



**County of Santa Cruz**  
Water Advisory Commission  
701 Ocean Street, Room 312 ❖ Santa Cruz, CA 95060  
(831) 454-2022 ❖ Fax (831) 454-3128  
<https://www.scceh.org/>

## AGENDA

### SANTA CRUZ COUNTY WATER ADVISORY COMMISSION

Wednesday June 1, 2022, 4pm

[Click here to join the meeting](#)

**Please see information on meeting access and procedures on the page 4 of the Packet.**

**A. OPENING**

1. Call to Order
2. Roll Call
3. AB 361 Compliance, authorizing teleconference meeting

**B. APPROVAL OF MINUTES:      April 6, 2022**

**C. PUBLIC COMMUNICATIONS**

**D. COMMISSIONERS' REPORTS**

**E. STAFF REPORTS AND ANNOUNCEMENTS**

**F. NEW BUSINESS**

1. Presentation by Tim Carson on the Regional Water Management Foundation
2. County planned response to Governor's Executive Order N-7-22 regarding non-de minimis, non-domestic well permits.  
Receive information and provide guidance on the County's proposed approach to compliance.
3. Pajaro Valley Water Management Agency's Request for County Support Regarding the "Watsonville Slough System Managed Aquifer Recharge & Recovery Projects" Struve Slough Water Right Application  
Consider recommending the Board of Supervisors adopt a Resolution of Support
4. Grand Jury report on drought response/water supply collaboration  
Review report from the Santa Cruz County Civil Grand Jury which focuses on water management collaboration. The complete report can be found at [https://www.co.santa-cruz.ca.us/Portals/0/County/GrandJury/GJ2022\\_final/2022-2\\_Water\\_Report.pdf](https://www.co.santa-cruz.ca.us/Portals/0/County/GrandJury/GJ2022_final/2022-2_Water_Report.pdf)

**G. UNFINISHED BUSINESS and UPDATES**

1. SB 552 Compliance Subcommittee Update

Receive an update on the SB 552 Drought Response Working Group. Materials from past and upcoming meetings can be found at:

<https://scceh.com/NewHome/Programs/WaterResources/SenateBill552Compliance.aspx>

2. **Groundwater Sustainability Agencies Update**  
Oral reports outlining updates from the three GSAs in the County.

**H. CORRESPONDENCE**

**I. BOARD OF SUPERVISORS ACTION ON ITEMS AFFECTING WATER:**

[DOC-2022-403 : Consider approval in concept of "Ordinance of the Board of Supervisors of the County of Santa Cruz Amending Santa Cruz County Code Section 12.10.235 to add Subsection C \(Water Demand Calculator\)", schedule the ordinance for a second reading and final adoption on May 10, 2022, as outlined in the memorandum by Supervisor Koenig and Supervisor McPherson](#)

**J. ITEMS OF INTEREST**

- <https://www.latimes.com/environment/story/2022-05-09/new-bill-aims-to-limit-frenzy-of-california-well-drilling>
- [https://mavensnotebook.com/2022/05/24/this-just-in-state-water-board-adopts-emergency-water-conservation-regulation/?doing\\_wp\\_cron=1653518361.5731201171875000000000](https://mavensnotebook.com/2022/05/24/this-just-in-state-water-board-adopts-emergency-water-conservation-regulation/?doing_wp_cron=1653518361.5731201171875000000000)

**K. AGENDA ITEMS FOR FUTURE MEETINGS**

1. County response to chrome 6
2. Drought response standing item

**L. ADJOURNMENT ()**

PLEASE CONTACT SIERRA RYAN (831) 345-5202, IF YOU ARE UNABLE TO ATTEND THIS MEETING

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## **Commissioner and Public Participation Information and Guidelines**

Based on guidance from the California Department of Public Health, the California Governor's Office, and Santa Cruz County Health Officer, in order to minimize the spread of the COVID-19 virus, this meeting will be held virtually. You will NOT be able to attend the meeting in person.

The public may conference into the meeting by clicking the link below or calling in (audio only) using the Conference ID:

[Click here to join the meeting](#)

**Or call in (audio only)**

[+1 831-454-2222](#)

Phone Conference ID: 593 004 349#

- Once in the meeting, please mute your microphone when you are not speaking.
- If disruptive sound is coming from your device/phone line, the moderator will mute your device and you will have to unmute yourself to participate.
- If you are dialing in by phone, press \*9 to raise your hand and \*6 to unmute yourself.

Commissioners are expected to join with a video camera. Public attendees may choose to have their cameras on or off.

Please join the meeting a few minutes BEFORE 4:00 pm so that we can start at 4:00 pm. Staff will open the video conference at 3:50 pm. Feel free to chat and say hello before 4:00 pm.

### **Meeting Roles and Rules:**

- All meeting attendees should keep their microphones on mute unless they are speaking.
- Brian Lockwood, Chair, will lead the meeting. Chair Lockwood will announce each agenda item, identify who will be leading an item and introduce discussion and public comment periods.
- Sierra Ryan, staff, will assist with roll call, note taking, and tracking who wants to speak. Please allow time for staff to make notes about any decisions. Sierra will monitor her email during the meeting.
- There will be a public comment period for each item and the Chair will invite the public to participate at the appropriate time.
- During a discussion, if 2 or more people speak at the same time, please defer to the person who speaks first. In any moment where we have some confusion due to multiple people wanting to speak, please pause and let the Chair take the lead. The Chair will call on someone to speak. Also please "raise your hand" to speak by clicking on the hand symbol in the upper right.
- If you are having any trouble joining you can send a message to Sierra (email [sierra.ryan@santacruzcounty.us](mailto:sierra.ryan@santacruzcounty.us) or text 831-345-5202.) There will be a public comment period for each item. You can also contact Sierra on technical issues.



**County of Santa Cruz Health Services Agency**

**Water Advisory Commission**

701 Ocean Street, Room 312 ❖ Santa Cruz, CA 95060

(831) 454-3133

<https://www.scceh.org/>

**SANTA CRUZ COUNTY WATER ADVISORY COMMISSION'S  
FINDINGS PURSUANT TO ASSEMBLY BILL 361 AUTHORIZING TELECONFERENCE  
MEETINGS AS A RESULT OF THE CONTINUING COVID-19 PANDEMIC STATE OF  
EMERGENCY AND HEALTH OFFICER RECOMMENDATION FOR SOCIAL DISTANCING**

**WHEREAS**, The Water Advisory Commission is a legislative body under the Brown Act as defined under Cal. Gov. Code section 54952(b) and Santa Cruz County Code Section 2.38.110; and

**WHEREAS**, on September 16, 2021, Governor Newsom signed Assembly Bill 361 ("AB 361"), urgency legislation effective immediately, that amended Government Code section 54953 to permit legislative bodies subject to the Brown Act to continue to meet under modified teleconferencing rules provided that they comply with specific requirements set forth in the statute; and,

**WHEREAS**, pursuant to AB 361 and Cal. Gov. Code section 54953(e)(1)(A), a legislative body may meet under the modified teleconferencing rules during a proclaimed state of emergency, and where local officials have imposed or recommended measures to promote social distancing; and

**WHEREAS**, on March 4, 2020, Governor Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic, and which remains in effect; and

**WHEREAS**, on September 30, 2021, Santa Cruz County Public Health Officer Dr. Gail Newel strongly recommended that legislative bodies in Santa Cruz County continue to engage in physical/social distancing by meeting via teleconference as allowed by AB 361 and confirmed that she will regularly review and reconsider this recommendation and notify the public when it is no longer recommended; and

**WHEREAS**, pursuant to AB 361 and Cal. Gov. Code section 54953(e)(3), within 30 days of the date the legislative body first holding a teleconferenced meeting under the modified rules, and every 30 days thereafter, a legislative body can continue to hold such teleconference meetings provided it has reconsidered the circumstances of the state of emergency and determined either that the state of emergency continues to directly impact the ability of the members to meet safely in person or that local officials continue to recommend measures to promote social distancing; and

**WHEREAS**, on December 1, 2022, the Water Advisory Commission held its initial teleconference meeting under AB 361; and

**WHEREAS**, this the Water Advisory Commission has reconsidered the circumstances of the current state of emergency and finds that the COVID-19 pandemic continues to directly impact the ability of members of the public to participate safely in person and further finds that the Santa Cruz County Public Health Officer continues to recommend measures to promote social distancing; and

**WHEREAS**, in the interest of public health and safety, and due to the emergency caused by the spread of COVID-19, the Water Advisory commission deems it necessary to utilize the modified teleconferencing rules set forth in AB 361;

**NOW, THEREFORE**, the Water Advisory Commission makings the following findings by a majority vote:

**Section 1.** The foregoing recitals are true and correct, and adopted as findings of the Water Advisory Commission.

**Section 2.** Effective immediately, and for the next 30 days, the Water Advisory Commission will meet via teleconference as authorized under AB 361 and Government Code section 54953(e)(3).

**Section 3.** No later than thirty (30) days from making today’s findings, or at the next scheduled meeting, the Commission will reconsider the circumstances of the COVID-19 state of emergency and, if necessary, adopt subsequent findings to continue holding teleconference meetings in accordance with Government Code section 54953(e)(3).

**PASSED AND ADOPTED** by the Water Advisory Commission in Santa Cruz, State of California, this   1   day of  June , 2022  , by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Chair, Water Advisory Commission

ATTEST: \_\_\_\_\_  
Department Staff

Approved as to Form:

\_\_\_\_\_  
Office of the County Counsel



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## Minutes

### **SANTA CRUZ COUNTY WATER ADVISORY COMMISSION** **Wednesday April 6, 2022, 4pm**

#### **A. OPENING**

1. Call to Order 4:03

In attendance: Frank Cheap, Paul Lego, Linda Wilson, Bryan Largay, Chris Berry, Brian Lockwood, Ray Pereyra  
(arrived 4:12)

Staff: Sierra Ryan, Mark Strudley

Public: Becky Steinbruner, Edan Cassidy, Jeff Koopman, Ryuun Ernst

3. AB 361 Compliance, authorizing teleconference meeting

Motion by Lego, Berry seconds

Unanimous (Pereyra absent)

#### **B. APPROVAL OF MINUTES: February 2, 2022**

Replace "Agenda" with "Minutes", add 5-year update to the GSP alternative.

Berry moves, Wilson seconds

Unanimous (Pereyra absent)

#### **C. PUBLIC COMMUNICATIONS**

None

#### **D. COMMISSIONERS' REPORTS**

Lego – The SWRCB is holding a public workshop to comment on the administrative draft on hexavalent chromium MCL. Taking written comment through the 28<sup>th</sup> of April. Trying for an MCL of 10 which will be very difficult for small water companies in South County. May include wells and state small systems, going from 50 ppb to 10.

Berry – They are promoting beavers in the Marin area. We don't have a role in it though we could encourage it. Some of the City are reviewing the County Sustainability Plan. Intercommission coordination group: the COE cancelled their last meeting, focusing on greenhouse gas emissions and environmental justice. The FWAC drafted a letter to the BOS asking them to write a letter on low flow fishing closure. The last few drought years have had fisherman catching the same fish repeatedly which impacts their ability to get up in the watershed and spawn. FWAC had a presentation on mosquito fish, mosquito abatement does use pesticides to kill mosquito larvae in certain water bodies in the County.

Largay – received feedback from the community for data on sources of coliform contamination in the San Lorenzo Watershed and DNA sourcing analysis. It is helpful for decision making. Has received a few communications with the SLVWD expressing ongoing challenges with how difficult it is to navigate complexity coming from multiple areas with limited budgets. There are concerns about the impacts of the fires and consolidation. They are hoping for patience and help from the County. Having the bandwidth to do the work for the SMGWA and fire rebuild is an added challenge.

Pereyra – had trouble accessing the meeting with the call-in. Sierra will figure out the source of the problem before the June meeting.

#### **E. STAFF REPORTS AND ANNOUNCEMENTS**

1. Mark Strudley – The State had committed \$150 million in funds in the past contingent on receiving federal funds. Last week the Biden Administration came through with \$67 million. The O&M assessment is still required. DWR is looking to fully fund an assessment of how flood MAR can help with salmonids and with recharge. Hopeful that DWR will put some money forward to do modeling and technical work to examine what the benefit of levee configuration. Army Corps is looking for material to build the levees. One opportunity is to use old flood sediments within the new levee system. Undoubtedly there will be clay that could be used.

Question - Will the set back levees provide more riparian habitat? They are required to maintain thin riparian vegetation, the lawsuit that the County lost says that they must maintain flood conveyance levels. Mark hopes that by setting the levees back, the riparian corridor will be allowed to be more robust.

Bryan Largay offers letters of support.

2. Staff provided information on the Governor's [Executive Order N-7-22](#). Includes GSA review of well permits and may require declaration of Level 2 water shortage.
3. Vice Chair Berry provided information on [Assembly Bill 2451](#). Sets up a drought response arm of the SWRCB to develop watershed plans and established flows.
4. Vice Chair Berry provided information on [Assembly Bill 2313](#). Would establish a formal training program and a panel of experts for judges deciding water issues.
5. Vice Chair Berry provided information on Low Flow Angling Closure (see link below under Board of Supervisor's Actions from March 8, 2022.) Chair Koenig did respond to the letter in the packet.

#### **F. NEW BUSINESS**

None

#### **G. UNFINISHED BUSINESS and UPDATES**

1. SB 552 Compliance Subcommittee Update

Receive update and take recommended actions.

Attachments: Staff memo

Blank Application for At-Large Representatives

Proposed Scoring

Notification to Board of Supervisors

Motion to approve at-large selection process from Pereyra. Wilson seconds  
Approved unanimously.

2. WAC Work Plan Subcommittee Update

Consider approval of WAC Work Plan 2022-2023 and Process for Revising WAC Work Plan.

Attachments: Draft 2022-2023 Work Plan clean copy  
Draft 2022-2023 Work Plan redline  
Process for Revising WAC Work Plan

Commissioner Berry moves approval. Lego Seconds. Approved unanimously.

Commissioner Berry suggests that there may be a benefit to assigning tasks. Suggests a standing item for drought impacts

3. Groundwater Sustainability Agencies Update

Oral reports outlining updates from the three GSAs in the County.

Santa Cruz Mid-County Groundwater Agency (MGA)– Recently was approved for a \$7.6 million grant which will go towards several programs in the Basin. The contract for construction of the monitoring network will go to the Board of Sups on June 7<sup>th</sup>. They are also moving forward with a metering program.

Both the MGA and Santa Margarita Groundwater Agency (SMGWA) are partnering on an agreement for planning and administrative services.

SMGWA is starting to approach project planning to prepare for grant submittals expected this Fall.

Pajaro Valley Water Management Agency – already requires meters on private wells that pump 10AFY. PV Water purchases them. You can install yourself and get a \$300 credit. PV Water staff reads all the meters and photo IDs each one as a record. There are a few parcels that they accept a photo sent on a timely basis.

Also applied for the critical overdrafted basin grant funding. They are directing almost all the funding towards College Lake, things like acquiring land, public outreach, monitoring wells. On Friday they submitted a \$10 Mil to the DOC “agricultural land repurposing grant” for College Lake and recharge net metering. Working with UCSC and the RCD. At April Board they are presenting the draft budget. They are talking about adding more domestic water rebates.

Property negotiations underway for College Lake. They have also installed some more wells around the Harkins Slough recharge project.

**H. CORRESPONDENCE**

No discussion

**I. BOARD OF SUPERVISORS ACTION ON ITEMS AFFECTING WATER:**

No discussion

**J. ITEMS OF INTEREST**

No discussion

**K. AGENDA ITEMS FOR FUTURE MEETINGS**

Added:

1. County response to chrome 6
2. Drought response standing item

**L. ADJOURNMENT (6:01)**



# County of Santa Cruz

## Water Advisory Commission

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<https://www.scceh.org/>

**Subject:** June 1, 2022 Water Advisory Commission Agenda Item F.2

**Title:** County Response to Executive Order N-22-7, Paragraph 9

### **Recommended Action:**

1. Review proposed new policy and GSA compliance form

### **Background**

On March 28, 2022, Governor Gavin Newsom signed Executive Order N-7-22 (Executive Order) in response to extreme and expanding drought conditions which, effective immediately, prohibits Santa Cruz County Environmental Health (EH) from issuing a permit for a new non-de minimis groundwater well pursuant to Chapter 7 of the Santa Cruz County Code unless certain requirements are met or the permit falls within the limited exception to the requirements. [A complete copy of the Executive Order is available here](#) (see Paragraph 9).

### **Discussion**

After discussions with representatives from other Counties and from the Department of Water Resources, staff determined that a new written policy and additional form was required in order to implement and demonstrate compliance with Paragraph 9 of the Executive Order. After input is received from the WAC, the documents will be routed to County Counsel for input. Upon approval by Counsel, the policy will go into effect for the duration of the Executive Order. Well applicants and the Groundwater Sustainability Agencies will be notified of the new policy. The Groundwater Agencies will then need to determine if and when they can certify that the well will not be inconsistent with their Groundwater Sustainability Plan.

By: \_\_\_\_\_

Sierra Ryan

County Water Resources Manager



# County of Santa Cruz

## Health Services Agency - Environmental Health



701 Ocean Street, Room 312, Santa Cruz, CA 95060  
(831) 454-2022 TDD/TTY - Call 711 [www.scceh.com](http://www.scceh.com)  
[EnvironmentalHealth@santacruzcounty.us](mailto:EnvironmentalHealth@santacruzcounty.us)

### **DRAFT Procedures Implementing Requirements Under Executive Order N-7-22**

On March 28, 2022, Governor Gavin Newsom signed Executive Order N-7-22 (Executive Order) in response to extreme and expanding drought conditions which, effective immediately, prohibits Santa Cruz County Environmental Health (EH) from issuing a permit for a new non-de minimis groundwater well pursuant to Chapter 7 of the Santa Cruz County Code unless certain requirements are met or the permit falls within the limited exception to the requirements. [A complete copy of the Executive Order is available here](#) (see Paragraph 9).

### **Limited Exception**

Paragraph 9 of the Executive Order does not apply to permits for wells that will provide less than two (2) acre-feet per year of groundwater for individual domestic users or that will exclusively provide groundwater to public water supply systems as defined in Health and Safety Code Section 116275.

### **Well Application Process**

- 1) Well application must start by submission to Santa Cruz County EH (<https://www.scceh.org/NewHome/Programs/LandUse/WaterWells.aspx>)
  - Submissions can be made electronically or hard copy to the department
  - Fees are due at the time of submission
  - Application is reviewed by staff for accuracy, completeness, and regulatory compliance
- 2) If the application is for a well subject to Executive Order Paragraph 9b, the applicant must additionally provide:
  - A report signed by **a California licensed Professional Geologist with a Certified Hydrogeologist specialty certification** that concludes both that extraction of groundwater from the well "is not likely to interfere with the production and functioning of existing nearby wells". (See paragraph 9(b) of the Executive Order).
- 3) If the application is for a well subject to Executive Order Paragraph 9b and within the Santa Margarita, Santa Cruz Mid-County, or Pajaro Valley Basins (Paragraph 9a):
  - Applicant must complete the top section of the Executive Order N-7-22 GSA Compliance Form
  - Staff will review for completeness and then route the complete application as well as the Executive Order N-7-22 GSA Compliance Form to the appropriate GSA for review
  - The GSA must sign the form to indicate that groundwater extraction by the proposed well would not be inconsistent with any sustainable groundwater management program established in any applicable Groundwater Sustainability Plan adopted by that Groundwater Sustainability Agency and would not decrease the likelihood of achieving a sustainability goal for the basin covered by such a plan
  - GSA Compliance Form will be reviewed; if well is deemed consistent with GSP and adheres to all other regulatory requirements well application is processed and well permit issued by EH within the 10-day period allowed by the Santa Cruz County Well Ordinance.



# County of Santa Cruz

## Health Services Agency - Environmental Health

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[EnvironmentalHealth@santacruzcounty.us](mailto:EnvironmentalHealth@santacruzcounty.us)



# Executive Order N-7-22 GSA Compliance Form

## **Section 1** (to be filled out by applicant)

|  |  |
|--|--|
| <u>Property Address:</u>   | <u>APN:</u>                              |
| <u>Property Owner Name:</u>  | <u>Applicant Name and Title:</u>         |
| <u>GPS Coordinates of Proposed Well (decimal degrees):</u>         | <u>Screening Depth of Proposed Well:</u> |
| <u>Estimated Water Use of Proposed Well in Acre-Feet per Year:</u> |  |
| <u>How Was Water Use Determined?</u>                               |  |

### Which represents the impact of the new well:

- This is a new well that represents a new use of groundwater from the Basin
- This is a replacement well that will not change the total water used from the Basin
- This is a replacement well that is intended to provide higher yield
- This well replaces a municipal supply and will not change the total water used from the Basin

Prepared by: \_\_\_\_\_

Name

Date

\_\_\_\_\_

Title

\_\_\_\_\_

Signature



# County of Santa Cruz

## Health Services Agency - Environmental Health



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[EnvironmentalHealth@santacruzcounty.us](mailto:EnvironmentalHealth@santacruzcounty.us)

### Section 2 (to be filled out by GSA representative)

Groundwater extraction by the proposed well (choose one)

Would be inconsistent with

Would not be inconsistent with

any sustainable groundwater management program established in the Groundwater Sustainability Plan adopted by the Groundwater Sustainability Agency and would not decrease the likelihood of achieving a sustainability goal for the basin covered by that Plan.

Comments (optional)

Name of Groundwater Agency: \_\_\_\_\_

\_\_\_\_\_ Date

Certified by: \_\_\_\_\_

Name

Title

Signature

EXECUTIVE DEPARTMENT  
STATE OF CALIFORNIA

EXECUTIVE ORDER N-7-22

**WHEREAS** on April 12, 2021, May 10, 2021, July 8, 2021, and October 19, 2021, I proclaimed states of emergency that continue today and exist across all the counties of California, due to extreme and expanding drought conditions; and

**WHEREAS** climate change continues to intensify the impacts of droughts on our communities, environment, and economy, and California is in a third consecutive year of dry conditions, resulting in continuing drought in all parts of the State; and

**WHEREAS** the 21st century to date has been characterized by record warmth and predominantly dry conditions, and the 2021 meteorological summer in California and the rest of the western United States was the hottest on record; and

**WHEREAS** since my October 19, 2021 Proclamation, early rains in October and December 2021 gave way to the driest January and February in recorded history for the watersheds that provide much of California's water supply; and

**WHEREAS** the ongoing drought will have significant, immediate impacts on communities with vulnerable water supplies, farms that rely on irrigation to grow food and fiber, and fish and wildlife that rely on stream flows and cool water; and

**WHEREAS** the two largest reservoirs of the Central Valley Project, which supplies water to farms and communities in the Central Valley and the Santa Clara Valley and provides critical cold-water habitat for salmon and other anadromous fish, have water storage levels that are approximately 1.1 million acre-feet below last year's low levels on this date; and

**WHEREAS** the record-breaking dry period in January and February and the absence of significant rains in March have required the Department of Water Resources to reduce anticipated deliveries from the State Water Project to 5 percent of requested supplies; and

**WHEREAS** delivery of water by bottle or truck is necessary to protect human safety and public health in those places where water supplies are disrupted; and

**WHEREAS** groundwater use accounts for 41 percent of the State's total water supply on an average annual basis but as much as 58 percent in a critically dry year, and approximately 85 percent of public water systems rely on groundwater as their primary supply; and

**WHEREAS** coordination between local entities that approve permits for new groundwater wells and local groundwater sustainability agencies is important to achieving sustainable levels of groundwater in critically overdrafted basins; and

**WHEREAS** the duration of the drought, especially following a multiyear drought that abated only five years ago, underscores the need for California to redouble near-, medium-, and long-term efforts to adapt its water management and delivery systems to a changing climate, shifting precipitation patterns, and water scarcity; and

**WHEREAS** the most consequential, immediate action Californians can take to extend available supplies is to voluntarily reduce their water use by 15 percent from their 2020 levels by implementing the commonsense measures identified in operative paragraph 1 of Executive Order N-10-21 (July 8, 2021); and

**WHEREAS** to protect public health and safety, it is critical the State take certain immediate actions without undue delay to prepare for and mitigate the effects of the drought conditions, and under Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Proclamation would prevent, hinder, or delay the mitigation of the effects of the drought conditions.

**NOW, THEREFORE, I, GAVIN NEWSOM**, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately:

**IT IS HEREBY ORDERED THAT:**

1. The orders and provisions contained in my April 21, 2021, May 10, 2021, July 8, 2021, and October 19, 2021 Proclamations remain in full force and effect, except as modified by those Proclamations and herein. State agencies shall continue to implement all directions from those Proclamations and accelerate implementation where feasible.
2. To help the State achieve its conservation goals and ensure sufficient water for essential indoor and outdoor use, I call on all Californians to strive to limit summertime water use and to use water more efficiently indoors and out. The statewide Save Our Water conservation campaign at [SaveOurWater.com](http://SaveOurWater.com) provides simple ways for Californians to reduce water use in their everyday lives. Furthermore, I encourage Californians to understand and track the amount of water they use and measure their progress toward their conservation goals.
3. By May 25, 2022, the State Water Resources Control Board (Water Board) shall consider adopting emergency regulations that include all of the following:
  - a. A requirement that each urban water supplier, as defined in section 10617 of the Water Code, shall submit to the Department of Water Resources a preliminary annual water supply and demand assessment consistent with section 10632.1 of the Water Code no later than June 1, 2022, and submit a final annual water

supply and demand assessment to the Department of Water Resources no later than the deadline set by section 10632.1 of the Water Code;

- b. A requirement that each urban water supplier that has submitted a water shortage contingency plan to the Department of Water Resources implement, at a minimum, the shortage response actions adopted under section 10632 of the Water Code for a shortage level of up to twenty percent (Level 2), by a date to be set by the Water Board; and
- c. A requirement that each urban water supplier that has not submitted a water shortage contingency plan to the Department of Water Resources implement, at a minimum, shortage response actions established by the Water Board, which shall take into consideration model actions that the Department of Water Resources shall develop for urban water supplier water shortage contingency planning for Level 2, by a date to be set by the Water Board.

To further conserve water and improve drought resiliency if the drought lasts beyond this year, I encourage urban water suppliers to conserve more than required by the emergency regulations described in this paragraph and to voluntarily activate more stringent local requirements based on a shortage level of up to thirty percent (Level 3).

4. To promote water conservation, the Department of Water Resources shall consult with leaders in the commercial, industrial, and institutional sectors to develop strategies for improving water conservation, including direct technical assistance, financial assistance, and other approaches. By May 25, 2022, the Water Board shall consider adopting emergency regulations defining "non-functional turf" (that is, a definition of turf that is ornamental and not otherwise used for human recreation purposes such as school fields, sports fields, and parks) and banning irrigation of non-functional turf in the commercial, industrial, and institutional sectors except as it may be required to ensure the health of trees and other perennial non-turf plantings.
5. In order to maximize the efficient use of water and to preserve water supplies critical to human health and safety and the environment, Public Resources Code, Division 13 (commencing with section 21000) and regulations adopted pursuant to that Division are hereby suspended, with respect to the directives in paragraphs 3 and 4 of this Order and any other projects and activities for the purpose of water conservation to the extent necessary to address the impacts of the drought, and any permits necessary to carry out such projects or activities. Entities that desire to conduct activities under this suspension, other than the directives in paragraphs 3 and 4 of this Order, shall first request that the Secretary of the Natural Resources Agency make a determination that the proposed activities are eligible to be conducted under this suspension. The Secretary shall use sound discretion in applying this Executive Order to ensure that the suspension serves the purpose of accelerating conservation projects that are necessary to address impacts of the drought, while at the same time

protecting public health and the environment. The entities implementing these directives or conducting activities under this suspension shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.

6. To support voluntary approaches to improve fish habitat that would require change petitions under Water Code section 1707 and either Water Code sections 1425 through 1432 or Water Code sections 1725 through 1732, and where the primary purpose is to improve conditions for fish, the Water Board shall expeditiously consider petitions that add a fish and wildlife beneficial use or point of diversion and place of storage to improve conditions for anadromous fish. California Code of Regulations, title 23, section 1064, subdivisions (a)(1)(A)(i)-(ii) are suspended with respect to any petition that is subject to this paragraph.
7. To facilitate the hauling of water for domestic use by local communities and domestic water users threatened with the loss of water supply or degraded water quality resulting from drought, any ordinance, regulation, prohibition, policy, or requirement of any kind adopted by a public agency that prohibits the hauling of water out of the water's basin of origin or a public agency's jurisdiction is hereby suspended. The suspension authorized pursuant to this paragraph shall be limited to the hauling of water by truck or bottle to be used for human consumption, cooking, or sanitation in communities or residences threatened with the loss of affordable safe drinking water. Nothing in this paragraph limits any public health or safety requirement to ensure the safety of hauled water.
8. The Water Board shall expand inspections to determine whether illegal diversions or wasteful or unreasonable use of water are occurring and bring enforcement actions against illegal diverters and those engaging in the wasteful and unreasonable use of water. When access is not granted by a property owner, the Water Board may obtain an inspection warrant pursuant to the procedures set forth in Title 13 (commencing with section 1822.50) of Part 3 of the Code of Civil Procedure for the purposes of conducting an inspection pursuant to this directive.
9. To protect health, safety, and the environment during this drought emergency, a county, city, or other public agency shall not:
  - a. Approve a permit for a new groundwater well or for alteration of an existing well in a basin subject to the Sustainable Groundwater Management Act and classified as medium- or high-priority without first obtaining written verification from a Groundwater Sustainability Agency managing the basin or area of the basin where the well is proposed to be located that groundwater extraction by the proposed well would not be inconsistent with any sustainable groundwater management program established in any applicable Groundwater Sustainability Plan adopted by that Groundwater Sustainability

Agency and would not decrease the likelihood of achieving a sustainability goal for the basin covered by such a plan; or

- b. Issue a permit for a new groundwater well or for alteration of an existing well without first determining that extraction of groundwater from the proposed well is (1) not likely to interfere with the production and functioning of existing nearby wells, and (2) not likely to cause subsidence that would adversely impact or damage nearby infrastructure.

This paragraph shall not apply to permits for wells that will provide less than two acre-feet per year of groundwater for individual domestic users, or that will exclusively provide groundwater to public water supply systems as defined in section 116275 of the Health and Safety Code.

10. To address household or small community drinking water shortages dependent upon groundwater wells that have failed due to drought conditions, the Department of Water Resources shall work with other state agencies to investigate expedited regulatory pathways to modify, repair, or reconstruct failed household or small community or public supply wells, while recognizing the need to ensure the sustainability of such wells as provided for in paragraph 9.
11. State agencies shall collaborate with tribes and federal, regional, and local agencies on actions related to promoting groundwater recharge and increasing storage.
12. To help advance groundwater recharge projects, and to demonstrate the feasibility of projects that can use available high water flows to recharge local groundwater while minimizing flood risks, the Water Board and Regional Water Quality Control Boards shall prioritize water right permits, water quality certifications, waste discharge requirements, and conditional waivers of waste discharge requirements to accelerate approvals for projects that enhance the ability of a local or state agency to capture high precipitation events for local storage or recharge, consistent with water right priorities and protections for fish and wildlife. For the purposes of carrying out this paragraph, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division, and Chapter 3 (commencing with section 85225) of Part 3 of Division 35 of the Water Code and regulations adopted pursuant thereto are hereby suspended to the extent necessary to address the impacts of the drought. This suspension applies to (a) any actions taken by state agencies, (b) any actions taken by local agencies where the state agency with primary responsibility for the implementation of the directives concurs that local action is required, and (c) permits necessary to carry out actions under (a) or (b). The entities implementing these directives shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.
13. With respect to recharge projects under either Flood-Managed Aquifer Recharge or the Department of Water Resources Sustainable

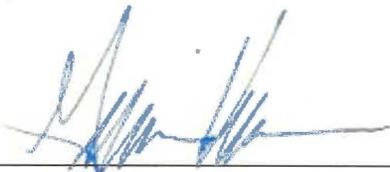
Groundwater Management Grant Program occurring on open and working lands to replenish and store water in groundwater basins that will help mitigate groundwater conditions impacted by drought, for any (a) actions taken by state agencies, (b) actions taken by a local agency where the Department of Water Resources concurs that local action is required, and (c) permits necessary to carry out actions under (a) or (b), Public Resources Code, Division 13 (commencing with section 21000) and regulations adopted pursuant to that Division are hereby suspended to the extent necessary to address the impacts of the drought. The entities implementing these directives shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.

14. To increase resilience of state water supplies during prolonged drought conditions, the Department of Water Resources shall prepare for the potential creation and implementation of a multi-year transfer program pilot project for the purpose of acquiring water from willing partners and storing and conveying water to areas of need.
15. By April 15, 2022, state agencies shall submit to the Department of Finance for my consideration proposals to mitigate the worsening effects of severe drought, including emergency assistance to communities and households and others facing water shortages as a result of the drought, facilitation of groundwater recharge and wastewater recycling, improvements in water use efficiency, protection of fish and wildlife, mitigation of drought-related economic or water-supply disruption, and other potential investments to support short- and long-term drought response.

**IT IS FURTHER ORDERED** that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 28th day of March 2022.



GAVIN NEWSOM  
Governor of California

**ATTEST:**

\_\_\_\_\_  
SHIRLEY N. WEBER, PH.D.  
Secretary of State



# County of Santa Cruz

## Water Advisory Commission

701 Ocean Street, Room 312 ❖ Santa Cruz, CA 95060

(831) 454-2022 ❖ Fax (831) 454-3128

<https://www.scceh.org/>

**Subject:** June 1, 2022 Water Advisory Commission Agenda F.3

**Title:**

Pajaro Valley Water Management Agency's Request for County Support Regarding the "Watsonville Slough System Managed Aquifer Recharge & Recovery Projects" Struve Slough Water Right Application

**Recommended Action:**

The Santa Cruz County Water Advisory Commission recommend the Board of Supervisors adopt a resolution supporting Pajaro Valley Water Management Agency's Watsonville Slough System Managed Aquifer Recharge & Recovery Projects, supporting water right application A033151, and request for release from priority of State-Filed Application A018334.

**Executive Summary**

With Water Advisory Commission direction, the Health Services Agency (HSA) would request that the Board adopt a resolution supporting Pajaro Valley Water Management Agency's water right application A033151 and request for release from priority of an obsolete State-Filed Application A018334 in order to implement the Watsonville Slough System Managed Aquifer Recharge & Recovery Projects.

**Discussion**

In 1957, the first water supply master plan for Santa Cruz County was completed and adopted by the Board of Supervisors acting as the Board of Directors of the Santa Cruz County Flood Control District. This plan recommended the establishment of a water distribution system extending from the north coast to the Pajaro Valley which would be supplied by a series of large surface water reservoirs throughout the county. The plan also recommended that the County and State secure water rights necessary for the future construction of those reservoirs. On September 8, 1958, the Board adopted Resolution 591-58 requesting the State to reserve water rights on the affected streams until such time as the projects could be constructed (attached). The State subsequently filed those water rights, including State-Filed Application A018334 to divert up to 21,000 acre-feet per year from the Pajaro River for the proposed Watsonville Dam.

In 1984, the Pajaro Valley Water Management Agency (PV Water) was formed by the state legislature to provide integrated management of the ground and surface water resources within the Pajaro Valley Groundwater Subbasin. PV Water adopted a Basin Management Plan in 1994, which was subsequently updated in 2002 and 2014. In 2015, PV Water formally elected to become the Groundwater Sustainability Agency (GSA) for the Pajaro Valley Groundwater Basin. The County has supported PV Water's efforts to develop additional water sources and improve water management to eliminate the current overdraft and halt seawater intrusion, while still maintaining agriculture in the Valley. County staff actively participated in the *2014 Basin Management Plan Update (BMP)*, and more recently, the *BMP: Groundwater Sustainability Update 2022 (GSU22)*.

The Watsonville Slough System Managed Aquifer Recharge & Recovery Projects (Project) is a key component of the BMP/GSU22 and will provide PV Water the ability to divert an average of 2,060<sup>1</sup> (maximum of 4,000) acre-feet of water per year from the Watsonville Slough System for the purpose of reducing groundwater overdraft and seawater intrusion within the Pajaro Valley Groundwater Basin through managed aquifer recharge and recovery. Recovered water supply would be delivered to farmers along the coast through PV Water’s existing network of irrigation supply pipelines called the “Coastal Distribution System,” which has a service area that runs from approximately Monterey Bay Academy in Santa Cruz south to Moss Landing.

The project is described in more detail on the PV Water website: <https://www.pvwater.org/wss-marr> . PV Water completed environmental review and certified the final Supplemental Environmental Impact Report for the Project on January 20, 2021. PV Water has applied to the State Water Resources Control Board (State Water Board) for the necessary water rights for the project, Application A033151.

### Analysis

Under California water law, an older water right has a priority over a newer water right and if there is inadequate water to meet both water rights, the junior water right holder must suspend its use of water so that the senior water right holder may utilize their full right. The 1958 State-Filed Application A018334 would have a priority over the newer PV Water right for Struve Slough. To prevent any future conflict PV Water is also requesting that the State Water Board release from priority the State-Filed Application A018334. Given that the Board of Supervisors requested this water right in 1958, the Water Board looks to the County to indicate whether the County supports that action.

There are no plans to implement the surface water reservoirs that were the basis for the County’s original water rights request in 1958. The future water supply needs for the Pajaro Valley are being addressed by PV Water through its BMP, which was developed through detailed assessment of options and extensive review process, including County involvement. The Project has been deemed to be a feasible and cost-effective project to help address the needs of the Pajaro Valley. HSA staff believe it is appropriate and beneficial to release from priority the State-Filed Application A018334 in favor of the Project.

If the Board of Supervisors adopts the attached resolution, staff will transmit it to the State Water Board for its consideration, and send a copy to PV Water for its records.



By: \_\_\_\_\_

Sierra Ryan  
County Water Resources Manager

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<sup>1</sup> Supplemental Environmental Impact Report, Section S.4.3  
[https://www.pvwater.org/images/projects/Sloughs/WSS-MARR-Draft-SEIR\\_with-Appendices-web.pdf](https://www.pvwater.org/images/projects/Sloughs/WSS-MARR-Draft-SEIR_with-Appendices-web.pdf)

BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. \_\_\_\_\_

On the motion of Supervisor \_\_\_\_\_

Duly seconded by Supervisor \_\_\_\_\_

The following resolution is adopted

**RESOLUTION SUPPORTING THE PAJARO VALLEY WATER AGENCY'S  
WATSONVILLE SLOUGH SYSTEM MANAGED AQUIFER RECHARGE & RECOVERY PROJECTS AND  
SUPPORTING WATER RIGHT APPLICATION A033151 AND REQUEST FOR RELEASE FROM PRIORITY OF  
STATE-FILED APPLICATION A018334**

WHEREAS, the County of Santa Cruz is committed to sustainably managing the county's surface water and groundwater resources; and

WHEREAS, the County's Board of Supervisors also serves as the governing board of several county entities, including the Santa Cruz Flood Control and Water Conservation District; and

WHEREAS, on September 8, 1958, Santa Cruz County Flood Control and Water Conservation District requested that the California Department of Water Resources file water right application A018334 to divert up to 21,000 acre-feet per year for storage at the then-proposed Watsonville Dam; and

WHEREAS, the County and District has no current plans to construct Watsonville Dam or use the water reserved by water right application A018334; and

WHEREAS, the Pajaro Valley Water Management Agency (PV Water) was formed in 1984 to provide integrated management of the ground and surface water resources within the Pajaro Valley Groundwater Subbasin 3-002.01 (Pajaro Basin); and

WHEREAS, the Pajaro Basin is within Santa Cruz, Monterey, and San Benito Counties, and the aquifers provide a crucial supply of groundwater to the City of Watsonville, private parcels, the agricultural industry, and endangered species; and

WHEREAS, in 1994, to address long-term groundwater overdraft in the Pajaro Basin, PV Water developed and adopted a long-term Basin Management Plan; and

WHEREAS, in 2014, PV Water adopted an updated Basin Management Plan that proposed PV Water undertake the Watsonville Slough System Managed Aquifer Recharge & Recovery Projects to develop Struve Slough as a water storage and supply source to address long-term groundwater overdraft and seawater intrusion by providing an additional source of agricultural irrigation water in the Pajaro Valley; and

WHEREAS, as part of the project, PV Water has filed water right application A033151 with the State Water Resources Control Board to divert up to 4,000 acre-feet per year from Struve Slough, tributary to the Pajaro River, and a request for release from priority of state-filed application A018334; and

WHEREAS, as part of the State Water Resources Control Board's consideration of PV Water's request for release from priority of state-filed application A018334, the Board must determine whether granting PV Water's request would deprive Santa Cruz County of water necessary for the County's development or otherwise conflict with the general or coordinated plan to develop, utilize, or conserve the County's water resources; and

WHEREAS, because the County and the County Flood Control and Water Conservation District were the expected beneficiaries of state-filed application A018334, PV Water has requested the County's support for water right application A033151 and request for release from priority of state-filed application A018334.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Santa Cruz hereby expresses its support for PV Water's water right application A033151 and request for release from priority of state-filed application A018334, and further determines that a release of priority in favor of PV Water's water right application would not deprive Santa Cruz County of water necessary for the County's development and would not conflict with the general or coordinated plan to develop, utilize, or conserve the County's water resources.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by the following vote:

AYES: SUPERVISORS  
NOES: SUPERVISORS  
ABSENT: SUPERVISORS

\_\_\_\_\_  
Chairperson of the Board

ATTEST: \_\_\_\_\_  
Clerk of the Board

Approved as to form:

\_\_\_\_\_  
Office of County Counsel

Distribution: Pajaro Valley Water Management Agency  
Health Services Agency-Environmental Health