

CUMMINGS BASIN ADJUDICATION

your basin ◊ your water ◊ your future

**STAKEHOLDERS UPDATE MEETING
SEPTEMBER 27, 2019**

Meeting procedure

- Sign-in sheet and information sheet
 - Contact information is important
- Handouts
- Evacuation Procedures
 - Two exits with lighted signage
 - Assembly point is out front gate near Notice Board
- Refreshments and Rest Rooms
- Anticipated meeting length = 2 hours
- *WELCOME QUESTIONS AT ANY TIME!*

• Introductions

- Board of Directors – TCCWD
- Legal Counsel – TCCWD
- Staff – TCCWD
- Phone Participants
 - Please email contact information to cadams@tccwd.com
 - Remote Meeting access available at remotemeeting.com
- Participants Present

TCCWD Purpose, Mission and Vision

Purpose

- Import State Water Project Water
- Manage Groundwater Basins
- Operate Flood Control Facilities

Mission Statement

“Tehachapi-Cummings County Water District will ensure the most reliable, cost effective water supply for our customers through the importation of State Water Project water and management of groundwater basins. We will operate and maintain certain flood control structures to protect our customer’s safety and property. “

Vision Statement

“Tehachapi-Cummings County Water District will strive for continuous improvement in meeting our customer’s needs, both now and in the future. We will explore all avenues to ensure adequate water supplies and manage our groundwater basins to ensure sufficient protection for extraction quantity and quality.”

TCCWD History

- Voted into existence by taxpayers in 1965
- Facilities dedicated in 1971
- 266,000 acres (415 sq. Mi)
- 40,000 residents
- 3 adjudicated groundwater basins within district (Tehachapi, Brite, Cummings)



Cummings Basin Adjudication History

- May 1966 – Citizen’s Advisory Committee recommended filing adjudications for all three basins
- October 1966 – TCCWD filed adjudication actions for all three basins
- March 1972 – Cummings Basin Judgment filed by Court
 - Set prescribed, base water rights
 - Determined NSY of 4,090 AFY
 - Prohibited diversions of groundwater outside of Cummings Basin
 - Appointed TCCWD as Watermaster
- State of California appealed judgment
- July 1975 – Appellate Court ruled on appeal
 - Rescinded prescribed rights
 - Stated all rights correlative
 - Remanded case to trial court

Cummings Basin Adjudication History (continued)

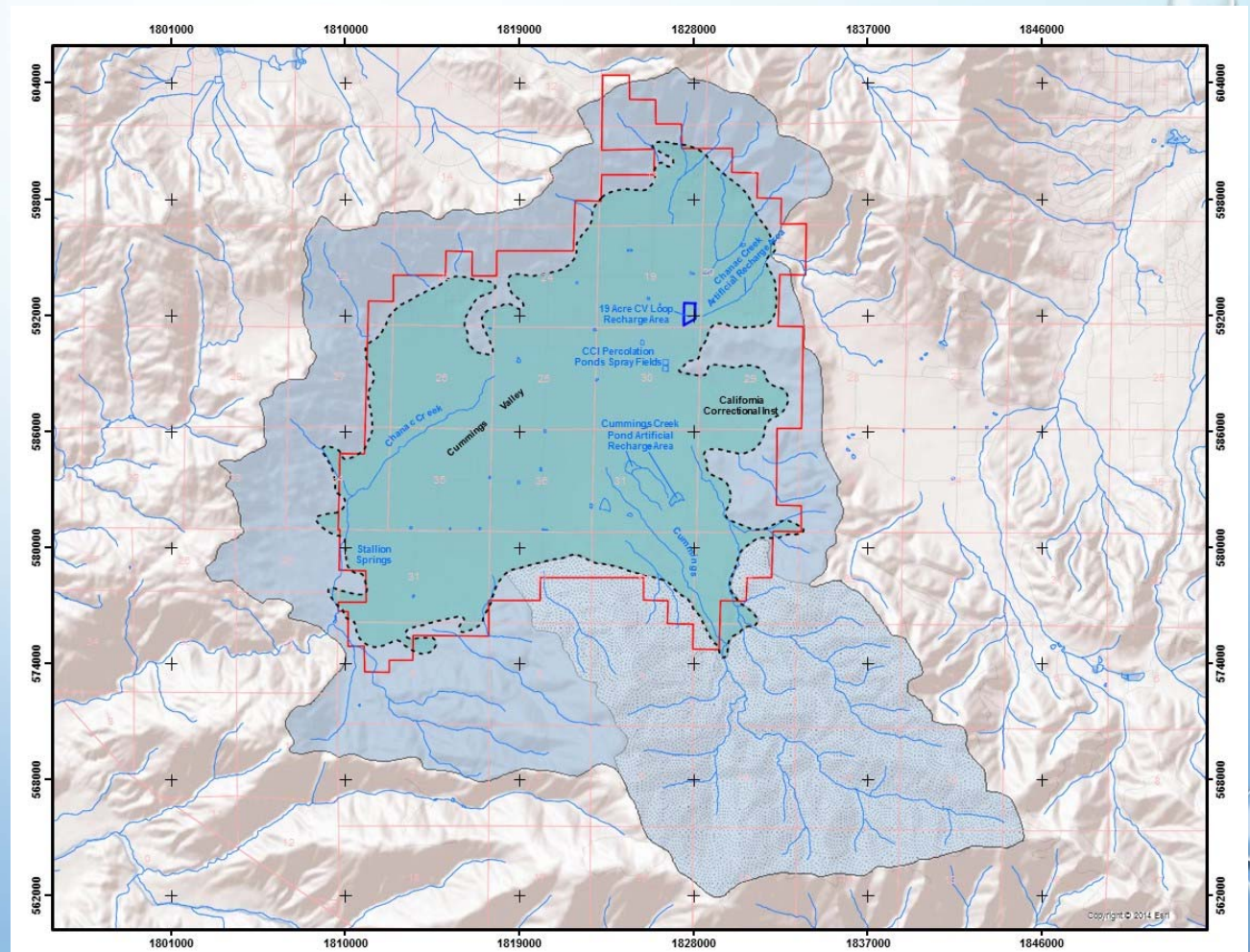
- October 1976 – Trial court held hearings on motions filed by TCCWD and State
 - January 1977 – Further hearings scheduled, then taken off calendar and never rescheduled
 - Case has lain dormant since then
- 2003 - TCCWD consultant, Fugro West Inc., completes Groundwater Model Study for Cummings Basin
 - Studied 21 year period from 1981-2001
 - Fugro determined NSY should be 3,444 AFY
- 2015 – Fugro prepared updated model
 - Studied 33 year period from 1981-2013
 - Fugro determined NSY to be 2,990 AFY
- August 2015 to Present – TCCWD works to amend adjudication to protect basin
 - Held numerous meetings with stakeholders to identify and resolve issues
 - Prepared numerous drafts of amended judgment based on comments provided
- Today's Meeting

Cummings Basin Information

- Three sources of water in Cummings basin
 - Native groundwater (NSY)
 - Imported surface water (SWP)
 - Recycled water from CCI (DTR)
- Adjudication concerns native groundwater only
 - Other sources excluded
 - Natural Safe Yield defined
 - *Maximum quantity of native groundwater which may be extracted from the basin without any net change in groundwater storage*

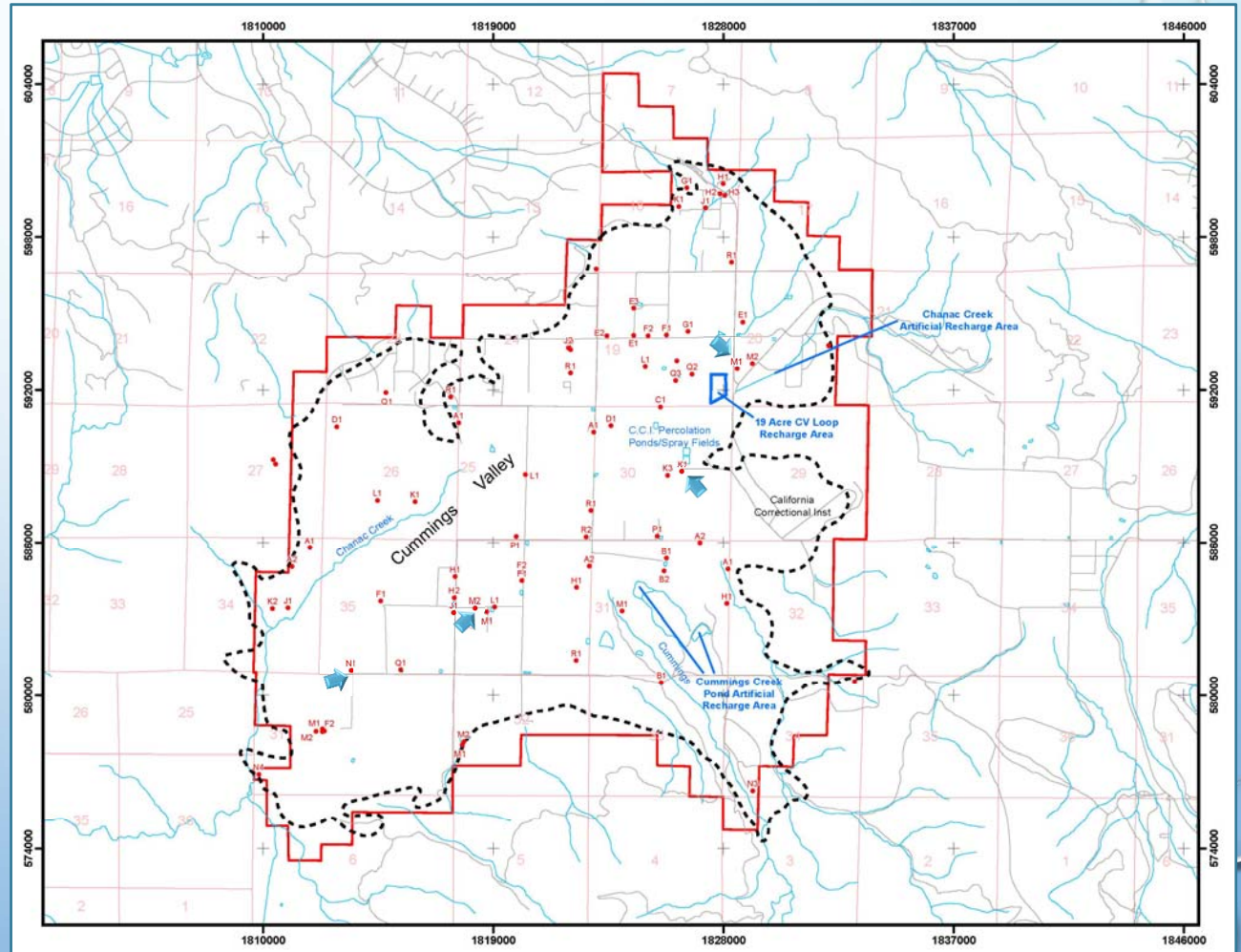
Cummings Basin Boundaries

- Watershed limits
- Alluvium (water bearing soils) limits
- Adjudication limits

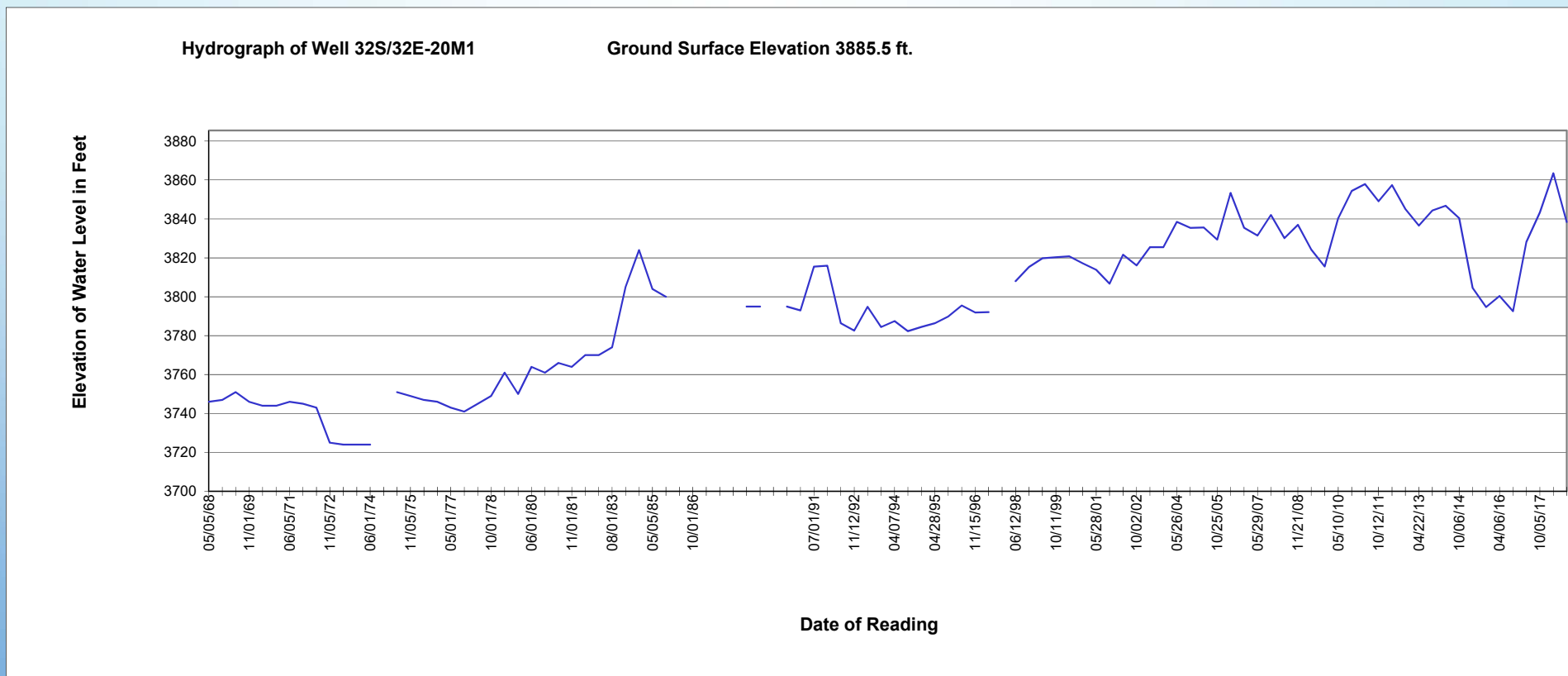


Key Well Locations

- Well 20 M1 - Northeast
- Well 30 K1 – North Central
- Well 36 M2 – Central
- Well 35 N1 - Southwest



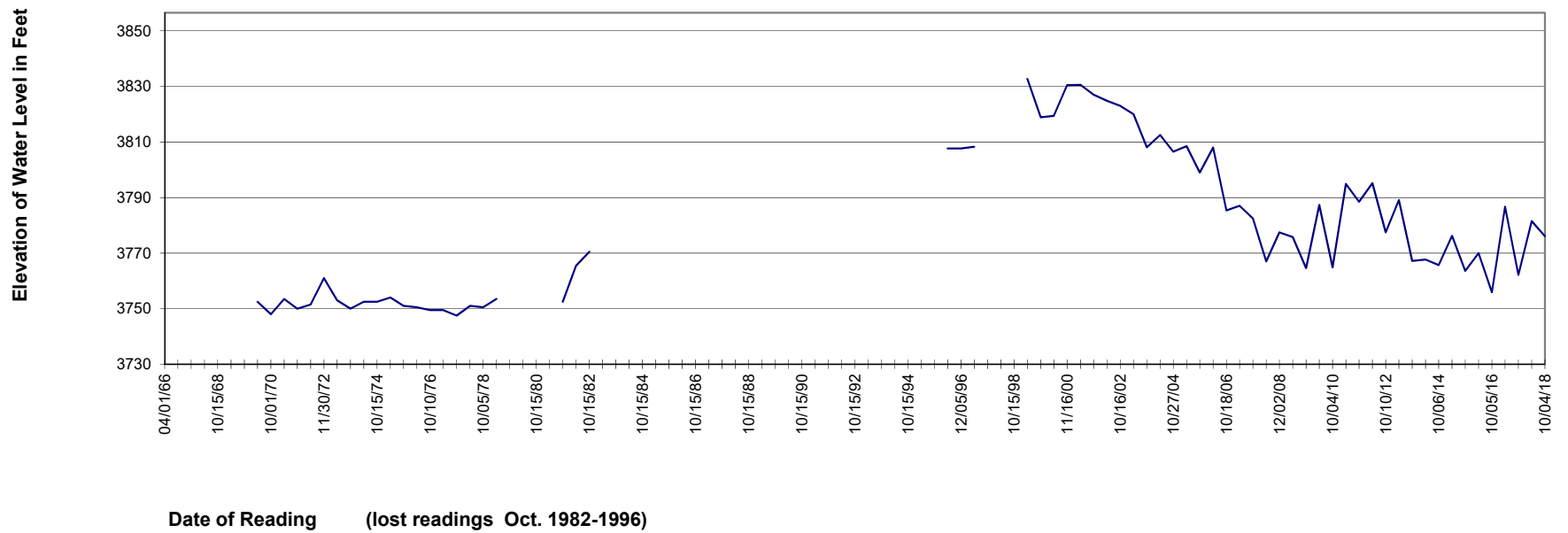
Well 20 M1 - Northeast



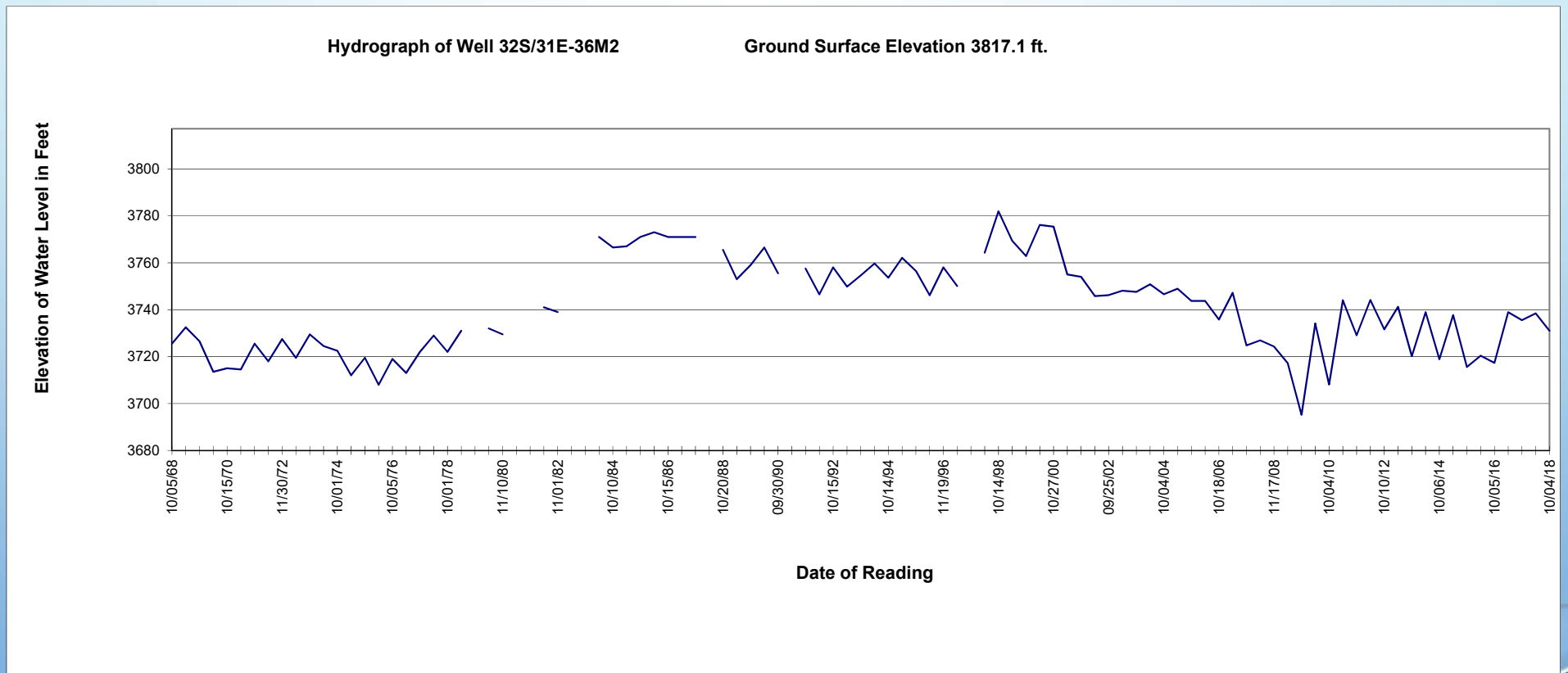
Well 30 K1 – North Central

Hydrograph of Well 32S/32E-30K1 (CCI)

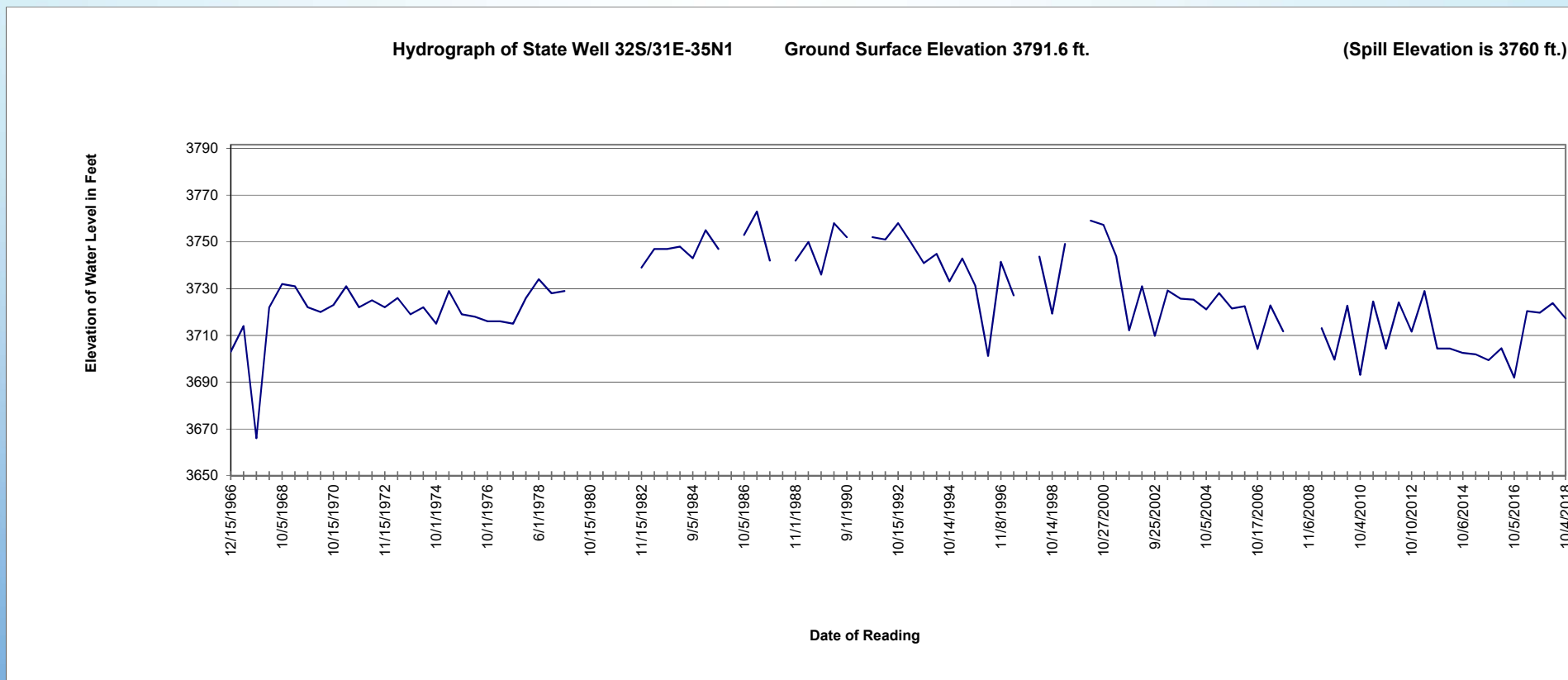
Ground Surface Elevation 3856.5 ft.



Well 36 M2 – Central



Well 35 N1 – Southwest



Natural Safe Yield of Cummings Basin

• TSCD (1969)	4,156 AFY
• Dr. Mann (1971)	3,560 AFY
• Judgment (1972)	4,090 AFY
• Fugro (2004)	3,444 AFY
• Fugro (2015)	2,990 AFY*

* Data included through 2013 – does not include severe drought years 2014 & 2015 and wet years of 2017 & 2019

Overlying Pumpers – 2018

Agricultural Pumpers

• Cal Organic Farms (Grimmway)	1,993 AF
• Bornt and Sons	262 AF
• Ha/Chung Orchards	42 AF
• Triassic Legacy Vineyard	6 AF
• SunSelect Produce (one half of total replaced with recharge by TCCWD)	460 AF
• Millennium Pacific	10 AF
• Cummings Valley School	14 AF
• Total	2,789 AF

Overlying Pumpers – 2018

Municipal/Domestic Pumpers

• California Correctional Institution	565 AF
• Stallion Springs CSD	180 AF
• Other Domestic Pumpers (Estimate)	176 AF
• Fairview Ranches (Estimate)	42 AF
• Bear Valley CSD	2 AF
• Total	965 AF

Overlying Pumpers – 2018

Total All Pumpers

• Agricultural	2,789 AF
• CCI	565 AF
• Municipal	182 AF
• Domestic	218 AF
• Total	3,754 AF

Conjunctive Use Pumpers – 2018

• CCI	224 AF
• Bear Valley CSD	643 AF
• Stallion Springs CSD	180 AF
• Total	1,047 AF

Banked Water Agreement Recharge – 2018

• Bear Valley CSD	250 AF (303 AF in 2019)
• Stallion Springs CSD	0 AF (186 AF in 2019)
• Total	250 AF (489 AF in 2019)

Note: TCCWD has a program in place to allow agricultural pumpers to enter into voluntary banking agreements to ensure they have an adequate supply. To date, no customers have taken advantage of this program.

Legal Considerations

- Appeals Court Decision
 - No basis for prescription
 - Individual prescriptive rights not assigned
 - Rights to native groundwater are overlying and correlative
 - Adjudicated Native Safe Yield held at 4,090 AFY
 - Remanded back to trial court where it remains today
- Existing Judgment Status
 - Post-remand not completed in trial court

Current Status

- Safe yield set at 4,090 AFY
 - Unsustainable
 - Has led to declining groundwater levels in basin
 - Results in increased pumping cost
- Watermaster role
 - Obligated by the court to manage the basin
 - Limited authority to manage the basin
- Judgment needs to be amended
 - Currently basin is about half full
 - Continued overpumping will lead to eventual depletion of the basin

Blueprint for a Solution

- Stakeholder-driven
- Cooperative: not adversarial
- Based on good science
- Maximize freedom for water users by being adaptable
- Protect/preserve basin for all water users for the future

Implementing a Fair Solution

- Court limits pumping to native safe yield
- Allocate native safe yield fairly
- Allow pumping in excess of native safe yield and charge to replace the water
- Replace the excess pumping in the basin by recharging imported SWP water
- Expand groundwater banking to non-municipal users
- Meter all wells

Allocate Natural Safe Yield (2,990 AFY)

Based on 2018 data

M&I/Domestic

- CCI 565 AF
- Municipal 182 AF
- Domestic 176 AF
- Mutual Water Co 42 AF
- Total 965 AF

(32% of Total)

Agriculture

- All 2,025 AF
(68% of Total – Ag would be cut 27% from existing use)

Allocate Municipal/Domestic

- CCI gets historic/contract amount of 565 AFY
- Other M&I/Domestic allocation based on lot size. Commercial based on use and square footage of improvements.
- M&I/Domestic allocations are fixed because they are based on built improvements
- Rights of non-pumpers preserved through buildout of existing developments
- Allocations may be adjusted every 8 years based on model update and current standards

Allocate Agricultural

- Remainder of NSY after CCI and M&I/Domestic
- Provisions made for greenhouses (full year use)
- Allocations based on net, planted acreage (to be verified by TCCWD)
 - Will vary from year to year based on customer's reporting of acreage to be planted

Pumping in Excess of Allocation

- Deemed to be a use of imported SWP water
- Pumper charged water rate for banked water plus penalty
- TCCWD will spread imported water to recharge the basin – as available
- Pumpers may bank imported water for their exclusive use (through agreement with District) to avoid penalty and ensure supply – as available

Management Provisions in Amended Judgment

- Authorizes conjunctive use program (recharge, recovery and export of imported SWP water)
- Authorizes groundwater banking programs
- Requires private wells to be metered by January 1, 2025 to accurately monitor pumping
- Provides continuing jurisdiction of the court (right of party to appeal to court if aggrieved)
- Property owners rights are preserved
- Authorizes collection of assessments to cover Watermaster costs

Next Steps

- Attempt to engage all pumpers/parties to the adjudication
- Clarify any outstanding issues for property owners/parties
- Strive for consensus on amended judgment (Stipulation signature)
- Petition court to amend judgment
- Goal is to file motion with court by end of 2019
- Implementation goal is 2021

Questions?

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