conducive to percolation. Also, the creeks and rivers must be cleared of excess brush and tree growth. Lastly, as appropriate percolation ponds must be created and maintained. A stormwater capture program must be actively managed and maintained in order to optimize effectiveness.

### **For Section 3 as appropriate**

In 1972 the SWRCB amended the City of SLO's Salinas Dam Permit to impose a "live stream" requirement. This amendment was designed to override certain diversionary rights to ensure minimum flows for fish in the Salinas River. However, in reality the minimum flows have rarely been seen and the actual result, after the amendment, was less water being released from the Dam annually than had been the case under the voluntary release system. With SLO County managing a stormwater capture and percolation program not only will the Salinas River be healthier, but the recharge process would be enhanced. It should be noted that historically the Salinas River as well as lesser rivers and streams were noteworthy for their ability to "flush" our tributaries, but to enhance the level of groundwater. The management of the sub-basin needs to return to this type of activity, which was proved to be essential.

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<sup>1</sup> 12 inches per year on 30% of the subject area is conservative in that areas with hills and low mountainous terrain typically produces more measurable rain than flatter terrain.

- All Sections** Early in the GSP drafting process the issue of the lack of explanatory footnotes in various chapters was identified. At that point Montgomery and Associates committed to the inclusion of appropriate footnotes. However, the absence of essential detailed footnotes continues unabated.
  
- General** The legal definitions of “Overlier” and “Purveyor” relative to groundwater need to be added early in the GSP document.
  
- Table 3.4** The source of the land use data needs to be identified and footnoted.
  
- Section 3.4.1** The outcome of the quiet title Court action on June 7, 2019 is important to outline within the GSP as it limits the ability of the defendant purveyors to pump ground water.

<u>Defendant</u>	<u>Perfected Prescriptive Rights</u>
City of El Paso de Robles	1,267.70 AFY
County of San Luis Obispo	310 AFY
San Miguel CSD	177.03 AFY
Templeton CSD	308.9 AFY
Combined	2,063.63 AFY

**Section 3.5** The number of agricultural and domestic wells should be identified and added to this section. This data should be available from SLO County records. Additionally, the number of domestic wells owned by de-Minimus pumpers should be revealed.

The City of Paso Robles Urban Water management Plan (2016) should be reviewed and critiqued in detail - in particular the representations regarding the water rights claimed by the City need to be corrected. Moreover, the very modest annual groundwater rights awarded to the City as a result of the Quiet Title litigation, in which the City was a defendant needs to be disclosed. Additionally, the City of Paso Robles Urban Water Management Plan should be modified in keeping with the judgment rendered by the Superior Court.

The County has land use authority in the unincorporated areas of the county. Accordingly, the GSP must follow the existing water offset ordinance.

Reference is made to the Salinas River Live Stream agreement: This section should include data from the last three years indicating the results of recorded observations. Antidotal observations indicate that recent Salinas River Live Stream observations have been unsatisfactory, and have not involved the release of reservoir water. Also, the GSAs cannot use SGMA to ignore or “skirt” SLO County regulations.

**Section 4.7**

Identifies areas which are receptive for natural recharge shown on Figure 4-16.

However, this chapter does not discuss the benefits of developing a robust stormwater capture program where feasible.

Moreover, the annual rainfall data are available for the last 100 years and should be added to the GSP document.

**Section 5.4**

Describes the issue of Land Subsidence. However, the Draft GSP does not indicate how the issue of subsidence measurement should be approached.

Moreover, several months ago Montgomery & Associates committed to providing the Cooperative Committee with the cost of engaging USGS to update the data on subsidence collected in 1997.

To date the Committee has not made a decision on this critical matter.

It is essential that all of the data that the County has received or collected regarding subsidence should be added to Chapter 5.

**Section 6.3.2.1**

Table 6-3 includes a value for Urban Irrigation Return Flow; however, the table does not include a similar value for rural-domestic Irrigation Return Flow. The latter group essentially represents de Minimus rural land owners who typically irrigate vegetable gardens, fruit trees, etc., and a factor should be included for this group. Essentially, all of their pumped groundwater is returned to the basin through their septic systems.

- Section 6.3.2.4** The sustainable yield estimate shown needs to be reconciled with **section 9.2**.
- Section 6.5.1.1** The City of Paso Robles Urban Water Management Plan needs to be updated based on the Court Judgment limiting groundwater pumping by the City.
- Section 9.2** The basis for the sentence “Because the amount of ground water pumping in the Subbasin is more than the estimated sustainable yield of about 61,000 AFY (see Chapter 6) and groundwater levels . . . . .” The representation of an estimated 61,000 AFY needs a footnote describing how this number was determined.
- Section 9.3.1.1** In the second line of this sentence “will” must be replaced by “may”.<sup>2</sup>
- Section 9.3.2** **Promoting Best Water Use Practices** – includes the following:
- “Optimization of irrigation needs for frost control if sprinklers are used.”
- Note: This concept is flawed in that sprinklers can be easily used for springtime irrigation in violation of rules. Moreover, frost protection can be achieved through wind machines, which do not use water. The GSP should require the phase out of frost protection using water within three years.
- Section 9.3.3** This section is a good start; but it needs to focus principally on major stormwater capture projects as a “residential” focus will yield limited benefits. Conversely, projects focusing on stormwater capture and diversion to recharge locations will provide the most benefit for the groundwater subbasin. Much of the topography of the land over the subbasin is ideal for stormwater capture, which can be easily diverted to locations providing ideal recharge conditions.
- Note: Refer to the discussion on stormwater capture on page 2.

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<sup>2</sup> This change is mandatory!

**Section 9.3.4**

Voluntary fallowing of land planted to permanent crops will not yield much benefit. The majority of permanent crops over the subbasin are wine grapes many acres of which have been planted in the last several years. Fallowing grape land and replanting in future years is not economically beneficial. Therefore this section needs more study and analysis.

**Section 9.5 Projects**

Number 2: State Water Project (SWP) is unacceptable and needs to be removed from the list.

Many of the reasons for not relying on additional SWP water are outlined in a June 6, 2018 letter authored by O’Laughlin & Paris LLP. Moreover, some recipients of SWP water will have a desire to inject the water into the groundwater basin, thus altering the ownership and pumping rights to basin water. Contracting for additional SWP water injected into groundwater is a non-starter and will not be allowed!

**Note:**

At the September 18<sup>th</sup> meeting of LAFCO the Commission approved the detachment of 33,000 acres from the Shandon-San Juan Water District. Accordingly, that land will be transferred out of the Shandon-San Juan GSA and transferred into the jurisdiction of the SLO County GSA.

Therefore, the applicable maps need to be revised reflecting the transfer before the final GSP is submitted to the DWR.