July 23, 2025

Colusa Groundwater Authority
P.O. Box 475
Colusa, CA 95932-9804

Colusa Groundwater Authority Board Members,

I object to the CGA SGMA Operational Assessment for several reasons. My objections may or may not be based on constitutional grounds, I am far from a constitutional scholar, but they are objections, none the less. I hope that they will be considered.

The CGA Board and (highly paid) contracted managers and consultants have failed the landowners they serve. CGA has already been in place for some 7 years and there is a rush to put a groundwater monitoring system in place to meet upcoming State deadlines because initial proposal (in 2023?) was not acceptable to the State. There has been an apparent lack of planning, and/or action, and/or communication with the landowners who will be impacted by the pending CGA Assessment. There is now a ballot, with an August 7 deadline, to put assessments on the Colusa County tax bills for 2025-26 that will fund the CGA's plans. The managers and consultants are supposedly experienced in these matters, but I am not seeing evidence of their expertise. They may be keeping the CGA actions compliant with legal guidelines, but they are not helping them communicate effectively, accurately, and in a timely manner with the voters they are hired to serve.

1. The CGA has structured the assessment categories to guarantee the CGA will receive the funding it seeks.
   - Ballots are weighted by the dollar amount of the assessment. I do understand that Prop 218 was structured this way, the weighting strategy is legal, and the reasoning behind it, but I still think it is wrong.
   - Large landowners, who have deep, high volume draw, commercial wells, and are in the highest cost per acre category, will have a significant and unfair voting advantage over all other property owners. These same large landowners do not want meters on their wells, nor do they want any outside control exercised over the amount of water they can draw. How much they draw is at least part of the reason for local land subsidence.
   - One vote - one parcel would have been far more equitable.

2. Parcel assessment categories are inaccurately identified for the CGA assessment ballot. I checked with several neighbors. Like me, they were also incorrectly categorized. I have attended public meetings where others have also indicated their parcels were incorrectly categorized.
   - There was insufficient effort made by the CGA, or their consultants who developed the assessment categories, to place individual parcels in the correct category before the ballots went out to landowners. A lack of planning and attention to detail.
   - The descriptions of the assessment categories on the ballot were not sufficiently explanatory for voters to determine if they were or were not in the correct assessment category.
   - CGA consultants used a "broad brush" strategy and assumptions, based on ArcGIS mapping, to identify which parcels belonged in which assessment category and strategically weighted these in order to generate enough assessment dollars to fund the proposed $1.9M budget.

- Zoom in on the ArcGIS map. For example, there is a preponderance of small parcels around Williams, Princeton, and south of Arbuckle to the Yolo County line. Most of these are rural, residential parcels that have domestic wells and maybe Colusa County Water District (CCWD) or other surface water. Some undoubtedly have ag wells. Most of the ag wells were probably in place before the properties were subdivided and at least some may be abandoned. Some parcels may have both an active ag well and CCWD, but the majority do not. This means that these many, many parcels have been incorrectly identified as Conjunctive Use instead of Surface Water.
- At the Board Meeting on July 11, which I attended, the CGA Board intended to appoint a committee to address this issue. It was the the only agenda item and the balloting had already been in progress for weeks. A process to address incorrect rate categories should have been in place BEFORE the ballots even went out. Better yet, the accurate status of each parcel should have been determined. Time consuming? Yes, but accuracy counts. The chair admitted to those present..."We have over promised and under performed". Due largely to time constraints with the ballots due August 7, it was decided that the authority to correct problems was IMPLIED by previous Board actions and that the consultant should proceed with corrections.
- Getting your assessment category corrected has been and is inefficient and cumbersome. The 800 number on the ballot only took messages during business hours and it took a week for my second call, when I could leave a message, to be returned. Others have had the same experience. Then, there was no form yet in place to request the correction! The consultant still had to create it, which took another week! Landowners then had to submit the form, requesting a change and a new ballot. As of July 23, I still did not have a corrected ballot. I may have to personally attend the August 7 meeting in order for my assessment category to be correct and my ballot to be counted.
- Roughly 6,700 ballots were sent out. To expect everyone whose ballot is incorrect or missing, and who may not get a corrected ballot before the deadline, and thus need to vote in person, is simply unreasonable. The rush is in place so, if the measure passes, the CGA can give the results to the County in order to have the assessment on the 2025-26. Clearly a lack of planning on the part of the CGA and with no help from the consultants.
- Once the assessment is in place, presuming it passes, and the County has the wrong assessment information, how are property owners supposed to get their assessment category corrected?

3. In the budget, the CGA proposes to establish a very costly "accounting system" that will utilize satellite-based evapotranspiration (ET) data to estimate ground water use. And the high cost continues annually. They are "reinventing the wheel", to the financial burden of taxpayers, with a system that has acknowledged flaws.

- First, the ET data is already available from the USDA, for FREE! A friend in Butte County sends it to me.
- Second, I know of a local grower who used a satellite ET system to water their trees. It was an epic fail - the ET data was totally inaccurate for their needs.
- Third, other California groundwater authorities have already established accounting systems that the State of California has approved. Why not buy a copy of the already approved software? Can our needs be so different from others that we need to start over?

4. Communications by the CGA to the public and landowners are simply inadequate. It may be legal, but it is insufficient. Emails with huge attachments are largely ineffective. Notices of special meetings arriving by email the day before do not help people attend. I don't read the paper, but are regular meeting notices published there? Have articles been submitted to the

local paper describing the CGA's mission, the processes that are ongoing, the progress made to date, and the importance of the ballot, how parcels were categorized, and how to get corrections made?

- Public meetings are simply not well attended. People have day jobs or family obligations and cannot just drop what they are doing in order to attend, especially with only a day or two notice. Evening meetings do provide a second opportunity, but the meetings I have attended had less than 50 people, including CGA personnel, present. And there are THOUSANDS of property owners who will be impacted by this vote.
- At the July 11 Board Meeting, this problem was brought up. There was an Information Guide provided with the ballot, but there was no description of the assessment categories that property owners could use to confirm they were in the correct category. As of July 17, a FAQ sheet had not yet been completed per Ryan Aston's email to me. After another Board meeting on July 18, where the continuing lack of the FAQ sheet was brought up, the CGA did send out a FAQ sheet via email that afternoon. It still lacked clear definitions or simple examples of the assessment categories. Did it go to all property owners representing the 6,700 ballots? Doubtful.
- Has ANY of the material been presented in Spanish? NO! Colusa County has a significant Hispanic population. State voting materials are presented in multiple languages. Based on the County census, there is apparently no requirement for the CGA materials to be provided in Spanish. Regardless, how is this equitable to all County property owners who will be impacted by this assessment?

5. It is generally understood that the State of California will eventually mandate meters on all wells. I fully admit that nobody wants this, especially those landowners with large, deep wells and hundreds of acres to irrigate. It is the pumping from these wells that is, at the least, a significant contributing factor to ground subsidence and domestic well failures. Metering wells is the ONLY accurate way to measure ground water use, at least that I am aware of.

- Because meters will eventually be mandated, why not mandate, subsidize, and phase in the installation of meters on the large, agricultural wells now, followed, if required by the State, with domestic wells?
- There is supplemental funding available through USDA-NRCS and/or other agencies as well as from grants. Whether the meters are read by a person or by some satellite method is an open question. A human and a laptop would be inexpensive compared with a satellite!.
- A participant at the June 23 public meeting at Granzella's had installed a meter on his ag well for less than ~$2500. Yes, adding State certification would be an additional cost. Another participant indicated there were less than 2000 wells in the area in question that need monitoring. Either way, installing meters will cost less in the long run. Someone with 1000 acres who installed a meter, even if it cost $5000, would save money compared with their new $11+/acre assessment if this measure passes. And, the meter is probably a tax deductible business expense, anyway.

I appreciate the opportunity to present my concerns. I would be happy to discuss these matters with the CGA board, although I have voiced them at some of the board and public meetings.

Respectfully,

Penelope J. Walgenbach

Penelope J. Walgenbach
421 Wyer Road
Arbuckle, CA 95912

Parcel Number: 021130091000
530-476-2151, land line
pjwalgenbach@frontiernet.net

August 1, 2025

Colusa Groundwater Authority ("GCA")

PO Box 475

Colusa California 95932

RE: Objection Letter to Proposed Prop 218 Assessment For Parcels 015-165-007-000, 015-165-008-000 & 015-162-001-000

015-165-008-000

Dear CGA,

Benjamin and Laura King 2020 Trust hereby submits its objection to the Proposed Assessment for the reference above. We believe that the Proposed Assessment is unconstitutional because the CGA and its Consultants did not use the best available and current information to make the parcel designation groupings and was negligent in the designation of multiple parcels for which CGA Directors and its consultants had actual or constructive knowledge.

The three parcels which are the basis for this objection are located on the east edge of the City of Colusa and are connect to the City of Colusa municipal water supply. The three parcels are NOT located within the jurisdiction of the City of Colusa but are in the County of Colusa – none of these parcels have a well. One parcel is a commercial lot (015-162-001-000) that is not in use, another parcel is a house at 215 Bridge Street in Colusa (015-165-007-0000 and the remaining parcel is a vacant lot just east of the house.

Our primary objection is that we believe that the Proposed Assessment is unconstitutionally assesses on the City of Colusa water users because water users get no benefit from the proposed assessment. The City is already closely regulated by the State Water Resources Control Board and the USEPA with no oversight, benefit or other assistance or regulation by the CGA. Furthermore, it is disproportionally and unconstitutional to assess the Planning and Groundwater Sustainability Costs to the City of Colusa water users since there is no possible benefit to City water users and City water users have done no harm to the Subbasin nor are they responsible for any of the domestic well failures or subsidence in the Subbasin.

Finally, as noted by the DWR in their October 2023 Letter the time series of water use which was used to calculate groundwater use for the Proposed Assessment is not the best information currently available and is unconstitutional because a proper allocation of costs by benefit can not be determined with the use of the outdated irrelevant data set referenced in the Engineers Report. The Engineers Report used a 25-year time series starting in 1990 (35 years ago) and ending in 2015 (10 years ago). The DWR required the CGA to use the 2016 to 2021 time series to render the most recent submission of the GSP complete.

One glaring unconstitutional defect of the Engineers Report is the parcel designations outside the Cities of Colusa, Princeton, Williams and Arbuckle which may have had surface water deliveries decades ago but do not now. In Colusa for example, the Roberts Ditch Company used to provide surface water to the

northwest of the City of Colusa on the west side of Hwy 45 towards Princeton but over the last few decades they have ceased to do so. The use of the 1990 to 2015 period may have included historical surface water deliveries by the Roberts Ditch Company that no longer are current. For example, all of the west side of 14th Street seems to be designated as Surface Water while the City of Colusa is Groundwater. This is obviously unfair and unconstitutional and is only because an outdated and irrelevant time series was used by the Engineers Report. Exhibit A is a magnified snapshot of the Figure 3 on Page 44 of the Engineers Report which the Assessment Map used to designate parcels. The assessment groupings in this Figure have multiple incorrect designations and is unconstitutional

Here are some more reasons why the Proposed Assessment is unconstitutional **(Please Note that Exhibits B -J are included in the Objection Letter For Parcels 015-165-009-000, 015-164-006-000 & 015-164-007-000)**:

1. **The Engineers Report Intentionally Presents a Dire Financial Condition for the CGA that is Untrue**

On Page 42 of the Engineers Report, the Line Item for "Beginning **Unrestricted Net Assets is "$ 0.** This is an intentional misrepresentation because the CGA had $ 1,309,800 in Beginning Unrestricted Net Assets as of June 30, 2025, and more at the time of adoption on June 10, 2025. Since annual current assessments are approximately $ 480,000 per year and will continue the CGA could continue to operate as it currently is operating for several years and prudently spend on projects necessary to meet DWR conditions. See Exhibit 3 for Page 42 of the Engineers Report certified by John Bliss and the CGA Cash Balance and Financial Excerpts for the full year period ending June 30, 2025 (See Exhibit B)

2. **The Historical Subarea Water Budgets for Parcel Grouping were Based on a Data Set Rejected by the DWR when the Initial GSP Filing was Not Accepted. The Engineer's Report parcel groupings should be based on the same 2016 – 2021 Data Set that Were Included in the Approved GSP. The Parcel Groupings are Based on Irrelevant Out of Date Data that Do Not Reflect Current Groundwater Use by Parcel Groups**

On Page 46 of the Engineers Report there is a reference to Appendix 3F

"Historical subarea water budgets from Appendix 3F of the Colusa GSP were used to estimate groundwater pumping by subarea."

Appendix 3F incorporates a data set from 1990 to 2015 which is not representative of current groundwater use in the Colusa Subbasin. The DWR in its October 23, 2023, Letter that deemed the GSP Submittal on January 28, 2022, as Incomplete – stated on Page 8 that the 1990 to 2015 Data Set included conflicting information and was not representative of the overdraft of approximately 1-million-acre feet that had occurred from 2006 to 2015. Consequently, the DWR requested a Corrective Action

requiring that the GSP be based on a relevant time series. (See Exhibit C for Letter Excerpt). In the Cover Letter from the CGA to the DWR dated April 23, 2024, for the version of the GSP that was actually approved, an updated relevant time period of 2016 – 2021 was used resulting in an annual overdraft of 62,000 per year.

The same relevant and current time-period used for the only version of the GSP approved by the DWR should have been used by the Engineer to calculate the groundwater use by Budget Subarea. The 1990 to 2015 period is irrelevant and not representative of current groundwater conditions or relevant groundwater use by any parcel in the subbasin. On average this data set used is over 22 years old and totally irrelevant. Furthermore, it is not based on the GSP because the GSP Budget was revised to be based on the 2016 – 2021 time-period.

On the bottom of Page 8 (last sentence to first lines of Page 9) of the DWR October 2023 Letter determining that the 2022 GSP submission was incomplete it states:

"Based on a review of the information included in the GSP and annual reports, and the discrepancies in the reported projections of overdraft, Department staff are unable to conclude the GSAs have included a reasonable assessment of overdraft condition for the Subbasin based on the best available information."

Just as the 2022 draft submission of the GSP was deemed "Incomplete" due to the outdated irrelevant data set used for Appendix 3F which is the basis of the Assessment Figure 3 on Page 44 of the Engineer's Report – the parcel groupings derived from this 1990 to 2025 data set is unconstitutional because it is not the "best available information". The CGA should have used the same time- period 2016 -2021 which was required by the DWR to deem the GSP complete to ensure a constitutional and correct Assessment.

3. **The Proposed Costs for the Water Accounting System and Satellite Imagery Data should Have Been Allocated to Planning Services Rather Than Groundwater Sustainability Surfaces Since It will Benefit the Whole Subbasin And Done in Conjunction With the Glenn Groundwater Authority To Be Used on the Glenn County Portion of the Subbasin Also.**

The $850,000 per year budgeted for the Water Accounting System and Satellite Imagery System is intended for the benefit of the whole of Colusa County and Glenn County portions of the Colusa Subbasin located on the west side of the Sacramento River. This Costs should be considered part of Planning Services and allocated across all the parcels west of the Sacramento River where this data could possibly be a benefit.

It is clear from the Frequently Asked Questions that were sent out by the CGA Administrator that these costs are for the benefit of the whole of the Basin west of the Sacramento River since it references the benefit of the whole Subbasin including Glenn County. It will not include the east side of Glenn County because that area is in the Butte Subbasin, and it should not include the East Side of Colusa County because there is no Monitoring Network infrastructure on the East Side.

4. **The CGA Was Negligent and Ignored the March 28, 2018, Technical Memorandum By Davids Engineering Detailing the Location and Well Type of 1044 Wells in the Colusa Subbasin**

In a Technical Memorandum Entitled "Characterization **of Groundwater Development in Colusa County and Evaluation of Potential Future Groundwater Demands**" Prepared by Davids Engineering on March 28, 2018 for Mary Fahey who was the CGA Administrator, Davids Engineering located by parcel 1044 Domestic and Agricultural Wells (See Exhibit D). On Page 3 Section 2.1.1:

> ***"Well locations were refined using a combination of methods depending on available information and resources. The available information in the well logs included well address, street intersection, location sketch, and tract location in sections, depending on the well completion report. In some cases, latitude and longitude coordinates were provided. Once the available information was reviewed, Google maps and the aerial imagery from the National Agricultural Imagery Program (NAIP) were used to determine general, if not definite, locations of the wells. If the basic location information listed above was missing, well owner names, parcels, and well types were reviewed and cross-referenced within the respective sections using NAIP imagery and a parcel shapefile provided by Colusa County to approximate the well location."***

The CGA had the parcel location of 1044 wells in the Colusa Subbasin but negligently used the outdated irrelevant data set rejected by the DWR to assess landowners for the Proposed Assessment.

5. **Thad Bettner was Negligent By Not Incorporating the Most Recent Well Use Data Referenced in the March 2023 Sacramento Valley Regional Water Management Plan that he Prepared as General Manager of Glenn Colusa Irrigation District**

Glenn Colusa Irrigation District has between 100 to 200 landowner members who have wells on their parcels with an aggregate conjunctive capacity of 77,000-acre feet. (Section 2.2.3.2 of Attached Report (See Exhibit E). None of these parcels were designated "Conjunctive Use" or "Groundwater Only" but are assessed at the lower "Surface Water" tier for the Assessment Rolls making them free riders and resulting in an unconstitutional proportionality for other parcels at higher assessment rates.

6. **Thad Bettner was Negligent By Not Designating Commercial Parcels withing GCID that rely on groundwater only as Groundwater Only for the Assessment Rolls.**

See the attached parcel maps of 5 commercial use parcels – 4 of which are within GCID jurisdiction, and one is within RD 108 jurisdiction. All these parcels are designated as Surface Water where it is clear that these parcels use groundwater for office, shop and warehouse purposes (See Exhibit F)

7. **The CGA Was Negligent in Not Requiring Member Agencies to Provide Most Recent Groundwater Use by Parcel Within Their Districts For Parcel Groupings To Ensure Proportionality**

The CGA chose to rely on an outdate irrelevant data set rather than ask Member Agencies for their accounting records which would have shown irrigation supply type by Parcel within each Agencies Jurisdiction. For example, the Colusa County Water District Water Management Plan (See Exhibit G) states on Page 19:

"***The District collects and compiles water use by crop and field, which it has distributed widely since 1995. Monthly meter readings are available totalizing use and the District provides an annual review of water use in acre feet per acre for the entire District so that each water user can compare his annual use to the District wide summary to see if any improvements to his irrigation practices are needed. This information is available at District office request.***"

This information was available at the request of the CGA in preparing the Engineer's Report and the CGA was negligent in not requesting this information. If a parcel has almonds on it and it does not receive surface water – it is Groundwater. If it does receive surface water, it is conjunctive, or surface water based on the acre feet used per acre – information easily obtained but not used.

One large grower within the CCWD is likely to have several groundwater only parcels that are being assessed as Conjunctive Parcels. Attached is a Warren Act Agreement which has a table of irrigation supply by field. Here is a summary of the spreadsheet on Pages 10 to 13 of Exhibit I:

a. T&P Farms by itself farms over 2600 acres on well water alone according to the attached filing – see pages 10 to 13 of the attachment above.
b. T&P Farms reported farming 73 Parcels in CCWD – 41 of the 73 use **WELL WATER ONLY. There is not disclosure on others in CCWD, but the overwhelming majority of T&P field parcels are essentially White Areas within CCWD.** Only 15 field parcels rely exclusively on CCWD water and only 17 T&P field parcels use well and district water. **Approximately 88% of T&P field parcels use some well water or are solely dependent on well water.**

8. **We also incorporate the Constitutional Objections contained in the Letter by Brownstein Hyatt of August 1, 2025, as attached in Exhibit J.**

We are relying on the general constitutional objections included in the Brownstein Hyatt Letter for these parcels and not the specific objections that relate to parcels located on the East Side of the Sacramento River.

We look forward to your response to our Objections. Please email us at bking@pacgoldag.com . Our mailing address is PO Box 29, Colusa California 95932

Sincerely,

Ben King

On behalf of Benjamin and Laura King 2020 Trust

EXHIBIT A

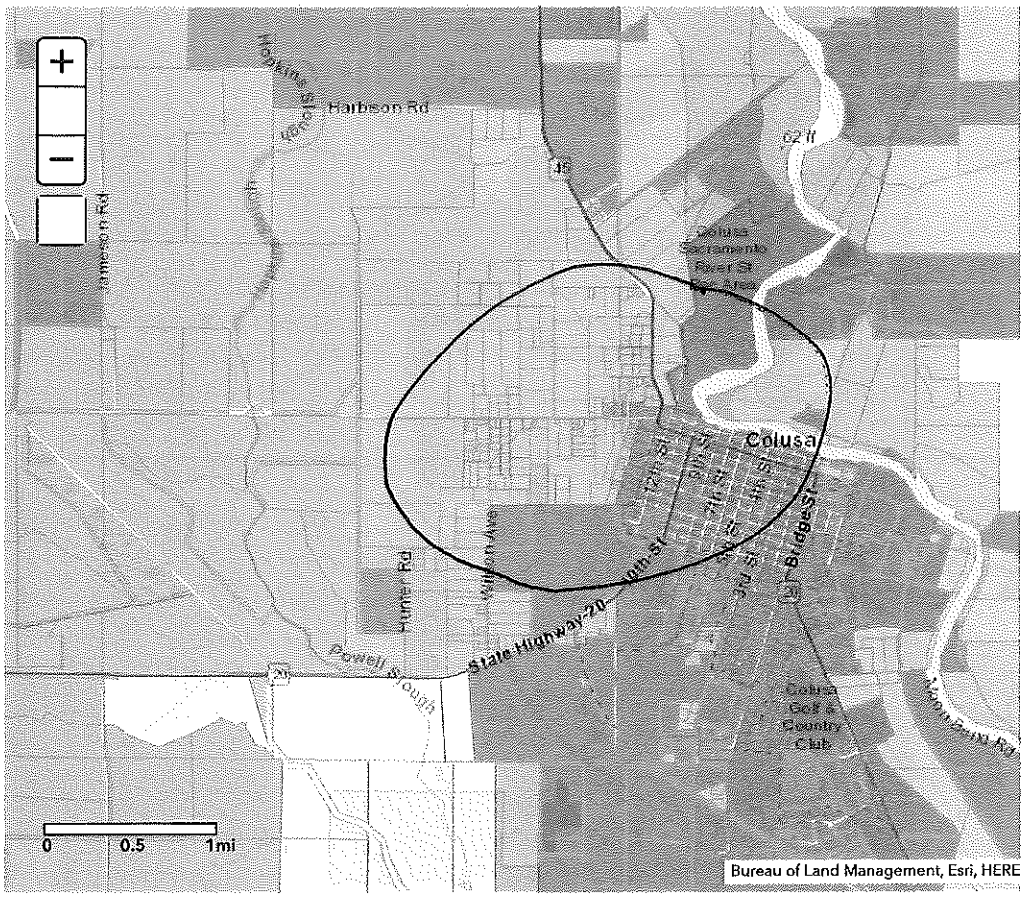
ArcGIS ▾ CGA Fee Study Parcel User Class Assignments

Details | Basemap | Share Print | Measure Find addre

Legend

CGA Parcels (2024)

- Groundwater Only
- Conjunctive Use
- Surface Water
- National Wildlife Refuge
- Rangeland / Non Irrigable



SEE SURFACE WATER PARCELS ON ALL OF 14th Street AND JUST WEST OF HWY 45.

MANY IF NOT ALL ARE GROUNDWATER ONLY

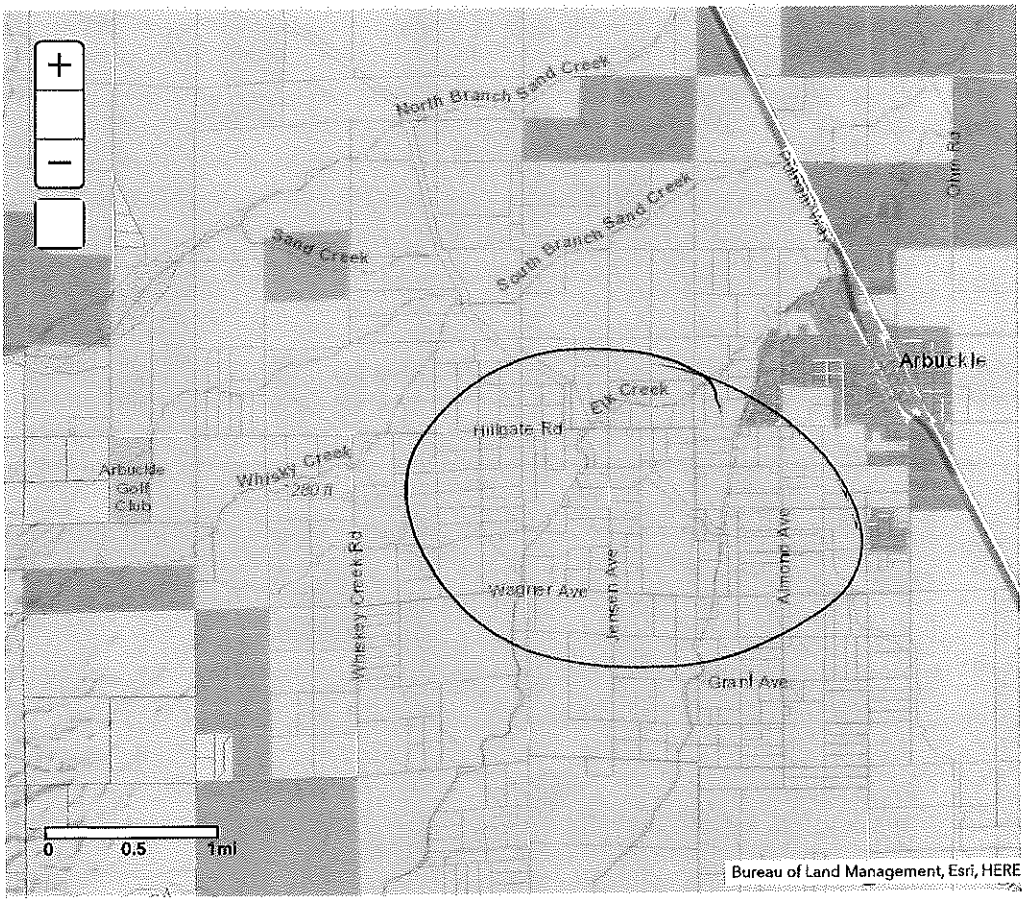
ArcGIS ▾ CGA Fee Study Parcel User Class Assignments

Details | Basemap | Share Print | Measure Find addre:

Legend

CGA Parcels (2024)

- Groundwater Only
- Conjunctive Use
- Surface Water
- National Wildlife Refuge
- Rangeland / Non Irrigable



SEE THE PARCELS WEST AND SOUTH OF ARBUCKLE MANY ARE SURFACE WATER OR GROUNDWATER

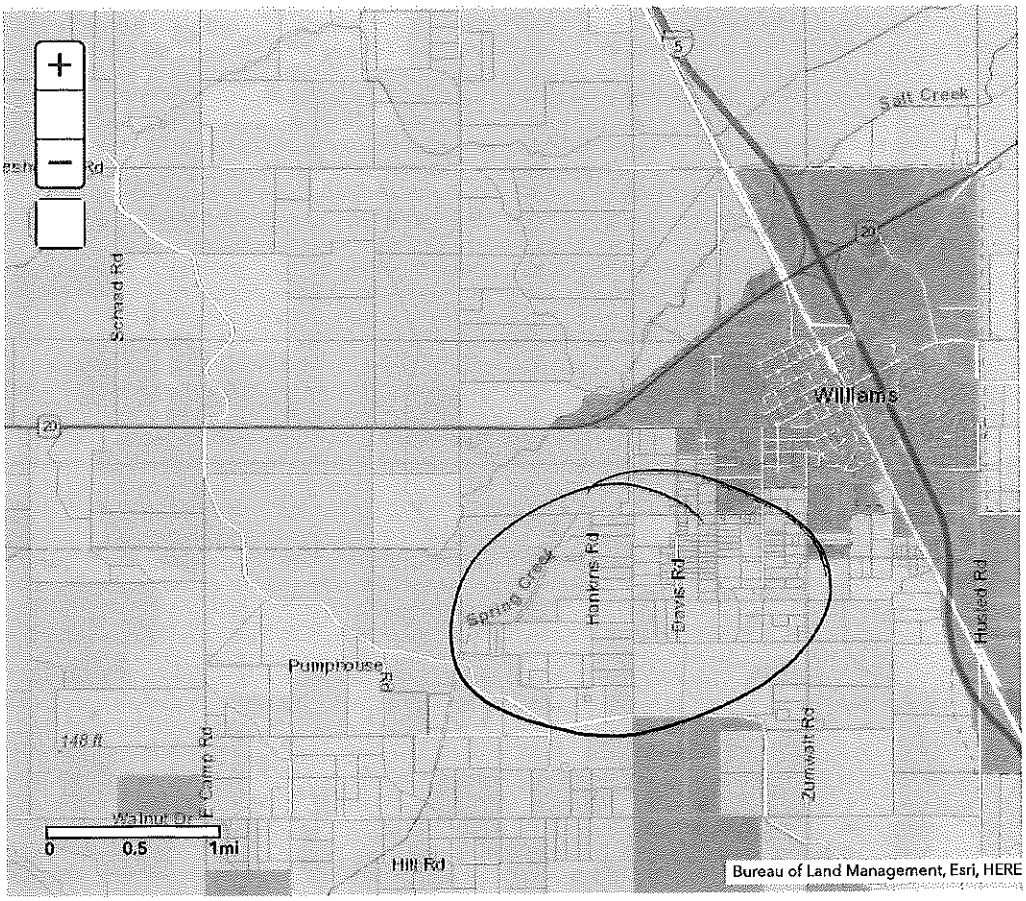
ArcGIS ▾ CGA Fee Study Parcel User Class Assignments

Details | Basemap | Share Print | Measure Find addre:

Legend

CGA Parcels (2024)

- Groundwater Only
- Conjunctive Use
- Surface Water
- National Wildlife Refuge
- Rangeland / Non Irrigable



. Trust Center . Legal . Contact Esri . Report Abuse .

SEE THE PARCELS WEST OF WILLIAMS

MANY ARE PROBALY GRUVNDWATER

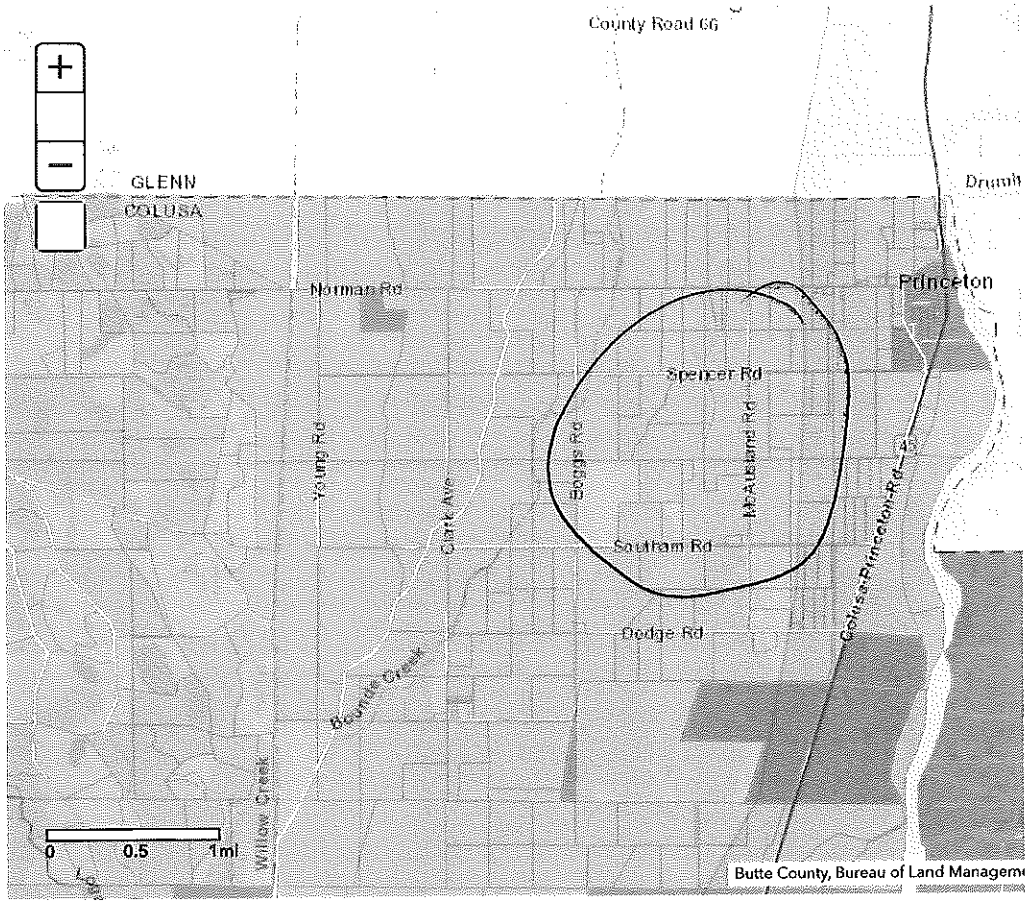
ArcGIS ▾ CGA Fee Study Parcel User Class Assignments

Details | Basemap | Share Print | Measure Find addre:

Legend

CGA Parcels (2024)

- Groundwater Only
- Conjunctive Use
- Surface Water
- National Wildlife Refuge
- Rangeland / Non Irrigable



. Trust Center . Legal . Contact Esri . Report Abuse .

SEE ALL THE PARCELS JUST ~~WEST~~ OF PRINCETON MANY ARE GROUNDWATER

August 1, 2025

Colusa Groundwater Authority ("GCA")

PO Box 475

Colusa California 95932

RE: Objection Letter to Proposed Prop 218 Assessment For Parcels 015-165-009-000, 015-164-006-000 & 015-164-007-000

Dear CGA,

Benjamin and Laura King 2020 Trust hereby submits its objection to the Proposed Assessment for the reference above. We believe that the Proposed Assessment is unconstitutional because the CGA and its Consultants did not use the best available and current information to make the parcel designation groupings and was negligent in the designation of multiple parcels for which CGA Directors and its consultants had actual or constructive knowledge.

The three parcels which are the basis for this objection are located on the east edge of the City of Colusa and historically were part of the Colusa Irrigation Company. After the dissolution of the Colusa Irrigation Company, these parcels were allocated Settlement Contractor status by the Bureau of Reclamation in the name of Ben and Laura King. Thad Bettner who is acting as a Consultant to the CGA for this Prop 218 process is currently the Executive Director of the Sacramento River Settlement Contractors and is fully aware that these parcels have Settlement Contractor rights. Ironically the CGA designated these parcels in different groupings. Parcels 015-164-006-000 and 015-164-007-000 were designated as "Surface Water" and Parcel 015-165-009-000 was designated as "Groundwater" even though all three parcels have Sacramento River Settlement Contractor Rights. Ironically, there is a well on parcel 015-164-006-000 which is used to also irrigate Parcel 015-165-009-000 but 006 was designated Surface Water and 009 was "Groundwater". If Thad Bettner had reviewed the designation of all the Sacramento River Settlement Contractor parcels in the Assessment area, he would have easily noticed that these two parcels had different grouping. Since we converted our irrigation system from flood irrigation from the River to drip irrigation from our well, we informed the Consultant at SCI about the change in irrigation and asked that all three parcels be designated as Ground Water since we want to be honest and correct.

How could it be that one parcel with a well within the same orchard could be designated Surface Water and the other parcel without a well be designated Ground Water – obviously, no one checked for consistency of geographic areas but also the fact is that the CGA is using an irrelevant and outdated time series for its parcel groupings. As referenced in the Engineer's Report – the CGA used the time series in Appendix 3F (which relates to the data set in Appendix 3E) and is for a 25 year period starting in 1990 and ending in 2015. By any rational assessment using a time series that starts 35 years ago and ends 10 years ago is obviously irrelevant and unconstitutional because the groupings have no relationship to actual

groundwater use or land use today. It is common knowledge that a large portion of the farmland in Colusa County has undergone a conversion from row crops to almond and walnut orchards and from flood irrigation to drip irrigation. Since drip irrigation requires a filter system and uniform pressure for uniform application in an orchard – many orchards have converted to well irrigation or have been based on well irrigation since 2015 and in the last 10 to 15 years. Water use from a time series that begins in 1990 and ends in 2015 is no way representative of actual water use and it is foreseeable that multiple parcels will have outdated designations for this Proposed Assessment (See Exhibit A for the CGA Assessment Notice and Bureau of Reclamation Settlement Contractor Invoices for these Parcels)

We will go into more detail below but it is clear that Thad Bettner and the Long-Term Funding Ad Hoc Committee did not review the Assessment Diagram - Figure 3 on Page 44 of the Engineers Report. The discrepancies jump out at you when you review them – how can you have a Groundwater Only Parcel next to a Surface Water Only Parcel if both parcels are known Settlement Contractors? How can there be a Surface Water designation for a warehouse on the west side of the Colusa Basin Drain next to College City if RD 108 does not deliver surface water on the west side of the Colusa Basin Drain? Why didn't the Chairman of the CGA who is also the Vice Chairman of the Colusa Drain Water Company not know or care that the service area of the Colusa Drain Mutual Water Company on the west side of the Colusa Basin Drain was not represented and that CDMWC landowners were being over assessed? How is it that Thad Bettner who was the General Manager of GCID for over a decade before becoming a Consultant to the CGA not point out that multiple parcels in CGID are in fact groundwater only or conjunctive use. Was all of this negligence or selective disclosure – it definitely was not the correct information and definitely not a constitutional way to assess landowners who rely on a rational and constitutional process from the CGA Board and its consultants.

Here are some more reasons why the Proposed Assessment is unconstitutional:

A. The Proposed Prop 218 Assessment by the CGA Is Unconstitutional Because the Engineering Report Intentionally Misrepresents the Current Financial Condition of the CGA and Is Based on Conflicting and Outdated Data.

1. <u>The Engineers Report Intentionally Presents a Dire Financial Condition for the CGA that is Untrue</u>

On Page 42 of the Engineers Report, the Line Item for "Beginning **Unrestricted Net Assets is "$ 0.** This is an intentional misrepresentation because the CGA had $ 1,309,800 in Beginning Unrestricted Net Assets as of June 30, 2025, and more at the time of adoption on June 10, 2025. Since annual current assessments are approximately $ 480,000 per year and will continue the CGA could continue to operate as it currently is operating for several years and prudently spend on projects necessary to meet DWR conditions. See Exhibit 3 for Page 42 of the Engineers Report certified by John Bliss and the CGA Cash Balance and Financial Excerpts for the full year period ending June 30, 2025 (See Exhibit B)

2. **<u>The Historical Subarea Water Budgets for Parcel Grouping were Based on a Data Set Rejected by the DWR when the Initial GSP Filing was Not Accepted. The Engineer's Report parcel groupings should be based on the same 2016 – 2021 Data Set that Were Included in the Approved GSP. The Parcel Groupings are Based on Irrelevant Out of Date Data that Do Not Reflect Current Groundwater Use By Parcel Groups</u>**

On Page 46 of the Engineers Report there is a reference to Appendix 3F

"Historical subarea water budgets from Appendix 3F of the Colusa GSP were used to estimate groundwater pumping by subarea."

Appendix 3F incorporates a data set from 1990 to 2015 which is not representative of current groundwater use in the Colusa Subbasin. The DWR in its October 23, 2023, Letter that deemed the GSP Submittal on January 28, 2022, as Incomplete – stated on Page 8 that the 1990 to 2015 Data Set included conflicting information and was not representative of the overdraft of approximately 1-million-acre feet that had occurred from 2006 to 2015. Consequently, the DWR requested a Corrective Action requiring that the GSP be based on a relevant time series. (See Exhibit C for Letter Excerpt). In the Cover Letter from the CGA to the DWR dated April 23, 2024, for the version of the GSP that was actually approved, an updated relevant time period of 2016 – 2021 was used resulting in an annual overdraft of 62,000 per year.

The same relevant and current time-period used for the only version of the GSP approved by the DWR should have been used by the Engineer to calculate the groundwater use by Budget Subarea. The 1990 to 2015 period is irrelevant and not representative of current groundwater conditions or relevant groundwater use by any parcel in the subbasin. On average this data set used is over 22 years old and totally irrelevant. Furthermore, it is not based on the GSP because the GSP Budget was revised to be based on the 2016 – 2021 time-period.

On the bottom of Page 8 (last sentence to first lines of Page 9) of the DWR October 2023 Letter determining that the 2022 GSP submission was incomplete it states:

"Based on a review of the information included in the GSP and annual reports, and the discrepancies in the reported projections of overdraft, Department staff are unable to conclude the GSAs have included a reasonable assessment of overdraft condition for the Subbasin <u>based on the best available information.</u>"

Just as the 2022 draft submission of the GSP was deemed "Incomplete" due to the outdated irrelevant data set used for Appendix 3F which is the basis of the Assessment Figure 3 on Page 44 of the Engineer's Report – the parcel groupings derived from this 1990 to 2025 data set is unconstitutional because it is not the "best available information". The CGA should have used the same time- period 2016 -2021 which was required by the DWR to deem the GSP complete to ensure a constitutional and correct Assessment.

3. **The Proposed Costs for the Water Accounting System and Satellite Imagery Data should Have Been Allocated to Planning Services Rather Than Groundwater Sustainability Surfaces Since It will Benefit the Whole Subbasin And Done in Conjunction With the Glenn Groundwater Authority To Be Used on the Glenn County Portion of the Subbasin Also.**

The $850,000 per year budgeted for the Water Accounting System and Satellite Imagery System is intended for the benefit of the whole of Colusa County and Glenn County portions of the Colusa Subbasin located on the west side of the Sacramento River. This Costs should be considered part of Planning Services and allocated across all the parcels west of the Sacramento River where this data could possibly be a benefit.

It is clear from the Frequently Asked Questions that were sent out by the CGA Administrator that these costs are for the benefit of the whole of the Basin west of the Sacramento River since it references the benefit of the whole Subbasin including Glenn County. It will not include the east side of Glenn County because that area is in the Butte Subbasin, and it should not include the East Side of Colusa County because there is no Monitoring Network infrastructure on the East Side.

4. **The CGA Was Negligent and Ignored the March 28, 2018, Technical Memorandum By Davids Engineering Detailing the Location and Well Type of 1044 Wells in the Colusa Subbasin**

In a Technical Memorandum Entitled "Characterization **of Groundwater Development in Colusa County and Evaluation of Potential Future Groundwater Demands**" Prepared by Davids Engineering on March 28, 2018 for Mary Fahey who was the CGA Administrator, Davids Engineering located by parcel 1044 Domestic and Agricultural Wells (See Exhibit D). On Page 3 Section 2.1.1:

> ***"Well locations were refined using a combination of methods depending on available information and resources. The available information in the well logs included well address, street intersection, location sketch, and tract location in sections, depending on the well completion report. In some cases, latitude and longitude coordinates were provided. Once the available information was reviewed, Google maps and the aerial imagery from the National Agricultural Imagery Program (NAIP) were used to determine general, if not definite, locations of the wells. If the basic location information listed above was missing, well owner names, parcels, and well types were reviewed and cross-referenced within the respective sections using NAIP imagery and a parcel shapefile provided by Colusa County to approximate the well location."***

The CGA had the parcel location of 1044 wells in the Colusa Subbasin but negligently used the outdated irrelevant data set rejected by the DWR to assess landowners for the Proposed Assessment.

5. **Thad Bettner was Negligent By Not Incorporating the Most Recent Well Use Data Referenced in the March 2023 Sacramento Valley Regional Water Management Plan that he Prepared as General Manager of Glenn Colusa Irrigation District**

Glenn Colusa Irrigation District has between 100 to 200 landowner members who have wells on their parcels with an aggregate conjunctive capacity of 77,000-acre feet. (Section 2.2.3.2 of Attached Report (See Exhibit E). None of these parcels were designated "Conjunctive Use" or "Groundwater Only" but are assessed at the lower "Surface Water" tier for the Assessment Rolls making them free riders and resulting in an unconstitutional proportionality for other parcels at higher assessment rates.

6. **Thad Bettner was Negligent By Not Designating Commercial Parcels withing GCID that rely on groundwater only as Groundwater Only for the Assessment Rolls.**

See the attached parcel maps of 5 commercial use parcels – 4 of which are within GCID jurisdiction, and one is within RD 108 jurisdiction. All these parcels are designated as Surface Water where it is clear that these parcels use groundwater for office, shop and warehouse purposes (See Exhibit F)

7. **The CGA Was Negligent in Not Requiring Member Agencies to Provide Most Recent Groundwater Use by Parcel Within Their Districts For Parcel Groupings To Ensure Proportionality**

The CGA chose to rely on an outdate irrelevant data set rather than ask Member Agencies for their accounting records which would have shown irrigation supply type by Parcel within each Agencies Jurisdiction. For example, the Colusa County Water District Water Management Plan (See Exhibit G) states on Page 19:

"***The District collects and compiles water use by crop and field, which it has distributed widely since 1995. Monthly meter readings are available totalizing use and the District provides an annual review of water use in acre feet per acre for the entire District so that each water user can compare his annual use to the District wide summary to see if any improvements to his irrigation practices are needed. This information is available at District office request.***"

This information was available at the request of the CGA in preparing the Engineer's Report and the CGA was negligent in not requesting this information. If a parcel has almonds on it and it does not receive surface water – it is Groundwater. If it does receive surface water, it is conjunctive, or surface water based on the acre feet used per acre – information easily obtained but not used.

One large grower within the CCWD is likely to have several groundwater only parcels that are being assessed as Conjunctive Parcels. Attached is a Warren Act Agreement which has

a table of irrigation supply by field. Here is a summary of the spreadsheet on Pages 10 to 13 of Exhibit I:

a. T&P Farms by itself farms over 2600 acres on well water alone according to the attached filing – see pages 10 to 13 of the attachment above.
b. T&P Farms reported farming 73 Parcels in CCWD – 41 of the 73 use **WELL WATER ONLY. There is not disclosure on others in CCWD, but the overwhelming majority of T&P field parcels are essentially White Areas within CCWD.** Only 15 field parcels rely exclusively on CCWD water and only 17 T&P field parcels use well and district water. **Approximately 88% of T&P field parcels use some well water or are solely dependent on well water.**

8. **We also incorporate the Constitutional Objections contained in the Letter by Brownstein Hyatt of August 1, 2025, as attached in Exhibit J.**

We are relying on the general constitutional objections included in the Brownstein Hyatt Letter for these parcels and not the specific objections that relate to parcels located on the East Side of the Sacramento River.

We look forward to your response to our Objections. Please email us at bking@pacgoldag.com . Our mailing address is PO Box 29, Colusa California 95932

Sincerely,

Ben King

On behalf of Benjamin and Laura King 2020 Trust

EXHIBIT A

Who May Complete this Official Assessment Ballot

1. If the property is owned by an individual, the individual may sign.
2. If a property is owned by more than one person, any one owner may sign for all.
3. If the property is owned by a corporation, the assessment ballot may be signed for the corporation by an officer or officers authorized to make contracts or by resolution of the corporation's Board of Directors.
4. If the property is owned by another legal entity, the assessment ballot may be signed by any person authorized by law to make contracts for the entity.
5. If the property is owned by a public agency, the assessment ballot may be signed by any person authorized by law to make contracts for the agency or by resolution of the agency's Governing Board.

Please see other side to complete this assessment ballot.

00004780

003635 1 13 1 *******AUTO**5-DIGIT 95955
KING BENJAMIN KELLOGG & LAURA J 2020 TR
~~P.O. BOX 641~~ POX BOX 29
MAXWELL CA ~~95955-0641~~ COLUSA CA 95932

Steps for Completing the Official Assessment Ballot

1. Verify that the owner name, address, and parcel number(s) listed on the assessment ballot are correct. If they are not correct call (800) 273-5167.
2. Fill in or clearly mark the oval next to the word "YES" or "NO" to approve or disapprove of the proposed assessment. You may use a pen only.
3. Sign and date the assessment ballot. Only official assessment ballots which are signed and marked with the property owner's support or opposition will be counted. After marking your vote, simply FOLD the assessment ballot so that your vote is on the inside of the fold. Then place the assessment ballot in the return envelope provided. No postage is necessary to mail back your assessment ballot.
4. If you make a mistake in completing your assessment ballot or wish to change or withdraw your assessment ballot, please call (800) 273-5167.

(See enclosed notice for further information)

Parcel Number	Proposed Assessment	Use Group
~~015070124000~~ 4 acres	~~$111.90~~	Groundwater Only
~~015070078000~~	$183.52	Groundwater Only
~~015165009000~~ → SE	$62.44	Groundwater Only
015162001000	$20.14	Groundwater Only
015164007000	$6.60	GW ~~Surface Water~~
015164006000	$2.71	GW ~~Surface Water~~
015165007000	$2.46	Groundwater Only
015165008000	$2.46	Groundwater Only

HOUS

← FOLD HERE *(this side should be on outside after fold)*

SAME ORCHARD
ONE WELL – PARCEL 006 – SURFACE WATER

009 – NO WELL
GROUNDWATER

SETTLEMENT CONTRACTOR STATEMENT

— BUREAU OF —
RECLAMATION

FBMS Payment Summary Report

User ID: birptuser
Contractor: KING, LAURA (FORMERLY KING, BARBARA)
Post Date Start: 2025/01

Contract No.:
Customer No.: 3000026443
Post Date End: 2025/06

Post Date	Orig. Post Date	Payment Group	Check No.	Category	Doc. Number	Contract	Amount
						Total Payment:	$0.00

Check Summary

Check No.	Check Date	Payment Group	Category	Amount
			Total Payment:	$0.00

Comments

Check Date	Check No.	Check Amount	Adjustment Notes

APN'S
015-164-007-000
015-164-006-000

*Negative Amounts indicate a Refund.

**Includes payments for Friant Surcharge and Recovered Water-SJRR.

Aug 1, 2025 8:49 AM

— BUREAU OF —
RECLAMATION

FBMS Payment Summary Report

User ID: birptuser
Contractor: KING, BEN (FORMERLY DOMMER, ELIZABETH)
Post Date Start: 2025/01

Contract No.:
Customer No.: 3000026436
Post Date End: 2025/06

Post Date	Orig. Post Date	Payment Group	Check No.	Category	Doc. Number	Contract	Amount
						Total Payment:	$0.00

Check Summary

Check No.	Check Date	Payment Group	Category	Amount
			Total Payment:	$0.00

Comments

Check Date	Check No.	Check Amount	Adjustment Notes

APN
015-165-009-000

*Negative Amounts indicate a Refund.

**Includes payments for Friant Surcharge and Recovered Water-SJRR.

Aug 1, 2025 8:48 AM

EXHIBIT B

Assessment

The amount to be paid for said CGA Administration and GSP Implementation Services and the expense incidental thereto, to be paid by the parcels in CGA for the FY 2025-26 is generally as follows:

Costs	
Beginning Unrestricted Net Assets	~~$0~~ $1,309,800
Total Annual Costs	$1,991,000
Less Contribution from other Sources	$0
	$1,991,000
Net Amount to Assessment	$1,991,000

The Assessment is subject to an annual adjustment tied to the annual change in the Consumer Price Index for the Western Region as of January of each succeeding year, with the maximum annual adjustment not to exceed 3% for each of the four (4) years following its adoption. Thereafter, the Assessment cannot be increased without approval from property owners in another assessment ballot proceeding. In the event that the actual assessment rate for any given year is not increased by an amount equal to the maximum of 3% or the yearly CPI change plus any CPI change in previous years that was in excess of 3%, the maximum authorized assessment shall increase by this amount. In such an event, the maximum authorized assessment shall be equal to the base year assessment as adjusted by the increase to the CPI, plus any and all CPI adjustments deferred in any and all prior years. The CPI change above 3% can be used in a future year when the CPI adjustment is below 3%.

The Assessment Diagram attached hereto and incorporated by reference herein shows the exterior boundaries of CGA. The distinctive number of each parcel or lot of land in CGA is its County Assessor's Parcel Number appearing on the Assessment Roll.

Each parcel or lot of land is described in the Assessment Roll by reference to its parcel number as shown on the Assessor's Maps of the Counties of Colusa and Yolo for the fiscal year 2025-26. For a more particular description of said property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorders of Colusa and Yolo County.

Engineer of Work

By _____

John Bliss, License No. C052019

CGA

As of June 30

CASH BALANCE

June 2025 Activity

Cash Receipts		
Operations Flat Fee	$	7,409.85
Total Cash Receipts	$	7,409.85

Cash Disbursements		
Warrants - May	$	8,839.74
Warrants - April		32,172.40
Total Cash Disbursements	$	41,012.14

Cash Balance

Prior Month to Current Month Ending Balance Reconciliation

May Cash Balance By Investment		
Umqua Checking	$	361,608.61
Umqua Money Market		875,736.61
Umqua Savings		33,007.81
Total Cash Balance	$	1,270,353.03

June Activity		
Cash Receipts	$	7,409.85
Cash Disbursements		(41,012.14)
Interest Earnings Checking		7.20
Interest Earnings Savings (Pending Qtly Statement)		0.82
Short Pay to be Adj		90.00
Total Activity	$	(33,504.27)
Ending Cash Balance	$	1,236,848.76
Less: Outstanding Warrants:		
Warrants - April		(9,675.49)
Warrants - May		(36,746.05)
Warrants - June		(48,120.26)
Total Available Cash By Activity	$	1,142,306.96

June Cash Balance by Investment		
Umqua Checking	$	328,096.32
Umqua Money Market		875,743.81
Umqua Savings		33,008.63
Total Balance	$	1,236,848.76
Less: Outstanding Warrants		(94,541.80)
Total Available Cash by Investment	$	1,142,306.96

Outstanding Warrants are vendor invoices received and not yet paid or in transit.

$1,142,306
+ 317,500
$1,459,806
150,000
Legal Reserve
$1,307,806
Beginning Net Assets.

CGA

100% of the Year Completed

BUDGET TO ACTUAL REPORT- July thru June Pending Accruals

			ACTUALS BY REVENUE				
		(A) BUDGET	Restricted Prop. 218	Glenn County 50%	(B) $ ACTUAL	(A-B) $ REMAINING	(B/A) % COMPLETED
1	**REVENUE**						
2	***Prior Year Funds to Balance***	***249,308***	-	-	-	249,308	0%
3	Proposition 218 Fee Agreements-$1.21	472,000	419,641	-	**419,641**	52,359	89%
4	Proposition 218 Landowner Fee-Operations Flat Fee $1.21	*8,242*	7,410	-	**7,410**	832	90%
5	Glenn County Groundwater Authority Reimbursement	317,500	-	-	-	317,500	0%
6	Interest	100	91	-	**91**	9	91%
7							
8	**TOTAL REVENUES**	1,047,150	427,142	-	427,142	620,008	41%
9	**EXPENSES**						
10	**Office Expense**						
11	Bank Fees	500	-	-	-	500	0%
12	JPA Insurance	2,000	-	-	-	2,000	0%
13	Printing and Copying/Outreach	5,500	-	-	-	5,500	0%
14	Website-Current	500	-	-	-	500	0%
15	Website-New	1,000	-	-	-	1,000	0%
16	Miscellaneous-PO Box	500	122	-	**122**	378	24%
17							
18	**Professional Services- Admin**						
19	Auditor	21,500	10,500	-	**10,500**	11,000	49%
20	Financial Services Bookkeeping (Crippen/Atlas)	5,000	3,448	-	**3,448**	1,552	69%
21	Legal Services (Young & Wooldridge)	55,000	43,423	-	**43,423**	11,577	79%
22	Program Manager/Facilitation Svcs (RGS)	175,000	82,269	-	**82,269**	92,731	47%
23	Annual Parcel Update (Provost & Pritchard)	*3,500*	2,045	-	**2,045**	1,455	58%
24	GSP Implementation (Davids Engineering)	*15,000*	44,034	-	**44,034**	(29,034)	294%
24	GSP Implementation (Water Ecology	-	23,363	-	**23,363**	(23,363)	0%
25	Legal Defense Reserve	-	-	-	-	-	0%
26	County Tax Roll Fee Support	*5,000*	-	-	-	5,000	0%
27	County of Butte GSA- Member Contribution	*12,500*	12,338	-	**12,338**	163	99%
28	***Miscellaneous -Prof Services Admin- Contingency 10%***	*30,250*	-	-	-	30,250	0%

EXHIBIT C

State of California
Department of Water Resources
Sustainable Groundwater Management Program
Groundwater Sustainability Plan Assessment
Staff Report

Groundwater Basin Name:	Sacramento Valley – Colusa Subbasin (No. 5-021.52)
Submitting Agency:	Colusa Groundwater Authority Groundwater Sustainability Agency and Glenn Groundwater Authority Groundwater Sustainability Agency
Submittal Type:	Initial GSP Submission
Submittal Date:	January 28, 2022
Recommendation:	Incomplete
Date:	October 26, 2023

The Colusa Groundwater Authority Groundwater Sustainability Agency and Glenn Groundwater Authority Groundwater Sustainability Agency (collectively, the GSAs) submitted the Colusa Subbasin Groundwater Sustainability Plan (GSP or Plan) to the Department of Water Resources (Department) for evaluation and assessment as required by the Sustainable Groundwater Management Act (SGMA)[1] and the GSP Regulations.[2] The GSP covers the entire Sacramento Valley – Colusa Subbasin (Subbasin) for the implementation of SGMA. As presented in this staff report, a single GSP covering the entire basin was adopted and submitted to the Department for review by the GSAs.[3]

Evaluation and assessment by the Department is based on whether an adopted and submitted GSP, either individually or in coordination with other adopted and submitted GSPs, complies with SGMA and substantially complies with the GSP Regulations. Department staff base its assessment on information submitted as part of an adopted GSP, public comments submitted to the Department, and other materials, data, and reports that are relevant to conducting a thorough assessment. Department staff have evaluated the GSP and have identified deficiencies that staff recommend should preclude its approval.[4] In addition, consistent with the GSP Regulations, Department staff have provided required corrective actions[5] that the GSAs should review while determining how and whether to address the deficiencies. The deficiencies and required corrective actions are explained in greater detail in Section 3 of this staff report and are generally related to

[1] Water Code § 10720 *et seq.*
[2] 23 CCR § 350 *et seq.*
[3] Water Code §§ 10727(b)(1), 10733.4; 23 CCR § 355.2.
[4] 23 CCR §355.2(e)(2).
[5] 23 CCR §355.2(e)(2)(B).

mitigate overdraft.[41] While the GSP presents information about overdraft, it is unclear whether this assessment is reasonable or uses the best available information, because the GSP's reported overdraft varies greatly from recent change in groundwater storage data. Furthermore, the projects and management actions proposed in the GSP, which have been developed to address the projected overdraft conditions, do not appear to be sufficient to mitigate the actual overdraft conditions in the Subbasin. Department staff have identified this as a deficiency that should preclude plan approval at this time. The following section describes specific details about the deficiency and outlines one or more corrective actions the GSAs must take to address to correct it.

The GSP presents conflicting information about overdraft occurring in the Subbasin. While the Plan acknowledges overdraft is observed in the Subbasin in the historical and projected water budgets, the current water budget shows a positive change in storage. The historical water budget, which reflects the period from 1990 to 2015, estimates an average negative change in groundwater storage (overdraft) of 28,000 acre-feet per year (AFY).[42] The change in storage figure provided in the GSP shows annual overdraft has increased recently resulting in an overdraft of approximately 1,000,000 acre-feet from 2006 to 2015.[43] However, the Plan's current water budget shows an increase in storage of 1,000 AFY. The projected water budget with future land use and climate change anticipates an increase in groundwater pumping by 58,000 AFY yet presents a lower value of overdraft of 7,300 AFY (cumulative change in groundwater storage of -365,000 acre-feet) over the 50-year implementation horizon.[44]

Since the GSP submittal, annual report data submitted to the Department demonstrates that groundwater storage within the Subbasin has dramatically decreased, deviating from the values reported in the GSP for the historical and projected water budgets. Specifically, the overdraft reported for water year (WY) 2021 (which represents change between October 1, 2020, and September 30, 2021) was -418,000 acre-feet and -377,170 acre-feet for WY 2022.[45] Combined, these values represent a loss of storage of over 795,000 acre-feet in just a two-year period, which is more than double the anticipated overdraft predicted over the 50-year implementation horizon. Department staff recognize WY 2021 and WY 2022 were critically dry years; however, the magnitude of the loss of storage observed during these two years is significantly greater than the average value provided in the historical water budget of -166,000 acre-feet for the previous critically dry water year types, indicating that overdraft is increasing.[46] Based on a review of the information included in the GSP and annual reports, and the discrepancies in the reported projections of overdraft, Department staff are unable to conclude the GSAs have included a

[41] 23 CCR § 355.4(b)(6).
[42] Colusa Subbasin GSP, Table 3-12, p. 215.
[43] Colusa Subbasin GSP, Figure 3-29, p. 184.
[44] Colusa Subbasin GSP, Section 3.3.6, p. 229.
[45] Department of Water Resources, SGMA Portal, Annual Report Module, WY 2021 and WY 2022 Data, Reported Overdraft, Colusa Subbasin.
[46] Colusa Subbasin GSP, Table 3-13, p. 218.

reasonable assessment of overdraft conditions for the Subbasin based on the best available information. (See Corrective Action 1a).

GSP Regulations require the Department to evaluate whether the Plan includes a reasonable means to mitigate overdraft.[47] While the GSP documents a projected groundwater overdraft in the Subbasin of 7,300 AFY, Department staff believe the actual overdraft the GSAs will be required to mitigate is likely much more based on information included in the GSP and annual reports. The GSP proposes an adaptive management approach with planned projects and management actions to address groundwater level declines in the Orland and Arbuckle areas and a portfolio of other ongoing and potential projects to achieve sustainability across the Subbasin.[48] The planned projects all involve reducing groundwater pumping by securing more surface water for direct application or in-lieu groundwater recharge.

The GSP states that the expected benefits of all planned projects will provide more than 80,000 AFY to the Subbasin at full implementation and "are expected to address potential sustainability concerns in the projected future conditions water budgets, even under the effects of 2070 CT climate change."[49] However, Department staff note the GSP states that certain projects will not be available for implementation during critically dry years and two of the projects described as ongoing are described as having expiring contracts so the actual benefits of these projects may be lower than the projected values. Further, given the recent reduction of groundwater storage of 795,000 acre-feet in the last two years, it would take nearly ten years of these projects being fully implemented combined with the Subbasin operating within its sustainable yield to offset this loss of storage. While SGMA states that overdraft during a period of drought is not sufficient to establish an undesirable result for the chronic lowering of groundwater levels, this is contingent on the GSAs managing extractions and recharge as necessary to ensure that reductions in groundwater levels or storage are offset by increases in groundwater levels or storage during other periods.[50] Based on the information contained in the GSP, it does not appear the GSAs have proposed a suite of projects and management actions that will be sufficient to offset the recent overdraft observed in the Subbasin. The GSAs do not appear to have an urgency to implement the necessary projects and management actions to mitigate overdraft and Department staff are concerned that continued overdraft will exacerbate the current problems the basin is experiencing, which include dry wells and worsening land subsidence. Accordingly, for the above reasons, Department staff cannot conclude that the GSP has presented a reasonable means to mitigate overdraft (see Corrective Action 1b).

[47] 23 CCR § 355.4(b)(6).
[48] Colusa Subbasin GSP, Chapter 6, p. 301.
[49] Colusa Subbasin GSP, Section 6.2.2, p. 312.
[50] Water Code § 10721(x)(1).

COLUSA
SUBBASIN

April 23, 2024

Paul Gosselin
Deputy Director for Sustainable Groundwater Management
California Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236-0001

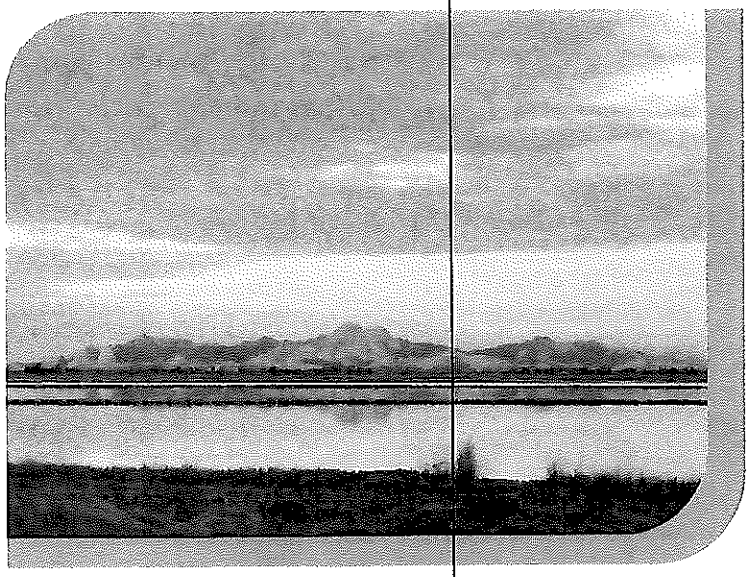
Sent Electronically

RE: Revisions to the 2022 Colusa Subbasin Groundwater Sustainability Plan

Dear Mr. Gosselin:

In January 2022, the Colusa Groundwater Authority (CGA) Groundwater Sustainability Agency (GSA) and the Glenn Groundwater Authority (GGA) GSA jointly submitted an initial Groundwater Sustainability Plan (Initial GSP) for the Colusa Subbasin (Subbasin) to the California Department of Water Resources (DWR). The Initial GSP outlined the CGA's and GGA's (jointly referred to as the GSAs) plan to achieve and maintain sustainable groundwater conditions in the Subbasin by 2042, consistent with the Sustainable Groundwater Management Act (SGMA). Development of the Initial GSP was completed through extensive technical efforts and stakeholder engagement processes spanning more than two years. Subsequent GSP revisions in 2023-2024, leading to this Revised GSP, have likewise been made through a public-facing process with consideration of stakeholder comments at public GSA governing body meetings, GSA Technical Advisory Committee (TAC) meetings, and public hearings. The Initial GSP submitted in January 2022 and this Revised GSP are the product of these public processes and reflect a balance of local interests across a broad and diverse cross-section of stakeholders and beneficial uses and users of groundwater in the Subbasin.

The GSAs pursued development of the Initial GSP utilizing the best available science, data, and credible information for making decisions leading up to 2022. Unfortunately, drought conditions in 2020-2022 coincided with the development, and subsequent approval, of the Initial GSP, a timing that did not permit complete evaluation and inclusion of data from those years in the Initial GSP. The circumstances of that period – including historic reductions in surface water supply allocations – contributed to groundwater conditions that differed vastly from those observed in the historical and current periods evaluated in the Initial GSP. Sustained



while the GSAs implement other projects and management actions (PMAs) to achieve sustainability. See Section 6.3.7 and Appendix 6F of the Revised GSP for details.

- Updates to other GSP projects to include new, available details regarding the scope, timeline, and benefits of planned and proposed projects that would help to mitigate overdraft, stabilize and bolster groundwater levels, and reduce subsidence.

Overdraft

- Revision of the Subbasin overdraft estimate through analysis of empirical groundwater elevation data from representative monitoring site (RMS) wells in the Subbasin over a more recent, current period from 2016-2021. This analysis resulted in a revised overdraft estimate of 62,000 acre-feet per year. The revision is consistent with the approach used to quantify groundwater storage changes in the Colusa GSP Annual Reports.

- Provision for recurring evaluation of overdraft in the Subbasin each year in the Annual Report, based on newly available data from RMS wells, and use of this information to inform adaptive management of the Subbasin through adaptive implementation of PMAs.

Groundwater Level Sustainable Management Criteria (SMC)

- Revision and clarification of what constitutes undesirable results (URs) related to groundwater levels, particularly in regard to drinking water well users, subsidence, and other beneficial uses and users of groundwater. Revisions include quantitative supporting information and justification, including analysis of conditions in the Subbasin during the 2020-2022 drought period.

- Revision of the groundwater level SMC (**Table 2**) to provide for:
  - Clear representation and evaluation of local conditions in different areas of the Subbasin, distinguishing between:
    - "Focus RMS wells" (18 of 48 total): RMS wells in areas where URs have occurred already, as observed by nearby subsidence and/or domestic wells impacts during the 2020-2022 drought period.
    - "Non-Focus RMS wells" (30 of 48 total): RMS wells in areas where URs have not occurred, as observed by the same metrics.
  - Minimum thresholds (MTs) that are clearly related to and will avoid URs:
    - Focus RMS wells: MTs set to 2020-2022 lows, when URs occurred.
    - Non-focus RMS wells: MTs set to 2020-2022 lows, minus a 15-25 ft margin set based on local analyses of potential well impacts and subsidence risk to determine a threshold beyond which URs may occur.
  - Subbasin-wide URs occur when 12.5% (6 of 48) RMS wells in the Subbasin exceed their MTs for two consecutive fall minimum values.

EXHIBIT D

TECHNICAL MEMORANDUM

DATE: March 28, 2018

TO: Mary Fahey, Colusa County

FROM: Davids Engineering

SUBJECT: Characterization of Groundwater Development in Colusa County and Evaluation of Potential Future Groundwater Demands

1. OVERVIEW

This technical memorandum (TM) characterizes the historical development of wells used for groundwater extraction in Colusa County and has been prepared according to Task 4 of the agreement between the County of Colusa and the State of California as part of the County's Proposition 1 Stressed Basins Grant awarded in 2016 (Grant)[1]. Additionally, based on historical and potential future land and water use within the County, an analysis of potential future groundwater demands for irrigation has been prepared. The Grant more broadly includes the following tasks:

1. Grant Administration
2. Update and Implement Local Ordinances
3. County-Wide Groundwater Assessment
4. Groundwater Development Characterization
5. County-Wide Groundwater Level Monitoring Well Network
6. Groundwater Data Management Program

[1] DWR Grant Agreement 4600011469.

To characterize historical groundwater well development in the County (Task 4), this TM includes the following sections and subsections. Page numbers are provided for convenient reference.

2. EXISTING GROUNDWATER DEVELOPMENT

2.1. Methodology

Using an existing database of well completion reports developed and provided by the Department of Water Resources (DWR), Colusa County wells were mapped by their identified township, range, and section. Individual well locations were further refined using additional information contained in scanned well completion reports filed by well drillers and provided by DWR. The majority of well completion reports contain information describing the well owner, specific well location, well sketch, well test data, well screen and casing diameters and depths, and geologic log. Data from these categories other than the geologic log (i.e. lithology) were added to the database if not already there, and analyzed to summarize well development over time and to provide other practical data to support implementation of the Sustainable Groundwater Management Act (SGMA).

2.1.1. Refinement of Well Locations

Initially, development of the database of wells for Colusa County was limited to wells drilled after 1950. All post-1950 wells were added to a GIS point shapefile based on section, and locations were refined as described above based on scanned DWR well completion reports. Well locations were refined using a combination of methods depending on available information and resources. The available information in the well logs included well address, street intersection, location sketch, and tract location in sections, depending on the well completion report. In some cases, latitude and longitude coordinates were provided. Once the available information was reviewed, Google maps and the aerial imagery from the National Agricultural Imagery Program (NAIP) were used to determine general, if not definite, locations of the wells. If the basic location information listed above was missing, well owner names, parcels, and well types were reviewed and cross-referenced within the respective sections using NAIP imagery and a parcel shapefile provided by Colusa County to approximate the well location. Locations that could not be refined due to lack of information were flagged in the GIS attribute table for potential future additional investigation and ground-truthing. The reasons for not being able to refine well locations were the absence of specific or correlating information on well locations, illegible or faded scanned well completion reports, and locations that require field work or extensive knowledge of the County but should still be within the correct section.

Following a meeting with DWR regional office staff on October 13, 2016 and based on input received, including an updated database of well completion reports, new DWR information was used to update the database. The majority of the information that was updated from the new DWR database was associated with wells drilled before 1950. Other updates included well type, depth, diameter, and perforation length. Changes in the database were annotated using a coding system of whether the values were the same (0), different but updated value was confirmed to be accurate (1), different but the original value was confirmed to be accurate (2), absent from the updated DWR database but included in the original database (3), and absent from the original database but included in the updated DWR database (4).

2.1.2. Update of Well Attributes

In addition to refining the locations of wells through development of a GIS coverage, well construction attributes from the scanned well completion reports were manually updated and added. Such attributes added included screened intervals, perforation lengths, total well depth, casing diameter, duration of well tests, flow rate from well tests, and specific capacity.

2.1.3. Well Development over Time

Following the refinement of well locations and update of well attributes, well development was characterized over 5-year periods from 1950 to 2015. Using Microsoft Access, categories of well type, year, and the number of wells drilled were summarized in a query of the database. Well development (wells drilled over time) was summarized by well type (irrigation and domestic), groundwater basin/subbasin, and for the County as a whole.

2.1.4. Distribution of Existing Wells

Using the GIS shapefile of refined domestic and irrigation well locations, each well was assigned to a DWR Bulletin 118 basin/subbasin, as applicable[2]. The wells were additionally assigned an irrigation water source from a draft 2014 DWR land and water use survey provided by the Northern Regional Office. This allowed the wells to be classified relative to available surface water supplies in addition to underlying groundwater basin/subbasin. The GIS attribute table was then imported to Microsoft Access to query the number of wells in the following categories:

- Groundwater Basin/Subbasin
  - Colusa Subbasin in Colusa County
  - West Butte Subbasin in Colusa County
  - Other Alluvial Basins in Colusa County
  - Outside Alluvial Basins in Colusa County
- Irrigation Water Source
  - Native Lands (no identified irrigation water source)
  - Surface Water
  - Groundwater
  - Mixed (Surface Water and Groundwater)

2.1.5. Total Well Depth and Depth to Bottom of Lowest Screened Interval

Both total well depth and depth to bottom of lowest screened interval were characterized in the database[3]. Total well depth was identified from the scanned well completion reports when not already in the database. With two depths occasionally being reported, the depth used was "Total

---

[2] For purposes of this effort, wells have been assigned to basins/subbasins as defined by DWR Bulletin 118 in 2003. In 2016, DWR updated the Bulletin 118 basin/subbasin boundaries, including slight expansion of the Colusa subbasin in Colusa County to the west. It is estimated that approximately 30 primarily domestic wells now lie in the Colusa subbasin as a result of this adjustment.

[3] The total well depth may be greater than the depth to the bottom of the lowest screened interval due to screening of the well above the greatest depth drilled to.

Depth of Completed Well." The depth to the bottom of the lowest screened interval was also recorded from the well completion reports when not already included in the database.

2.1.6. Total Perforated Length

The original well completion report database provided by DWR included only two attributes for perforated depth (top of first screened interval and bottom of lowest screened interval). Three categories were added to the DWR database to better characterize individual perforated intervals. Screened intervals were added to the database by having a field of "Top Depths" and "Bottom Depths" with "Top Depths" listing the depth of the top of each screened interval, separated by semicolons, and the "Bottom Depths" listing the depth of the bottom of each screened interval. There were often several screened intervals in a well, particularly for irrigation wells. Total perforated length was also calculated by summing the length of each screened interval.

2.1.7. Well Casing Diameter

Continuing the refinement of the DWR database, casing diameters were generally already included in the database received from DWR but were manually added when values were absent and specified in the scanned well completion reports. As with the total well depths, two values were occasionally shown on the completion reports with the "Casing Diameter" value being selected.

2.1.8. Specific Capacity

Well test information including pumping rate, total drawdown, and test duration were added to the database based on the scanned well completion reports where available, if not already included. Specific capacity was then calculated by dividing the pumping rate in gallons per minute (gpm) by the amount of drawdown in feet (ft). Specific capacity values were filtered to include only wells that had a well test performed for a duration of 6 hours or greater and a specific capacity of less than 300 gpm/ft.[4]

2.2. Results

Characterization of wells in Colusa County was accomplished through the development of a series of tables, figures, and maps. The depths, diameters, specific capacity, perforation lengths, and depth of lowest screened interval were analyzed for all domestic and irrigation wells that were mapped. Well development over time and other characteristics have been summarized according to the following areas: Colusa Subbasin, West Butte Subbasin, Other Alluvial Subbasins, and Outside Alluvial Subbasins.

2.2.1. Distribution of Existing Wells

The number of identified domestic and irrigation wells in each basin/subbasin area is summarized in Table 1, along with the average well density (wells per section). A map showing individual well locations by basin/subbasin areas is shown in Figure 1. Figure 2 provides the

[4] Specific capacity values greater than 300 gpm/ft are likely to be reported in error based on review of reported specific capacity values for the Sacramento Valley and on professional judgement.

same information, but adds the locations of groundwater level monitoring wells identified by the County. Figures 3 and 4 show the well density for domestic and irrigation wells within the County, respectively.

As indicated in Table 1, the greatest number and density of both domestic and irrigation wells exists in the Colusa Subbasin, with 1,044 domestics wells (4 per sq. mi.) and 944 irrigation wells (3 per sq. mi.). The remainder of domestic wells reside in the West Butte Subbasin (63), other alluvial basins (216, primarily in the Stonyford Town Area and Little Indian Valley Basins), and outside of identified alluvial basins (31). The majority of remaining irrigation wells reside in the West Butte Subbasin (149), with 29 additional irrigation wells residing in other alluvial basins and 2 outside of alluvial basins.

The concentration of domestic wells tends to be greatest around populated areas, as indicated in Figure 1. These areas include the area from Arbuckle south to the County Line (and Dunnigan), Colusa, Williams, Stonyford, and Lodoga. The greatest density of irrigation wells tends to occur in areas with groundwater only or mixed surface water and groundwater supplies.

Table 1. Number of Domestic and Irrigation Wells and Average Well Density by Basin/Subbasin Area.

	Area		Well Type			
			Domestic Wells		Irrigation Wells	
Area	Square Miles	Acres	Number of Wells	Density (Wells per Sq. Mi.)	Number of Wells	Density (Wells per Sq. Mi.)
Colusa Subbasin	621	397,509	1,044	3.8	946	2.9
West Butte Subbasin	66	42,381	63	2.2	149	2.7
Other Alluvial Basins	128	81,944	216	3.7	29	1.5
Outside Alluvial Basins	341	218,095	31	2.2	2	1.0
Totals/Average	1,156	739,929	1,354	2.8	1,124	2.0

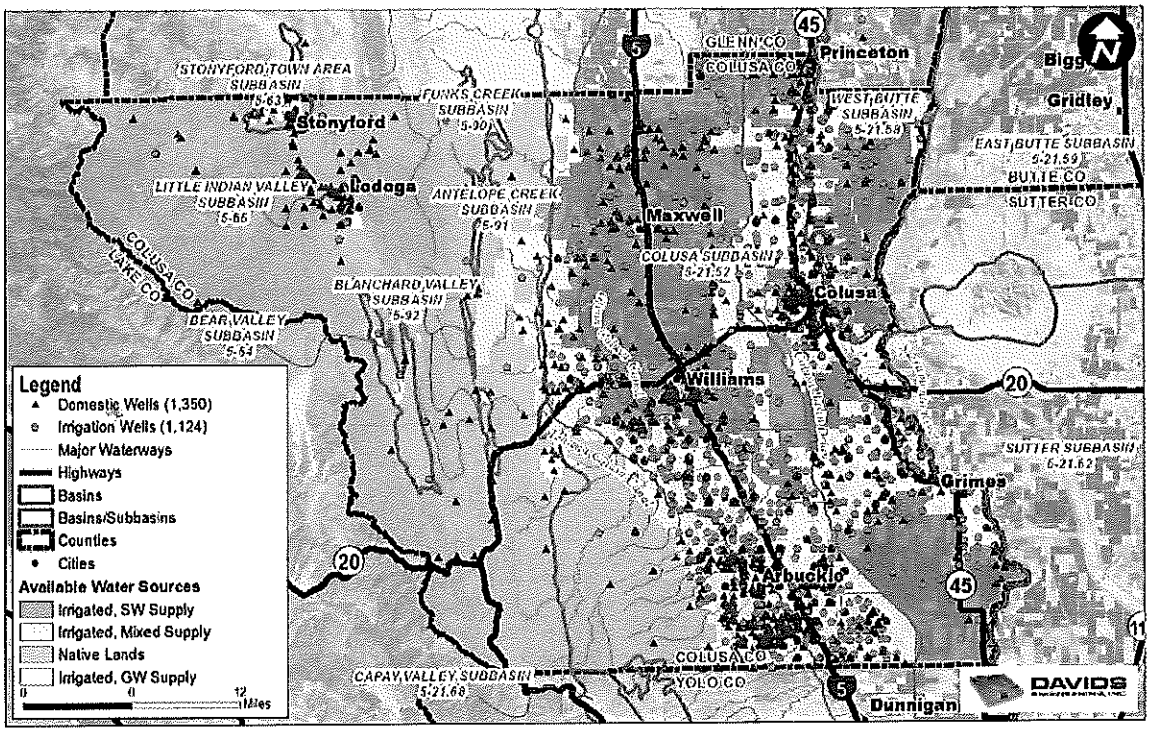


Figure 1. Colusa County Domestic and Irrigation Wells and Available Water Source Areas.

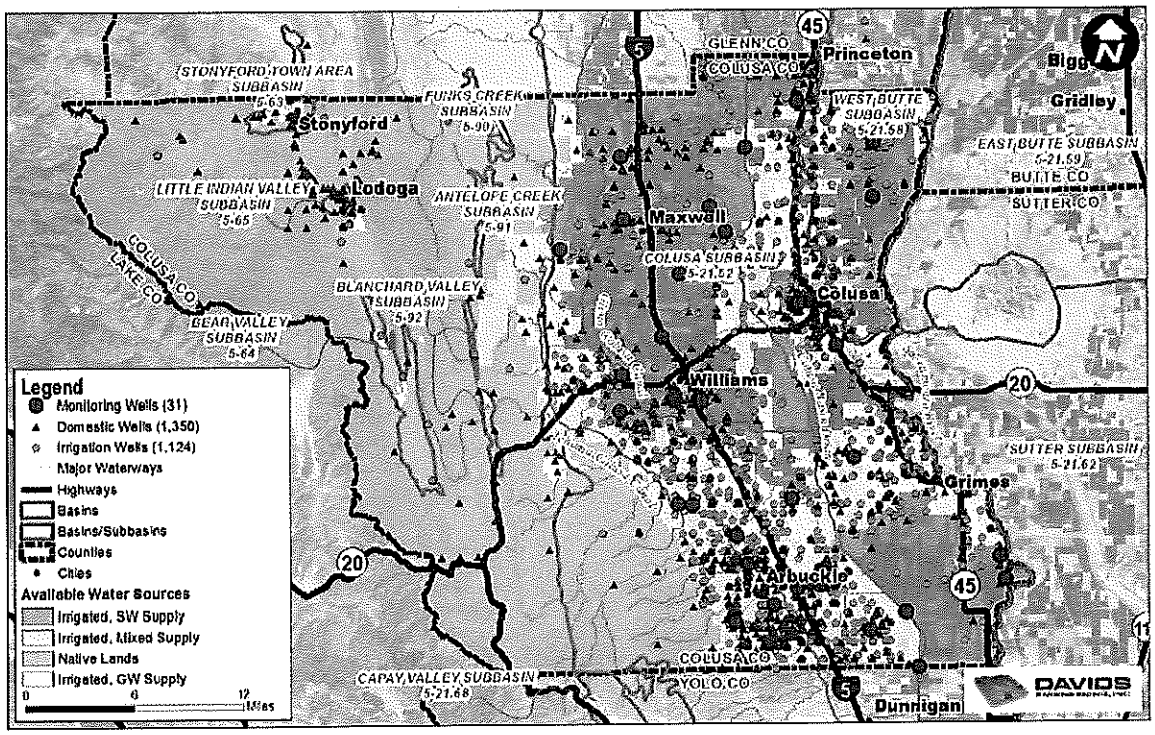


Figure 2. Colusa County Domestic, Irrigation, and Groundwater Monitoring Wells and Available Water Source Areas.

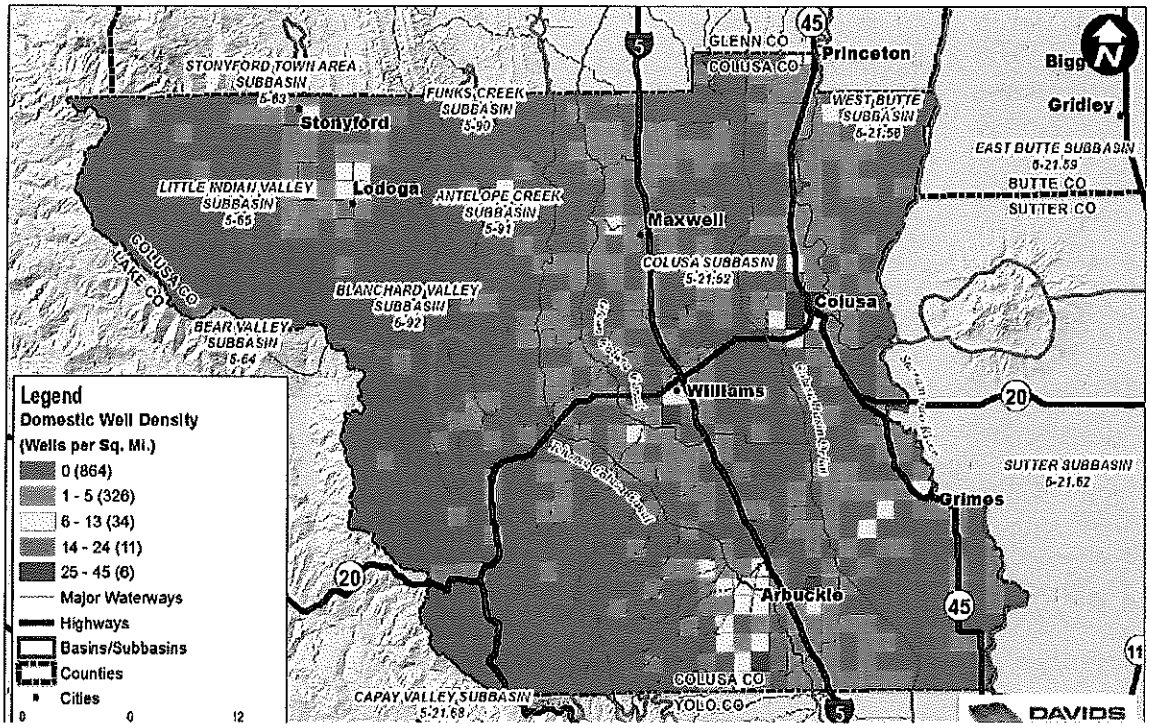


Figure 3. Density of Domestic Wells in Colusa County.

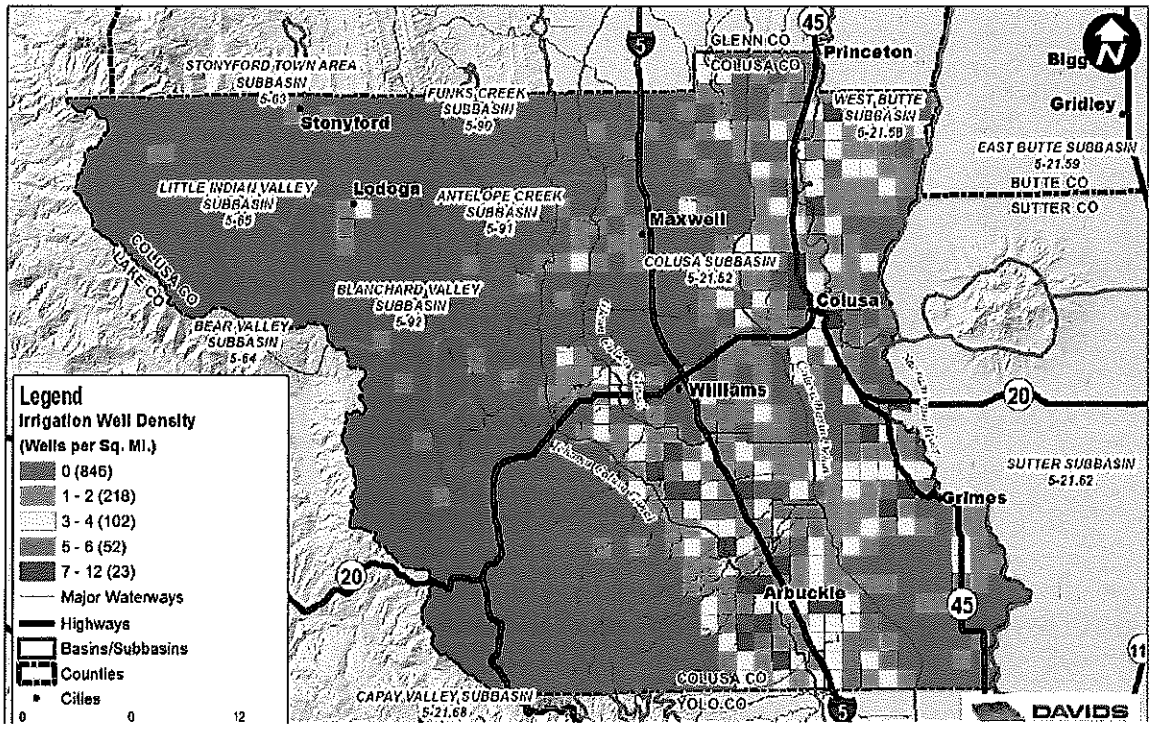


Figure 4. Density of Irrigation Wells in Colusa County.

2.2.2. Domestic Well Characteristics

Well Development over Time

The rate of wells being drilled generally increased from the early 1950's, peaking in the early 1990's to the early 2000's (Figure 5). The rate of wells drilled plateaued at around 150 wells every 5 years until the early 2000's and then decreased between 2006 and 2015. The majority of domestic wells have been drilled in the Colusa Subbasin, followed by other alluvial basins (Figure 6). The locations of domestic wells drilled by decade are shown in Figure 7.

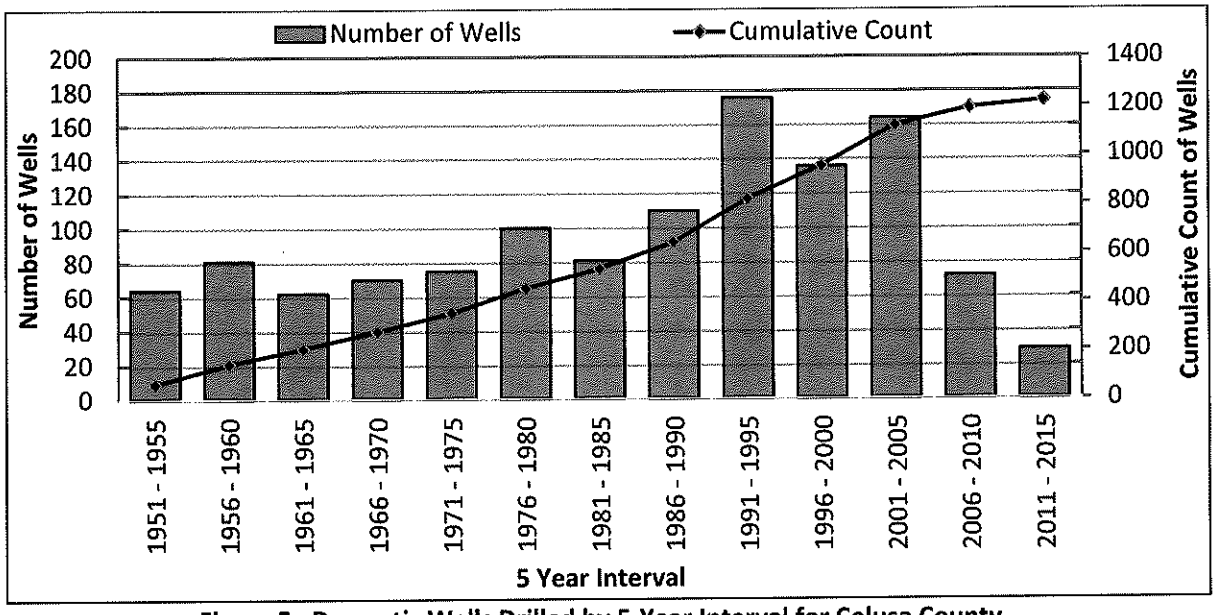


Figure 5. Domestic Wells Drilled by 5-Year Interval for Colusa County.

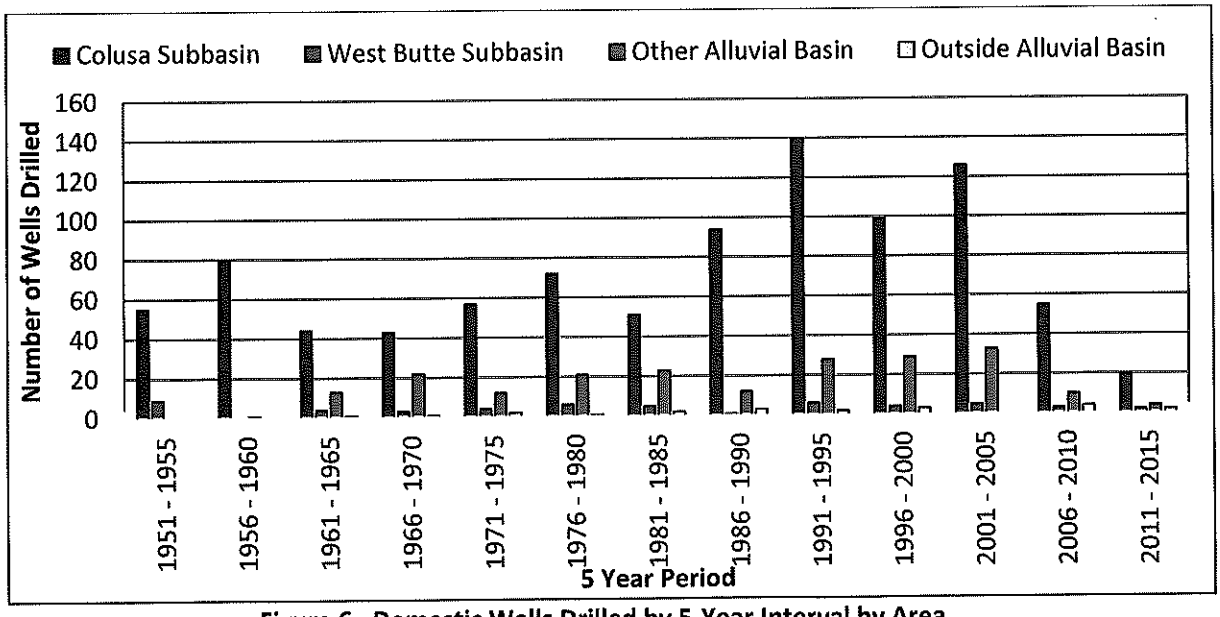


Figure 6. Domestic Wells Drilled by 5-Year Interval by Area.

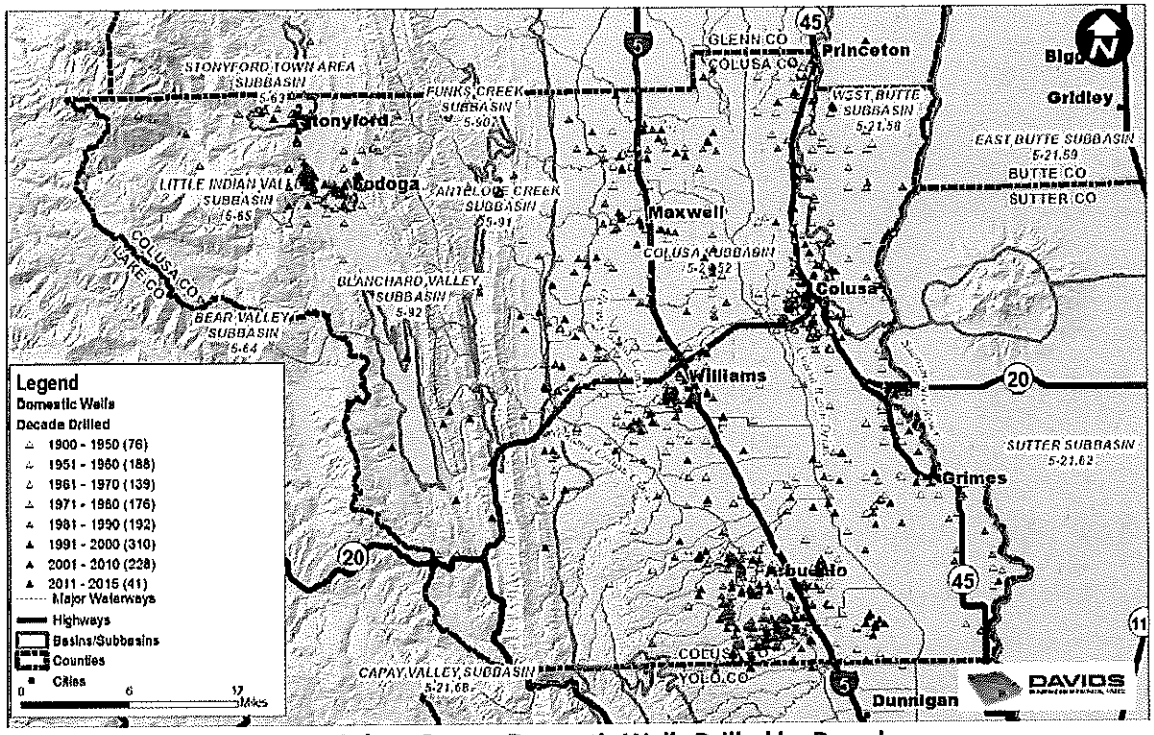


Figure 7. Colusa County Domestic Wells Drilled by Decade.

Distribution Relative to Available Water Sources

For the Colusa Subbasin, the majority of domestic wells are located in mixed supply water source areas, followed by surface water supply areas, native lands, and groundwater only supply areas (Figure 8). The West Butte Subbasin relies primarily on surface water for irrigation, and the majority of domestic wells reside in this area.

The locations of individual domestic wells relative to basin/subbasin areas and available water source areas are shown in Figure 9.

reasonable assessment of overdraft conditions for the Subbasin based on the best available information. (See Corrective Action 1a).

GSP Regulations require the Department to evaluate whether the Plan includes a reasonable means to mitigate overdraft.[47] While the GSP documents a projected groundwater overdraft in the Subbasin of 7,300 AFY, Department staff believe the actual overdraft the GSAs will be required to mitigate is likely much more based on information included in the GSP and annual reports. The GSP proposes an adaptive management approach with planned projects and management actions to address groundwater level declines in the Orland and Arbuckle areas and a portfolio of other ongoing and potential projects to achieve sustainability across the Subbasin.[48] The planned projects all involve reducing groundwater pumping by securing more surface water for direct application or in-lieu groundwater recharge.

The GSP states that the expected benefits of all planned projects will provide more than 80,000 AFY to the Subbasin at full implementation and "are expected to address potential sustainability concerns in the projected future conditions water budgets, even under the effects of 2070 CT climate change."[49] However, Department staff note the GSP states that certain projects will not be available for implementation during critically dry years and two of the projects described as ongoing are described as having expiring contracts so the actual benefits of these projects may be lower than the projected values. Further, given the recent reduction of groundwater storage of 795,000 acre-feet in the last two years, it would take nearly ten years of these projects being fully implemented combined with the Subbasin operating within its sustainable yield to offset this loss of storage. While SGMA states that overdraft during a period of drought is not sufficient to establish an undesirable result for the chronic lowering of groundwater levels, this is contingent on the GSAs managing extractions and recharge as necessary to ensure that reductions in groundwater levels or storage are offset by increases in groundwater levels or storage during other periods.[50] Based on the information contained in the GSP, it does not appear the GSAs have proposed a suite of projects and management actions that will be sufficient to offset the recent overdraft observed in the Subbasin. The GSAs do not appear to have an urgency to implement the necessary projects and management actions to mitigate overdraft and Department staff are concerned that continued overdraft will exacerbate the current problems the basin is experiencing, which include dry wells and worsening land subsidence. Accordingly, for the above reasons, Department staff cannot conclude that the GSP has presented a reasonable means to mitigate overdraft (see Corrective Action 1b).

[47] 23 CCR § 355.4(b)(6).
[48] Colusa Subbasin GSP, Chapter 6, p. 301.
[49] Colusa Subbasin GSP, Section 6.2.2, p. 312.
[50] Water Code § 10721(x)(1).

EXHIBIT E

Sacramento Valley Regional Water Management Plan

Draft

March 2023

Sacramento River Settlement Contractors

Jacobs

with entitlements of 55,000 and 50,000 ac-ft, respectively. The contract identifies July and August as the critical months. For the critical months, the total Base Supply is 220,000 ac-ft and the total Project Supply is 105,000 ac-ft, as shown in Table 2.2-3.

Table 2.2-3. GCID: Settlement Contract Supply

	Base Supply (ac-ft)	Project Supply (ac-ft)
Critical Months	220,000	105,000
Non-critical Months	500,000	0
Total Annual	**720,000**	**105,000**

Non-contract Period (November – March)

Contract No. 0855A does not limit GCID from diverting water for beneficial use during the months of November through March, to the extent authorized under California law. GCID has a water right permit for non-contract-period diversions for the amount of 182,900 ac-ft (up to 1,200 cfs), as shown in Table 2.2-2. Although some pre-irrigation occurs within the District, non-contract-period diversions are predominantly used for rice straw decomposition and to support associated waterfowl habitat. Approximately 35,000 acres are typically flooded annually.

GCID has an agreement with Reclamation to convey water to approximately 22,500 acres of wildlife refuges year-round. GCID is strictly a water conveyor for Reclamation in this agreement and is paid on an ac-ft basis. The water delivered to the refuges by GCID is not counted toward GCID's water right entitlement. Approximately 60,000 to 80,000 ac-ft/yr of supply is conveyed by GCID to the refuges. However, the District must be prepared, if necessary, to convey up to 105,000 ac-ft to meet Level 4 requirements. In addition, as noted above, GCID may hold a right to divert up to 900 cfs from the Sacramento River during "all seasons of the year," pursuant to the May 9, 1906, Act of Congress (Pub. L. No. 151, Ch. 2439).

Other Surface Water Sources

As discussed above, GCID has entitlements to water from Stony Creek, which can be diverted from Stony Creek, or equivalent quantities can be diverted from the Sacramento River. The GCID service area is relatively large and contains a number of small tributaries to the Sacramento River. GCID holds water rights to pump from Hunters Creek, Funks Creek, and Colusa Basin Drain, as shown in Table 2.2-2.

2.2.3.2 Groundwater/Conjunctive Use

Groundwater use within GCID is generally limited because of the availability of surface water supplies and is driven primarily by climatic conditions. In the past, GCID has managed and operated a voluntary groundwater conjunctive water management program to increase capacity when water supply does not meet demand. Up to 100 landowners have participated in the groundwater program, representing a combined capacity of approximately 500 cfs. Pumping has ranged from 20,000 ac-ft/yr during years of high surface water supply to as much as 77,000 ac-ft in critically dry years. Seasonal fluctuations in groundwater levels are generally less than 10 feet, but can be up to 30 feet in drought years. Historical trends show that groundwater levels in the GCID area are generally stable over the long term, although short-term fluctuations in groundwater levels are observed that can be correlated with precipitation trends. The stability of the groundwater level is due in part to GCID's average groundwater recharge of 126,000 ac-ft to the basin during the contract period (April through October). The source of this recharge is approximately 88,000 ac-ft due to deep percolation from agricultural land and 38,000 ac-ft of seepage water percolation from GCID's unlined conveyance system.

APPENDIX M
SVRWMP

District/Company **Glenn-Colusa Irrigation District**

TABLE 5
Glenn-Colusa Irrigation District – 2020 District Water Balance
(April through October Period Only)

2020 Sacramento Valley Regional Water Management Plan Annual Update

Water Supplies (excluding recirculation) [a]		
District Water Supply *(includes District Groundwater)*	Table 3	673,128
Private Groundwater	Table 2	12,389
Inflow From Precip[b]	Estimated	9,766
Available Soil Moisture[c]	Estimated	1,449
	Total Water Supplies =	**696,731**
Distribution System Evaporation and Seepage		
Seepage (Canals/Laterals)	Table 4	20,808
Evaporation - Precipitation (Canals/Laterals)	Table 4	10,255
Riparian ET[d] (Canals/Laterals)	Estimated	6,500
Conveyance System Filling[e] (Canals/Laterals)	Estimated	8,000
	Total Distribution System =	**45,562**
Crop Consumptive Use Water Needs [f]		
Evapotranspiration of Applied Water - ETAW *(includes Evap from Rice Straw Decomposition)*	Table 5	382,165
Evapotranspiration of Precip - ET_P	Table 5	2,334
Cultural Practices *(includes Leaching Requirement)*	Table 5	10,280
	Total Crop Water Needs =	**394,779**
District Outflows		
Water Supply Delivered to Other Districts or Users	District Records	18,483
Irrigation Season Rainfall Runoff[g]	Estimated	9,784
Rice Cultural and Ecosystem Requirement[h]	Estimated	50,000
Upslope Drainwater Flow Through[i]	Estimated	506
Remainder Drainwater Outflow[j]	Calculated	107,566
	Total District Outflow *(from District Records)* **=**	**186,339**
Internal Recirculation and Reuse		
Total Quantity Recirculated for Reuse	District Records	181,544
Percolation from Agricultural Lands[k] *(Total Supplies - Distribution System - Crop Water Needs - District Outflows)*		**70,051**

GCID HAS BOTH DISTRICT AND PRIVATE GROUNDWATER

[a]Water Supplies - Includes surface and groundwater supplies diverted or pumped into the District to meet Crop Consumptive Use Water Needs, District Operational needs, and water required for cultural practice needs (e.g., flooding, reflooding, and flow through for rice cultivation). Does not include water recirculated by the District.

[b]Inflow from Precipitation is calculated as total April - September precipitation x Total Rice Acres plus October precipitation X Total Rice Straw Decomp Acres.

[c]Available Soil Moisture is estimated as a 10% of Jan precip + 30% of Feb precip + 50% of Mar precip on Non-Rice and Non-Habitat acres.

[d]Riparian ET is estimated based on observation.

[e]Conveyance System Filling - Quantity estimated by the District required to initially fill conveyance canals and laterals. The conveyance systems are typically drained after October 31.

[f]Crop Consumptive Use Water Needs do not include quantities required for flood-up or flow through for rice.

[g]Irrigation Season Rainfall Runoff - Portion of District Outflow estimated to be the result of rainfall that cannot be captured or recirculated. This water is available to downstream water users, for instream flow, and to meet Delta Outflow requirements.

[h]Rice Cultural and Ecosystem Requirement - Portion of District Outflow estimated to be due to the cultural requirements for rice flood-up and flow through. This water is available to downstream water users, for instream flow, and to meet Delta Outflow requirements.

[i]Upslope drainwater flow through is 50% of April, May, and June upslope water, limited by the Total District Outflow.

[j]Drainwater Outflow - Outflow from operational spills and end-of-season drainage. This water is available to (and used by) downstream water users, for instream flow, and to meet Delta Outflow requirements.

[k]Percolation from Agricultural Lands is the closure term in the mass water balance. As such, in addition to any percolation to the groundwater basin, the quantity shown includes unaccounted for drain water outflow, any errors in assumptions used in calculations or estimated uses such as crop water use (ET), effective precipitation, evaporation, groundwater recharge, etc. A positive value indicates assumed percolation to groundwater greater than groundwater pumping. A negative value may indicate uncounted for groundwater pumping from privately owned wells.

PDF PAGE 737

GCID

(f) Secondary Apportionment of Available Supply
A secondary apportionment will be made for any water that is not sold by the deadline for the purchase of primary apportionments. The remaining water will be apportioned on a pro-rata basis to all landowners that (1) made a purchase of primary apportionment and (2) indicated on their apportionment payment form a desire to receive a secondary apportionment should it be available. The deadline for the purchase of secondary apportionments will be set by the Board.

(g) Water Application Process
The Board will establish a deadline for landowners and water users to file water application(s) for the year. The applications will indicate which crops will be grown with their available supply, where those crops will be located, and which lands will be left fallow. Each cropped acre will be "charged" against water users' available supply in accordance with the crop unit duties established by the District.

(h) Critical Year Conservation Plan
In Critical years, under current cropping patterns, the demand for irrigation water exceeds the available supply by approximately 100,000 acre-feet if normal year conservation practices are utilized instead of moderate conservation measures. . In order to maximize the use of the limited supply, the District will require moderate conservation measures, including limited re-flooding of rice and a strict no-spill policy during the months of July and August.

(i) District Groundwater
The District owns a number of groundwater wells that may be used at the Board's discretion (subject to receiving the necessary environmental clearances) to supplement the District's available water supply in a Critical year. If the Board elects to use the wells, they will set the price per acre-foot for such supplemental groundwater supplies in order to recover at least the estimated operation, maintenance and capital costs to produce such groundwater. Available District groundwater will be offered for sale to interested parties, at the price set by the Board.

GCID HAS DISTRICT GROUNDWATER

(j) Commingling of Groundwater - Private Wells
In order to facilitate the ability of GCID water users with access to private wells to use well water to irrigate additional District lands

100-200 PRIVATE WELLS

during a Critical year, the District will facilitate the commingling of private well water with District surface water. Commingling is subject to operational considerations and the terms of the *Joint Water Service Agreement for the Commingling of Well Water and District Surface Water*, which contains metering requirements and certain groundwater well standards.

(k) Wheeling of Groundwater – Private Wells
Water users with private wells who request to utilize the District's conveyance facilities to move their groundwater from one location within the District to another may do so subject to operational considerations, conveyance capacity, and the terms of the District's *Wheeling Policy.*

RULE 7: ENFORCEMENT OF APPORTIONMENT

To enforce Rule 6 of the *Rules and Regulations*, the District may do any or all of the following:

(a) Refuse to serve irrigable lands applied for if required fallowed lands have not been designated and prepared to prevent the flow of water on to the designated fallow acreage.

(b) Shut off or reduce the flow of water to any landowner or tenant irrigating excess acreage or wasting water as described in the District's *Water Management and Conservation Policy*. Draining rice fields or spilling to lower levels in rice checks shall be deemed a waste of water, unless adequate advance notice is given to the District to permit reduction of inflow into the field and substantial lowering of the water in the checks prior to the start of the draining or spilling.

(c) Charge and collect as part of the water charge, a penalty as determined by the Board for any crops growing on designated fallowed lands.

(d) For lands in which the delivery of water is determined by the District to be excessive and may end up requiring more water than the landowner's allocation amount, the District may install a measurement device and measure the flow of water onto the land and turn off service when the landowner's share has been delivered, based on the measured amount and the estimated amount prior to

the period in which the measurement commenced. The landowner's share shall be determined as provided in Rule 6 of the *Rules and Regulations.*

(e) Land for which the District has not received a water application may be irrigated with water pumped from private wells, provided that the groundwater is not mingled with District supplied water in ditches or in the field. If such mingling occurs, the entire water supply shall be deemed to be supplied by the District, unless a written agreement between the District and landowner is executed prior to the mingling, and such agreement assures the District of the amount, adequacy, and dependability of the water to be supplied from private wells.

RULE 8: APPLICATIONS FOR WATER

On or before the last business day in March, or such other date as the Board may designate, each landowner and tenant seeking to irrigate land within the District must file an application for water at the District office in Willows. This application for water must be submitted on the Water Application form provided by the District. Water may not be used for any purpose other than that specified in the Water Application. Specific information required to complete the Water Application includes the crop(s) to be irrigated or water application(s) to be made, the corresponding acreage of each crop or water application(s), the name of the landowner, the name of the tenant or tenants, and the location and description of the land. All Water Application forms must be signed by the landowner, and all appropriate fees must be paid prior to receiving water deliveries.

Water Applications received after the closing time specified for receipt of applications will have a penalty of five percent (5%), or a greater amount as set by the Board of Directors, added to the water charges. Under certain circumstances, late applications may require the consideration and approval of the Board of Directors prior to acceptance by the District. In years of water shortage, and in accordance with Water Code section 22252.1, the Board generally will not accept late applications. Landowners and water users who apply water to land prior to executing a Water Application with the District will have a penalty of ten percent (10%) added to the water charges on any and all land within the parcel(s) and field(s) where water was applied. This provision will not

EXHIBIT F

Arnold Gross, Colusa County Assessor

Property Address: 5812 MAXWELL RD MAXWELL CA 95955

General Information

Parcel # (APN):	**014-110-073-000** Download Assessor Map
Owner:	Available
Mailing Address:	**PO BOX 368 MAXWELL CA 95955**
Legal Description:	**5 AC POR SEC 2 T16N R3W POR LOT 701**
Use Type:	**COMMERCIAL**
Tax Rate Area:	**066-017**

Detail Report $14.95 Learn More

Assessment

Total Value:	**$967,231**	Year Assd:	**2025**
Land:	**$87,016**	Zoning:	
Structures:	**$880,215**	Use Code:	Available
Other:		Census Tract:	Available
% Improved:	Available	Price/SqFt:	Available
Exempt Amt:			
Exempt Type:	**N**		

Sale History

	Sale 1	Sale 2	Sale 3	Transfer
Document Date:	**09/07/2018**	Available		Available
Document Number:	**2018R2924**	Available		Available
Document Type:	Available	Available		
Transfer Amount:	**$750,000**	Available		
Seller (Grantor):	Available			

Property Characteristics

Bedrooms:		Fireplace:		Units:	
Baths (Full):		A/C:		Stories:	
Baths (Half):		Heating:		Quality:	Available
Total Rooms:		Pool:		Building Class:	Available
Bldg/Liv Area:	**26,500**	Park Type:		Condition:	Available
Lot Acres:	**5.000**	Spaces:		Site Influence:	
Lot SqFt:	**217,800**	Garage SqFt:		Timber Preserve:	
Year Built:	**2002**			Ag Preserve:	
Effective Year:	Available				

**The information provided here is deemed reliable, but is not guaranteed.

Additional reports on this property

DENNIS FAMILY WAREHOUSE AND MAXWELL IRRIGATION DISTRICT OFFICE

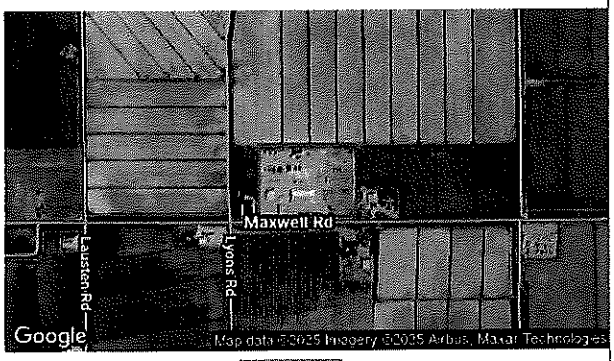
SHOULD BE GROUNDWATER

Arnold Gross, Colusa County Assessor

Property Address:

General Information

Parcel # (APN):	011-280-071-000 Download Assessor Map
Owner:	Available
Mailing Address:	201 EAST ST WOODLAND CA 95776
Legal Description:	13.50 AC POR SEC 35 T17N R3W
Use Type:	COMMERCIAL
Tax Rate Area:	066-017



Detail Report $14.95 Learn More

Assessment

Total Value:	$1,658,269	Year Assd:	2025
Land:	$300,520	Zoning:	
Structures:	$1,357,749	Use Code:	Available
Other:		Census Tract:	Available
% Improved:	Available	Price/SqFt:	
Exempt Amt:			
Exempt Type:	N		

Sale History

	Sale 1	Sale 2	Sale 3	Transfer
Document Date:				Available
Document Number:				Available
Document Type:				
Transfer Amount:				
Seller (Grantor):				

Property Characteristics

Bedrooms:		Fireplace:		Units:	
Baths (Full):		A/C:		Stories:	
Baths (Half):		Heating:		Quality:	
Total Rooms:		Pool:		Building Class:	Available
Bldg/Liv Area:	2,400	Park Type:		Condition:	
Lot Acres:	13.500	Spaces:		Site Influence:	
Lot SqFt:	588,060	Garage SqFt:		Timber Preserve:	
Year Built:				Ag Preserve:	
Effective Year:					

**The information provided here is deemed reliable, but is not guaranteed.

Additional reports on this property

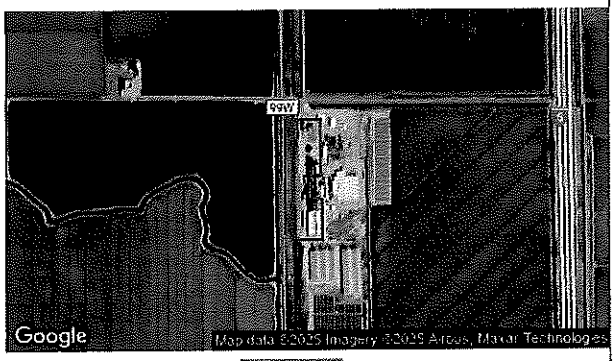
GCID JURISDICTION
GROW WEST YARD
SHOULD BE GROUNDWATER

Arnold Gross, Colusa County Assessor

Property Address: 1 COMET LN MAXWELL CA 95955-8062

General Information

Parcel # (APN):	**014-110-017-000** Download Assessor Map
Owner:	Available
Mailing Address:	**P O BOX 490 WILLIAMS CA 95987**
Legal Description:	**5.5 AC POR SEC 10 T16N R3W**
Use Type:	**INDUSTRIAL**
Tax Rate Area:	**066-035**



Detail Report $14.95 Learn More

Assessment

Total Value:	**$2,290,033**	Year Assd:	**2025**
Land:	**$69,684**	Zoning:	
Structures:	**$2,220,349**	Use Code:	Available
Other:		Census Tract:	Available
% Improved:	Available	Price/SqFt:	Available
Exempt Amt:			
Exempt Type:	**N**		

Sale History

	Sale 1	Sale 2	Sale 3	Transfer
Document Date:	**05/25/2005**			Available
Document Number:	**2005R3419**			Available
Document Type:	Available			
Transfer Amount:	**$309,000**			
Seller (Grantor):	Available			

Property Characteristics

Bedrooms:		Fireplace:		Units:	
Baths (Full):		A/C:		Stories:	
Baths (Half):		Heating:		Quality:	
Total Rooms:		Pool:		Building Class:	Available
Bldg/Liv Area:	**16,000**	Park Type:		Condition:	
Lot Acres:	**5.500**	Spaces:		Site Influence:	
Lot SqFt:	**239,580**	Garage SqFt:		Timber Preserve:	
Year Built:				Ag Preserve:	
Effective Year:					

**The information provided here is deemed reliable, but is not guaranteed.

Additional reports on this property

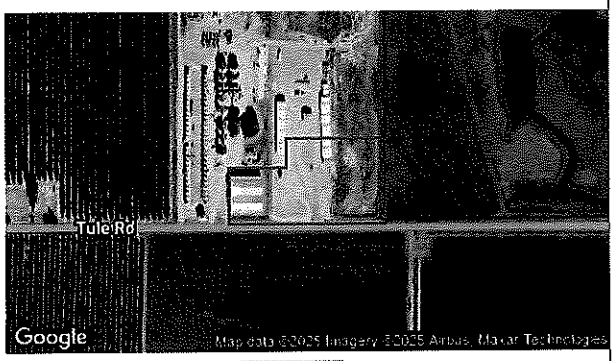
GCID JURISDICTION
DENNIS FAMILY
RICE
DRYER.
SHOULD BE GROUND WATER

Arnold Gross, Colusa County Assessor

Property Address:

General Information

Parcel # (APN):	019-130-091-000 Download Assessor Map
Owner:	Available
Mailing Address:	P O BOX 1189 ARBUCKLE CA 95912
Legal Description:	4.102 AC POR SEC 32 T14N R1W
Use Type:	AGRICULTURAL PRESERVE
Tax Rate Area:	067-002



Detail Report $14.95 Learn More

Assessment

Total Value:	$396,970	Year Assd:	2025
Land:	$2,425	Zoning:	
Structures:	$394,545	Use Code:	Available
Other:		Census Tract:	
% Improved:	Available	Price/SqFt:	Available
Exempt Amt:			
Exempt Type:	N		

Sale History

	Sale 1	Sale 2	Sale 3	Transfer
Document Date:	12/28/2020			Available
Document Number:	2020R4380			Available
Document Type:	Available			
Transfer Amount:	$1,250,000			
Seller (Grantor):	Available			

Property Characteristics

Bedrooms:		Fireplace:		Units:	
Baths (Full):		A/C:		Stories:	Available
Baths (Half):		Heating:		Quality:	Available
Total Rooms:		Pool:		Building Class:	Available
Bldg/Liv Area:	600	Park Type:		Condition:	
Lot Acres:	4.100	Spaces:		Site Influence:	
Lot SqFt:	178,595	Garage SqFt:		Timber Preserve:	
Year Built:	1969			Ag Preserve:	Available
Effective Year:	Available				

**The information provided here is deemed reliable, but is not guaranteed.

Additional reports on this property

PARCEL IN RD 108 Jurisdiction. "SURFACE WATER" SHOULD BE GROUNDWATER

EXHIBIT 6

Colusa County Water District
Water Management Plan
2020 Criteria

Date of first draft – October 2021
Date of final – April 13, 2022

Index

Section 1: Description of the District

District Name: Colusa County Water District

Contact Name: Shelly Murphy *Title*: General Manager

Telephone: 530 476-2669

E-mail: ccwd2@frontiernet.net *Web Address* none

A. History

1. Date district formed: May 18, 1954 *Date of first Reclamation contract*: May 14, 1962

Original size (acres): 27,196 / 23,841 *Current year (last complete calendar year)*:2019

2. Current size, population, and irrigated acres

Data Year	2019
Size (acres)	45,670
Population served	NA
Irrigated acres	34,693

*irrigated acres are those acres receiving water from CCWD. Assessed acres include acres that could be irrigated with CCWD water but are either idle or use private groundwater. Irrigated acres above reflect M&I acres taking water for irrigated landscape - Golf Course and Cemetery. This is not reflected in A6 table as it states agricultural only.

3. Water supplies received in 2019

Water Source	*AF*
Federal urban water (Tbl 1)	109
Federal agricultural water (Tbl 1)	20,306
State water (Tbl 1)	
Other Wholesaler (define) (Tbl 1)	
Local surface water (Tbl 1)	
Upslope drain water (Tbl 1)	
District ground water (Tbl 2)	
Banked water (Tbl 1)	
Transferred water (Tbl 6)	20,000
Recycled water (Tbl 3)	
Other (define) (Tbl 1) –215 water Ag	9950
Other (define) (Tbl 1) –215 water MI	50
Total	50,415

4. Annual entitlement under each right and/or contract

	AF	*Source*	*Contract #*	*Availability period(s)*
Reclamation Urban AF/Y	300+/-	USBR	14-06-200-304-A-LTR1	Yearly Mar 1- Feb 28 Subject to M&I shortage policy

Reclamation Agriculture AF/Y	62,200	USBR	14-06-200-304-A-LTR1	Yearly Mar 1 - Feb 28 Subject to BOR Allocation Announcement
Reclamation Agriculture AF/Y	5,666	USBR	1-07-20-W0220-LTR1 County of Colusa Sub-Contract Assignment	Yearly Mar 1 - Feb 28 Subject to BOR Allocation Announcement
Other AF/Y	(25,000) 12,000	Westside WD (USBR)	Transfer agreement – 12,000 AF up to 25,000	See Above
Other AF/Y	8,000	RD108 (USBR)	5 year "In-Lieu" Transfer Agreement	June – October (2018-2022)

5.Anticipated land-use changes

Due to increasing land-based costs, District anticipates fallowed/unplanted acres will transition to irrigated crops as well as shift from annual crops to more permanent crops.

6.Cropping patterns (Agricultural only)

List of current crops (crops with 5% or less of total acreageare combined in the 'Other' category).

Original Plan (1992)		*Previous Plan (2013)*		*Current Plan (2019)*	
Crop Name	*Acres*	*Crop Name*	*Acres*	*Crop Name*	*Acres*
Almonds	14,943	Almonds	26,442	Almonds	28,918
Vineseed	1,395	Wheat	1,183	Alfalfa	580
Wheat	1,663	Grapes	1,415	Grapes	1,315
Grapes	1,021	Tomatoes	1,091	Tomatoes	402
Alfalfa	1,143	Vineseeds	1,223	Vineseeds	827
				Wheat	638
				Walnuts	643
Other (<5%)	1,910	*Other (<5%)*	3,007	*Other (<5%)*	1,277
Total	22,075	*Total*	34,361	*Total*	34,600

7.Major irrigation methods (by acreage) (Agricultural only)

Original Plan (1992)		*Previous Plan (2008)*		*Current Plan (2019)*	
Irrigation Method	*Acres*	*Irrigation Method*	*Acres*	*Irrigation Method*	*Acres*
Border	1,745	Border		Border	1333
Sprinkle	11,867	Sprinkle	2,556	Sprinkle	249
Furrow	5,410	Furrow	1,377	Furrow	373
Drip	3,053	Drip	30,428	Drip	32,645
TOTAL	22,075	*TOTAL*	34,361	*TOTAL*	34,600

B. Location and Facilities

A general boundary map of the Colusa County Water District and its sphere of influence is in Attachment A. Electronic maps containing the following: conveyance system (TC canal), incoming flow locations (canal side pumping plants), re-lift pump stations with regulating reservoirs and/or tanks, distribution system (pipelines) and turnouts (meters) are available upon request. Due to cyber-security concerns these items are not available to the general public. No outflow/spill locations are identified and the District does not own or operate any wells or have water quality monitoring locations and/or groundwater facilities.

Water is diverted from the T-C Canal at eight locations. Five of the diversions are by pump and three are by gravity. Water from each diversion enters a closed pipeline distribution system.

The eight separate pipeline lateral systems which comprise the irrigation distribution system of the District are numbered from north to south: 6BP, 5BP, 4G, 3BP, 2BP, 2BG, 7AP, 8G. Pumped systems are designated by the letter P. and the gravity systems designated by the letter G. The pumped systems are served by canal side pumping plants and water is delivered into the gravity systems through gates on the canal side turnouts. System 6A, 6B, 3B, 3BA share a common turnout structure and flow meters, although the systems are operated independently. All systems include buried pipelines, farm outlets (also referred to as farm turnouts), and appurtenant facilities. Gravity flow systems serve lands located to the east of the Tehama-Colusa Canal while the pumped systems predominantly serve lands on the western side of the canal. See Map (ii) for District diversion facilities.

1. *Incoming flow locations and measurement methods*

Location Name	*Physical Location*	*Type of Measurement Device*	*Accuracy*
6BP-1&2	R.3 W.14 (SW corner)	1-Venturi Meter/ 2-Sontek	< 5% < 2%
5BP	R.2 W.19 (SE corner)	Venturi Meter	< 5%
Turnout 4 (4G)	R.2 W 20 (center)	McCrometer	< 5%
3BP-1&2	R.2 W.33 (SW corner)	Venturi Meter	< 5%
2BP-1&2	T.13N.R 2W 14 (SE corner)	1-McCrometer/ 2-Sontek	< 5% < 2%
2BG	T.13N.R 2W 14 (SE corner)	Venturi Meter	< 5%
7AP	T.13N.R 2W 25	Venturi Meter	< 5%
Turnout 8G-1&2	T.13N.R1W 31	1-McCrometer/ 2-Sontek	< 5% < 2%

The above metering devices are operated and maintained by the Tehama Colusa Canal Authority (TC) for the Bureau. The Venturi sizes range 30"– 54". Unfortunately, the TC found that the Sontek meters were unreliable and required replacement more often and are now transitioning back to the Venturi style meters.

2. *Current year Agricultural Conveyance System*

Miles Unlined - Canal	*Miles Lined - Canal*	*Miles Piped*	*Miles - Other*
0	0	105	0

~~*3. Current year Urban Distribution System*~~

4. Storage facilities (tanks, reservoirs, regulating reservoirs)

Name	*Type*	*Capacity (AF)*	*Distribution or Spill*
6A	Regulating Tank	1.11	Distribution
6B	Regulating Tank	1.48	Distribution
5B	Regulating Tank	.92	Distribution
3A	Regulating Tank	.92	Distribution
3CD	Regulating reservoir		Distribution
3CG	Regulating reservoir		Distribution
3D	Regulating reservoir		Distribution
3D	Regulating Tank	.59	Distribution
3G	Regulating Reservoir		Distribution
2C	Regulating reservoir		Distribution
2D	Regulating reservoir		Distribution
2E	Regulating Reservoir		Distribution
7B	Regulating reservoir		Distribution
7B	Regulating Tank	.77	Distribution

5. Description of the agricultural spill recovery system and outflow points.

NONE– no spill, completely piped system
Provide this information in Section 2 F.

6.Agricultural delivery system operation (check all that apply)

On-demand	*Scheduled*	*Rotation*	*Other (describe)*
	X	X	

The District delivery system is scheduled (11am prior day notice for turn on and turnoff), with 1/3 limitation which results in some rotation type restrictions.

7. Restrictions on water source(s)

Source	*Restriction*	*Cause of Restriction*	*Effect on Operations*
CVP Water Service Contract	Reduced Allocations	Drought, Regulatory restraints	Water rationing and/or increased groundwater pumping & transferred water purchases
Transfer water	Reduced Allocations, Contract limitation	See above Cost of water	Increased groundwater pumping, water rationing, crop idling, loss of trees/permanent crops
All source – CVP & Transfer water	Rotational delivery times	District system designed as a "3-day system"	Transition to drip irrigation, water users unable to irrigate everyday – rotation often means they convert to GW pumping

8. Proposed changes or additions to facilities and operations for the next 5 years –

Currently, there are no plans for changes/additions to existing facilities. The District has had landowner requests to upgrade system in order to eliminated "3-day" system of rotation and help reduce reliance on groundwater to meet irrigation needs however, in order to increase pipeline capacities, pumping plants would also need to be upgraded. Not only would this work be cost prohibitive, the Districts current water service contract quantities do not justify the upgrades.

Due to SGMA the District does anticipate operational changes within the District over the next 5 years. Currently, the gravity flow systems of the District are under-utilized due to less expensive groundwater pumping costs on the east side compared to the western side of District. As a founding member of the Colusa Groundwater Authority (CGA) the District has been working with the other CGA members on finalizing the Groundwater Sustainability Plan (GSP) for the Colusa Sub-basin. This plan is due by January 2022 and once implemented the District expects surface water use to increase as a result of potential costs or limitations on groundwater pumping.

The passage of the WINN Act in 2016 allowed the District to complete the contract conversion process in hopes that the reduction in water rates from paying off the construction component would further incentivize the use of surface supplies over groundwater pumping in years that the District received an ample CVP allocation. Unfortunately, the current drought has not allowed for this to come to fruition.

C. Topography and Soils

1. Topography of the district and its impact on water operations and management

The District lies on recent and older alluvial fan soils of the eastern slopes of the Pacific Coast Range. The topography of the District varies slightly from gently rolling (slopes less than 6%) in the west to relatively flat (slopes of 10 ft per mile) in the easterly portion. The unleveled greater slopes are suitable for sprinkler or drip irrigation and constitute most of the District land devoted to orchard.

2. District soil association map (Agricultural only)
See Attachment B, District Soils Map

3. Agricultural limitations resulting from soil problems (Agricultural only)

Soil Problem	*Estimated Acres*	*Effect on Water Operations and Management*
Salinity	NA	
High-water table	NA	
High or low infiltration rates	NA	
Other (define)	NA	

D. Climate

1. *General climate of the district service area*

The service area climate is typical of the Sacramento Valley and is generally characterized by two distinct seasons: a hot, dry summer and a cool, wet winter. Annual precipitation averages about 16 inches and occurs almost entirely between November and March. Between May and September rainfall averages about 1.5 inches with a range of 0 to 5.5 inches. Hot, dry north winds are common during the summer with the average daily temperature of 95 F for July. The winter is generally mild with an average of 256 frost free days per year and a range of 188 to 336 days.

However, over the past ten years, there has been a significant change in weather patterns, generally warmer, drier patterns offset by greater rainfall associated with flooding verses colder snow patterns.

	Jan	*Feb*	*Mar*	*Apr*	*May*	*Jun*	*Jul*	*Aug*	*Sep*	*Oct*	*Nov*	*Dec*	*Annual*
AvgPrecip.	3.25	2.70	1.95	.98	.35	.22	.03	.07	.37	.75	2.14	2.80	15.61
Avg Temp.	45.3	49.9	53.6	59.0	67.1	74.7	78.5	76.5	71.9	63.7	52.6	45.6	61.5
Max. Temp.	54.5	60.8	65.8	73.2	82.1	91.2	96.6	94.6	89.1	79.2	64.6	55.4	75.6
Min. Temp	36.1	39.0	41.3	44.8	52.0	58.3	60.4	58.4	54.8	48.3	40.6	36.5	47.6
ETo (32)	1.21	2.58	3.65	5.42	7.00	8.01	7.72	6.33	5.24	4.81	2.05	1.58	4.63

CIMIS ID Williams, CA (049677) *Data period: Year* 1906 *to Year* 2016

Average wind velocity 5.4 mph *Average annual frost-free days:* 254

2. *Impact of microclimates on water management within the service area*
   NONE

E. Natural and Cultural Resources

1. *Natural resource areas within the service area*

Name	*Estimated Acres*	*Description*
NONE		

2. *Description of district management of these resources in the past or present*
   NA

3. *Recreational and/or cultural resources areas within the service area*

Name	*Estimated Acres*	*Description*
NONE		

F. Operating Rules and Regulations

1. *Operating rules and regulations*
   See Attachment C, District Rules and Regulations (water related)

2. *Water allocation policy (Agricultural only)*
   See Attachment C, Page 1, and Attachment E, Drought Ordinance 2009-1

Summary - The District's water allocation policy as stated in item 1 of Rules and Regulations and item 1 of the Drought Ordinance as follows: "Each property having full water rights and eligible under Reclamation Law and District rules to receive water in a year will be allocated a quantity of water based on its assessed acres..."

3. *Official and actual lead times necessary for water orders and shut-off (Agricultural only)*
   See Attachment C, Page 2

Summary - The minimum lead time necessary for water orders is stated in item 8 of the Rules and Regulations as "before 1:00 pm the day before starting an irrigation." The minimum lead time necessary for water shut-off is stated in item 8 of the Rules and Regulations as "before 1:00 pm the day prior to finishing an irrigation.

4. *Policies regarding return flows (surface and subsurface drainage from farms) and outflow (Agricultural only)*
   See Attachment C, Page 2

Summary - The District's return flows policy is stated in item 10 of the Rules and Regulations as follows: "To avoid drainage problems, it shall be the responsibility of every water user to control the water to be applied to his land. Any water user who deliberately, carelessly, or otherwise wastes water on roads, adjoining land, or creeks will be informed by District personnel that he is not complying with this rule. He will be allowed a reasonable time to correct the situation. If he makes no prompt effort of correction, his water service will be discontinued."

5. *Policies on water transfers by the district and its customers*
   See Attachment D,

   Ordinance No. 2009-01 Establishing Rules and Regulation for Water Delivery during a Water Shortage Emergency
   G. Water Measurement, Pricing, and Billing

1. Agricultural Customers

Refer to BMP A.1. Information on water measurement for agricultural contractors is completed under BMP A.1 on page 4-15.

2. Urban Customers

a. *Total number of connections* 10

b. *Total number of metered connections* 10

c. *Total number of connections not billed by quantity* 0

d. *Percentage of water that was measured at delivery point* 90%

e. *Percentage of delivered water that was billed by quantity* 100%

While all deliveries have metering devices installed sometimes meters fail when this happens water use is either calculated using orders or estimated based on crop needs.

f. Measurement device table

Meter Size and Type	*Number*	*Accuracy (+/- percentage)*	*Reading Frequency (Days)*	*Calibration Frequency (Months)*	*Maintenance Frequency (Months)*
2"					
3" Seametrics	3	+/- 1%	30	60	Every 60 mos or as needed
4" Propeller	4	+/- 2%	30	60	Every 60 mos. or earlier if necessary
6" Propeller	1	+/- 2%	30	60	" "
8" Propeller	2	+/- 5%	30	60	" "
Other (define)					
Total	10				

3. Agriculture and Urban Customers

The District "Urban Customers" are non-potable irrigation use delivered under an M&I contract.

a. Current year agriculture and /or urban water charges - including rate structures and billing frequency

The Districts agricultural water charge is set annually with the rate applied by quantity and structured as a uniform rate per acre-foot of metered use to encourage water conservation. Water user billings are described in item 5 of the Rules and Regulations as follows: "Prior to April 15, the District must receive one-half of each user's seasonal estimate. Prior to July 1, the balance of each estimate is due. Any balance due or credit is determined by final meter readings. No water will be delivered until installments are paid." Meter readings are done monthly with final meter reading in November/December weather permitting.

b. Annual charges collected from customers (current year data)

Fixed Charges (Urban & Ag)			
Charges ($ unit)	*Charge units*	*Units billed during year (acres)*	*$ collected ($ times units)*
$9.25	$/assessed acre	39,872	$368,816
$24.50	Per assessed acre	39,872	$976,864
Volumetric charges			
Charges ($ unit)	*Charge units*	*Units billed during year AF*	*$ collected ($ times units)*
$106.00	$/AF (Ag)	50,038	$5,304,028
$167.31	$/AF (full cost)	218	$36,474
$74.00	$/AF (urban)	159	$11,766
	TOTAL	50,415	$5,352,268

See Attachment E, District Sample Bills

c. *Describe the contractor's record management system*
See Attachment E, District Sample Bills

In 2017, the District purchase Sage100 billing software to integrate with the H20 meter reading program. This eliminated the outdated Dbase program it had been using allowing for more reliable integration of readings and subsequent water charges. All records have automated backup and District retention policies dictate how long these records are available.

H. Water Shortage Allocation Policies

1. *Current year water shortage policies or shortage response plan - specifying how reduced water supplies are allocated*
See Attachment D, Drought Ordinance 2009-1

The District's water allocation policy as stated in item 1 of the Drought Emergency Plan as follows: "Each property having full water rights and eligible under Reclamation Law and District rules to receive water in a year will be allocated a quantity of water based on its assessed acres. The number of acre-feet is to be determined by dividing the total water available to the District by the total assessed acreage in the District.

2. *Current year policies that address wasteful use of water and enforcement methods*
See Attachment C and Attachment D; item 3 and item 5

The District's policy that address wasteful use of water and enforcement is stated in item 10 of the Rules and Regulations as follows: "To avoid drainage problems, it shall be the responsibility of every water user to control the water to be applied to his land. Any water user who deliberately, carelessly, or otherwise wastes water on roads, adjoining land, or creeks will be informed by District personnel that he is not complying with this rule. He will be allowed a reasonable time to correct the situation. If he makes no prompt effort of correction, his water service will be discontinued."

I. Evaluate Policies of Regulatory Agencies Affecting the Contractor and Identify Policies that Inhibit Good Water Management.

Good water management starts with an abundant, secure water supply which is lacking in California. Environmental interests have forced regulators to implement policies that inhibit irrigated lands groundwater recharge hurting the water cycle as a whole. Areas with ephemeral streams could be "stair-stepped" or staggered to slow down the runoff of water that only occurs during high rain events and be allowed to percolate into the aquifers, recharging much of California's underground supply. Current streambed alteration policies prevent this even when the so-called stream is dry 90% of the time. The "conservation" mantra has not only prevented more storage projects from being built but has forced agricultural users to install drip irrigation systems that also do not allow for any extra seepage into the groundwater basin.

Section II: Inventory of Water Resources

A. Surface Water Supply

1. *Surface water supplies in acre feet, imported and originating within the service area, by month.*
   See Water Inventory Tables, Table 1

2. *Amount of water delivered to the district by each of the district sources for the last 10 years*
   See Water Inventory Tables, Table 8

B. Ground Water Supply

1. *Groundwater extracted by the district and delivered, by month (Table 2)*

Water Inventory Tables, Table 2 – No groundwater is extracted by the District. Landowners may pump groundwater and convey it through the system for their own use utilizing the Bureau Warren Act Contract. This water is metered and accounted for per Contract requirements.

1. *Ground water basin(s) that underlies the service area*

Name	*Size (Square Miles)*	*Usable Capacity (AF)*	*Safe Yield* (AF/Y)*
Sacramento Valley	5,000	22,000,000	28,000 (CCWD)

*the safe yield in CCWD service area according to Colusa County Groundwater Management Plan

2. *Map of district-operated wells and managed ground water recharge areas*

CCWD does not own or operate any groundwater wells nor does it currently have any formally identified groundwater recharge areas. Due to conservation requirements and limited surface water supplies most of the District has converted to drip or micro-sprinkler irrigation. This conversion from furrow/flood/sprinkler pipe irrigation limits groundwater recharge capabilities.

However, in 2018, the District entered into an "in-lieu" groundwater recharge project with RD108. The hope was to bring more surface water into the District in order to help recharge groundwater supplies by conserving them and using more surface water. However, due to allocation reductions in CCWD's CVP supply and the cost of pumping groundwater being significantly less than the surface supply the benefits of the project have not yet been fully actualized.

In addition to the "in-lieu" project the CGA and member agencies are working with landowners within the District on a "pilot-project" for groundwater recharge however the water source for this recharge has yet to be identified.

3. *Description of conjunctive use of surface and ground water*

The District has roughly 40,000 acreas of irrigable land and two surface water contracts for a total of 67,866 acre-feet (AF) of water. This equates to about 1.7 AF per acre of water. Most crops require between two and three AF per acre. Therefore, CCWD has been conjunctively using surface water and groundwater for years.

5. *Ground Water Management Plan*

Although, the Colusa County Board of Supervisors adopted a county-wide groundwater management plan in 2008 (see http://colusagroundwater.ucdavis.edu/ for a complete copy of the plan) since then SGMA forced the formation of groundwater sustainability agencies (GSA's) in California. CCWD is a member of the Colusa Groundwater Authority (CGA) and is in the process of developing its Groundwater Sustainability Plan (GSP) for submittal by the January 2022 deadline. Information regarding this plan can be found at http://colusagroundwater.org.

6. Ground Water Banking Plan
NONE

C. Other Water Supplies

1. "Other" water used as part of the water supply – Describe supply
See Water Inventory Tables, Table 1

"Other" water used is water made available to the District through transfer agreements with neighboring districts. The District water service contract is not sufficient for the total acreage within the boundaries and as such multi-year arrangements not only help in good years but are a necessity in reduced allocation years.

D. Source Water Quality Monitoring Practices

1. Potable Water Quality (Urban only)

All M&I deliveries are non-potable no water quality monitoring is necessary.

2. Agricultural water quality concerns: *Yes* _____ *No* X
(If yes, describe)

3. Description of the agricultural water quality testing program and the role of each participant, including the district, in the program

All water delivered is from surface supplies delivered by the Tehama Colusa Canal Authority under BOR contract. At present there are no water quality issues however, information can be obtained from the TCCA Water Quality Sampling Program.

4. Current water quality monitoring programs for surface water by source (Agricultural only)

TCCA conveys surface water. Information can be obtained directly from TCCA's Water Quality Sampling Program.

5. Current water quality monitoring programs for groundwater by source (Agricultural only)

CCWD does not own or operate any groundwater wells. Individual customers that utilize the Warren Act Contract with BOR are required to test the groundwater bi-yearly and

meet the standards stipulated in the BOR Warren Act Contract. Wells that do not meet the standard criteria are not permitted to pump into the Tehama Colusa Canal.

E. Water Uses within the District

1. Agricultural

See Water Inventory Tables, Table 5 - Crop Water Needs

2. Types of irrigation systems used for each crop in current year

Crop name	*Total Acres*	*Level Basin - acres*	*Furrow - acres*	*Sprinkler - acres*	*Low Volume - acres*	*Multiple methods - acres*
Alfalfa	580	580				
Almonds	28918			30	28,888	
Apples	3				3	
Apricots	6				6	
Beans	167		167			
Pears	15				15	
Asparagus	21				21	
Figs	5				5	
Grapes	1316				1316	
Other Fruit	10				10	
Other Hay	55			55		
Other Veg	42				42	
Olives	406				406	
Onions	28		28			
Pasture	194	30		164		
Peaches	6				6	
Pistachios	131				131	
Prunes	102				102	
Rice	85	85				
Tomatoes	402				402	
Vineseed	827		178		649	
Walnuts	643				643	
Wheat	638	638				
TOTAL	34600	1333	373	249	32645	

3. *Urban use by customer type in current year*

Customer Type	*Number of Connections*	*AF*
Landscape irrigation	6	151
Other (livestock)	2	2
Fire Protection	2	6
Unaccounted for		0
Total		159

Treatment Plant	*Treatment Level (1, 2, 3)*	*AF*	*Disposal to / uses*
NONE			

5.Ground water recharge/management in current year (Table 6)

Recharge Area	*Method of Recharge*	*AF*	*Method of Retrieval*
NONE			

*6a. Transfers and exchanges **into** the service area in current year – (Table 1)*

From Whom	*To Whom*	*AF*	*Use*
Westside WD	CCWD	12,000	Ag/Crop Irrigation
RD108	CCWD	8,000	Ag/Crop Irrigation
	Total	20,000	

*6b. Transfers and exchanges **out** of the service area in current year – (Table 6)*

From Whom	*To Whom*	*AF*	*Use*
NONE			
	Total		

7. Wheeling, or other transactions in and out of the district boundaries – (Table 6)

From Whom	*To Whom*	*AF*	*Use*
NONE			

8. Other uses of water in current year

Other Uses	*AF*
NONE	

F. Outflow from the District (Agricultural only)

1. *Surface and subsurface drain/outflow in current year*
   NONE - District does not have drain or outflow issues with surface supply. 90% Drip or micro-sprinkler irrigation with little to no run off.

2. *Description of the Outflow (surface and subsurface) water quality testing program and the role of each participant in the program*
   NONE – District does not have need for program however, landowners within the District belong to the Colusa Basin Sub Watershed to cover any water that may "run-off" due to irrigation problems or high rain events.

3. *Outflow (surface drainage & spill) Quality Testing Program*
   NONE - District is within Colusa Sub-basin Drainage District boundaries. They provide all necessary testing and information.

4. *Provide a brief discussion of the District's involvement in Central Valley Regional Water Quality Control Board programs or requirements for remediating or monitoring any contaminants that would significantly degrade water quality in the receiving surface waters.*

CCWD and its customers have no surface or subsurface outflow. CCWD customers are members of the Colusa Basin Watershed group which does conduct required runoff water quality testing.

G. Water Accounting (Inventory)

1. *Water Supplies Quantified*

   a. *Surface water supplies, imported and originating within the service area, by month (Table 1)*
   ~~b. *Ground water extracted by the district, by month (Table 2)*~~
   c. *Effective precipitation by crop (Table 5)*
   d. *Estimated annual ground water extracted by non-district parties (Table 2)*
   ~~e. *Recycled urban wastewater, by month (Table 3)*~~
   f. *Other supplies, by month (Table 1)*

2. *Water Used Quantified*

   ~~a. *Agriculturalconveyance losses, including seepage, evaporation, and operational spills in canal systems (Table 4) or Urban leaks, breaks and flushing/fire uses in piped systems (Table 4)*~~
   ~~b. *Consumptive use by riparian vegetation or environmental use (Table 6)*~~
   c. *Applied irrigation water - crop ET, water used for leaching/cultural practices (e.g., frost protection, soil reclamation, etc.) (Table 5)*
   d. *Urban water use (Table 6)*
   ~~e. *Ground water recharge (Table 6)*~~
   f. *Water exchanges and transfers and out-of-district banking (Table 6)*
   g. *Estimated deep percolation within the service area (Table 6)*
   ~~h. *Flows to perched water table or saline sink (Table 7)*~~
   ~~i. *Outflow water leaving the district (Table 6)*~~
   j. *Other*

3. *Overall Water Inventory*
   a. *Table 6*

Section III: Best Management Practices (BMPs) for Agricultural Contractors

A. Critical Agricultural BMPs

1. *Measure the volume of water delivered by the district to each turnout with devices that are operated and maintained to a reasonable degree of accuracy, under most conditions, to +/- 6%*

a. *Number of delivery points (turnouts and connections)* 703

b. *Number of delivery points serving more than one farm* 10

c. *Number of measured delivery points (meters and measurement devices)* 703

d. *Percentage of delivered water that was measured at a delivery point* 95%

e. *Total number of delivery points not billed by quantity* 0

f. *Delivery point measurement device table*

Measurement Type	*Number*	*Accuracy* (+/- %)*	*Reading Frequency (Days)*	*Calibration Frequency (Months)*	*Maintenance Frequency (Months)*
Orifices					
*Propeller meter**	703	+/- 6%	30	60	Every 1000 AF or sooner if necessary
Weirs					
Flumes					
Venturi					
Metered gates					
Acoustic Doppler					
Other (define)					
Total	703				

*All District meters are instantaneous flow rate indicating, totalizing, in pipe throughout the District and the accuracy stated is only for operation within designed and specified flow range. See attached meter accuracy documentation – Attachment F.

2. Designate a water conservation coordinator to develop and implement the Plan and develop progress reports

Name: Shelly Murphy *Title:* General Manager

Address: 840 1st Street, Arbuckle CA 95912

Telephone: (530) 476-2784 *E-mail:* ccwd2@frontiernet.net

The District General Manager acts as the water conservation coordinator. She/he is responsible for updating and implementing the plan as well as developing progress reports.

Job Description: Manages and coordinates water conservation activities including studies, programs and audits. Designs, implements, administers and promotes various water use efficiency programs as time and resources allow. Monitors and evaluates program results and impacts on conservation efforts.

Minimum Qualifications: Any combination of experience and training that would likely provide the required knowledge and abilities. Including but not limited to 3 years of increasing responsibility providing water management and conservation, including one year of program coordination activities.

3. Provide or support the availability of water management services to water users

See Attachment I, Notices of District Education Programs and Services Available to Customers.

a. On-Farm Evaluations

1) *On farm irrigation and drainage system evaluations using a mobile lab type assessment*

	Total in district	*# surveyed last year*	*# surveyed in current year*	*# projected for next year*	*# projected 2nd yr in future*
Irrigated acres	34,600				
Number of farms	260	0	0	0	0

*total acres are what's irrigated with District water; total irrigable acres is greater

Landowners within the District are notified via e-mail, mailers and presentations of services available from PG&E, Chico State and Colusa County RCD to assess their irrigation practices and efficiency. E-mails are sent as soon as the District receives notice from one of these entities offering services. This is generally 2 to 3 times a year. To date, the District is unaware of any landowners who have utilized these services. However, several landowners have purchased computerized probe technology that has helped them determine irrigation needs and efficiency on their own farms. Furthermore, the District does perform "on-farm" evaluations via random checks by O&M staff on landowners throughout the District while traveling their daily routes. These evaluations address water usage relative to zero tail-water (waste) and making growers aware of problems that may exist.

2) *Timely field and crop-specific water delivery information to the water user*

The District collects and compiles water use by crop and field, which it has distributed widely since 1995. Monthly meter readings are available totalizing use and the District provides an annual review of water use in acre feet per acre for the entire District so that each water user can compare his annual use to the District wide summary to see if any improvements to his irrigation practices are needed. This information is available at District office upon request.

b. Real-time and normal irrigation scheduling and crop ET information

The District and its customers make use of the Soil Conservation Service, UC Davis Agricultural Extension Offices, the office of the Agricultural Commissioner for Colusa County, and various other informational agricultural organizations. Information needed for normal and real time irrigation scheduling such as crop ET is available to all customers within one hour from the District that maintains a computer and modem for connection to the CIMIS data network. The data made available through CIMIS, the California Irrigation Management Information System, is presently available at the Colusa office of the Cooperative Extension of the University of California, by internet to anyone with a private computer, in the local newspaper or on radio. The State DWR is administering the CIMIS program and the area's local weather station is just north of Colusa. The Districts Annual newsletter and periodic e-mails keep waterusers up to date on where this information can be located.

c. Surface, ground, and drainage water quantity and quality data provided to water users

Surface, ground, and drainage water quantity and quality data from other monitoring programs is provided to water users on request. Sources of this information are obtained from the TCCA Water Quality Sampling Program and the Colusa County Groundwater Management Council. No significant drainage from the district that would warrant monitoring and/or reporting.

d. Agricultural water management educational programs and materials for farmers, staff, and the public

Program	*Co-Funders (If Any)*	*Yearly Targets*
District Newsletters & E-mail	Various	All Landowners/ water users
Monthly Water use reports	NONE	All water users
Weekly ET reports	UC Davis	Water users/ Public
Leslie J Nickels Trust-Field Day	UC Davis	Farmers, staff, public
Energy Solutions for Ag & Irrigation	PG&E	Water users/ Public
Irrigation methods	CSU Chico	All Landowners/ water users

*See Attachment G for samples of provided materials and notices

The District employs many methods to support educational materials not only for its staff and water users but also for the public in general.

On the larger scale the District's active membership in the Association of California Water Agencies, and Central Valley Project Water Association provides funding used for the preparation and dissemination of a great variety of educational material. The District from time to time contributes financially to the activities of the Water Education Foundation, Family Farm Alliance, Farm Water Alliance, Public Officials for Water and Environment Reform, and other activities to inform the public of water issues.

At the water user level our office is filled with posters and other material encouraging water conservation. Frequent mailings to the water users are used to circulate educational materials. The District is looking at website development and plans to have one in place within the next few years to aid with the dissemination of information.

The staff of the District consists of five positions; a General Manager, Bookkeeper/Secretary, and three field operations men. The Board encourages all staff to actively participate in seminars and programs, relating to their work.

e. other

NONE

4. Pricing structure - based at least in part on quantity delivered

The Districts pricing is billed on a per acre-foot of metered use basis. The rates are directly

related to the yearly water rates published by the Bureau of Reclamation plus the Tehama Colusa Canal conveyance fee. The latter component is divided by the total acre feet allocated under the Districts contract equating to a per acre foot (af) charge that is then added to the Bureau fees. Under this rate setting procedure the less water delivered (allocated or transferred) the higher the rate is due to the TC component. For 2019, the allocated water price was set at $106/af for agriculture, $74/af for M&I and $167.31/af for full cost water.

5. Evaluate and improve efficiencies of district pumps

Describe the program to evaluate and improve the efficiencies of the contractor's pumps.

	Total in district	*# surveyed last year*	*# surveyed in current year*	*# projected for next year*
Wells	0			
Lift pumps	75		6	8

The District evaluates district pumps at pumping plants on a daily basis. Twice a week motors requiring oil are checked and serviced. The remaining motors are water lubed and are spot checked and maintained as needed. As deemed necessary larger pumps have been pulled and overhauled by outside company's such as Beymer Well Service and Industrial Electrical. 8 out of the Districts 11, 2400 volt motors have been pulled and overhauled over the years averaging 1 every 5 years. The smaller pumps are pulled and checked more frequently either on sight or taken into the District maintenance yard for service.

In 2016, the District completed its SCADA installation and Medium Voltage Pump Controls Efficiency Upgrade project at the 2BC pumping plants. New pumps controls operating off transducers were installed replacing electrical panels with a PUC and converting pumps to soft-starts which improves pump efficiencies and lengthens the life expectancy of the pumps. SCADA technology was also installed throughout the District automating the pumping facilities and allowing for remote connection and control of systems as well as gaining information on efficiencies that helps identify pump issues. While this has helped with system reliability and troubleshooting as a WAPA customer we are unable to evaluate power savings.

B. Exemptible BMPs for Agricultural Contractors

(See Planner, Chapter 2, Addendum B for examples of exemptible conditions)

1. Facilitate alternative land use

Drainage Characteristic	*Acreage*	*Potential Alternate Uses*
High water table (<5 feet)	0	NA
Poor drainage	0	NA
Ground water Selenium concentration > 50 ppb	0	NA
Poor productivity	0	NA

Program actions - NONE, no problem soils

2. Facilitate use of available recycled urban wastewater

EXHIBIT I

WELL OWNER AGREEMENT FOR CONVEYANCE OF NON-PROJECT WATER DURING 2022 UNDER COLUSA COUNTY WATER DISTRICT WARREN ACT CONTRACT

THIS PRIVATE WELL OWNER AGREEMENT ("**Agreement**") is made as of 3/1/22 2022 (the "**Effective Date**") by and among TP Farms, ("**Well Owner**"), TP Farms, ("**Receiving Owner**" if different than Well Owner and Recipient) and Colusa County Water District ("**CCWD**"), who agree as follows:

1. Background and Purpose.

a. The Parties. Well Owner is the owner of certain real property within the boundaries of CCWD, commonly known as TP Farms (Wulf) upon which is located a groundwater well (the "**Well Property**"). Well Owner or Recipient is the owner or tenant of certain real property, distinct from the Well Property, that is capable of being served with water from the groundwater well ("**Receiving Property**"). Receiving Owner is the owner of the Receiving Property if Well Owner or Recipient is not the owner of the Receiving Property. Where the context requires this, all of the Owners and Tenants may be collectively referred to as "**Water Users.**"

b. 2018 Warren Act Contract. CCWD and Reclamation are parties to that certain Contract for the Conveyance of Non-Project Water (the "**2018 CCWD WA Contract**"), attached hereto as Attachment C and hereby incorporated by reference. Pursuant to the 2018 WA Contract, CCWD is authorized to use the Canal for the conveyance of 30,000 acre feet of Non-Project Water for irrigation purposes, subject to certain conditions and limits set forth in the 2018 WA Contract.

c. Purpose. The purpose of this Agreement is to set forth the terms and conditions pursuant to which Well Owner may convey Non-Project Water from Well Owner's groundwater well to the Receiving Property via use of the Canal and CCWD's water distribution system.

2. Reclamation Requirements. Prior to conveying water from the Well Property groundwater well to the Receiving Property under a CCWD WA Contract, Well Owner must submit discharge plans to the District in accordance with the requirements of the CCWD WA Contract. CCWD will then submit an application and fees on behalf of Well Owner for a Discharge Licensing Agreement.

3. Use of Project Facilities. CCWD hereby authorizes and agrees to facilitate Water Users' use of the Canal and CCWD's water distribution system to convey and provide groundwater from the Well Property groundwater well to the Receiving Property, pursuant to the terms set forth herein. The Bureau requires that all Warren Act pumped water must be utilized within 30 days of pumping and cannot be "banked" for use longer than 30 days. There may be times that water use must be matched one-to-one with pumping and no hold time will be allowed.

4. Term and Termination.

a. This Agreement shall automatically expire on February 28, 2023.

Int. TP

b. CCWD may terminate this Agreement for any reason upon seven (7) days' notice to Well Owner.

5. Compliance with Warren Act Contracts. Water Users hereby acknowledge and agree that their use of the Canal to convey groundwater as set forth in this Agreement is subject to the terms, conditions and restrictions of the BOR 2018 WA Contract.

6. Costs and Fees.

a. Water Meters. (i) In order to measure the quantity of water pumped from the Well Property into the Canal and subsequently to the Receiving Property, Reclamation will require the installation of water meters (the "**Input Water Meters**") at the location where groundwater pumped from the Well Property will be discharged into the Canal. Well Owner is responsible for all costs associated with the Input Water Meters and Well Owner's discharge facilities. (ii) In accordance with CCWD policy, the Receiving Property must have a water meter capable of measuring the water that is delivered to the Receiving Property, including the water that is the subject of this Agreement ("**Receiving Water Meters**") (see Attachment B). Well Owner (or Recipient, if different from Well Owner) shall be responsible for ensuring that the Receiving Property meets this requirement and shall bear all associated costs.

b. Reclamation Water Costs. Well Owner will pay all costs that Reclamation and the Tehama-Colusa Canal Authority assess on the conveyance of the water pursuant to the CCWD WA Contract and this Agreement ("**Reclamation Costs**"). This may include charges in connection with use of the Canal, well testing and costs of conveyance electric power. Within one week of the Effective Date, District will make its best estimate of the Reclamation Costs that will result from this Agreement. Well Owner must deposit the estimated Reclamation Costs with the District prior to conveying any water under this Agreement. Well Owner is aware that the estimated Reclamation Costs will be subject to Reclamation's year-end "true-up" of actual costs. After the year-end true-up, if the actual Reclamation Costs are higher than the estimated Reclamation Costs, Well Owner will pay the difference to District within 30 days of District presenting an invoice for the actual costs; and if the actual Reclamation Costs are less than the estimated Reclamation Costs, CCWD shall credit or refund the difference to Well Owner.

c. The obligations of Well Owner (or Recipient, if different from Well Owner) to pay the costs set forth above shall survive the termination of this Agreement.

7. Warren Act Pumping as Supplemental Supply. To ensure the full use of the District's Bureau contract water allocation, landowners are expected to use, and pay for, the full amount of District water they request in a given season. Warren Act pumping is intended to be supplemental to District supply, and may be limited to ensure landowners are using their full District allocation. Well Owners who request but forgo District supply in favor of WA pumping will not be eligible for refunds for unused District supply they have requested and/or been allocated.

8. Conveyance of Water.

a. All conveyance of water pursuant to this Agreement must be approved by CCWD. Well Owner must provide CCWD with at least two (2) days' notice prior to placing water in

Int. TC

the Canal, using the notice form that CCWD will provide. Well Owner's conveyance of water must be in accordance with the notice.

b. If the proposed conveyance will be from Well Owner to another water user (including Receiving Owner), the notice must also state the terms upon which the conveyance will be made. Due to groundwater conditions in the area, conveyances that transfer groundwater outside of District boundaries will generally not be approved, unless the proponents can demonstrate that the net impact on District conditions is neutral (i.e., groundwater is being applied outside the District in exchange for additional surface water applied inside the District).

9. Water Quality. Well Owner shall be liable for any harm caused by changes in water quality within CCWD's water conveyance system that are attributable to Well Owner's conveyance of water pursuant to this Agreement. Reclamation has drafted drought water quality standards that exceed the limits of non-drought standards. Well Owners whose wells are over the non-drought standard may have their ability to put water into the Canal or CCWD's water conveyance system limited or terminated at CCWD's discretion. In addition, if Well Owner's well water is above the Bureau of Reclamation's non-drought water quality standards, Well Owner will pay a pro-rata share of the total costs of monitoring wells in connection with conveyances under the CCWD WA Contract(s). Such well monitoring costs will be calculated and billed to Well Owner by the District at the end of the term of this Agreement.

10. Right of Entry. Well Owner hereby grants CCWD the non-exclusive right to enter the Well Property, and Recipient and Receiving Owner grant CCWD the non-exclusive right to enter the Receiving Property for the following purposes: (i) to install any Water Meters if necessary, (ii) to inspect and monitor the groundwater well and (iii) to inspect and monitor any Water Meters.

11. Conveyance Capacity. The demand of Water Users, together with the demand of other parties who execute similar Well Owner Agreements with CCWD, may exceed the conveyance capacity available in the Canal or CCWD's water distribution system from time to time, or may exceed the annual total of 30,000 acre-feet available to CCWD under the CCWD WA Contract. In case of any such shortage of capacity, CCWD expects to make an allocation per capita, for each well that is the subject of these Well Owner Agreements, but reserves the discretion to allocate the capacity in other equitable ways, in order to maximize the total capacity available for all parties to these Well Owner Agreements. CCWD also reserves the right to reallocate from time to time any unused capacity to other parties to these Well Owner Agreements. The allocation of capacity available in CCWD's water distribution system pursuant to this Agreement shall be subject to CCWD's use of the system to convey Central Valley Project water, if any, or other water supplies CCWD may obtain for use within its boundaries.

12. Insurance. Prior to exercising any rights or obligations under this Agreement, Well Owner shall obtain and maintain, or cause its contractors, tenants, agents or representatives to obtain and maintain, in full force and effect during the term of this Agreement, with an insurer(s) having a Best's Insurance rating of "A" or better Commercial General Liability Insurance and/or a Liability Umbrella Policy with a combined single limit in the amount of $1,000,000 per occurrence, naming CCWD as an additional insured.

a. Notice of Change in Policies. All policies of insurance required to be maintained under this Agreement shall be written so that CCWD will be notified in writing of any cancellation,

termination or restrictive amendment of such policy at least thirty (30) days prior to the effective date of such cancellation, termination or restrictive amendment. Prior to exercising any rights under this Agreement, Well Owner shall provide CCWD with original certificates from insurers evidencing the above insurance.

13. Indemnity and Release. Well Owner, Recipient, and Receiving Owner will, jointly and severally, indemnify and hold harmless CCWD, its employees, agents, and directors from all injuries, losses and liabilities in any way and all claims of liability from any person or entity, on any basis, for any injury, damage, or loss resulting from or attributable to any occurrence arising from the use of the Canal or CCWD's water distribution system. Well Owner, Recipient, and Receiving Owner release and will indemnify CCWD, its employees, agents, and directors from liability for any injuries and losses of Well Owner, Recipient, or Receiving Owner in any way arising from this Agreement unless such injuries or losses arise from the gross negligence or willful misconduct of District, its employees, agents, or directors. The rights and obligations under this Section shall not be limited to the insurance coverages required as part of this Agreement and shall not cease and shall survive the expiration or earlier termination of this Agreement. CCWD shall not be required to pursue an indemnifying party to this Agreement in any particular order, nor shall CCWD be required to pursue all such parties simultaneously. CCWD's indemnity rights include, at CCWD's option but without limitation, its costs of defense against any such claims, demands, or liability, the right to be defended by counsel of its choice, and the right to control the defense and resolve the claim.

14. General Provisions.

a. *Amendment.* This Agreement may be amended or modified only by a written instrument executed by each of the Parties to this Agreement.

b. *Entire Agreement.* This Agreement constitutes the entire agreement of the parties with respect to the subject matter of this Agreement and supersedes any prior oral or written agreement, understanding, or representation relating to the subject matter of this Agreement.

c. *Third Party Beneficiaries.* This Agreement shall not create any right or interest in any non-party or in any member of the public as a third party beneficiary.

d. *Jurisdiction and Venue.* This Agreement shall be governed by and construed in accordance with the laws of the state of California, except for its conflicts of law rules. Any suit, action, or proceeding brought under the scope of this Agreement shall be brought and maintained to the extent allowed by law in the County of Colusa, California.

e. *Assignment.* This Agreement may not be assigned by either party without the written consent of the other party.

f. *Partial Invalidity.* If, after the date of execution of this Agreement, any provision of this Agreement is held to be illegal, invalid, or unenforceable under present or future laws effective during the term of this Agreement, such provision shall be fully severable. However, in lieu thereof, there shall be added a provision as similar in terms to such illegal, invalid or unenforceable provision as may be possible and be legal, valid and enforceable.

g. *Notices*. All notices, demands, approvals, and other communications provided for in this Agreement shall be in writing and shall be effective: (i) when personally delivered to the recipient at the recipient's address set forth below; (ii) five business days after deposit in a sealed envelope in the United States mail, postage prepaid, by registered or certified mail, return receipt requested, addressed to the recipient as set forth below; or (iii) one business day after deposit with a recognized overnight courier or delivery service, addressed to the recipient as set forth below, whichever is earlier. The addresses for notice are:

Well Owner: TJD Farms

Receiving Owner: TJD Farms

CCWD: Colusa County Water District
Attention: Shelly Murphy, General Manager
P.O. Box 337
Arbuckle, CA 95912

Either party may change its address by written notice to the other given in the manner set forth above. Telephone and facsimile numbers, and e-mail addresses are given for the convenience of the parties, but none of those methods shall constitute notice for purposes of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

COLUSA COUNTY WATER DISTRICT

By: Shelly Murphy

Name/Title: Shelly Murphy, GM

Date: 3.10.2022

WELL OWNER

By: T+P Farms

Name/Title: Partner

Date: 3/1/22

For (Corporate Name, if any): _____

RECIPIENT

By: _____

Name/Title: _____

Date: _____

For (Corporate Name, if any): _____

RECEIVING OWNER

By: T+P Farms

Name/Title: Partner

Date: 3/1/22

For (Corporate Name, if any): _____

Attachment A

2022 Warren Act Charges

BOR Contract Rate @ 16.67	BOR Power Estm. 26.00*	TC Conveyance 62.83**

Total Cost per AF = $ 105.50

*Cost will be reconciled after BOR completes Power analysis at end of water year.

**TC conveyance price is dependent on total AF District is able to deliver this includes Bureau Allocation, Transfer water and WA water.

Attachment A-1

Warren Act Pumpers:

The District's current Warren Act Contract is for a term of 5 years ending February 28, 2023. The Bureau requires well tests every 2 years and a monthly estimate of acre-feet to pumped.

The District has elected to have the Bureau quality assurance plan (QAPP) met by utilizing BOR staff to perform water quality tests. Estimated lab and technician costs are $800-$1000 per test and will be billed to the individual well owners requesting use.

Below is the 2022 Bureau Warren Act Rate and an estimated cost for Non-Project power. The power component will have a "true-up" a year after the Bureau Water year is complete. Any additional power costs will be billed sometime after October of the following year.

2021 Warren Act rate (Bureau only)	$ 16.67
Estimated power cost (Bureau requirement)	$ 26.00
TC Canal Conveyance (10,000af-WA)	$ 62.83
Estimated WA charge per acre foot:	$ 105.50

The above acre-foot charge may be less depending on how much water is actually delivered. Greater deliveries will reduce Canal Conveyance charge and will be "trued up" at the end of the 2021 water year if not before.

Finally, due to Bureau prepayment requirements, the District is requiring a Warren Act deposit be made in the amount of one-half of your estimated yearly pumping due by April 15th.

Attachment B

Warren Act Worksheet

Contractor:_____

Discharge Location: 94.35; 94.53; 94.88; 95.22; 98.06
101.2

Information District will need to help TC operations to manage canal levels. Discharges and actual deliveries may need to be on a 1:1 but will be evaluated daily. TC prefers outtake to begin 24 hrs in advance of pumping.

GPM_____ Hours per Day_____

AF per day_____ (available) AF per mo. _____ (available)

Energy source: Electric Diesel

Locations diverting:

Meter #	GPM taken	Meter #	GPM taken
	SEE LIST		

Total AF pumped: per day_____ per week_____ per year_____

Int. ____

1366659 2

T&P Farms
2022 Water Budget

4M Water District

Field	Outlet	District Allotment Acreage	Acres	2022 Crop	Projected Water Useage Ac.Ft./Ac.	Water Source	Water Dist.	Crop Water Requirement	CVP Water Requirement Acre Feet	Allocation 100%	75%	50%	5%	0%
										3	2.25	1.5	0.15	0
								97.0	112.0	861.0	436.5	291.0	29.1	0.0
									Balance	749.0	324.5	179.0	-82.9	-112.0

Colusa County Water District

Field	Outlet	District Allotment Acreage	Acres	2022 Crop	Projected Water Useage Ac.Ft./Ac.	Water Source	Water Dist.	Crop Water Requirement	CVP Water Requirement Acre Feet	Allocation 100%	75%	50%	5%	0%
										1.9	1.55	0.95	0.08	0
AG1	807	156.1	65.0	Wheat	0.50	CCWD/Well	CCWD	32.5	60.0	296.6	242.0	148.3	12.5	0.0
AG2			8.0	Wheat	0.50	CCWD/Well	CCWD	4.0	16.0					
AG3			10.0	Wheat	0.50	CCWD/Well	CCWD	5.0	10.0					
ANT		8.9	8.5	Almonds	2.25	CCWD	CCWD	19.1	19.1	16.9	13.8	8.5	0.7	0.0
BB1	822	91.2	88.0	Almonds	2.25	Well	CCWD	198.0	0.0	173.3	141.4	86.6	7.3	0.0
CFTS1	304	260.9	13.7	Almonds	2.25	CCWD/Well	CCWD	30.8	0.0	495.7	404.4	247.9	20.9	0.0
CFTS2			53.2	Almonds	2.25	Well	CCWD	119.7	0.0					
CFTS4			47.3	Almonds	2.25	Well	CCWD	106.3	0.0					
CFTS8			63.8	Almonds	2.25	Well	CCWD	143.4	0.0					
CFTS6A	316	132.3	55.6	Almonds	2.25	Well	CCWD	125.2	0.0	251.4	205.1	125.7	10.6	0.0
CFTS6B			73.5	Almonds	2.25	Well	CCWD	165.4	0.0					
CO1	738	209.3	40.0	Tomatoes-Drip	2.25	CCWD	CCWD	90.0	90.0	397.7	324.4	198.8	16.7	0.0
CO2			40.0	Tomatoes-Drip	2.25	CCWD	CCWD	90.0	90.0					
CO3			40.0	Tomatoes-Drip	2.25	CCWD	CCWD	90.0	90.0					
CO4			88.7	Wheat	0.50	CCWD	CCWD	44.4	90.0					
CO5	737	130	130.0	Almonds	2.25	CCWD	CCWD	292.5	292.5	247.0	201.5	123.5	10.4	0.0
CR1		154.5	136.0	Almonds	2.25	Well	CCWD	306.0	0.0	293.6	239.5	146.8	12.4	0.0
DB01	216	117.5	120.0	Almonds	2.25	Well	CCWD	270.0	0.0	223.3	182.1	111.6	9.4	0.0
DK1	310	30	32.9	Almonds	2.25	CCWD/Well	CCWD	74.0	74.0	57.0	46.5	28.5	2.4	0.0
DK2	61	57.6	58.4	Almonds	2.25	CCWD/Well	CCWD	131.4	131.4	109.4	89.3	54.7	4.6	0.0
DK3	61	5.2	4.1	Almonds	2.25	CCWD/Well	CCWD	9.2	9.2	9.9	8.1	4.9	0.4	0.0
DK4	39	37.6	37.0	Almonds	2.25	Well	CCWD	83.3	0.0	71.4	58.3	35.7	3.0	0.0
DK5	59	12.4	13.0	Almonds	2.25	CCWD/Well	CCWD	29.3	29.3	23.6	19.2	11.8	1.0	0.0

Field	Outlet	District Allotment Acreage	Acres	2022 Crop	Projected Water Useage Ac.Ft./Ac.	Water Source	Water Dist.	Crop Water Requirement	CVP Water Requirement Acre Feet	Allocation				
										100%	75%	50%	5%	0%
DK6	59	12.3	9.7	Almonds	2.25	CCWD/Well	CCWD	21.8	21.8	23.4	19.1	11.7	1.0	0.0
DK7	59	22.9	19.2	Almonds	2.25	CCWD/Well	CCWD	43.2	43.2	43.5	35.5	21.8	1.8	0.0
DK8	59	42.5	42.0	Almonds	2.25	CCWD/Well	CCWD	94.5	94.5	80.8	65.9	40.4	3.4	0.0
DK9	58	38.2	37.8	Almonds	2.25	Well	CCWD	85.1	0.0	72.6	59.2	36.3	3.1	0.0
DK10	148	44.1	43.0	Almonds	2.25	Well	CCWD	96.8	0.0	83.6	68.4	41.9	3.5	0.0
DK11	148	22	21.3	Almonds	2.25	Well	CCWD	47.9	0.0	41.8	34.1	20.9	1.8	0.0
DK12	148	23.6	20.2	Almonds	2.25	Well	CCWD	45.5	0.0	44.8	36.6	22.4	1.9	0.0
DK13	352	19.6	11.5	Almonds	2.25	CCWD	CCWD	25.9	25.9	37.2	30.4	18.6	1.6	0.0
DK14	353	12.2	10.3	Almonds	2.25	CCWD	CCWD	23.1	23.1	23.2	18.9	11.6	1.0	0.0
DS1	215	118.3	120.0	Almonds	2.25	Well	CCWD	270.0	0.0	224.8	183.4	112.4	9.5	0.0
GB1	31	39.3	40.0	Almonds	2.25	Well	CCWD	90.0	0.0	74.7	60.9	37.3	3.1	0.0
GB2	951	39.4	40.0	Almonds	2.25	Well	CCWD	90.0	0.0	74.9	61.1	37.4	3.2	0.0
GB3		39	40.0	Almonds	2.25	Well	CCWD	90.0	0.0	74.1	60.5	37.1	3.1	0.0
GB4	30	40	40.0	Wheat	0.50	CCWD/Well	CCWD	20.0	20.0	76.0	62.0	38.0	3.2	0.0
GB5			31.0	Wheat	0.50	CCWD/Well	CCWD	15.5	31.0	0.0	0.0	0.0	0.0	0.0
GB6			20.0	Wheat	0.50	Well	CCWD	10.0	0.0	0.0	0.0	0.0	0.0	0.0
HILLHS		7.7	0.0	Fallow	0.00			0.0	0.0	14.6	11.9	7.3	0.6	0.0
JB1	324	153.65	56.0	Almonds	2.25	Well	CCWD	126.0	0.0	291.9	238.2	146.0	12.3	0.0
JB2a			55.0	Almonds	2.25	Well	CCWD	123.8	0.0					
JB2	332	153.75	79.0	Almonds	2.25	Well	CCWD	177.8	0.0	292.1	238.3	146.1	12.3	0.0
JB3			100.0	Almonds	2.25	CCWD/Well	CCWD	225.0	125.0					
JL1/JL2		35.4	35.0	Wheat	0.50	Well	CCWD	17.5	0.0	67.3	54.9	33.6	2.8	0.0
JP1	928	120	117.5	Wheat	0.50	Well	CCWD	58.8	0.0	228.0	186.0	114.0	9.6	0.0
JP2	927	72.4	72.0	Wheat	0.50	Well	CCWD	36.0	0.0	137.6	112.2	68.8	5.8	0.0
JP3	928	80	79.0	Wheat	0.50	Well	CCWD	39.5	0.0	152.0	124.0	76.0	6.4	0.0
M2	201	69.3	69.3	Tomatoes-Drip	2.25	Well	CCWD	155.9	0.0	131.7	107.4	65.8	5.5	0.0
M3		8	8.0	Almonds	2.25	Well	CCWD	18.0	0.0	15.2	12.4	7.6	0.6	0.0
MCH1	403-1	154.1	142.0	Almonds	2.25	Well	CCWD	319.5	0.0	292.8	238.9	146.4	12.3	0.0
MCH2	912	26.5	26.0	Almonds	2.25	Well	CCWD	58.5	0.0	50.4	41.1	25.2	2.1	0.0
MS1	334	128.6	110.0	Almonds	2.25	Well	CCWD	247.5	0.0	244.3	199.3	122.2	10.3	0.0
PC2	318A	9	9.0	Pasture	1.00	CCWD	CCWD	9.0	9.0	9.0	42.6	28.4	2.8	0.0
PN1	305A	56.8	50.0	Almonds	2.25	CCWD/Well	CCWD	112.5	112.5	107.9	88.0	54.0	4.5	0.0
R1	403-2	58	58.0	Almonds	2.25	CCWD	CCWD	130.5	130.5	110.2	89.9	55.1	4.6	0.0
SB1	305-309	395.4	370.0	Almonds	2.25	Well	CCWD	832.5	0.0	751.3	612.9	375.6	31.6	0.0
SLH1	311	39.5	39.5	Almonds	2.25	CCWD	CCWD	88.9	88.9	75.1	61.2	37.5	3.2	0.0
T1	910	108.7	97.0	Almonds	2.25	Well	CCWD	218.3	0.0	206.5	168.5	103.3	8.7	0.0
T2	912	101.7	97.0	Tomatoes-Drip	2.25	Well	CCWD	218.3	0.0	193.2	157.6	96.6	8.1	0.0

Field	Outlet	District Allotment Acreage	Acres	2022 Crop	Projected Water Useage Ac.Ft./Ac.	Water Source	Water Dist.	Crop Water Requirement	CVP Water Requirement Acre Feet	Allocation 100%	75%	50%	5%	0%
T3	929	189.2	50.5	Tomatoes-Drip	2.25	Well	CCWD	113.6	0.0	359.5	293.3	179.7	15.1	0.0
T8	914	42.5	37.0	Almonds	2.25	Well	CCWD	83.3	0.0	80.8	65.9	40.4	3.4	0.0
TPB1	36	163.1	150.0	Almonds	2.25	Well	CCWD	337.5	0.0	309.9	252.8	154.9	13.0	0.0
TPH	401	22.3	0.0	Fallow	0.00	Well	CCWD	0.0	0.0	42.4	34.6	21.2	1.8	0.0
TS1	741	146	86.0	Tomatoes-Drip	2.25	CCWD	CCWD	193.5	193.5	277.4	226.3	138.7	11.7	0.0
TS2			60.0	Tomatoes-Drip	2.25	CCWD	CCWD	135.0	135.0					
WC1	348	229.1	231.0	Almonds	2.25	CCWD/Well	CCWD	519.8	175.0	435.3	355.1	217.6	18.3	0.0
TPS1	401	107.4	85.4	Almonds	2.25	CCWD/Well	CCWD	192.2	192.2	204.1	166.5	102.0	8.6	0.0
TPS2	402	124.6	120.0	Almonds	2.25	Well	CCWD	270.0	0.0	236.7	193.1	118.4	10.0	0.0
LO2	73	46	34.0	Almonds	2.25	Well	CCWD	76.5	0.0	87.4	71.3	43.7	3.7	0.0
LO3			8.0	Almonds	2.25	Well	CCWD	18.0	0.0					
WM1	954	168	78.0	Wheat	0.50	CCWD	CCWD	39.0	0.0	319.2	260.4	159.6	13.4	0.0
WM2			71.0	Wheat	0.50	CCWD	CCWD	35.5	0.0					
WR1	54	60.6	60.0	Almonds	2.25	Well	CCWD	135.0	0.0	115.1	93.9	57.6	4.8	0.0
								8891.1	2422.6	9480.9	7769.7	4764.3	401.7	0.0
		4994.2	4512.9	1.78	AF per District Assessed Acres				Balance	7058.3	5347.0	2341.7	-2021.0	-2422.6

Davis Water District

Field		District Allotment Acreage	Acres	2022 Crop	Projected Water Useage Ac.Ft./Ac.	Water Source	Water Dist.	Crop Water Requirement	CVP Water Requirement Acre Feet	Allocation 100%	75%	50%	5%	0%
										2.6	1.95	1.3	0.13	0
								2847.6	2847.6	3212.6	2409.4	1606.3	160.6	0.0
		1235.6	1303.4						Balance	364.9	-438.2	-1241.3	-2687.0	-2847.6

Westside Water District

Field	Turnout	District Allotment Acreage	Acres	2022 Crop	Projected Water Useage Ac.Ft./Ac.	Water Source	Water Dist.	Crop Water Requirement	CVP Water Requirement Acre Feet	Allocation 100%	75%	50%	5%	0%
										4.36	3.27	2.18	0.218	0
								2580.5	2580.5	5113.4	3835.1	1397.6	139.8	0.0
		1527.8	1107.5						Balance	2532.9	1254.6	-1182.9	-2440.7	-2580.5

Summary

	Crop Water Requirement	CVP Water Requirement Acre Feet	Allocation				
			100%	75%	50%	5%	0%
Total:	17307.6	8050.2	16307.1	10667.5	2853.7	-7040.3	-8050.2

Crop	Projected Water Useage Ac.Ft./Ac.	CVP Water Requirement Acre Feet	Acres
Fallow	0.0	0.0	
Tomatoes-Drip	2.3	598.5	266.0
Vineseed	2.7	0.0	0.0
Rice	5.5	0.0	0.0
Almonds	2.3	6748.7	2999.4
Beans	3.0	0.0	0.0
Sunflowers	3.0	0.0	0.0
Onions	2.5	0.0	0.0
Garbanzo	2.5	0.0	0.0
Corn	3.0	0.0	0.0
Wheat	0.5	227.0	454.0
Alfalfa	5.0	160.0	32.0
		7734.2	

Transfer Water Purchased:

	0%
Colusa County WD	1,500
Davis WD	1,150
Dunnigan WD	100
Kanawha WD	325
Myers-Marsh	-
Westside WD	1,419
Pelger 1700	1,000
Eastside Mutual	316
Otterson Ranch Transfer	150
Nene Ranch Trasfer	680
Total Transfer Water Available	6,640

Warren Act Water Needed		1,638.0
4M WD	112	
Davis WD	798	
Westside WD	728	
Warren Act Water Available		-
Net Balance		227.75

EXHIBIT J

Brownstein

Brownstein Hyatt Farber Schreck, LLP
805.882.1427 main
1021 Anacapa Street, 2nd Floor
Santa Barbara, California 93101

August 1, 2025

Colusa Groundwater Authority
P.O. Box 475
Colusa, CA 95932-9804

RE: Written Objections of Benjamin and Laura King, King Golden State Orchards, LLC (APNs 015070111000 and 015070141000) to Colusa Groundwater Authority's Proposed 2025-26 SGMA Operational Assessment

To the Colusa Groundwater Authority:

On behalf of our clients, Benjamin and Laura King, Brownstein Hyatt Farber Schreck, LLP timely submits the below objections ("Written Objections") in advance of the August 2, 2025 deadline to object to the Colusa Groundwater Authority's ("CGA") proposed 2025-26 SGMA Operational Assessment ("Proposed Assessment").[1] Pursuant to AB 2257, these Written Objections specify the grounds on which our clients allege noncompliance with Article XIII D of the California Constitution. In the event that the CGA adopts the Proposed Assessment, our clients preserve their right to bring a subsequent legal challenge based on the entire administrative record and do not limit their arguments to those contained herein.[2]

Specifically, our clients allege that the Proposed Assessment fails to comply with both the procedural and substantive requirements of Article XIII D, § 4 of the California Constitution on the following grounds:

1. the Proposed Assessment, as calculated in the Engineer's Report, does not accurately reflect the proportional special benefit conferred on each parcel as required by Article XIII D, § 4(a);
2. although reclassification of the designated "land use group" of certain parcels is likely required for the CGA to comply with the substantive requirements of Article XIII D, § 4(a), any reclassification that increases the amount chargeable to another owner's particular parcel would require additional Prop 218 notice and public hearing pursuant to Article XIII D, § 4(c)-(e);

[1] These Written Objections comply with both the exhaustion of remedies requirements in Gov. Code § 53759.1 and the instructions for submitting Written Objections provided in the CGA's written notice of the Proposed Assessments. *See* Gov. Code § 53759.1(b); Ballot Information Guide, p. 4 ("Written Objections").
[2] *See* Gov. Code § 53759.2(b)(1)-(2) (defining scope of judicial review).

3. the total costs of the Proposed Assessment likely overestimate the capital costs necessary to provide the specified services and are unreasonable; *and*
4. APNs 015070111000 and 015070141000, being parcels on the East Side of the Sacramento River with distinct hydrological features, likely receive no benefit from the CGA's proposed Groundwater Sustainability Services and should not pay for those services

1. The Proposed Assessment does not accurately reflect the proportional special benefits conferred on each parcel

Article XIII D, § 4(a) of the California Constitution requires that "[n]o assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel." In order to measure the "proportional special benefit conferred" on each parcel subject to the assessment, the agency must prepare an engineer's report which calculates the "special benefit derived by each identified parcel . . . in relationship to the entirety of the capital cost of a public improvement, the maintenance and operation expenses of a public improvement, or the cost of the property related service being provided."[3]

The CGA's Proposed Assessment and corresponding Engineer's Report fail to meet this standard of proportionality because they do not accurately calculate the "proportional special benefits conferred" on each individual parcel being assessed. Instead, the CGA relies on an individual parcel's location within a particular irrigation district as a proxy to estimate each parcel's level of groundwater use regardless of the parcel's actual reliance on groundwater. Since the Engineer's Report purports to calculate the degree of special benefit conferred on each parcel as a function of the parcel's reliance on groundwater (as estimated by the parcel's designated "land use group"), this lack of parcel-by-parcel groundwater accounting proves fatal to the Proposed Assessment.

To illustrate, the Engineer's Report calculates the degree of proportional special benefit by designating parcels into four "land use groups," which generally correspond to estimated reliance on groundwater: (1) "non-irrigable land," such as rangeland, (2) "land that relies exclusively on groundwater," referred to as "Groundwater Only," (3) land where "both surface water and groundwater are used," referred to as "Conjunctive Use," and (4) land "where surface water is used as the primary or only source," referred to as "Surface Water."[4] In order to quantify each parcel's proportional special benefit of each of the "Service Categories" in the Proposed Assessment, the Engineer's Report assigns a "benefit factor" to each of these land use groups, with "Reliance on Groundwater" being the single benefit factor used to

[3] Cal Const., art. XIII D, § 4(a)-(b).
[4] Engineer's Report, Colusa Groundwater Authority SGMA Operational Assessment (June 2025) ("Engineer's Report"), p. 14.

determine the proportional special benefit of the CGA's proposed Groundwater Sustainability Services.[5] This results in "Groundwater Only" designations paying the highest share of the costs of the CGA's proposed Groundwater Sustainability Services, at 60.9%, with "Conjunctive Use" designated parcels paying 31.5% of the costs and "Surface Water" designated parcels paying 7.6%.[6] Parcels designated at "Groundwater Only" "bear the highest total rate," $11.19 per acre.[7] The Engineer's Report attempts to justify this high rate by concluding that "Groundwater Only" designated parcels "receive substantial benefit from all Service Categories, governance, strategic planning, and groundwater protection, and are appropriately assigned the largest cost share."[8]

Setting aside whether "Reliance on Groundwater" is an appropriate basis to calculate the proportional special benefit of the CGA's proposed Groundwater Sustainability Services, the problem with this methodology is that the CGA's "land use group" designations are not based on *the parcel's* actual (or even estimated) reliance on groundwater. Instead, the "land use group" designations are based on historical water use of the water agency or irrigation district in which each individual parcel is contained.[9]

The CGA's method of apportioning the total costs of the CGA's proposed services does not comply with Article XIII D, § 4(a) of the California Constitution because it does not provide a parcel-specific analysis of the benefit factor—e.g., Reliance on Groundwater—that the CGA is using to calculate proportional special benefit.[10] This means that, regardless of an individual parcel's reliance on groundwater, the individual parcel's calculated proportional special benefit is based on the average historical use of the *entire* irrigation district in which the parcel is located. Calculating proportional special benefits under Article XIII D, § 4(a) of the California Constitution does not allow determinations based on a

---

[5] Engineer's Report, p. 36, Table 6; p. 37 (explaining that "[t]he Reliance on Groundwater factor is used to apportion costs in a way that reflects the level of dependency [on groundwater], assigning a greater share of costs to parcels with the highest need for sustained and secure groundwater access.").

[6] Engineer's Report, p. 36, Table 6.

[7] Engineer's Report, p. 38.

[8] Engineer's Report, p. 38.

[9] "Surface Water" designations are given to parcels "within a water agency where the historical aggregate groundwater pumping is less than 0.15 AF per acre"; "Conjunctive Use" designations are given to parcels "within a water agency where groundwater pumping on an aggregate basis is between 0.15 AF per acre and 1.3 AF per acre"; and "Groundwater Only" designations are given to parcels within a water agency where groundwater pumping "on an aggregate basis [is] greater than 1.3 AF per acre." *See* Engineer's Report, p. 29.

[10] The CGA appears to be aware that it does not have the parcel-specific data necessary to impose a special benefit assessment that allocates proportional special benefit according to groundwater use, noting that "the Groundwater Accounting Program will address the lack of parcel-scale groundwater use data in the Colusa Subbasin." *See* Frequently Asked Questions, Colusa Groundwater Authority Proposed SGMA Operational Assessment, p. 2. By imposing fees for the Groundwater Accounting Program through a special benefit assessment, the CGA appears to be reverse engineering the parcel-specific analysis it needs to pass the assessment in the first instance.

"neighborhood-by-neighborhood basis"; instead, the CGA must calculate proportional special benefit based on the degree to which the *parcel* receives the special benefit.[11]

The effect of this methodology is that parcels within a "Groundwater Only" irrigation district bear the highest share of proportional costs even if individual parcels primarily rely on surface water or use a mix of groundwater and surface water, whereas parcels within a "Surface Water" irrigation district bear a significantly lower share of the proportional costs even if the individual parcels primarily rely on groundwater. This lack of parcel-by-parcel specificity means that certain parcels (i.e., parcels within a groundwater-intensive irrigation district that primarily rely on surface water or conjunctive use) are likely subsidizing the cost of service to parcels that primarily use groundwater but are physically located in an irrigation district that uses groundwater to a lesser degree (on an aggregate, historical basis). Subsidizing costs in this way fails to meet the strict proportionality standards in Article XIII D, § 4(a).[12]

Specifically, we have identified several instances where the CGA's designation of the "land use groups" likely fail to accurately reflect the proportional special benefit conferred on individual parcels:

- **Inconsistent designation of the boundaries of the Colusa Drain Mutual Water Company ("CDMWC").** The CGA's "Assessment Diagram"[13] is inconsistent with the maps used in the CGA's Groundwater Sustainability Plan ("GSP") used to determine which parcels are within the CDMWC.[14] This results in parcels on the westside of the CDMWC boundary being inaccurately designated as "Groundwater Only" parcels and therefore likely overestimates their proportional special benefit.
- **Inconsistent designation of only certain riparian parcels as "Surface Water."** As noted in the Engineer's Report, "parcels within Sacramento River Settlement Contractor (SRSC) boundaries were assigned to 'Surface Water' and . . . [o]ther parcels likely to have riparian surface water rights along the Sacramento River were identified using DWR's 2014 Colusa County Land Use Survey" and designated as "Surface Water."[15] Although this approach of designating riparian parcels as "Surface Water" is likely reasonable, it should not be limited to riparian parcels along the Sacramento River. Specifically, the Engineer's Report fails to designate (or attempt to assess) riparian parcels along the Colusa Basin Drain, the City of Colusa, and parcels on the east side of the Colusa Subbasin, several of which are likely riparian parcels and thus appropriately designated as "Surface Water." These parcels are inappropriately designated as "Groundwater Only."[16] Additionally, Table B.3 of the Engineer's Report creates subareas which are inconsistent

[11] *Town of Tiburon* (2009) 180 Cal. App. 4th at 1068, 1083.
[12] *Town of Tiburon* (2009) 180 Cal. App. 4th at 1068.
[13] *See* Engineer's Report, p. 44, Figure 3.
[14] *Compare* Engineer's Report, p. 44, Figure 3 *with* GSP Figures 2-3 and 2-4; GSP Appendix 3F.
[15] Engineer's Report, p. 47, Appendix B, Tables B.2-B.3.
[16] Engineer's Report, pp. 47-48, Appendix B, Table B.3.

with the subareas of Appendix 3F of the GSP and result in a questionable "Surface Water" designation for those new subareas.

- **Inconsistent redesignations of land use groups from the GSP:** As noted in Table B.1 of the Engineer's Report, the CGA has changed the GSP subarea designation of Sycamore Mutual, Maxwell Irrigation District, and Provident Irrigation District from "Conjunctive Use" to "Surface Water" since "[t]he GSP subarea water budgets do not accurately account for drain water reuse which may significantly overestimate groundwater pumping for these subareas."[17] The Engineer's Report provides no data for the redesignation, and fails to explain why only these irrigation districts were changed based on drain water reuse. If drain water reuse is a criteria for redesignation, all diverters on the Colusa Basin Drain should be appropriately designated as "Surface Water" parcels.

II. Reclassification of land use designations of individual parcels would likely require the CGA to provide addition Prop 218 notice and hearing to property owners

Recognizing that the designated "land use groups" in the Engineer's Report may not accurately reflect an individual parcel's reliance on groundwater, the CGA passed Resolution 2025-02 on July 11, 2025, allowing property owners to submit evidence that their "land use" designation should be changed. Although we agree that the "land use group" designations need to be revised in order to accurately reflect the proportional special benefit conferred on each individual parcel, changing proportionality calculations in the middle of the CGA's Prop 218 process would violate the procedural requirements of Article XIII D, § 4(c)-(e).

Specifically, before adopting a special benefit assessment, the CGA must provide notice by mail of the proposed assessment that specifies "the amount chargeable to the owner's particular parcel" and must conduct a public hearing on the proposed assessment based on the amount of the assessment contained in that notice "not less than 45 days after mailing the notice of the proposed assessment ."[18] Since "proportional special benefits" are "determined in relationship to the *entirety of the capital costs*"[19] of the proposed services, any redesignation that diverges from those contained in the Engineer's Report will necessarily change the amount owed by each property owner (unless those adjustments are instead funded through general funds),[20] and therefore may increase the proportional cost paid by property owners who remain designated as "Groundwater Only."

---

[17] Engineer's Report, pp. 46-47, Table B.1, fn. 2.
[18] Cal Const., art. XIII D, § 4(c), (e).
[19] Cal Const., art. XIII D, § 4(a) (emphasis added).
[20] Notably, however, the Engineer's Report states that no reserves are available for the Proposed Assessment. *See* Engineer's Report, pp. 22, 42.

Article XIII D, § 4(c) requires the notice to include the amount of the assessment "chargeable to the owner's particular parcel," which may not change before adoption of the special benefit assessment. The change to the proportional special benefit that may result from the CGA's attempted reclassification at this time therefore would require the CGA to provide renewed notice of the Proposed Assessment and provide an additional 45 days before holding a public hearing based on the renewed notice reflecting the updated cost to each parcel.

Additionally, relying on the redesignation process in Resolution 2025-02 may result in a prejudicial impact to property owners that are currently designated as "Groundwater Only," since they are required to submit new evidence of their access to surface water while property owners that are currently designated as "Surface Water" have no incentive to correct their designation even though certain "Surface Water" parcels likely rely primarily on groundwater.

III. The calculation of capital costs needed to provide the CGA's proposed services are likely overestimated and exceed the reasonable cost of providing service

Special benefit assessments cannot "exceed[ ] the *reasonable* cost of the proportional special benefit conferred" on each parcel.[21] The "reasonable cost" of proposed services cannot be based merely on a projected annual budget, but rather must be based on an estimation of the cost to the agency proposed the particular public improvement being financed by the assessment.[22] In this sense, the purpose of calculating the "reasonable cost" of a proposed special benefit assessment is to require properties receiving a special benefit from the public improvements to pay for them, not to fund an agency's ongoing budget.[23]

The Engineer's Report calculates the total annual costs of the Proposed Assessment to be $1,991,000, with *no contribution* from other sources and *no inclusion* of net reserves available to the CGA.[24] This failure to include net reserves available may prove fatal to the Proposed Assessment because it appears that the CGA is seeking to fund its ongoing budget through special benefit assessments, rather than calculate the actual cost of providing the proportional special benefit of a public improvement to each parcel as required by Article XIII D, § 4(a).[25] As noted in the annual budget, the CGA claims that it has $0 in unrestricted net assets for FY 2025-26 and seeks to fund the entirety of its services through the Proposed Assessment.[26] However, our clients believe that the CGA has over $1 million in cash reserves excluding the $250,000 Legal Reserve going into FY 2025-26 that should be considered when calculating

---

[21] Cal Const., art. XIII D, § 4(a) (emphasis added).
[22] *Silicon Valley Taxpayers' Ass'n v. Santa Clara Cnty. Open Space Auth.* (2008) 44 Cal. 4th 431, 455-58.
[23] *Silicon Valley Taxpayers' Ass'n* (2008) 44 Cal. 4th at 457.
[24] Engineer's Report, pp. 22, 42.
[25] *See* Engineer's Report, p. 15 ("The proposed Assessment will fund CGA's operational budget . . . [t]o meet its operational needs, CGA must generate approximately $1,991,000 in FY 2025-26.").
[26] Engineer's Report, pp. 22, 42.

the annual budget. Considering these reserves, the Proposed Assessment is likely grossly overcalculated.

Additionally, various aspects of the annual budget may be wrongly allocated between the various "Services Categories" that the CGA is proposing and are likely unreasonable. For example, the budget allocates $200,000 annually for "setup" costs for the Groundwater Accounting Program, with no provision to sunset these costs after "setup" has occurred.[27] The annual budget also allocates $250,000 annually for "satellite imagery input," which appears to be unnecessary to provide the proposed services since open source data could instead be used for a more modest consulting fee of between $10,000-50,000 annually.

Both of these costs, the Groundwater Accounting Program and Satellite Imagery Input, are part of the Groundwater Sustainability Services that are primarily imposed on designated "Groundwater Only" parcels, which would pay 60.9% of the budget for these services. However, it appears that these costs are wrongly allocated to the Groundwater Sustainability Services category since the accounting system and satellite data system would benefit the basin as a whole and does not have any targeted benefit to solve the domestic well mitigation or subsidence issues addressed by the CGA's proposed Groundwater Sustainability Services. If these services benefit non-"Groundwater Only" parcels to a greater degree, this misallocation would violate the parcel-by-parcel proportionality requirements of Article XIII D, § 4. It may be more appropriate to includes these budget items in the Planning Services Budget category.

IV. Parcels located on the East Side of the Sacramento River with distinct hydrological features likely receive no benefit from the CGA's proposed Groundwater Sustainability Services

Finally, our clients object to the inclusion of APNs 015070111000 and 015070141000 in Groundwater Sustainability Services category of the Proposed Assessment because those parcels likely receive no benefit from those proposed Groundwater Sustainability Services due to their distinct hydrological features of parcels on the East Side of the Sacramento River and separate from the remainder of the Colusa Subbasin,[28] in addition to the lack of monitoring wells and subsidence monitoring on those parcels.

---

[27] Engineer's Report, p. 45, Appendix A, Table 9; *see also* Engineer's Report, p. 15 ("To meet its operational needs, CGA must generate approximately $1,991,000 in FY 2025-26. In future years, the budget will be evaluated and determined by the Board but is expected to remain relatively stable.").

[28] The Colusa County portion that lies on the East Side of the Sacramento River has always been historically part of the West Butte Subbasin in DWR Bulletin 118 and has always been hydrologically connected to the unique hydrology and geomorphology of the Sutter Buttes and the aquifer located west of the Willows Fault. This area only was included with the historical Colusa Subbasin by a Basin Boundary Modification that was approved on an "administrative basis" since the unique hydrology of the East Side of the Sacramento River is widely understood. Please note that the area of Glenn County which lies on the east side of the Sacramento River remained connected with the established unique hydrology of this

As described in the Engineer's Report, the CGA's proposed Groundwater Sustainability Services "include[ ] focused efforts to ensure that the basin remains sustainable" and consist of (1) the Domestic Well Mitigation Program and (2) the Demand Management/Groundwater Accounting System Program.[29] These services likely provide little or no benefit to the parcels east of the Sacramento River that are included in the Colusa Subbasin because (1) there are no current or proposed monitoring wells for groundwater sustainability indicators or subsidence monitoring on the east side, so the CGA is not providing these services to these parcels, and (2) these parcels are hydrologically distinct from the remainder of the Colusa Subbasin since they are bounded by the Willows Fault, and therefore do not contribute to the undesirable results that the CGA is trying to address with its Groundwater Sustainability Services.

As noted in the Engineer's Report, although parcels to the east of the CGA, referred to as "proximate parcels," may receive *some* degree of benefit from the Proposed Assessment, those "general benefits" are minimal and therefore not subtracted from the Proposed Assessment.[30] The reason that our clients' parcels are included in the Colusa Subbasin, rather than the neighboring Butte Subbasin, is purely a jurisdictional decision, rather than one based on the actual boundaries of the subbasins.

As noted in the Joint Power Agreement for the CGA and the Memorandum of Agreement with Glenn County:

> Groundwater conditions throughout the County and Subbasin are not uniform. Conditions vary by location, surface water conditions, precipitation and water year type. While all Beneficial Uses and Users will share the obligation to achieve sustainability, solutions will need to reflect these geographic and hydrogeographic differences.[31]

The CGA has failed to incorporate these considerations of hydrology as required by the Joint Power Agreement by imposing the highest fees on our clients' east side parcels (designated as "Groundwater Only") without considering whether this differing hydrology impacts the proportional special benefit that these parcels receive from the proposed Groundwater Sustainability Services. We respectfully request that this decision be reconsidered.

---

portion of the aquifer and now is part of the Butte Subbasin as is the portion of the area of Colusa County on the East Side of the Sacramento River that comprises RD 1004.

[29] Engineer's Report, pp. 20-21.

[30] Engineer's Report, pp. 25-26.

[31] Joint Powers Agreement, Exhibit A, Memorandum of Agreement, Section 5.2.2.

In conclusion, we submit these Written Objections to state the grounds upon which the Proposed Assessment violates Article XIII D of the California Constitution and respectfully request that you address these concerns before considering adoption of the Proposed Assessment.

Please submit in writing any responses to these Written Objections at the following addresses:

Benjamin King
King Golden State Orchards, LLC
P.O. Box 29
Colusa, California 95932

Jena Shoaf Acos
Brownstein Hyatt Farber Schreck, LLP
1021 Anacapa Street, 2nd Floor
Santa Barbara, California 93101

Respectfully submitted,

Jena Shoaf Acos

Brownstein

Brownstein Hyatt Farber Schreck, LLP
805.882.1427 main
1021 Anacapa Street, 2nd Floor
Santa Barbara, California 93101

August 1, 2025

Colusa Groundwater Authority
P.O. Box 475
Colusa, CA 95932-9804

RE: Written Objections of Benjamin and Laura King, King Golden State Orchards, LLC (APNs 015070111000 and 015070141000) to Colusa Groundwater Authority's Proposed 2025-26 SGMA Operational Assessment

To the Colusa Groundwater Authority:

On behalf of our clients, Benjamin and Laura King, Brownstein Hyatt Farber Schreck, LLP timely submits the below objections ("Written Objections") in advance of the August 2, 2025 deadline to object to the Colusa Groundwater Authority's ("CGA") proposed 2025-26 SGMA Operational Assessment ("Proposed Assessment").[1] Pursuant to AB 2257, these Written Objections specify the grounds on which our clients allege noncompliance with Article XIII D of the California Constitution. In the event that the CGA adopts the Proposed Assessment, our clients preserve their right to bring a subsequent legal challenge based on the entire administrative record and do not limit their arguments to those contained herein.[2]

Specifically, our clients allege that the Proposed Assessment fails to comply with both the procedural and substantive requirements of Article XIII D, § 4 of the California Constitution on the following grounds:

1. the Proposed Assessment, as calculated in the Engineer's Report, does not accurately reflect the proportional special benefit conferred on each parcel as required by Article XIII D, § 4(a);
2. although reclassification of the designated "land use group" of certain parcels is likely required for the CGA to comply with the substantive requirements of Article XIII D, § 4(a), any reclassification that increases the amount chargeable to another owner's particular parcel would require additional Prop 218 notice and public hearing pursuant to Article XIII D, § 4(c)-(e);

[1] These Written Objections comply with both the exhaustion of remedies requirements in Gov. Code § 53759.1 and the instructions for submitting Written Objections provided in the CGA's written notice of the Proposed Assessments. *See* Gov. Code § 53759.1(b); Ballot Information Guide, p. 4 ("Written Objections").
[2] *See* Gov. Code § 53759.2(b)(1)-(2) (defining scope of judicial review).

3. the total costs of the Proposed Assessment likely overestimate the capital costs necessary to provide the specified services and are unreasonable; *and*
4. APNs 015070111000 and 015070141000, being parcels on the East Side of the Sacramento River with distinct hydrological features, likely receive no benefit from the CGA's proposed Groundwater Sustainability Services and should not pay for those services

1. The Proposed Assessment does not accurately reflect the proportional special benefits conferred on each parcel

Article XIII D, § 4(a) of the California Constitution requires that "[n]o assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel." In order to measure the "proportional special benefit conferred" on each parcel subject to the assessment, the agency must prepare an engineer's report which calculates the "special benefit derived by each identified parcel . . . in relationship to the entirety of the capital cost of a public improvement, the maintenance and operation expenses of a public improvement, or the cost of the property related service being provided."[3]

The CGA's Proposed Assessment and corresponding Engineer's Report fail to meet this standard of proportionality because they do not accurately calculate the "proportional special benefits conferred" on each individual parcel being assessed. Instead, the CGA relies on an individual parcel's location within a particular irrigation district as a proxy to estimate each parcel's level of groundwater use regardless of the parcel's actual reliance on groundwater. Since the Engineer's Report purports to calculate the degree of special benefit conferred on each parcel as a function of the parcel's reliance on groundwater (as estimated by the parcel's designated "land use group"), this lack of parcel-by-parcel groundwater accounting proves fatal to the Proposed Assessment.

To illustrate, the Engineer's Report calculates the degree of proportional special benefit by designating parcels into four "land use groups," which generally correspond to estimated reliance on groundwater: (1) "non-irrigable land," such as rangeland, (2) "land that relies exclusively on groundwater," referred to as "Groundwater Only," (3) land where "both surface water and groundwater are used," referred to as "Conjunctive Use," and (4) land "where surface water is used as the primary or only source," referred to as "Surface Water."[4] In order to quantify each parcel's proportional special benefit of each of the "Service Categories" in the Proposed Assessment, the Engineer's Report assigns a "benefit factor" to each of these land use groups, with "Reliance on Groundwater" being the single benefit factor used to

[3] Cal Const., art. XIII D, § 4(a)-(b).
[4] Engineer's Report, Colusa Groundwater Authority SGMA Operational Assessment (June 2025) ("Engineer's Report"), p. 14.

determine the proportional special benefit of the CGA's proposed Groundwater Sustainability Services.[5] This results in "Groundwater Only" designations paying the highest share of the costs of the CGA's proposed Groundwater Sustainability Services, at 60.9%, with "Conjunctive Use" designated parcels paying 31.5% of the costs and "Surface Water" designated parcels paying 7.6%.[6] Parcels designated at "Groundwater Only" "bear the highest total rate," $11.19 per acre.[7] The Engineer's Report attempts to justify this high rate by concluding that "Groundwater Only" designated parcels "receive substantial benefit from all Service Categories, governance, strategic planning, and groundwater protection, and are appropriately assigned the largest cost share."[8]

Setting aside whether "Reliance on Groundwater" is an appropriate basis to calculate the proportional special benefit of the CGA's proposed Groundwater Sustainability Services, the problem with this methodology is that the CGA's "land use group" designations are not based on *the parcel's* actual (or even estimated) reliance on groundwater. Instead, the "land use group" designations are based on historical water use of the water agency or irrigation district in which each individual parcel is contained.[9]

The CGA's method of apportioning the total costs of the CGA's proposed services does not comply with Article XIII D, § 4(a) of the California Constitution because it does not provide a parcel-specific analysis of the benefit factor—e.g., Reliance on Groundwater—that the CGA is using to calculate proportional special benefit.[10] This means that, regardless of an individual parcel's reliance on groundwater, the individual parcel's calculated proportional special benefit is based on the average historical use of the *entire* irrigation district in which the parcel is located. Calculating proportional special benefits under Article XIII D, § 4(a) of the California Constitution does not allow determinations based on a

---

[5] Engineer's Report, p. 36, Table 6; p. 37 (explaining that "[t]he Reliance on Groundwater factor is used to apportion costs in a way that reflects the level of dependency [on groundwater], assigning a greater share of costs to parcels with the highest need for sustained and secure groundwater access.").

[6] Engineer's Report, p. 36, Table 6.

[7] Engineer's Report, p. 38.

[8] Engineer's Report, p. 38.

[9] "Surface Water" designations are given to parcels "within a water agency where the historical aggregate groundwater pumping is less than 0.15 AF per acre"; "Conjunctive Use" designations are given to parcels "within a water agency where groundwater pumping on an aggregate basis is between 0.15 AF per acre and 1.3 AF per acre"; and "Groundwater Only" designations are given to parcels within a water agency where groundwater pumping "on an aggregate basis [is] greater than 1.3 AF per acre." *See* Engineer's Report, p. 29.

[10] The CGA appears to be aware that it does not have the parcel-specific data necessary to impose a special benefit assessment that allocates proportional special benefit according to groundwater use, noting that "the Groundwater Accounting Program will address the lack of parcel-scale groundwater use data in the Colusa Subbasin." *See* Frequently Asked Questions, Colusa Groundwater Authority Proposed SGMA Operational Assessment, p. 2. By imposing fees for the Groundwater Accounting Program through a special benefit assessment, the CGA appears to be reverse engineering the parcel-specific analysis it needs to pass the assessment in the first instance.

"neighborhood-by-neighborhood basis"; instead, the CGA must calculate proportional special benefit based on the degree to which the *parcel* receives the special benefit.[11]

The effect of this methodology is that parcels within a "Groundwater Only" irrigation district bear the highest share of proportional costs even if individual parcels primarily rely on surface water or use a mix of groundwater and surface water, whereas parcels within a "Surface Water" irrigation district bear a significantly lower share of the proportional costs even if the individual parcels primarily rely on groundwater. This lack of parcel-by-parcel specificity means that certain parcels (i.e., parcels within a groundwater-intensive irrigation district that primarily rely on surface water or conjunctive use) are likely subsidizing the cost of service to parcels that primarily use groundwater but are physically located in an irrigation district that uses groundwater to a lesser degree (on an aggregate, historical basis). Subsidizing costs in this way fails to meet the strict proportionality standards in Article XIII D, § 4(a).[12]

Specifically, we have identified several instances where the CGA's designation of the "land use groups" likely fail to accurately reflect the proportional special benefit conferred on individual parcels:

- **Inconsistent designation of the boundaries of the Colusa Drain Mutual Water Company ("CDMWC").** The CGA's "Assessment Diagram"[13] is inconsistent with the maps used in the CGA's Groundwater Sustainability Plan ("GSP") used to determine which parcels are within the CDMWC.[14] This results in parcels on the westside of the CDMWC boundary being inaccurately designated as "Groundwater Only" parcels and therefore likely overestimates their proportional special benefit.
- **Inconsistent designation of only certain riparian parcels as "Surface Water."** As noted in the Engineer's Report, "parcels within Sacramento River Settlement Contractor (SRSC) boundaries were assigned to 'Surface Water' and . . . [o]ther parcels likely to have riparian surface water rights along the Sacramento River were identified using DWR's 2014 Colusa County Land Use Survey" and designated as "Surface Water."[15] Although this approach of designating riparian parcels as "Surface Water" is likely reasonable, it should not be limited to riparian parcels along the Sacramento River. Specifically, the Engineer's Report fails to designate (or attempt to assess) riparian parcels along the Colusa Basin Drain, the City of Colusa, and parcels on the east side of the Colusa Subbasin, several of which are likely riparian parcels and thus appropriately designated as "Surface Water." These parcels are inappropriately designated as "Groundwater Only."[16] Additionally, Table B.3 of the Engineer's Report creates subareas which are inconsistent

[11] *Town of Tiburon* (2009) 180 Cal. App. 4th at 1068, 1083.
[12] *Town of Tiburon* (2009) 180 Cal. App. 4th at 1068.
[13] *See* Engineer's Report, p. 44, Figure 3.
[14] *Compare* Engineer's Report, p. 44, Figure 3 *with* GSP Figures 2-3 and 2-4; GSP Appendix 3F.
[15] Engineer's Report, p. 47, Appendix B, Tables B.2-B.3.
[16] Engineer's Report, pp. 47-48, Appendix B, Table B.3.

with the subareas of Appendix 3F of the GSP and result in a questionable "Surface Water" designation for those new subareas.

- **Inconsistent redesignations of land use groups from the GSP:** As noted in Table B.1 of the Engineer's Report, the CGA has changed the GSP subarea designation of Sycamore Mutual, Maxwell Irrigation District, and Provident Irrigation District from "Conjunctive Use" to "Surface Water" since "[t]he GSP subarea water budgets do not accurately account for drain water reuse which may significantly overestimate groundwater pumping for these subareas."[17] The Engineer's Report provides no data for the redesignation, and fails to explain why only these irrigation districts were changed based on drain water reuse. If drain water reuse is a criteria for redesignation, all diverters on the Colusa Basin Drain should be appropriately designated as "Surface Water" parcels.

II. Reclassification of land use designations of individual parcels would likely require the CGA to provide addition Prop 218 notice and hearing to property owners

Recognizing that the designated "land use groups" in the Engineer's Report may not accurately reflect an individual parcel's reliance on groundwater, the CGA passed Resolution 2025-02 on July 11, 2025, allowing property owners to submit evidence that their "land use" designation should be changed. Although we agree that the "land use group" designations need to be revised in order to accurately reflect the proportional special benefit conferred on each individual parcel, changing proportionality calculations in the middle of the CGA's Prop 218 process would violate the procedural requirements of Article XIII D, § 4(c)-(e).

Specifically, before adopting a special benefit assessment, the CGA must provide notice by mail of the proposed assessment that specifies "the amount chargeable to the owner's particular parcel" and must conduct a public hearing on the proposed assessment based on the amount of the assessment contained in that notice "not less than 45 days after mailing the notice of the proposed assessment ."[18] Since "proportional special benefits" are "determined in relationship to the *entirety of the capital costs*"[19] of the proposed services, any redesignation that diverges from those contained in the Engineer's Report will necessarily change the amount owed by each property owner (unless those adjustments are instead funded through general funds),[20] and therefore may increase the proportional cost paid by property owners who remain designated as "Groundwater Only."

---

[17] Engineer's Report, pp. 46-47, Table B.1, fn. 2.
[18] Cal Const., art. XIII D, § 4(c), (e).
[19] Cal Const., art. XIII D, § 4(a) (emphasis added).
[20] Notably, however, the Engineer's Report states that no reserves are available for the Proposed Assessment. *See* Engineer's Report, pp. 22, 42.

Article XIII D, § 4(c) requires the notice to include the amount of the assessment "chargeable to the owner's particular parcel," which may not change before adoption of the special benefit assessment. The change to the proportional special benefit that may result from the CGA's attempted reclassification at this time therefore would require the CGA to provide renewed notice of the Proposed Assessment and provide an additional 45 days before holding a public hearing based on the renewed notice reflecting the updated cost to each parcel.

Additionally, relying on the redesignation process in Resolution 2025-02 may result in a prejudicial impact to property owners that are currently designated as "Groundwater Only," since they are required to submit new evidence of their access to surface water while property owners that are currently designated as "Surface Water" have no incentive to correct their designation even though certain "Surface Water" parcels likely rely primarily on groundwater.

III. The calculation of capital costs needed to provide the CGA's proposed services are likely overestimated and exceed the reasonable cost of providing service

Special benefit assessments cannot "exceed[ ] the *reasonable* cost of the proportional special benefit conferred" on each parcel.[21] The "reasonable cost" of proposed services cannot be based merely on a projected annual budget, but rather must be based on an estimation of the cost to the agency proposed the particular public improvement being financed by the assessment.[22] In this sense, the purpose of calculating the "reasonable cost" of a proposed special benefit assessment is to require properties receiving a special benefit from the public improvements to pay for them, not to fund an agency's ongoing budget.[23]

The Engineer's Report calculates the total annual costs of the Proposed Assessment to be $1,991,000, with *no contribution* from other sources and *no inclusion* of net reserves available to the CGA.[24] This failure to include net reserves available may prove fatal to the Proposed Assessment because it appears that the CGA is seeking to fund its ongoing budget through special benefit assessments, rather than calculate the actual cost of providing the proportional special benefit of a public improvement to each parcel as required by Article XIII D, § 4(a).[25] As noted in the annual budget, the CGA claims that it has $0 in unrestricted net assets for FY 2025-26 and seeks to fund the entirety of its services through the Proposed Assessment.[26] However, our clients believe that the CGA has over $1 million in cash reserves excluding the $250,000 Legal Reserve going into FY 2025-26 that should be considered when calculating

---

[21] Cal Const., art. XIII D, § 4(a) (emphasis added).
[22] *Silicon Valley Taxpayers' Ass'n v. Santa Clara Cnty. Open Space Auth.* (2008) 44 Cal. 4th 431, 455-58.
[23] *Silicon Valley Taxpayers' Ass'n* (2008) 44 Cal. 4th at 457.
[24] Engineer's Report, pp. 22, 42.
[25] *See* Engineer's Report, p. 15 ("The proposed Assessment will fund CGA's operational budget . . . [t]o meet its operational needs, CGA must generate approximately $1,991,000 in FY 2025-26.").
[26] Engineer's Report, pp. 22, 42.

the annual budget. Considering these reserves, the Proposed Assessment is likely grossly overcalculated.

Additionally, various aspects of the annual budget may be wrongly allocated between the various "Services Categories" that the CGA is proposing and are likely unreasonable. For example, the budget allocates $200,000 annually for "setup" costs for the Groundwater Accounting Program, with no provision to sunset these costs after "setup" has occurred.[27] The annual budget also allocates $250,000 annually for "satellite imagery input," which appears to be unnecessary to provide the proposed services since open source data could instead be used for a more modest consulting fee of between $10,000-50,000 annually.

Both of these costs, the Groundwater Accounting Program and Satellite Imagery Input, are part of the Groundwater Sustainability Services that are primarily imposed on designated "Groundwater Only" parcels, which would pay 60.9% of the budget for these services. However, it appears that these costs are wrongly allocated to the Groundwater Sustainability Services category since the accounting system and satellite data system would benefit the basin as a whole and does not have any targeted benefit to solve the domestic well mitigation or subsidence issues addressed by the CGA's proposed Groundwater Sustainability Services. If these services benefit non-"Groundwater Only" parcels to a greater degree, this misallocation would violate the parcel-by-parcel proportionality requirements of Article XIII D, § 4. It may be more appropriate to includes these budget items in the Planning Services Budget category.

IV. Parcels located on the East Side of the Sacramento River with distinct hydrological features likely receive no benefit from the CGA's proposed Groundwater Sustainability Services

Finally, our clients object to the inclusion of APNs 015070111000 and 015070141000 in Groundwater Sustainability Services category of the Proposed Assessment because those parcels likely receive no benefit from those proposed Groundwater Sustainability Services due to their distinct hydrological features of parcels on the East Side of the Sacramento River and separate from the remainder of the Colusa Subbasin,[28] in addition to the lack of monitoring wells and subsidence monitoring on those parcels.

---

[27] Engineer's Report, p. 45, Appendix A, Table 9; *see also* Engineer's Report, p. 15 ("To meet its operational needs, CGA must generate approximately $1,991,000 in FY 2025-26. In future years, the budget will be evaluated and determined by the Board but is expected to remain relatively stable.").

[28] The Colusa County portion that lies on the East Side of the Sacramento River has always been historically part of the West Butte Subbasin in DWR Bulletin 118 and has always been hydrologically connected to the unique hydrology and geomorphology of the Sutter Buttes and the aquifer located west of the Willows Fault. This area only was included with the historical Colusa Subbasin by a Basin Boundary Modification that was approved on an "administrative basis" since the unique hydrology of the East Side of the Sacramento River is widely understood. Please note that the area of Glenn County which lies on the east side of the Sacramento River remained connected with the established unique hydrology of this

As described in the Engineer's Report, the CGA's proposed Groundwater Sustainability Services "include[ ] focused efforts to ensure that the basin remains sustainable" and consist of (1) the Domestic Well Mitigation Program and (2) the Demand Management/Groundwater Accounting System Program.[29] These services likely provide little or no benefit to the parcels east of the Sacramento River that are included in the Colusa Subbasin because (1) there are no current or proposed monitoring wells for groundwater sustainability indicators or subsidence monitoring on the east side, so the CGA is not providing these services to these parcels, and (2) these parcels are hydrologically distinct from the remainder of the Colusa Subbasin since they are bounded by the Willows Fault, and therefore do not contribute to the undesirable results that the CGA is trying to address with its Groundwater Sustainability Services.

As noted in the Engineer's Report, although parcels to the east of the CGA, referred to as "proximate parcels," may receive *some* degree of benefit from the Proposed Assessment, those "general benefits" are minimal and therefore not subtracted from the Proposed Assessment.[30] The reason that our clients' parcels are included in the Colusa Subbasin, rather than the neighboring Butte Subbasin, is purely a jurisdictional decision, rather than one based on the actual boundaries of the subbasins.

As noted in the Joint Power Agreement for the CGA and the Memorandum of Agreement with Glenn County:

> Groundwater conditions throughout the County and Subbasin are not uniform. Conditions vary by location, surface water conditions, precipitation and water year type. While all Beneficial Uses and Users will share the obligation to achieve sustainability, solutions will need to reflect these geographic and hydrogeographic differences.[31]

The CGA has failed to incorporate these considerations of hydrology as required by the Joint Power Agreement by imposing the highest fees on our clients' east side parcels (designated as "Groundwater Only") without considering whether this differing hydrology impacts the proportional special benefit that these parcels receive from the proposed Groundwater Sustainability Services. We respectfully request that this decision be reconsidered.

---

portion of the aquifer and now is part of the Butte Subbasin as is the portion of the area of Colusa County on the East Side of the Sacramento River that comprises RD 1004.

[29] Engineer's Report, pp. 20-21.

[30] Engineer's Report, pp. 25-26.

[31] Joint Powers Agreement, Exhibit A, Memorandum of Agreement, Section 5.2.2.

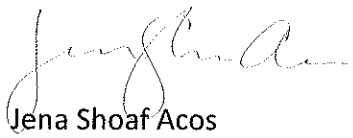
In conclusion, we submit these Written Objections to state the grounds upon which the Proposed Assessment violates Article XIII D of the California Constitution and respectfully request that you address these concerns before considering adoption of the Proposed Assessment.

Please submit in writing any responses to these Written Objections at the following addresses:

Benjamin King
King Golden State Orchards, LLC
P.O. Box 29
Colusa, California 95932

Jena Shoaf Acos
Brownstein Hyatt Farber Schreck, LLP
1021 Anacapa Street, 2nd Floor
Santa Barbara, California 93101

Respectfully submitted,



Jena Shoaf Acos

Brownstein

Brownstein Hyatt Farber Schreck, LLP
805.882.1427 main
1021 Anacapa Street, 2nd Floor
Santa Barbara, California 93101

August 1, 2025

Colusa Groundwater Authority
P.O. Box 475
Colusa, CA 95932-9804

RE: Written Objections of Benjamin and Laura King, King Golden State Orchards, LLC (APNs 015070111000 and 015070141000) to Colusa Groundwater Authority's Proposed 2025-26 SGMA Operational Assessment

To the Colusa Groundwater Authority:

On behalf of our clients, Benjamin and Laura King, Brownstein Hyatt Farber Schreck, LLP timely submits the below objections ("Written Objections") in advance of the August 2, 2025 deadline to object to the Colusa Groundwater Authority's ("CGA") proposed 2025-26 SGMA Operational Assessment ("Proposed Assessment").[1] Pursuant to AB 2257, these Written Objections specify the grounds on which our clients allege noncompliance with Article XIII D of the California Constitution. In the event that the CGA adopts the Proposed Assessment, our clients preserve their right to bring a subsequent legal challenge based on the entire administrative record and do not limit their arguments to those contained herein.[2]

Specifically, our clients allege that the Proposed Assessment fails to comply with both the procedural and substantive requirements of Article XIII D, § 4 of the California Constitution on the following grounds:

1. the Proposed Assessment, as calculated in the Engineer's Report, does not accurately reflect the proportional special benefit conferred on each parcel as required by Article XIII D, § 4(a);
2. although reclassification of the designated "land use group" of certain parcels is likely required for the CGA to comply with the substantive requirements of Article XIII D, § 4(a), any reclassification that increases the amount chargeable to another owner's particular parcel would require additional Prop 218 notice and public hearing pursuant to Article XIII D, § 4(c)-(e);

[1] These Written Objections comply with both the exhaustion of remedies requirements in Gov. Code § 53759.1 and the instructions for submitting Written Objections provided in the CGA's written notice of the Proposed Assessments. *See* Gov. Code § 53759.1(b); Ballot Information Guide, p. 4 ("Written Objections").
[2] *See* Gov. Code § 53759.2(b)(1)-(2) (defining scope of judicial review).

3. the total costs of the Proposed Assessment likely overestimate the capital costs necessary to provide the specified services and are unreasonable; *and*
4. APNs 015070111000 and 015070141000, being parcels on the East Side of the Sacramento River with distinct hydrological features, likely receive no benefit from the CGA's proposed Groundwater Sustainability Services and should not pay for those services

1. The Proposed Assessment does not accurately reflect the proportional special benefits conferred on each parcel

Article XIII D, § 4(a) of the California Constitution requires that "[n]o assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel." In order to measure the "proportional special benefit conferred" on each parcel subject to the assessment, the agency must prepare an engineer's report which calculates the "special benefit derived by each identified parcel . . . in relationship to the entirety of the capital cost of a public improvement, the maintenance and operation expenses of a public improvement, or the cost of the property related service being provided."[3]

The CGA's Proposed Assessment and corresponding Engineer's Report fail to meet this standard of proportionality because they do not accurately calculate the "proportional special benefits conferred" on each individual parcel being assessed. Instead, the CGA relies on an individual parcel's location within a particular irrigation district as a proxy to estimate each parcel's level of groundwater use regardless of the parcel's actual reliance on groundwater. Since the Engineer's Report purports to calculate the degree of special benefit conferred on each parcel as a function of the parcel's reliance on groundwater (as estimated by the parcel's designated "land use group"), this lack of parcel-by-parcel groundwater accounting proves fatal to the Proposed Assessment.

To illustrate, the Engineer's Report calculates the degree of proportional special benefit by designating parcels into four "land use groups," which generally correspond to estimated reliance on groundwater: (1) "non-irrigable land," such as rangeland, (2) "land that relies exclusively on groundwater," referred to as "Groundwater Only," (3) land where "both surface water and groundwater are used," referred to as "Conjunctive Use," and (4) land "where surface water is used as the primary or only source," referred to as "Surface Water."[4] In order to quantify each parcel's proportional special benefit of each of the "Service Categories" in the Proposed Assessment, the Engineer's Report assigns a "benefit factor" to each of these land use groups, with "Reliance on Groundwater" being the single benefit factor used to

[3] Cal Const., art. XIII D, § 4(a)-(b).
[4] Engineer's Report, Colusa Groundwater Authority SGMA Operational Assessment (June 2025) ("Engineer's Report"), p. 14.

determine the proportional special benefit of the CGA's proposed Groundwater Sustainability Services.[5] This results in "Groundwater Only" designations paying the highest share of the costs of the CGA's proposed Groundwater Sustainability Services, at 60.9%, with "Conjunctive Use" designated parcels paying 31.5% of the costs and "Surface Water" designated parcels paying 7.6%.[6] Parcels designated at "Groundwater Only" "bear the highest total rate," $11.19 per acre.[7] The Engineer's Report attempts to justify this high rate by concluding that "Groundwater Only" designated parcels "receive substantial benefit from all Service Categories, governance, strategic planning, and groundwater protection, and are appropriately assigned the largest cost share."[8]

Setting aside whether "Reliance on Groundwater" is an appropriate basis to calculate the proportional special benefit of the CGA's proposed Groundwater Sustainability Services, the problem with this methodology is that the CGA's "land use group" designations are not based on *the parcel's* actual (or even estimated) reliance on groundwater. Instead, the "land use group" designations are based on historical water use of the water agency or irrigation district in which each individual parcel is contained.[9]

The CGA's method of apportioning the total costs of the CGA's proposed services does not comply with Article XIII D, § 4(a) of the California Constitution because it does not provide a parcel-specific analysis of the benefit factor—e.g., Reliance on Groundwater—that the CGA is using to calculate proportional special benefit.[10] This means that, regardless of an individual parcel's reliance on groundwater, the individual parcel's calculated proportional special benefit is based on the average historical use of the *entire* irrigation district in which the parcel is located. Calculating proportional special benefits under Article XIII D, § 4(a) of the California Constitution does not allow determinations based on a

---

[5] Engineer's Report, p. 36, Table 6; p. 37 (explaining that "[t]he Reliance on Groundwater factor is used to apportion costs in a way that reflects the level of dependency [on groundwater], assigning a greater share of costs to parcels with the highest need for sustained and secure groundwater access.").

[6] Engineer's Report, p. 36, Table 6.

[7] Engineer's Report, p. 38.

[8] Engineer's Report, p. 38.

[9] "Surface Water" designations are given to parcels "within a water agency where the historical aggregate groundwater pumping is less than 0.15 AF per acre"; "Conjunctive Use" designations are given to parcels "within a water agency where groundwater pumping on an aggregate basis is between 0.15 AF per acre and 1.3 AF per acre"; and "Groundwater Only" designations are given to parcels within a water agency where groundwater pumping "on an aggregate basis [is] greater than 1.3 AF per acre." *See* Engineer's Report, p. 29.

[10] The CGA appears to be aware that it does not have the parcel-specific data necessary to impose a special benefit assessment that allocates proportional special benefit according to groundwater use, noting that "the Groundwater Accounting Program will address the lack of parcel-scale groundwater use data in the Colusa Subbasin." *See* Frequently Asked Questions, Colusa Groundwater Authority Proposed SGMA Operational Assessment, p. 2. By imposing fees for the Groundwater Accounting Program through a special benefit assessment, the CGA appears to be reverse engineering the parcel-specific analysis it needs to pass the assessment in the first instance.

"neighborhood-by-neighborhood basis"; instead, the CGA must calculate proportional special benefit based on the degree to which the *parcel* receives the special benefit.[11]

The effect of this methodology is that parcels within a "Groundwater Only" irrigation district bear the highest share of proportional costs even if individual parcels primarily rely on surface water or use a mix of groundwater and surface water, whereas parcels within a "Surface Water" irrigation district bear a significantly lower share of the proportional costs even if the individual parcels primarily rely on groundwater. This lack of parcel-by-parcel specificity means that certain parcels (i.e., parcels within a groundwater-intensive irrigation district that primarily rely on surface water or conjunctive use) are likely subsidizing the cost of service to parcels that primarily use groundwater but are physically located in an irrigation district that uses groundwater to a lesser degree (on an aggregate, historical basis). Subsidizing costs in this way fails to meet the strict proportionality standards in Article XIII D, § 4(a).[12]

Specifically, we have identified several instances where the CGA's designation of the "land use groups" likely fail to accurately reflect the proportional special benefit conferred on individual parcels:

- **Inconsistent designation of the boundaries of the Colusa Drain Mutual Water Company ("CDMWC").** The CGA's "Assessment Diagram"[13] is inconsistent with the maps used in the CGA's Groundwater Sustainability Plan ("GSP") used to determine which parcels are within the CDMWC.[14] This results in parcels on the westside of the CDMWC boundary being inaccurately designated as "Groundwater Only" parcels and therefore likely overestimates their proportional special benefit.
- **Inconsistent designation of only certain riparian parcels as "Surface Water."** As noted in the Engineer's Report, "parcels within Sacramento River Settlement Contractor (SRSC) boundaries were assigned to 'Surface Water' and . . . [o]ther parcels likely to have riparian surface water rights along the Sacramento River were identified using DWR's 2014 Colusa County Land Use Survey" and designated as "Surface Water."[15] Although this approach of designating riparian parcels as "Surface Water" is likely reasonable, it should not be limited to riparian parcels along the Sacramento River. Specifically, the Engineer's Report fails to designate (or attempt to assess) riparian parcels along the Colusa Basin Drain, the City of Colusa, and parcels on the east side of the Colusa Subbasin, several of which are likely riparian parcels and thus appropriately designated as "Surface Water." These parcels are inappropriately designated as "Groundwater Only."[16] Additionally, Table B.3 of the Engineer's Report creates subareas which are inconsistent

[11] *Town of Tiburon* (2009) 180 Cal. App. 4th at 1068, 1083.
[12] *Town of Tiburon* (2009) 180 Cal. App. 4th at 1068.
[13] *See* Engineer's Report, p. 44, Figure 3.
[14] *Compare* Engineer's Report, p. 44, Figure 3 *with* GSP Figures 2-3 and 2-4; GSP Appendix 3F.
[15] Engineer's Report, p. 47, Appendix B, Tables B.2-B.3.
[16] Engineer's Report, pp. 47-48, Appendix B, Table B.3.

with the subareas of Appendix 3F of the GSP and result in a questionable "Surface Water" designation for those new subareas.

- **Inconsistent redesignations of land use groups from the GSP:** As noted in Table B.1 of the Engineer's Report, the CGA has changed the GSP subarea designation of Sycamore Mutual, Maxwell Irrigation District, and Provident Irrigation District from "Conjunctive Use" to "Surface Water" since "[t]he GSP subarea water budgets do not accurately account for drain water reuse which may significantly overestimate groundwater pumping for these subareas."[17] The Engineer's Report provides no data for the redesignation, and fails to explain why only these irrigation districts were changed based on drain water reuse. If drain water reuse is a criteria for redesignation, all diverters on the Colusa Basin Drain should be appropriately designated as "Surface Water" parcels.

II. Reclassification of land use designations of individual parcels would likely require the CGA to provide addition Prop 218 notice and hearing to property owners

Recognizing that the designated "land use groups" in the Engineer's Report may not accurately reflect an individual parcel's reliance on groundwater, the CGA passed Resolution 2025-02 on July 11, 2025, allowing property owners to submit evidence that their "land use" designation should be changed. Although we agree that the "land use group" designations need to be revised in order to accurately reflect the proportional special benefit conferred on each individual parcel, changing proportionality calculations in the middle of the CGA's Prop 218 process would violate the procedural requirements of Article XIII D, § 4(c)-(e).

Specifically, before adopting a special benefit assessment, the CGA must provide notice by mail of the proposed assessment that specifies "the amount chargeable to the owner's particular parcel" and must conduct a public hearing on the proposed assessment based on the amount of the assessment contained in that notice "not less than 45 days after mailing the notice of the proposed assessment ."[18] Since "proportional special benefits" are "determined in relationship to the *entirety of the capital costs*"[19] of the proposed services, any redesignation that diverges from those contained in the Engineer's Report will necessarily change the amount owed by each property owner (unless those adjustments are instead funded through general funds),[20] and therefore may increase the proportional cost paid by property owners who remain designated as "Groundwater Only."

---

[17] Engineer's Report, pp. 46-47, Table B.1, fn. 2.
[18] Cal Const., art. XIII D, § 4(c), (e).
[19] Cal Const., art. XIII D, § 4(a) (emphasis added).
[20] Notably, however, the Engineer's Report states that no reserves are available for the Proposed Assessment. *See* Engineer's Report, pp. 22, 42.

Article XIII D, § 4(c) requires the notice to include the amount of the assessment "chargeable to the owner's particular parcel," which may not change before adoption of the special benefit assessment. The change to the proportional special benefit that may result from the CGA's attempted reclassification at this time therefore would require the CGA to provide renewed notice of the Proposed Assessment and provide an additional 45 days before holding a public hearing based on the renewed notice reflecting the updated cost to each parcel.

Additionally, relying on the redesignation process in Resolution 2025-02 may result in a prejudicial impact to property owners that are currently designated as "Groundwater Only," since they are required to submit new evidence of their access to surface water while property owners that are currently designated as "Surface Water" have no incentive to correct their designation even though certain "Surface Water" parcels likely rely primarily on groundwater.

III. The calculation of capital costs needed to provide the CGA's proposed services are likely overestimated and exceed the reasonable cost of providing service

Special benefit assessments cannot "exceed[ ] the *reasonable* cost of the proportional special benefit conferred" on each parcel.[21] The "reasonable cost" of proposed services cannot be based merely on a projected annual budget, but rather must be based on an estimation of the cost to the agency proposed the particular public improvement being financed by the assessment.[22] In this sense, the purpose of calculating the "reasonable cost" of a proposed special benefit assessment is to require properties receiving a special benefit from the public improvements to pay for them, not to fund an agency's ongoing budget.[23]

The Engineer's Report calculates the total annual costs of the Proposed Assessment to be $1,991,000, with *no contribution* from other sources and *no inclusion* of net reserves available to the CGA.[24] This failure to include net reserves available may prove fatal to the Proposed Assessment because it appears that the CGA is seeking to fund its ongoing budget through special benefit assessments, rather than calculate the actual cost of providing the proportional special benefit of a public improvement to each parcel as required by Article XIII D, § 4(a).[25] As noted in the annual budget, the CGA claims that it has $0 in unrestricted net assets for FY 2025-26 and seeks to fund the entirety of its services through the Proposed Assessment.[26] However, our clients believe that the CGA has over $1 million in cash reserves excluding the $250,000 Legal Reserve going into FY 2025-26 that should be considered when calculating

---

[21] Cal Const., art. XIII D, § 4(a) (emphasis added).
[22] *Silicon Valley Taxpayers' Ass'n v. Santa Clara Cnty. Open Space Auth.* (2008) 44 Cal. 4th 431, 455-58.
[23] *Silicon Valley Taxpayers' Ass'n* (2008) 44 Cal. 4th at 457.
[24] Engineer's Report, pp. 22, 42.
[25] *See* Engineer's Report, p. 15 ("The proposed Assessment will fund CGA's operational budget . . . [t]o meet its operational needs, CGA must generate approximately $1,991,000 in FY 2025-26.").
[26] Engineer's Report, pp. 22, 42.

the annual budget. Considering these reserves, the Proposed Assessment is likely grossly overcalculated.

Additionally, various aspects of the annual budget may be wrongly allocated between the various "Services Categories" that the CGA is proposing and are likely unreasonable. For example, the budget allocates $200,000 annually for "setup" costs for the Groundwater Accounting Program, with no provision to sunset these costs after "setup" has occurred.[27] The annual budget also allocates $250,000 annually for "satellite imagery input," which appears to be unnecessary to provide the proposed services since open source data could instead be used for a more modest consulting fee of between $10,000-50,000 annually.

Both of these costs, the Groundwater Accounting Program and Satellite Imagery Input, are part of the Groundwater Sustainability Services that are primarily imposed on designated "Groundwater Only" parcels, which would pay 60.9% of the budget for these services. However, it appears that these costs are wrongly allocated to the Groundwater Sustainability Services category since the accounting system and satellite data system would benefit the basin as a whole and does not have any targeted benefit to solve the domestic well mitigation or subsidence issues addressed by the CGA's proposed Groundwater Sustainability Services. If these services benefit non-"Groundwater Only" parcels to a greater degree, this misallocation would violate the parcel-by-parcel proportionality requirements of Article XIII D, § 4. It may be more appropriate to includes these budget items in the Planning Services Budget category.

IV. Parcels located on the East Side of the Sacramento River with distinct hydrological features likely receive no benefit from the CGA's proposed Groundwater Sustainability Services

Finally, our clients object to the inclusion of APNs 015070111000 and 015070141000 in Groundwater Sustainability Services category of the Proposed Assessment because those parcels likely receive no benefit from those proposed Groundwater Sustainability Services due to their distinct hydrological features of parcels on the East Side of the Sacramento River and separate from the remainder of the Colusa Subbasin,[28] in addition to the lack of monitoring wells and subsidence monitoring on those parcels.

---

[27] Engineer's Report, p. 45, Appendix A, Table 9; *see also* Engineer's Report, p. 15 ("To meet its operational needs, CGA must generate approximately $1,991,000 in FY 2025-26. In future years, the budget will be evaluated and determined by the Board but is expected to remain relatively stable.").

[28] The Colusa County portion that lies on the East Side of the Sacramento River has always been historically part of the West Butte Subbasin in DWR Bulletin 118 and has always been hydrologically connected to the unique hydrology and geomorphology of the Sutter Buttes and the aquifer located west of the Willows Fault. This area only was included with the historical Colusa Subbasin by a Basin Boundary Modification that was approved on an "administrative basis" since the unique hydrology of the East Side of the Sacramento River is widely understood. Please note that the area of Glenn County which lies on the east side of the Sacramento River remained connected with the established unique hydrology of this

As described in the Engineer's Report, the CGA's proposed Groundwater Sustainability Services "include[ ] focused efforts to ensure that the basin remains sustainable" and consist of (1) the Domestic Well Mitigation Program and (2) the Demand Management/Groundwater Accounting System Program.[29] These services likely provide little or no benefit to the parcels east of the Sacramento River that are included in the Colusa Subbasin because (1) there are no current or proposed monitoring wells for groundwater sustainability indicators or subsidence monitoring on the east side, so the CGA is not providing these services to these parcels, and (2) these parcels are hydrologically distinct from the remainder of the Colusa Subbasin since they are bounded by the Willows Fault, and therefore do not contribute to the undesirable results that the CGA is trying to address with its Groundwater Sustainability Services.

As noted in the Engineer's Report, although parcels to the east of the CGA, referred to as "proximate parcels," may receive *some* degree of benefit from the Proposed Assessment, those "general benefits" are minimal and therefore not subtracted from the Proposed Assessment.[30] The reason that our clients' parcels are included in the Colusa Subbasin, rather than the neighboring Butte Subbasin, is purely a jurisdictional decision, rather than one based on the actual boundaries of the subbasins.

As noted in the Joint Power Agreement for the CGA and the Memorandum of Agreement with Glenn County:

> Groundwater conditions throughout the County and Subbasin are not uniform. Conditions vary by location, surface water conditions, precipitation and water year type. While all Beneficial Uses and Users will share the obligation to achieve sustainability, solutions will need to reflect these geographic and hydrogeographic differences.[31]

The CGA has failed to incorporate these considerations of hydrology as required by the Joint Power Agreement by imposing the highest fees on our clients' east side parcels (designated as "Groundwater Only") without considering whether this differing hydrology impacts the proportional special benefit that these parcels receive from the proposed Groundwater Sustainability Services. We respectfully request that this decision be reconsidered.

---

portion of the aquifer and now is part of the Butte Subbasin as is the portion of the area of Colusa County on the East Side of the Sacramento River that comprises RD 1004.

[29] Engineer's Report, pp. 20-21.

[30] Engineer's Report, pp. 25-26.

[31] Joint Powers Agreement, Exhibit A, Memorandum of Agreement, Section 5.2.2.

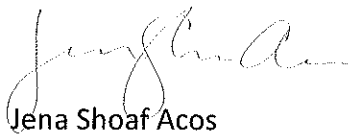
In conclusion, we submit these Written Objections to state the grounds upon which the Proposed Assessment violates Article XIII D of the California Constitution and respectfully request that you address these concerns before considering adoption of the Proposed Assessment.

Please submit in writing any responses to these Written Objections at the following addresses:

Benjamin King
King Golden State Orchards, LLC
P.O. Box 29
Colusa, California 95932

Jena Shoaf Acos
Brownstein Hyatt Farber Schreck, LLP
1021 Anacapa Street, 2nd Floor
Santa Barbara, California 93101

Respectfully submitted,



Jena Shoaf Acos

July 31, 2025

Colusa Groundwater Authority

PO Box 475

Colusa California 95932

RE: Objection Letter to Proposed Prop 218 Assessment For Parcels 015-070-078-000 & 015-070-124-000

Dear CGA,

Benjamin and Laura King 2020 Trust hereby submits its objection to the Proposed Assessment for the two parcels reference above. We believe that the Proposed Assessment is unconstitutional and in contravention of the Joint Powers Agreement ("JPA") that formed the CGA and therefore the CGA lacks the authority to assess these two parcels.

A. The CGA Does Not Have Authority to Disproportionally Assess Parcels on the East Side of the Sacramento River under the CGA JPA

We will address the unconstitutionality of the Proposed Assessment as it relates to these two parcels but first will address why the Proposed Assessment is in contravention of the CGA JPA and therefore the CGA does not have authority to impose the Proposed Assessment and collect such assessment on the tax rolls of Colusa County.

In Section 2.1 of the JPA, its Members covenanted to "develop and implement a GSP for the Basin in compliance with SGMA, consistent with the general principles set forth in that certain unexecuted Memorandum of Agreement... attached hereto as Exhibit C". In Section 5.2.2 of the Memorandum of Agreement it states:

"Groundwater conditions throughout the County and Subbasin are not uniform. Conditions vary by location, surface water conditions, precipitation, and water year type. While all Beneficial Uses and Users will share the obligation to achieve sustainability, solutions will need to reflect these geographic and hydrogeographic differences."

We believe that the groundwater conditions on the east side of the Sacramento River ("East Side") are uniquely distinct from the remaining portion of the Colusa Subbasin located on the west side of the Sacramento River and that the implementation of the GSP via collection of assessments should reflect the unique "hydrogeographic differences " of the East Side. While the East Side parcels should share in their "obligation to achieve sustainability" for the basin as a whole, the proportional costs should only be an allocation of the administrative costs and not for the portion of the Proposed Assessment that is for Groundwater Sustainability Services. We believe that at most the East Side parcels should be assessed is

$ 2.66 per acre since that is what the Surface Water designated parcels on the East Side are being assessed.

All Parcels in the distinct hydrographically area of the East Side should have the same proportional responsibility for the Colusa Subbasin and be assessed the same rate of $ 2.66 per acre.

B. The Constitution Does Not Allow for a Disproportionate Assessment of Groundwater Parcels on the East Side Because there is East Side Parcels Do Not Receive Any Benefit from the Planning and Groundwater Sustainability Services included in the Proposed Assessment. All East Side Parcels Only Receive Professional Services and should be Assessed Equally.

The proposed assessment is also unconstitutional because it is disproportionally assessing groundwater parcels on the East Side the proposed costs for Planning Services and Groundwater Sustainability Services for no potential benefit since the East Side parcels are hydrologically distinct as evidenced by the background for the Basin Boundary Modification annexing part of the historical West Butte Subbasin with the historical Colusa Subbasin in 2018 and as set forth in Chapter 3 of the Colusa Subbasin GSP.

1. <u>The 2018 Basin Boundary Modification Which Annexed a Portion of the Historical West Butte Basin was only Jurisdictional and was only done to "make sustainable groundwater management more efficient and cost-effective"</u>

As attached the Basin Boundary Modification (see Exhibit A) which annexed a portion of the east side of Colusa County was only **Jurisdictional** and not done for any hydrological reasons. See Section B.3 of the attached BBM

The CGA "is requesting a jurisdictional basin boundary modification to bring the Colusa County portion of the West Butte Subbasin (5-21.58) that lies on the west side of the legal LAFCO-defined service area boundary of Reclamation District 1004 into the Colusa Subbasin (5-21-.52). The proposed boundary modification will promote sustainable groundwater management by streamlining efficiencies and costs related to SGMA implementation under the CGA's Jurisdiction."

As stated, the annexation was done only for Jurisdictional purposes and cost efficiencies. There is no basis to no basis to disproportionally penalize some East Side parcels from the intended cost efficiencies of the BBM and disproportionally assess the cost for Planning and Groundwater Sustainability Services to some East Side Parcels and not others. **All East Side Parcels should be assessed the same rate.**

Furthermore, and consistent with the Jurisdictional nature of the BBM, the need for a Hydrogeologic Conceptual Model was requested to be waived since the BBM was only Jurisdictional and was for the purpose of streamlining governance and gaining cost efficiencies. See Page Section I – Page 7 of the BBM Attachment.

"It is requested that a full Hydrogeologic Conceptual Model requirement be waived for this internal boundary modification."

The final points regarding the Jurisdictional intent of the BBM is that Glenn County chose to go down a different administrative path and allowed parcels on the portion of Glenn County of the east side of the Sacramento River to be included in the newly formed Butte Basin which is a subset of the historical West Butte Basin. Similarly, the portion of Colusa County that lies within the jurisdictional boundaries of RD1004 and a small parcel just east of RD1004 are also included in the Butte Subbasin. All the portion of Glenn County east of the Sacramento River is now part of the Butte Subbasin and most of the portion of Colusa County east of the Sacramento River is now part of the Butte Subbasin.

2. **The Disproportional Assessment of Groundwater Parcels on the East Side is in contravention of the Scientific Assessment of the Hydrology of the East Side as Set Out in Chapter 3 of the Colusa Subbasin GSP.**

The East Side of the Sacramento River is one of the most distinct geologic and hydrologic portions of the Sacramento Valley aquifer because it is dominated by the presence of the Sutter Buttes which is a unique geomorphic unit as designated by the USGS (see the 1984 USGS Professional Paper 1401-B, Geochemistry of Groundwater in the Sacramento Valley, California – as cited in the GSP) and because the Willows Fault generally runs north south along the Sacramento River from Princeton to Grimes just west of the Colusa Dome. All of these geologic and geomorphic features separate groundwater movement between from the parcels on the East Side and the West Side of the Sacramento River and definitely separates any groundwater conditions on the East Side from the problem areas near Arbuckle on the west side of the Sacramento River.

The Willows Fault as described in Section 3-33 of the GSP has a slip rate of 0.00055 inches a year and acts as a hydrological barrier offsetting permeable aquifer layer against impermeable aquifer layers limiting east-west groundwater flow. The Willows Fault is set out in the Geologic Map of Figures 3-10 the Cross Sections of Figures 3-12 and 3-13. It is also presented in Figures 3-16 and 3-17 of the GSP (all Figures and descriptions are in Exhibit A)

Another geologic feature just west of our parcels is the presence of the Colusa Dome. The Colusa Dome's anticlinal structure elevates impermeable layers of the aquifer creating a subsurface ridge that restricts groundwater flow across the Willows fault. Groundwater levels are elevated for our parcels and are as high as 10 ft below surface most likely because of the recharge from flood flows and the Sacramento River but also because groundwater flows face resistance from the folded layers of the Colusa Dome. The Colusa Dome is described in Section 3-35 of the GSP and set out in Figures 3-16 and 3-17 of the GSP.

In summary the is no basis to disproportionally assess costs among parcels on the East Side since the groundwater aquifer on the East Side is disconnected by the unique geological and geomorphic features of the Sutter Buttes, Willows Fault and Colusa Dome as set forth in Chapter 3 of the GSP. If there is a benefit is only for Professional Services and otherwise the Planning and Groundwater Sustainability Services could not benefit East Side parcels due to these distinctions set out in Chapter 3.

3. **<u>The Monitoring Network in Chapter 4 of the GSP reflect the Distinct Hydrologic, Geomorphic and Geologic Differences for East Side Parcels and Do not Provide for Any Monitoring of East Side Parcels. Since there is No Monitoring Network on the East Side there is No Possibility that East Side Parcels Could Receive a Benefit from Planning Services or Groundwater Sustainability Services as Included in the Proposed Assessment.</u>**

There has been no effort to provide any sustainability programs for the East Side Parcels because there is no Monitoring Network as set out in Chapter 4 of the GSP on the East Side.

- ***Figure 4.2 – No Groundwater Monitoring Wells on East Side – how can there be a benefit if there is no way to measure the benefit?***
- ***Figure 4.3 – No Groundwater Quality Monitoring Wells on East Side – Ditto – No benefit could be measured or expected.***
- ***Figure 4.6 - No Representive Groundwater Level Monitoring Network wells on East Side. – No benefit expected because no way to measure it.***

The only possible benefit for East Side parcels is for the costs associated for Professional Services and if there is a cost allocated to East Side parcels it should be the same $ 2.66 per acre for ALL East Side Parcels. The CGA has never planned to provide any specific benefit to the East Side Parcels and has not invested in any Monitoring Network on the East Side so there can be no basis to allocate Planning Services or Groundwater Sustainability Service costs on ANY East Side Parcel.

C. The Proposed Prop 218 Assessment by the CGA Is Unconstitutional Because the Engineering Report Intentionally Misrepresents the Current Financial Condition of the CGA and Is Based on Conflicting and Outdated Data.

1. **<u>The Engineers Report Intentionally Presents a Dire Financial Condition for the CGA that is Untrue</u>**

On Page 42 of the Engineers Report, the Line Item for "Beginning **Unrestricted Net Assets is "$ 0.** This is an intentional misrepresentation because the CGA had $ 1,309,800 in Beginning Unrestricted Net Assets as of June 30, 2025, and more at the time of adoption on June 10, 2025. Since annual current assessments are approximately $ 480,000 per year and will continue the CGA could continue to operate as it currently is operating for several years and prudently spend on projects necessary to meet DWR conditions. See Exhibit 3 for Page 42 of the Engineers Report certified by John Bliss and the CGA Cash Balance and Financial Excerpts for the full year period ending June 30, 2025.

2. **<u>The Historical Subarea Water Budgets for Parcel Grouping were Based on a Data Set Rejected by the DWR when the Initial GSP Filing was Not Accepted. The Engineer's Report parcel groupings should be based on the same 2016 – 2021 Data Set that Were Included in the Approved GSP. The Parcel Groupings are Based on Irrelevant Out of Date Data that Do Not Reflect Current Groundwater Use By Parcel Groups</u>**

On Page 46 of the Engineers Report there is a reference to Appendix 3F

"Historical subarea water budgets from Appendix 3F of the Colusa GSP were used to estimate groundwater pumping by subarea."

Appendix 3F incorporates a data set from 1990 to 2015 which is not representative of current groundwater use in the Colusa Subbasin. The DWR in its Letter that deemed the GSP Submittal on January 28, 2022, as Incomplete – stated on Page 8 that the 1990 to 2015 Data Set included conflicting information and was not representative of the overdraft of approximately 1-million-acre feet that had occurred from 2006 to 2015. Consequently, the DWR requested a Corrective Action requiring that the GSP be based on a relevant time series. (See Exhibit B for Letter Excerpt). In the Cover Letter from the CGA to the DWR dated April 23, 2024, for the version of the GSP that was actually approved an updated relevant time period of 2016 – 2021 was used resulting in an annual overdraft of 62,000 per year.

The same relevant and current time-period used for the only version of the GSP approved by the DWR should have been used by the Engineer to calculate the groundwater use by Budget Subarea. The 1990 to 2015 period is irrelevant and not representative of current groundwater conditions or relevant groundwater use by any parcel in the subbasin. On average this data set used is over 22 years old and totally irrelevant. Furthermore, it is not based on the GSP because the GSP Budget was revised to be based on the 2016 – 2021 time-period.

3. **The Proposed Costs for the Water Accounting System and Satellite Imagery Data should Have Been Allocated to Planning Services Rather Than Groundwater Sustainability Surfaces Since It will Benefit the Whole Subbasin And Done in Conjunction With the Glenn Groundwater Authority To Be Used on the Glenn County Portion of the Subbasin Also.**

The $850,000 per year budgeted for the Water Accounting System and Satellite Imagery System is intended for the benefit of the whole of Colusa County and Glenn County portions of the Colusa Subbasin located on the west side of the Sacramento River. This Costs should be considered part of Planning Services and allocated across all the parcels west of the Sacramento River where this data could possibly be a benefit.

It is clear from the Frequently Asked Questions that were sent out by the CGA Administrator that these costs is for the benefit of the whole of the Basin west of the Sacramento River since it references the benefit of the whole Subbasin including Glenn County. It will not include the east side of Glenn County because that area is in the Butte Subbasin, and it should not include the East Side of Colusa County because there is no Monitoring Network infrastructure on the East Side.

4. **We also incorporate the Constitutional Objections contained in the Letter by Brownstein Hyatt of August 1, 2025, as attached in Exhibit C. The parcels which are the subject of this Objection Letter are adjacent to the parcels owned by King Golden State Orchards, LLC.**

We look forward to your response to our Objections. Please email us at bking@pacgoldag.com . Our mailing address is PO Box 29, Colusa California 95932

Sincerely,

Ben King

On behalf of Benjamin and Laura King 2020 Trust

EXHIBIT A

Colusa Groundwater Authority - 5-021.52 SACRAMENTO VALLEY - COLUSA, 5-021.58 SACRAMENTO VALLEY - WEST BUTTE

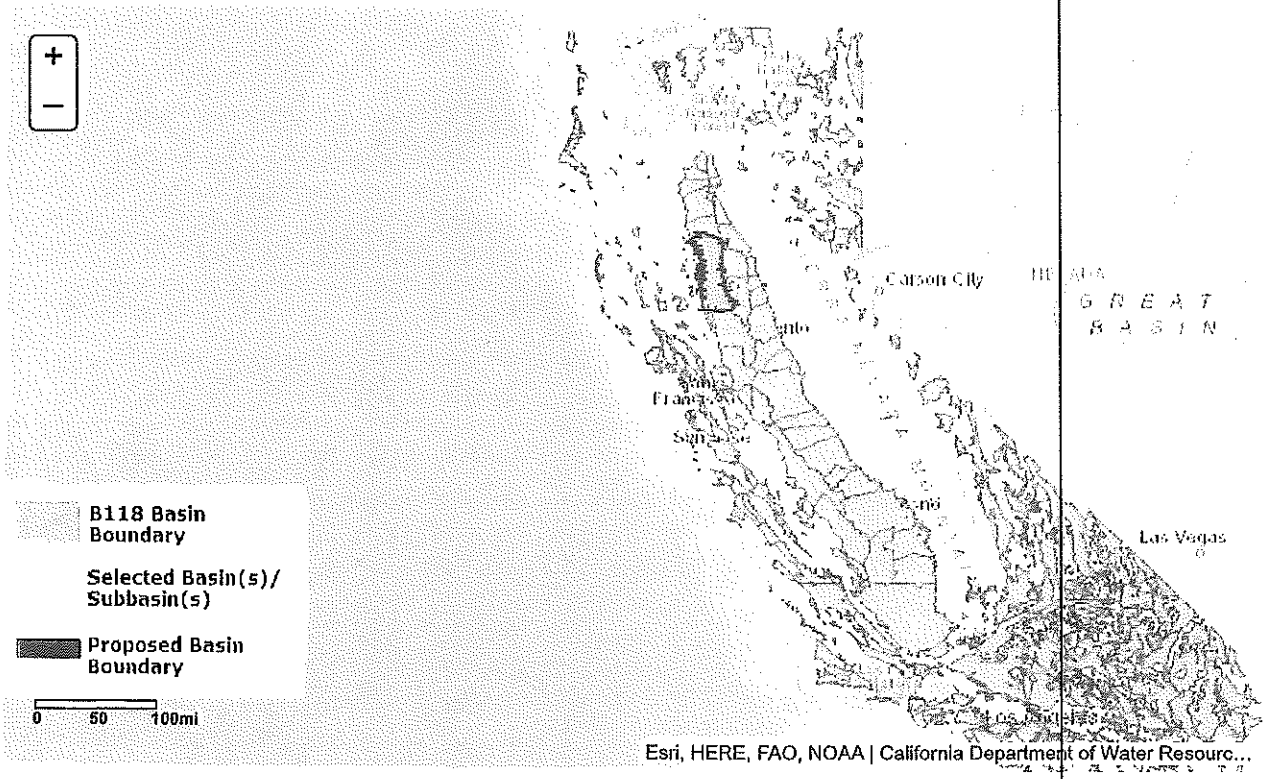
A. Applicant Information

Requesting Agency Information

Agency Name:	Colusa Groundwater Authority		
Address:	100 Sunrise Blvd., Suite A		
City:	Colusa	**Zip:**	95932
Work Phone:	(530) 458-0719	**Cell Phone:**	
Email:	mfahey@countyofcolusa.org	**Fax:**	

Revision Request Manager Information

Person Name:	Mary Fahey		
Address:	100 Sunrise Boulevard		
City:	Colusa	**Zip:**	95932
Work Phone:	530-458-0719	**Cell Phone:**	
Email:	mfahey@countyofcolusa.org	**Fax:**	



B. Description of Proposed Boundary Modification

1. **Short Description**

Jurisdictional, internal modification to bring a portion of the West Butte Subbasin (5-21.58) into the Colusa subbasin (5-21.52).

2. **Type of basin boundary revision**

Jurisdiction Internal

3. **Provide a narrative overview of the boundary modification request and how the resulting modification would affect likelihood of sustainable management.**

The Colusa Groundwater Authority (CGA) is requesting a jurisdictional basin boundary modification to bring the Colusa County portion of the West Butte Subbasin (5-21.58) that lies on the west side of the legal LAFCO-defined service area boundary of Reclamation District 1004 into the Colusa Subbasin (5-21.52). This proposed boundary modification will promote sustainable groundwater management by streamlining efficiencies and costs related to SGMA implementation under the CGA's jurisdiction. The current basin boundaries place the Colusa Groundwater Authority in two subbasins (Colusa and West Butte), and will require the CGA to participate in the development and implementation of two separate Groundwater Sustainability Plans. The current basin boundaries will also require the CGA to participate in duplicative governance formation in the West Butte Subbasin (or Butte Subbasin, pending Butte County's BBM proposal outcome). The CGA formed its multi-agency Joint Powers Authority GSA more than a year ago, after two years of public coordination meetings among GSA-eligible agencies and private pumpers in Colusa County. Similar governance formation efforts are currently taking place among the agencies in the West Butte and East Butte Subbasins. It will be disruptive for the CGA to interrupt their current momentum to participate in formation of another governance structure in a second basin. The proposed modification will allow the CGA to implement SGMA in one groundwater basin, under one GSP which will create much greater efficiencies and cost savings compared to operating in two subbasins, under two GSPs with differing governance structures, and potentially twice the amount of meetings to attend. The proposed BBM will also allow the CGA to build on existing county-wide planning efforts, including Groundwater Management Plans, Agricultural Water Management Plans, groundwater monitoring programs, and various groundwater studies. It will also enhance the CGA's ability to coordinate with local land use planning efforts and existing General Plans. The CGA has GSA jurisdiction over a small area of land to the east of Reclamation District 1004 in the West Butte Subbasin and under the proposed BBM, plans to enter into an MOU with Butte County for general oversight of this area, while maintaining decision-making authority for any potential management actions under SGMA. The CGA will remain dedicated to maintaining close coordination with the GSA's in the West Butte (or Butte) Subbasin, as well as other surrounding basins, and plans to initiate voluntary Coordination Agreements with the agencies in basins adjacent to the Colusa Subbasin. You will note on the GIS maps that the proposed BBM boundaries along the western edge of RD 1004 do not match the current RD 1004 GSA boundary. It was recently discovered that Reclamation District 1004 has filed their GSA outside of their LAFCO-designated service area boundaries, and those areas are considered unmanaged under SGMA according to conversations with Staff at the State Water Resources Control Board. The proposed boundary modification will bring those unmanaged areas into the Colusa Subbasin. The CGA plans to modify their GSA to cover the unmanaged areas to ensure compliance with SGMA. If in the future RD 1004 annexes those lands into their district, the CGA will fully cooperate to adjust GSA boundaries and work with DWR on any minor basin boundary modifications that would allow RD 1004?s GSA to be in one subbasin.

Attachment(s):

4. **List of the existing basin(s)/subbasin(s) to be modified by this request**

5-021.52 SACRAMENTO VALLEY - COLUSA

5-021.58 SACRAMENTO VALLEY - WEST BUTTE

5. **Provide the proposed name for the new basin(s) or subbasin(s)**

N/A

C. Initial Notification and Combination of Requests

1. **Was an initial notification submitted to the Department?**

Yes

List of submitted initial notification for the selected basin(s)/subbasin(s).

Local Agency	Potential Basin(s)/Subbasin(s)
Tehama County Flood Control & Water Conservation District	5-021.52 SACRAMENTO VALLEY - COLUSA , 5-021.51 SACRAMENTO VALLEY - CORNING

Local Agency	Potential Basin(s)/Subbasin(s)
Yolo County Flood Control And Water Conservation District	5-021.52 SACRAMENTO VALLEY - COLUSA , 5-021.67 SACRAMENTO VALLEY - YOLO , 5-021.66 SACRAMENTO VALLEY - SOLANO
Tehama County Flood Control & Water Conservation District	5-006.01 REDDING AREA - BOWMAN , 5-006.06 REDDING AREA - SOUTH BATTLE CREEK , 5-021.53 SACRAMENTO VALLEY - BEND , 5-021.54 SACRAMENTO VALLEY - ANTELOPE , 5-021.56 SACRAMENTO VALLEY - LOS MOLINOS , 5-021.57 SACRAMENTO VALLEY - VINA , 5-021.51 SACRAMENTO VALLEY - CORNING , 5-021.52 SACRAMENTO VALLEY - COLUSA , 5-021.50 SACRAMENTO VALLEY - RED BLUFF
	5-021.52 SACRAMENTO VALLEY - COLUSA
Butte County	5-021.57 SACRAMENTO VALLEY - VINA , 5-021.60 SACRAMENTO VALLEY - NORTH YUBA
Reclamation District No. 1004	
	5-021.57 SACRAMENTO VALLEY - VINA
	5-021.57 SACRAMENTO VALLEY - VINA

2. **Does this application include a combination of requests?**

No

D. Required Documents for All Modifications

1. **A copy of the statutory or other legal authority under which the requesting agency was created with specific citations to the provisions setting forth the duties and responsibilities of the agency.**

Attachment(s):
- **size: 1**
  Final JPA (00397890xBA8E1)_With Signatures.pdf (3.3MB) Uploaded on 09/27/2018 at 11:52AM

2. **A copy of the signed resolution adopted by the requesting agency formally initiating the boundary modification request process.**

Attachment(s):
- **size: 1**
  2018-04_CGA Resolution BBM FINAL SIGNED.pdf (1.7MB) Uploaded on 09/27/2018 at 11:53AM

3. **A map of adequate scale (no greater than 1:24,000; e.g., 1:10,000 is not acceptable) showing the proposed modified basin boundary in relation to the existing Bulletin-118 basin boundary and the local agencies that are within or bordering the existing and proposed basin.**

Attachment(s):
- **size: 1**
  c.5 2018_06_14_B_118 BASINS_Mod_Agencies.jpg (565.7kB) Uploaded on 09/27/2018 at 11:55AM

4. **A GIS shapefile of the proposed modified groundwater basin boundaries.** Download Existing B118 basin shape file | DWR Spatial Data Standards

Attachment(s):
- **size: 1**
  Sacramento_Valley-Colusa_Subbasin_Modified_10-24-2018.zip (144.1kB) Uploaded on 10/24/2018 at 07:44AM

5. **A GIS shapefile of the political boundaries of any affected or adjacent local agency.** Download water agency shape file

Attachment(s):
- **size: 1**
  RD 1004 LAFCO 2018.zip (976.5kB) Uploaded on 09/27/2018 at 01:27PM

6. **Any information, if necessary, to enable DWR to satisfy the requirements of a responsible agency pursuant to the California Environmental Quality Act.**

Please see attached.

Attachment(s):
- **size: 1**
  CGA BBM NOI FINAL SIGNED.pdf (1.5MB) Uploaded on 09/27/2018 at 12:05PM

E. General Information

1. **Describe the lateral boundaries of the alluvial aquifer or aquifers that form the groundwater basin and the definable bottom of the basin. The description must be in terms that are clear, definite, and sufficiently detailed to allow an authoritative map of the proposed basin boundaries to be plotted using the given description.**

Colusa Subbasin The existing Colusa subbasin is bounded on the north by the Corning Subbasin and on the south by the Colusa/Yolo County line, also including the portion of the Colusa County Water District service area in Yolo County. The Colusa subbasin is bounded on the west by the Coast Range and foothills and on the east by the Sacramento River. The proposed modified Colusa Subbasin would include the portion of the West Butte Subbasin within Colusa County that lies to the west of the RD 1004 LAFCO-defined service area, thus adjusting a portion of the eastern boundary of the Colusa Subbasin. This adjustment aligns with Butte County?s proposed Basin Boundary Modification request. West Butte Subbasin As defined in Bulletin 118, The West Butte Subbasin is bounded on the west and south by the Sacramento River, on the north by Big Chico Creek, on the northeast by the Chico Monocline, and on the east by Butte Creek. Big Chico and Butte Creeks serve as subbasin boundaries in the near surface. The subbasin is hydrologically contiguous with the Vina and East Butte Subbasins at depth. The proposed modified West Butte Subbasin would remove the portion of the West Butte Subbasin within Colusa County that lies to the west of the RD 1004 LAFCO-defined service area, thus adjusting the Colusa County portion of the western boundary of the West Butte Subbasin to align with the western boundary of the LAFCO-defined service area of RD 1004. The definable bottom of the Colusa and West Butte Subbasins remain unchanged from what was defined in the Bulletin-118 process. Please see attached for more information.

Attachment(s):

- **size: 3**
  COLUSA B118-Basin-Boundary-Description-2016---5_021_52.pdf (1,000.5kB) Uploaded on 09/27/2018 at 12:10PM
  WEST BUTTE B118_2003_BasinDescription_5_021_58.pd.pdf (42.7kB) Uploaded on 09/27/2018 at 12:10PM
  COLUSA B118_2003_BasinDescription_5_021_52.pd.pdf (139.7kB) Uploaded on 09/27/2018 at 12:10PM

F. Notice and Consultation

1. **List all local agencies and public water systems affected by the basin(s) modification request.**

The following agencies are most directly affected by the proposed BBM: Colusa Groundwater Authority, Glenn Groundwater Authority, Reclamation District 1004. A list of all of the local agencies and public water agencies that have been identified in the Colusa and West Butte Subbasins, and how/if each was contacted regarding the CGA's proposed BBM is provided under F.3.

2. **Explain the methods used to identify interested local agencies and public water systems in the affected basin(s):**

Prior to the onset of SGMA, Colusa County Water Resources Staff had developed a list of local agencies and interested parties for the purpose of disseminating information relevant to local and regional water-related issues. These efforts formed a foundation for outreach and communication related to SGMA planning and implementation which began in early 2015. The first step for SGMA planning was to ensure that all of the local agencies and public water systems within the Colusa and West Butte Subbasins were identified based on best available data, in order to begin governance discussions. Agencies have been identified through review of the Colusa County Groundwater Management Plan, DWR?s Water Management Planning Tool, and County GIS files. Agency locations and Bulletin 118 basin boundaries were examined in GIS to determine the applicable agencies.

3. **Provide information regarding the nature of consultations with affected or interested agencies. Attach and cite any copies of correspondences with local agencies and public water systems and/or any other persons or entities consulted.**

Since 2015, CGA Staff and Member agencies have provided ongoing SGMA outreach to the agencies and interested parties within the Colusa and West Butte Subbasins via email, newsletters, websites and public meetings. Staff has contacted the affected agencies, other local agencies, and an extensive list of interested parties on several occasions to inform them about the proposed basin boundary modification and to solicit feedback. Staff attended and presented information at several meetings where the proposed modification, and other proposed basin boundary modifications were discussed, including public CGA Board meetings, Colusa County Farm Bureau Board meetings, Northern Sacramento Valley IRWMP TAC and Board meetings, West Butte Subbasin Workgroup meetings, and others. In addition, CGA Staff met directly with Board Members and Staff at Reclamation District 1004 to discuss the proposed BBM, including a public meeting of the RD 1004 Board on May 9, 2018. An Initial Notification was posted on the DWR SGMA Portal on May 3, 2018, and information was posted on the CGA?s website (colusagroundwater.org) and on the Colusa Groundwater facebook page. In May, 2018, in an effort to solicit greater public engagement in local SGMA planning and implementation, including the BBM process, CGA Staff disseminated a press release to the two Colusa County newspapers, an extensive email list of agencies and landowners, the Colusa County Resource Conservation District?s mailing list, the Colusa County Farm Bureau, the Family Water Alliance, the Colusa County Farm Service Agency (FSA), Colusa County Cooperative Extension, and the Colusa Glenn Subwatershed Program. A ?Special BBM Edition? of the CGA?s Newsletter was distributed on September 4, 2018 and the Colusa Groundwater Authority Board included a presentation and opportunity for public comment regarding the proposed BBM on the agenda at their September 25, 2018 Meeting. The CGA has received letters of support for the proposed BBM from The County of Butte, The Glenn Groundwater Authority, and Reclamation District 2106. Please see attached for relevant documents.

Attachment(s):

- **size: 8**

CGA BB Mod Outreach Letter 2018.pdf (708.9kB) Uploaded on 09/27/2018 at 12:25PM
2018_04_09 GSP Press Release FINAL.pdf (205.6kB) Uploaded on 09/27/2018 at 12:25PM
2018_October Sodbuster_Colusa Farm Bureau.pdf (322kB) Uploaded on 09/27/2018 at 12:26PM
2018_08_CGA_Newsletter_BBM Special Edition_FINAL.pdf (1.4MB) Uploaded on 09/27/2018 at 12:26PM
6.12.18 - BBM Colusa_Butte Support Letter.pdf (447.4kB) Uploaded on 09/27/2018 at 12:31PM
GGA_LOS_CGA_BBM_2018Jun22_Signed.pdf (51.8kB) Uploaded on 09/27/2018 at 12:31PM
RD 2106_FINAL.pdf (64.2kB) Uploaded on 09/27/2018 at 12:31PM
Water Management Agencies Colusa and West Butte.pdf (210.1kB) Uploaded on 09/27/2018 at 12:32PM

4. **Provide a summary of all public meetings at which the proposed boundary modification was discussed or considered by the requesting agency. Attach and cite any copies of agendas and notices published.**

Please see attached

Attachment(s):

- **size: 8**

F.4 Notice and Communication_CGA.pdf (73.9kB) Uploaded on 09/27/2018 at 12:40PM
2018_03_28_CGA Meeting Agenda_FINAL.pdf (429.3kB) Uploaded on 09/27/2018 at 12:40PM
2018_4_24_CGA Meeting Agenda_FINAL.pdf (92.9kB) Uploaded on 09/27/2018 at 12:40PM
2018_05_22_CGA Meeting Agenda_FINAL.pdf (458.6kB) Uploaded on 09/27/2018 at 12:41PM
2018_07_24_CGA Meeting Agenda_FINAL.pdf (547.9kB) Uploaded on 09/27/2018 at 12:41PM
2018_09_25_CGA Meeting Agenda_FINAL2.pdf (546.6kB) Uploaded on 09/27/2018 at 12:41PM
2018_09_25_BBM Presentation_Fahey.pdf (2.5MB) Uploaded on 09/27/2018 at 12:42PM
2018_09_10_NCWA GW Task Force ppt.pdf (1.1MB) Uploaded on 09/27/2018 at 12:42PM

5. **Attach a copy of all comments regarding the proposed boundary modification received by the requesting agency and a summary of any responses made by the requesting agency.**

Please see attached comments and responses.

Attachment(s):

- **size: 2**

2018_10_29_CGA Response to Public Comments submitted by B. King_FINAL.pdf (344.4kB) Uploaded on 11/01/2018 at 11:45AM
2018_09_12_BBM Public Comments Compiled.pdf (322.6kB) Uploaded on 09/27/2018 at 12:47PM

G. General Existing Groundwater Management

All requests for jurisdictional modification pursuant to Section 342.4 MUST include responses to the following questions.

1. **Explain how sustainable groundwater management exists or could likely be achieved in the basin:**

The Colusa Groundwater Authority (CGA) and Glenn Groundwater Authority (GGA) are the exclusive GSAs in the Colusa Subbasin. Both are multi-agency Joint Powers Authorities, and they have developed an excellent cooperative working relationship related to SGMA planning and implementation in the basin. The CGA and GGA will develop a single Groundwater Sustainability Plan for the Colusa Subbasin. The proposed Basin Boundary modification will maintain and enhance sustainable groundwater management by consolidating the CGA?s jurisdiction into the Colusa Subbasin to benefit from the following advantages: 1) a strong working relationship between the CGA and GGA, 2) the CGA and GGA both have county and city representatives on their boards which will enhance coordination between land use and SGMA implementation; 3) the CGA and GGA both have surface water supply district representatives on their boards with a history of surface and groundwater management; 4) the CGA has two private groundwater pumpers on their board which will ensure that private well owners in the expanded basin area are represented; 5) the Counties of Colusa and Glenn both manage the CASGEM program in their respective counties, and both counties have a history of groundwater management and groundwater level monitoring; 6) The various agencies on the CGA and GGA Boards bring to the table a variety of skills and knowledge related to different areas of groundwater and surface water management; 7) The County of Colusa adopted a Groundwater Management Plan in 2008, and Glenn County adopted County Code Title 20 Chapter 30: Groundwater Coordinated Resource Management Plan in 2012, and several Member Agencies on the CGA and GGA Boards have also adopted Groundwater Management Plans and Agricultural Water Management Plans. Many aspects of these plans can be integrated into the Colusa Subbasin GSP. The proposed jurisdictional Basin Boundary Modification will create a Colusa Subbasin that better aligns with existing water management and land use planning efforts in the CGA?s jurisdiction.

2. **Explain how the proposed boundary modification would affect the ability of adjacent groundwater basins to sustainably manage groundwater in those groundwater basins.**

The Colusa and West Butte Subbasins are the only basins that may be affected by this basin boundary modification. Through numerous discussions and presentations of the proposed modifications, none of the affected agencies have expressed concerns that the modification would affect their ability to sustainably manage groundwater. Staff from the six counties that make up the Northern Sacramento Valley Integrated Regional Water Management group (Butte, Colusa, Glenn, Shasta, Sutter, Tehama) have had ongoing discussions about how they

will coordinate during GSP development. This coordination effort will include studies, data collection and sharing, and groundwater management methodologies that cross basin boundaries. The CGA will continue to have a stake in SGMA implementation in the West Butte (or Butte) Subbasin, as the CGA?s jurisdiction includes the small northeast corner of the West Butte Subbasin in Colusa County. The CGA intends to enter into an Agreement with Butte County to oversee this area, while maintaining decision-making authority for any management actions. The County of Colusa is a CGA Board Member, and will ensure that stakeholders county-wide are well represented under SGMA. The CGA has received letters of support for this proposed basin boundary modification from: Reclamation District 2106, Butte County, and the Glenn Groundwater Authority.

3. **Provide a historical summary of the sustainable management of groundwater levels in the proposed basin(s) or subbasin(s).**

Agriculture is the dominant industry in the Colusa and West Butte Subbasins and groundwater is an essential resource, especially during times of drought. Water managers, local governments and landowners all understand the importance of sustainable management of groundwater. The County of Colusa adopted a Groundwater Management Plan (GMP) in 2008. The County of Glenn Adopted County Code Title 20 Chapter 30: Groundwater Coordinated Resource Management Plan in 2012, and Butte County adopted a GMP in 2004. Several of the water districts in both subbasins have also adopted GMPs and Agricultural Water Management Plans. Other groundwater studies have been ongoing throughout the basins. Groundwater levels are monitored by DWR, local water agencies, landowners, and County Water Resources Staff. Each county is compliant with the CASGEM program. There is a good understanding of groundwater level trends in the proposed modified subbasins. In 2016, the County of Colusa contracted with Davids Engineering, Inc. to investigate declining groundwater levels in a portion of the Colusa Subbasin. A county-wide groundwater assessment was completed and through that study, it was determined that drought conditions were the major factor contributing to observed declining groundwater levels in a portion of the basin. Ongoing groundwater level monitoring and management will be addressed during GSP development, and we will utilize past Plans, studies and data as a foundation. Please find attached the Colusa County Groundwater Management Plan, and the Executive Summary from the Groundwater Assessment completed by Davids Engineering, Inc.

Attachment(s):

- **size: 2**
  ColusaCo_GMP_Volume-1_9-10-08_lo.pdf (14MB) Uploaded on 09/27/2018 at 12:53PM
  Executive Summary__Final.pdf (715.8kB) Uploaded on 09/27/2018 at 12:53PM

4. **Discuss potential impacts to state programs resulting from the proposed boundary modification, including, but not limited to, the California Statewide Groundwater Elevation Monitoring (CASGEM), Groundwater Management Plans developed pursuant to AB 3030, Groundwater Sustainability Plans developed pursuant to the Sustainable Groundwater Management Act, any applicable state or regional board plans, and other water management and land use programs.**

There will be no impacts to any state programs. The proposed BBM is entirely within Colusa County. The County of Colusa will continue to comply with the CASGEM program in the County portions of the Colusa and West Butte Subbasins. The Colusa County Groundwater Management Plan will be replaced by the basin-wide GSPs in the Colusa and West Butte (or Butte) Subbasins. There will be no impacts to the Irrigated Lands Regulatory Program. The proposed BBM will actually simplify coordination efforts with the Colusa Glenn Subwatershed Program related to Water Quality monitoring and reporting under SGMA. The proposed Basin Boundary modification will enhance groundwater management by consolidating the CGA?s SGMA implementation responsibilities into one subbasin under one GSP, allowing the CGA to better coordinate with these county-wide programs.

H. Local Support

All requests for boundary modification must include the following:

1. **Provide any evidence that sufficient information was provided to affected agencies and systems regarding the proposed boundary modification.**

As described above, the CGA provided a great amount of outreach to local agencies and landowners via several methods, including, public meetings, email notifications, participation in West Butte Subbasin Workgroup meetings, presentations to agency boards, discussions at Northern Sacramento Valley IRWMP meetings, newsletters, direct conversations, and posting of the proposed basin boundary modification on the SGMA Portal and the CGA website (www.colusagroundwater.org).

2. **Provide a list of all affected agencies and affected systems that submitted comments and/or documents in support or opposition to the proposed boundary. The agency submitting their support or opposition for a boundary modification must provide a copy of a resolution formally adopted by the decision-making body of the affected agency or system or a letter signed by an executive officer or other official with appropriate delegated authority who represents the agency or system. Attach copies of the resolution and/or signed letter detailing the support or opposition submitted.**

The CGA received letters of support from the following agencies: Reclamation District 2106, County of Butte, Glenn Groundwater Authority. None of the affected agencies expressed any negative comments, or provided any documentation of opposition. The letters of support were uploaded previously under Category F, #3.

3. **Provide any evidence that rebuts any opposition to the proposed boundary modification.**

No opposition was submitted from any local agencies. Public comments received and responses were uploaded under Category F, #5.

I. Hydrogeologic Conceptual Model

Requests for boundary modification, must include a document or text to a clearly defined hydrogeologic conceptual model demonstrating each of the following:

1. **Principal aquifer units within requested basin.**
2. **Lateral boundaries of the proposed basin, including:**
   - **A. Geologic features that significantly impede or impact groundwater flow.**
   - **B. Aquifer characteristics that significantly impede or impact groundwater flow.**
   - **C. Significant geologic and hydrologic features and conditions of the principle aquifer units, as appropriate, including information regarding the confined or unconfined nature of the aquifer, facies changes, truncation of units, the presence of faults or folds that impede groundwater flow, or other groundwater flow restricting features.**
   - **D. Key surface water bodies, groundwater divides and significant recharge sources.**
3. **Recharge and discharge areas within the basin.**
4. **Definable bottom of the basin or subbasin.**

The department may waive this requirement for an internal boundary modification if the requesting agency is able to demonstrate that the proposed boundary modification is unlikely to affect sustainable groundwater management.

It is requested that a full Hydrogeologic Conceptual Model requirement be waived for this internal boundary modification. This modification does not introduce any factors that would impact sustainable groundwater management in either of the affected basins. Consolidation of the CGA's jurisdiction into one subbasin is being requested in order to make sustainable groundwater management more efficient and cost effective in these basins. A general HCM was completed for the Colusa Subbasin under the Proposition 1 Counties with Stressed Basins grant program. That document is attached. This initial HCM is being built upon through development of a more detailed Hydrogeologic Conceptual Model for the Basin Setting element of the GSPs in the Colusa and West Butte Subbasins. This work is just getting underway and these efforts are being highly coordinated across the Colusa and West Butte Subbasin boundary lines.

Attachment(s):

- **size: 3**

Figures Part 2.pdf (20.7MB) Uploaded on 09/27/2018 at 01:08PM
022318 ac1 Colusa Glenn HCM_text_tab.pdf (1.1MB) Uploaded on 09/27/2018 at 01:06PM
Figures Part 1.pdf (19.5MB) Uploaded on 09/27/2018 at 01:07PM

L. Technical Studies for All Jurisdictional Modifications

Requests for a jurisdictional boundary must attach or provide a URL or upload a file for the following:

1. **A water management plan that covers or is in the immediate vicinity of the proposed basin or portion of the proposed basin and satisfies the requirement of Water Code sections 10753.7(a) or 10727 by attaching one of the following:**
   - **A. An adopted groundwater management plan, a basin wide management plan, or other integrated regional water management program or plan.**
   - **B. Management pursuant to an adjudication action.**
   - **C. One or more technical studies that cover the relevant portion of a basin or subbasin and adjacent areas.**

URL: https://www.water.ca.gov/LegacyFiles/groundwater/docs/GWMP/SR-9_ColusaCounty_GMP_Volume-1_2008.pdf

Attachment(s):

- **size: 1**

ColusaCo_GMP_Volume-1_9-10-08_lo.pdf (14MB) Uploaded on 09/27/2018 at 01:10PM

2. **A statement of the existing and planned coordination of sustainable groundwater management activities and responsibilities where required.**

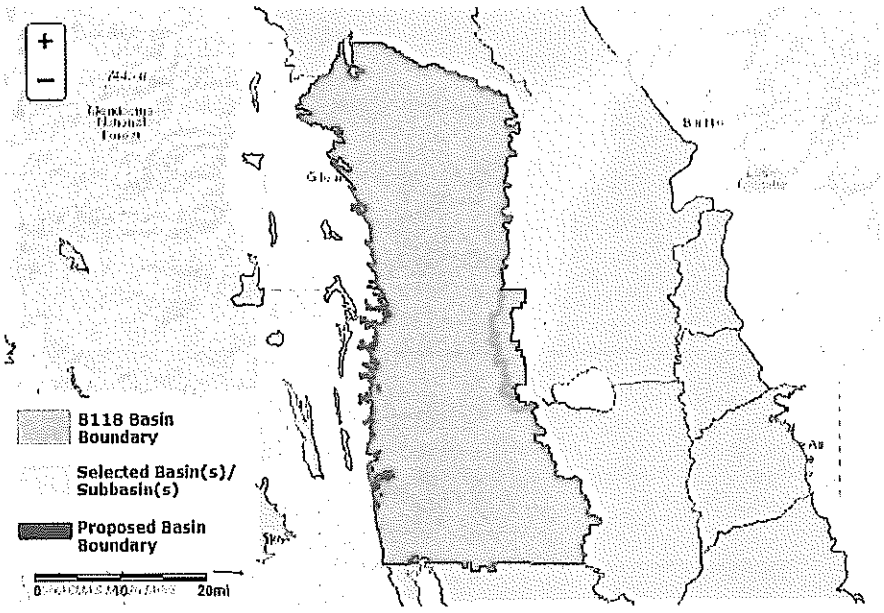
The Colusa Groundwater Authority is a twelve-member Joint Powers Authority. Three members of the CGA Board are also members of the Glenn Groundwater Authority Board. The CGA and GGA will develop a single GSP for the Colusa Subbasin. A single GSP is also planned for the West Butte (or Butte) Subbasin. The CGA Board will remain informed about GSP development in the West Butte (or Butte) Subbasin and provide input where applicable. The CGA and GGA are working on a voluntary Coordination Agreement to ensure that Sustainable Groundwater Management is implemented in a coordinated and cooperative fashion. Voluntary Coordination Agreements are also planned between the CGA and the GSA(s) in the West Butte (or Butte) Subbasin. Regional coordination activities are already established through the six-county Northern Sacramento Valley IRWM group. Additionally, the Colusa Groundwater Authority, County of Butte, and other GSAs in the

West Butte Subbasin have been actively coordinating on SGMA planning and implementation efforts, including development of the Basin Setting portions of the GSPs in the Colusa and West Butte (or Butte) Subbasins.

Created on 09/27/2018 at 11:47AM, last modified on 11/01/2018 at 12:00PM and page generated on 06/02/2025 at 8:30AM

2018 Draft Basin Boundary Modification Decision

Basin(s): 5-021.52 SACRAMENTO VALLEY – COLUSA; 5-021.58 SACRAMENTO VALLEY – WEST BUTTE



Requesting Agency: Colusa Groundwater Authority

Modification Category: Jurisdictional Internal

Agency Description: Modification to bring a portion of the West Butte subbasin into the Colusa subbasin.

Other Affected Basins: None

DWR Draft Decision: Approve

Basis for Decision: The basin boundary modification revises the central-easterly boundary of the Colusa and West Butte subbasins to extend easterly to follow the western boundary of Reclamation District 1004. The revision places the Colusa Groundwater Authority wholly within the Colusa subbasin. Three letters of support are associated with this request. The request meets regulatory requirements.

permeable gravels, sands, and silts. The Riverbank Formation is distinguished from the Modesto Formation by interbedded clay layers. These formations contain fresh water (DWR, 2006a; Harwood and Helley, 1987).

Wells penetrating the sand and gravel units of the Riverbank and Modesto Formations produce up to about 1,000 gpm; however, the production varies depending on local formation thickness (DWR, 2006a). Wells screened in the Riverbank and Modesto Formations are generally domestic and shallow irrigation wells (DWR, 2006a).

Stream Channel and Basin Deposits

Holocene stream channel and basin deposits are the youngest sediments in Subbasin, with ages of roughly 10,000 years or younger (Helley and Harwood, 1985). The stream channel and basin deposits consist of up to 80-foot sections of unconsolidated clay, silt, sand, and gravel reworked from older formations by streams. According to DWR (2006a), which also refers to these deposits as younger alluvium, these deposits form a shallow, unconfined aquifer of moderate to high permeability, but with limited capacity due to the relatively restricted lateral and vertical extents of the deposits.

Holocene flood basin deposits are very young surficial deposits formed during flood events when streams overtopped their natural levees, flooding the surrounding area. As the flood water spread, the current velocity and stream competency decreased, resulting in deposition of silts, clays, and fine sands. Flood basin deposits reach thicknesses of up to 150 feet and may be interbedded with stream channel deposits (DWR, 2006a). Because of their low permeability, limited extent, and generally poor water quality, flood basin deposits are typically not used for groundwater production (DWR, 2006a).

3.1.7.3 Geologic Structures

Figure 3-16, from Harwood and Helley (1987), shows the structural contours in meters delineating the top of the Cretaceous marine sedimentary rocks in the vicinity of the Subbasin. The shaded color intervals on Figure 3-16 conform to the structural contours of the top of the Cretaceous rocks. The structural contours were based on the Cretaceous rocks because the resulting surface produces a single structural datum throughout the western Sacramento Valley. This datum helps reveal some of the geologic structures (folds and faults) that affect the Subbasin.

Figure 3-10 shows the significant structural features near the Subbasin, including, but not limited to the Willows Fault, Corning Fault, Glenn Syncline, and the Zamora Syncline in addition to other smaller unnamed geologic structures. These structural features affect geologic units at least as young as the Red Bluff Formation, which indicates that structural deformation was occurring as recently as 0.45 Ma – the oldest potential age of the overlying Riverbank Formation – and may be continuing at present (Harwood and Helley, 1987).

Faults

Faults may affect groundwater flow by bringing geologic materials with different hydraulic properties into contact across the fault plane or by fracturing the materials, which could either increase or decrease permeability, depending on the degree of fracturing and other geologic processes, such as mineralization, active within the fault zone. The fault might, therefore, act as a boundary or barrier affecting the lateral flow of groundwater between adjacent areas and might act as a conduit allowing vertical or lateral flow within

by the Corning Fault (Helley and Harwood, 1985). It is believed that the Greenwood Anticline and the unnamed syncline coincided with the formation of the Corning Fault, under the same tectonic stress regimes (DWR, 2014a). Comparing Figure 3-10 and Figure 3-16, highs in the top of the Cretaceous formations are associated with the locations of the anticlines.

Orland Buttes

The Orland Buttes are located along the eastern shore of Black Butte Lake in Glenn County. The buttes are composed of Cretaceous rocks capped by Lovejoy Basalt, which were thought to have been uplifted due to movement along the Black Butte Fault (Russell, 1931). Seismic refraction data and a recent study by Williams Lettis and Associates (2002), however, suggest that the Orland Buttes were exposed via uplift and subsequent eastward tilting along a blind west-dipping thrust fault.

Sutter Buttes

The Sutter Buttes rise about 2,080 feet above the Sacramento Valley floor east of Colusa and are composed of igneous, metasedimentary and metavolcanic rocks about 2.4 to 1.4 Ma in age (Harwood and Helley, 1987). The formation of the Sutter Buttes occurred in two phases. The first phase caused Upper Cretaceous and Lower Paleogene formations to be arched into a dome rising above land surface during a period of magma injection. This was followed by rapid erosion and heavy faulting of the dome structure, causing the relatively older formations to be exposed prior to the second phase. The second phase consisted of explosive volcanism, producing the rampart tuffs and breccias surrounding the Sutter Buttes. Like many of the other geologic structures of the region, the Sutter Buttes express characteristics representative of the stress regime produced by the Mendocino Triple Junction (Harwood and Helley, 1987).

Colusa Dome

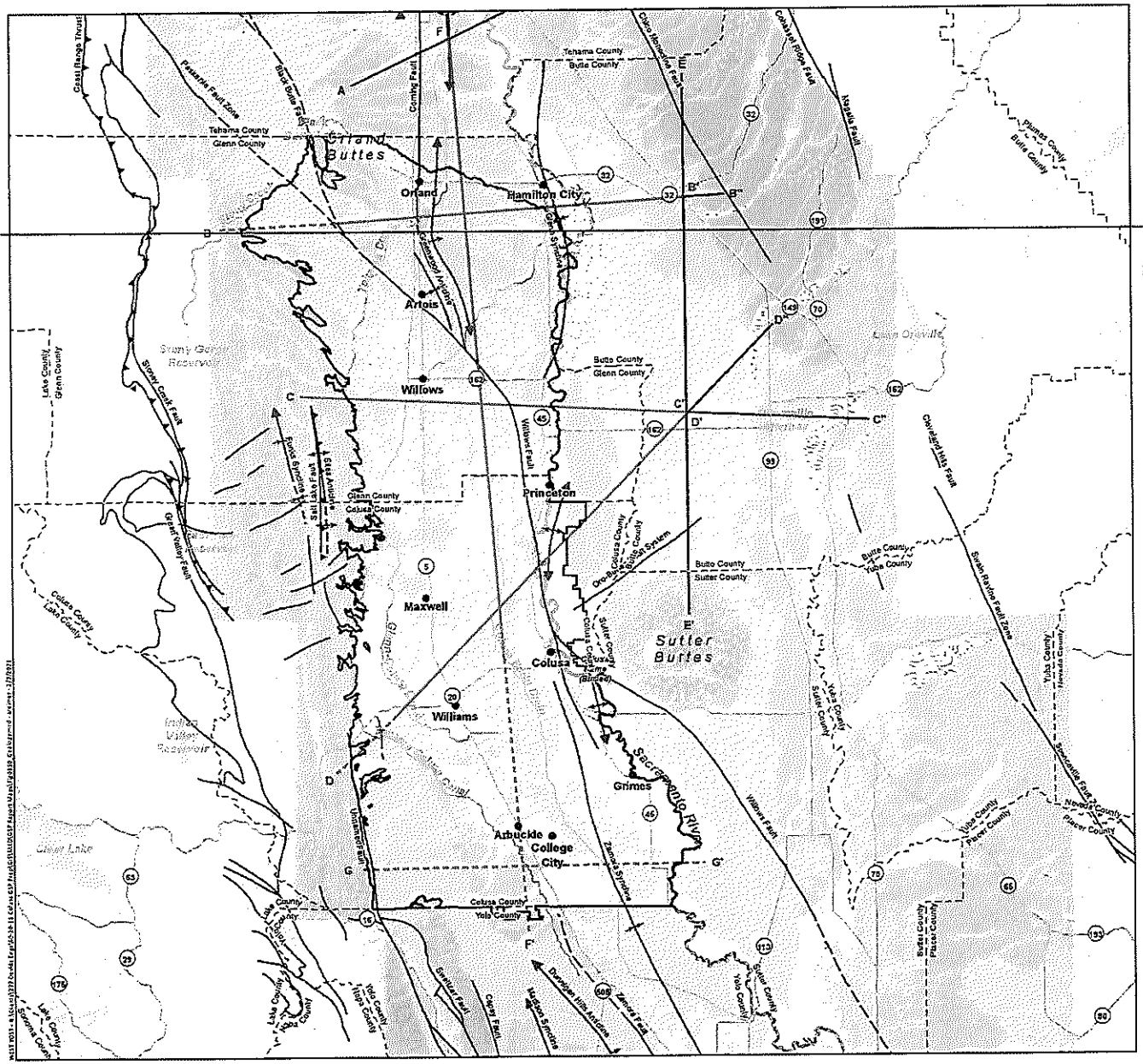
The Colusa Dome is a subsurface structure located approximately six miles west-southwest of the Sutter Buttes (Harwood and Helley, 1987). The dome is oblong in shape, approximately 12 miles long in the north-south direction and approximately 3 miles wide. Formation of the Colusa Dome, proposed by Harwood and Helley (1987), is due to both drag on the Willows Fault and/or a related south-trending fault splay and localized magmatic intrusion, potentially during the same period as the formation of the Sutter Buttes. The Colusa Dome is associated with uplift of Cretaceous to Eocene formations. Uplift of the Cretaceous rocks can be seen on Figure 3-16. The Cretaceous rocks have been uplifted to approximately 1,500 feet below ground surface (bgs) while the younger Eocene deposits have been uplifted to approximately 500 feet bgs (Springhorn, 2008; Williams and Curtis, 1977).

3.1.8 Basin Boundaries

Per the BMPs (DWR, 2016a) and 23 CCR §354.14(b), the lateral basin boundaries can be defined as geologic, hydrologic, or structural features that significantly affect groundwater flow. The lower boundary of the basin can be defined based on physical properties (such as depth to bedrock) or geochemical properties (such as base of fresh water).

3.1.8.1 Lateral Boundaries

Historically, the lateral boundaries of the Subbasin were defined hydrologically and consisted of Stony Creek to the north, the Sacramento River to the east, Cache Creek to the south, and the foothills of the North Coast Ranges to the west. The hydrologic rationale for these boundaries is that the streams are, or



Northern Sacramento Valley Geology Cross Section Used for the Hydrogeologic Conceptual Model

Section Extension or New Cross Section

Northern Sacramento Valley Geology Cross Section Not Used for the Hydrogeologic Conceptual Model

Study Area

N

0 4 8

Scale in Miles

Geologic Structures

- Anticline
- Syncline
- Plunging Anticline
- Plunging Syncline
- Doubly Plunging Anticline
- Double Plunging Syncline
- Fault
- Thrust Fault

Geologic Units

- Stream Channel Deposits (Holocene)
- Alluvial Deposits (Holocene)
- Basin Deposits (Holocene)
- Landslides (Quaternary)
- Modesto Formation (Pleistocene)
- Riverbank Formation (Pleistocene)
- Red Bluff Formation (Pleistocene)
- Turlock Lake Formation (Pleistocene)
- Volcanic Rocks and Lacustrine Deposits of Sutter Buttes (Pleistocene - Pliocene)
- Basaltic Rocks (Pleistocene - Pliocene)
- Tehama Formation (Pliocene)
- Nomlaki Tuff Member (Pliocene)
- Putah Tuff Member (Pliocene)
- Tuscan Formation (Pliocene)
- Laguna Formation (Pliocene)
- Sutter Formation of Williams and Curtis (1977) (Pliocene - Oligocene)
- Channel Deposits (Pliocene - Miocene)
- Mehrten Formation (Pliocene - Miocene)
- Lovejoy Basalt (Miocene)
- Ione Formation (Eocene)
- Sedimentary Rocks in Sutter Buttes Area (Eocene)
- Metamorphic, Igneous, and Sedimentary Rocks (pre-Paleogene)
- Tailings

Source:

1. California Department of Water Resources, 2014, Geology of the Northern Sacramento Valley: prepared by the California Department of Water Resources Northern Region Office, Groundwater and Geologic Investigations Section, updated September 2014.
2. Helley, E.J. and Harwood, D.S., 1985, Geologic Map of the Late Cenozoic Deposits of the Sacramento Valley and Northern Sierran Foothills, California: U.S. Geological Survey Miscellaneous Field Studies Map MF-1790, scale 1:62,500, GIS geodatabase.
3. Jennings, C.W. and Strand, R.G., 1960, Geologic Map of California, Olaf P. Jenkins Edition, Ukiah Sheet: Department of Natural Resources Division of Mines and Geology, third printing 1992, scale 1:250,000.
4. Koenig, J.B., 1963, Geologic Map of California, Olaf P. Jenkins Edition, Santa Rosa Sheet: California Department of Natural Resources Division of Mines and Geology, scale 1:250,000.
5. Springhorn, S.T., 2008, Stratigraphic Analysis and Hydrogeologic Characterization of Cenozoic Strata in the Sacramento Valley near the Sutter Buttes: Master of Science Dissertation, California State University, Chico, 2008.

Horizontal Datum: North American Datum of 1983, California State Plane Zone II, feet.

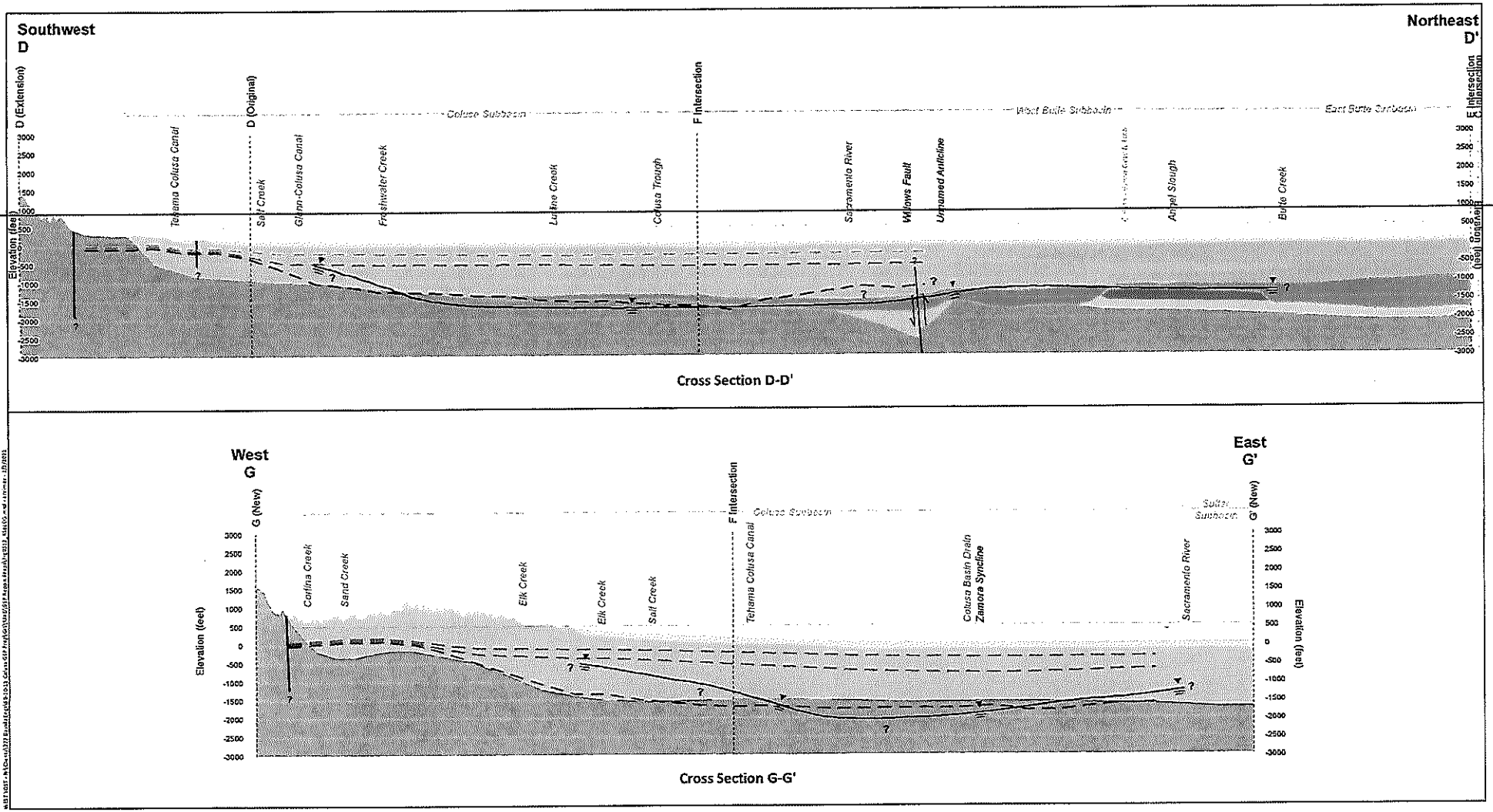
Notes:

1. The Helley and Harwood mapping is used where available and is supplemented or revised using geologic mapping from the California Department of Natural Resources Division of Mines and Geology documents and information provided in the Springhorn dissertation (2008)
2. Geologic structures are dashed where approximated.

Figure 3-10

Geologic Map

Colusa Groundwater Authority and Glenn Groundwater Authority
Colusa Subbasin
Groundwater Sustainability Plan



Inset Map Symbology

- Selected NSV Geology Cross Section Used for HCM
- Selected Section Extension or New Cross Section
- NSV Geology Cross Section Used for HCM
- Section Extension or New Cross Section
- NSV Geology Cross Section Not Used for HCM
- Colusa Subbasin

Cross Section Symbology

- Fault
- Base of Fresh Water (~2,000 mg/L TDS)
- Bottom of Model Layer 1 and Modeled Base of Unconfined Aquifer
- Bottom of Model Layer 2 and Modeled Base of Confined Aquifer Pumping
- Bottom of Model Layer 3 and Modeled Base of Fresh Water (~3,000 mg/L TDS)

Geologic Units

- Alluvium
- Tehama Formation
- Tuscan Formation
- Upper Princeton Valley Fill
- Lovejoy Basalt
- Ione Formation
- Lower Princeton Valley Fill
- Cretaceous Rocks (pre-Paleogene)

Notes:
1. Elevations are in North American Vertical Datum of 1988, feet (NAVD 88).
2. Cross sections shown are digitized versions of the cross sections included in the Department of Water Resources (DWR) Geology of the Northern Sacramento Valley, California report (DWR, 2014). Existing cross sections were extended and new cross sections were added, as needed, to provide coverage for the entire Colusa Groundwater Subbasin.
3. Cross sections B, C, and D were not digitized beyond their intersection with section E.
4. Base of fresh water was digitized from Olmsted and Davis (1961) and is not shown beyond the extent of the original base of freshwater contouring. Base of fresh water was defined by Olmsted and Davis as approximately 2,000 mg/L of total dissolved solids (TDS).
5. The preliminary approximation of the base of the groundwater subbasins within the study area is based on geologic formation boundaries.

0 1.25 2.5
Scale in Miles

Vertical Exaggeration: 5.28

Figure 3-12

Cross Sections D-D' and G-G'

Colusa Groundwater Authority and Glenn Groundwater Authority
Colusa Subbasin
Groundwater Sustainability Plan

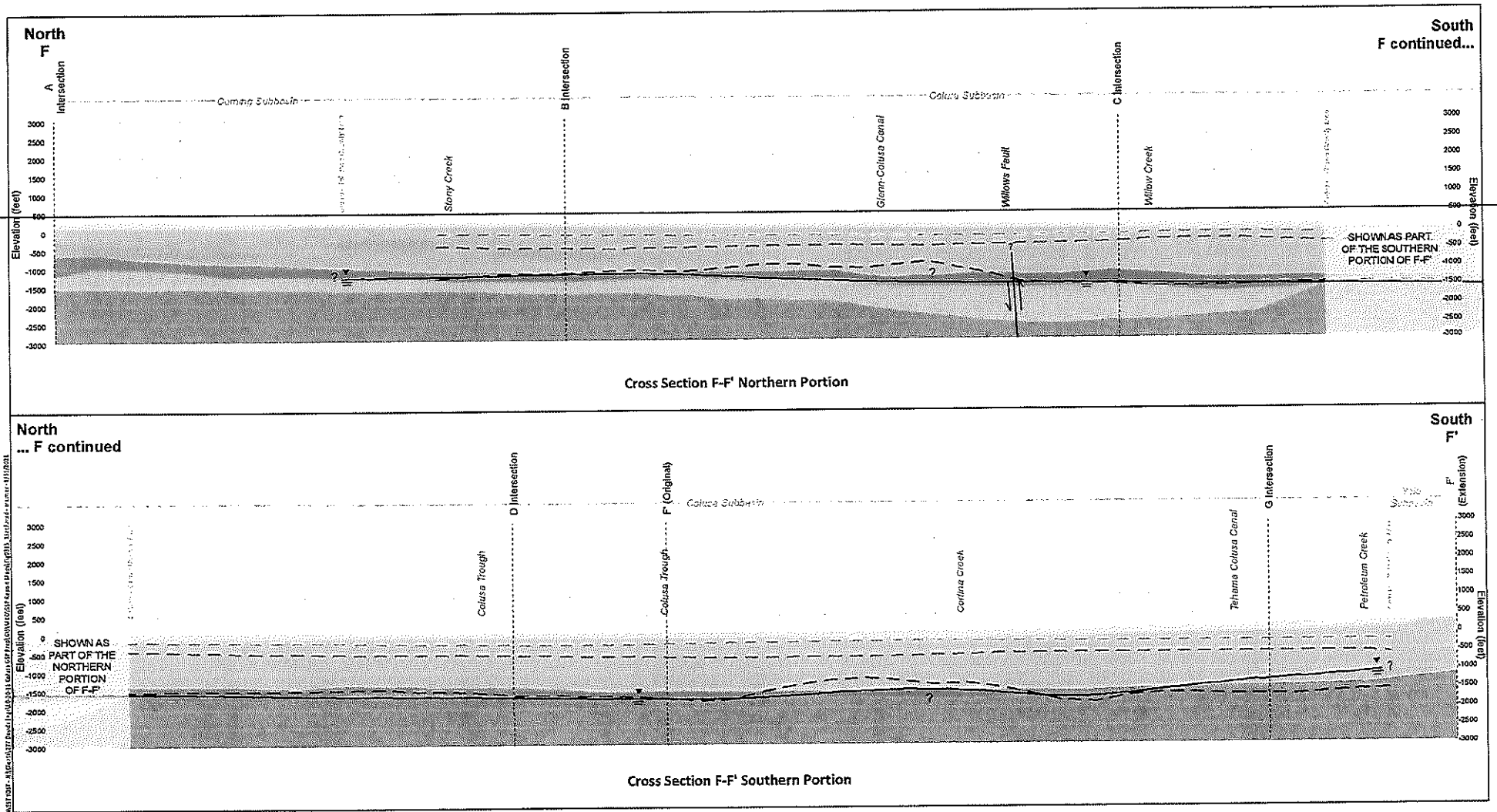


Figure 3-13

Cross Section F-F'

Colusa Groundwater Authority and Glenn Groundwater Authority
Colusa Subbasin
Groundwater Sustainability Plan

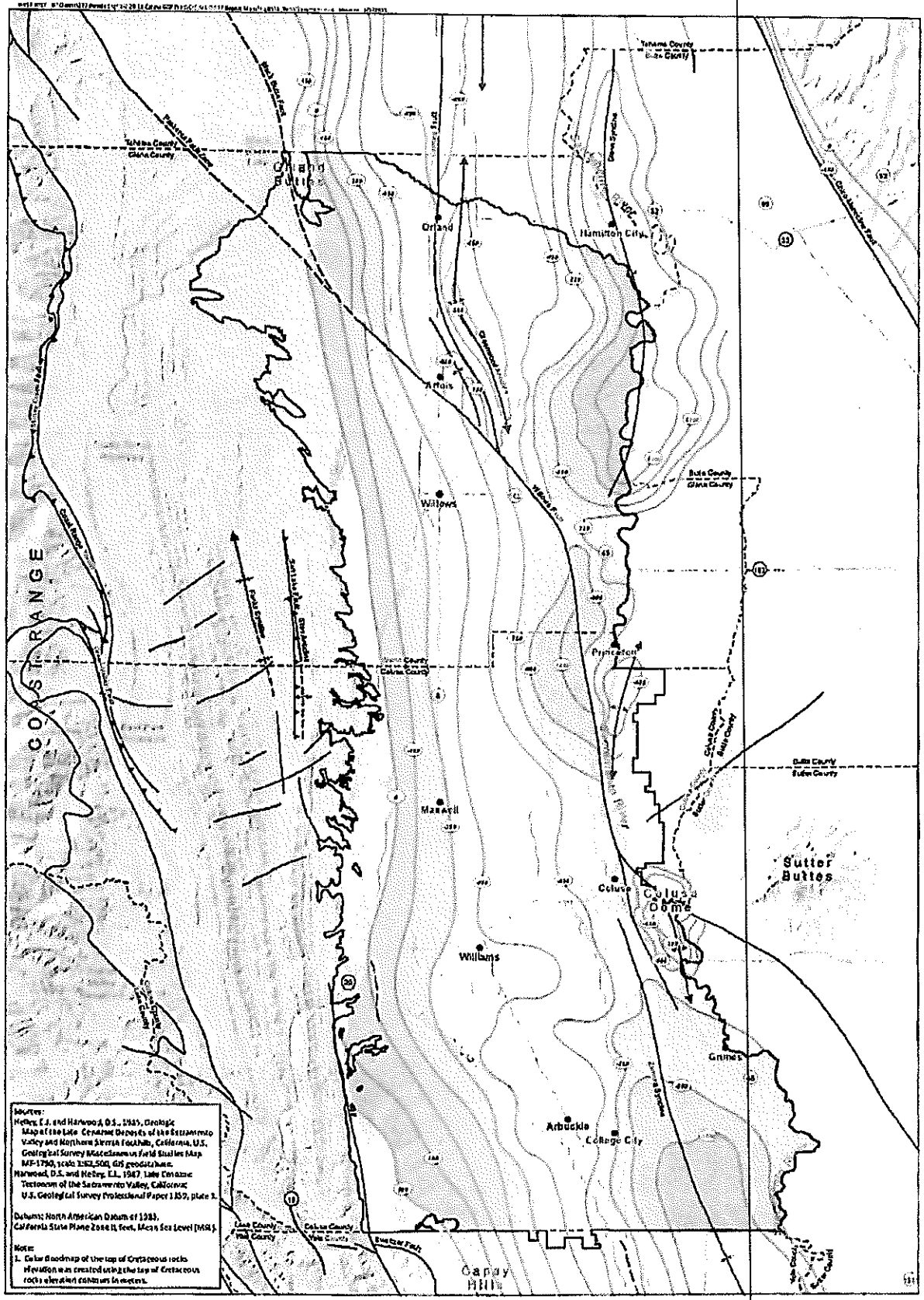


Figure 3-16

Top of Cretaceous Rocks
Structural Contours Map

Colusa Groundwater Authority
and Glenn Groundwater Authority
Colusa Subbasin
Groundwater Sustainability Plan

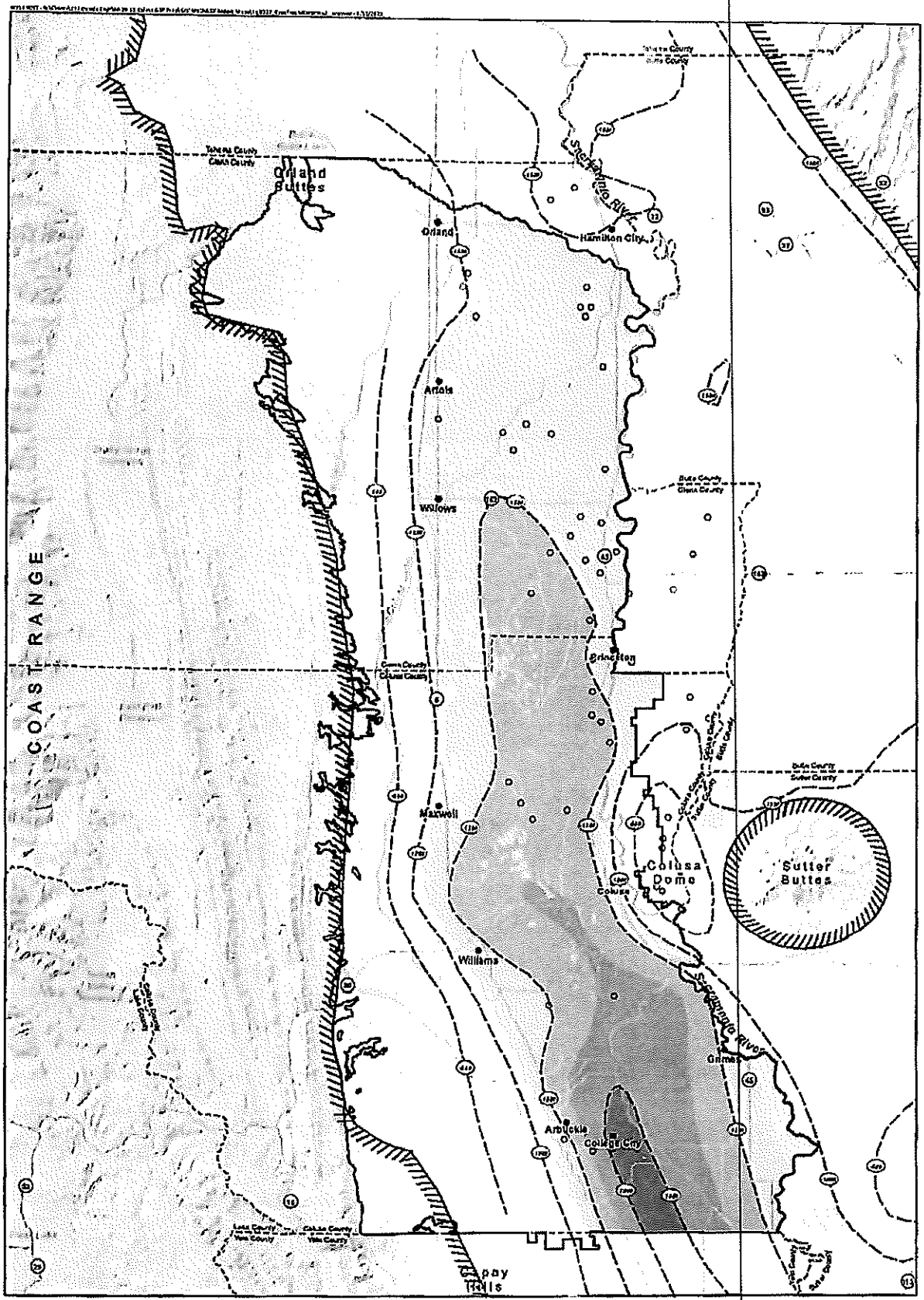
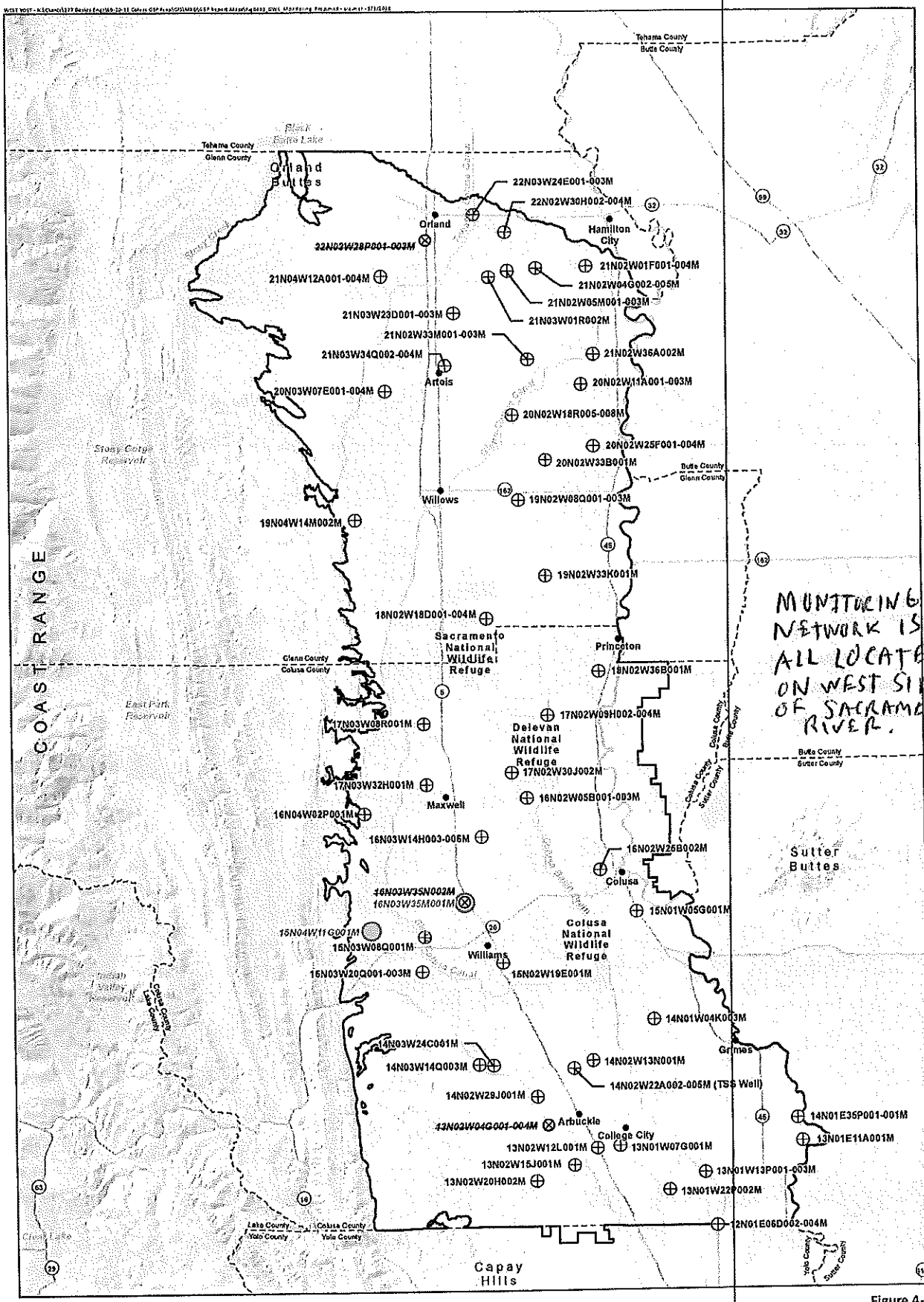


Figure 3-17

Base of Fresh Water

Colusa Groundwater Authority
and Glenn Groundwater Authority
Colusa Subbasin
Groundwater Sustainability Plan



Groundwater Monitoring Network Well

Well Removed from Groundwater Monitoring Network due to Damage or Destruction

Existing Well to Potentially Add to the Groundwater Monitoring Network

Colusa Subbasin

Water Agencies

U.S. Fish and Wildlife Refuge

Horizontal Datum: North American Datum of 1983 (NAD 83), California State Plane Zone II, feet.

N

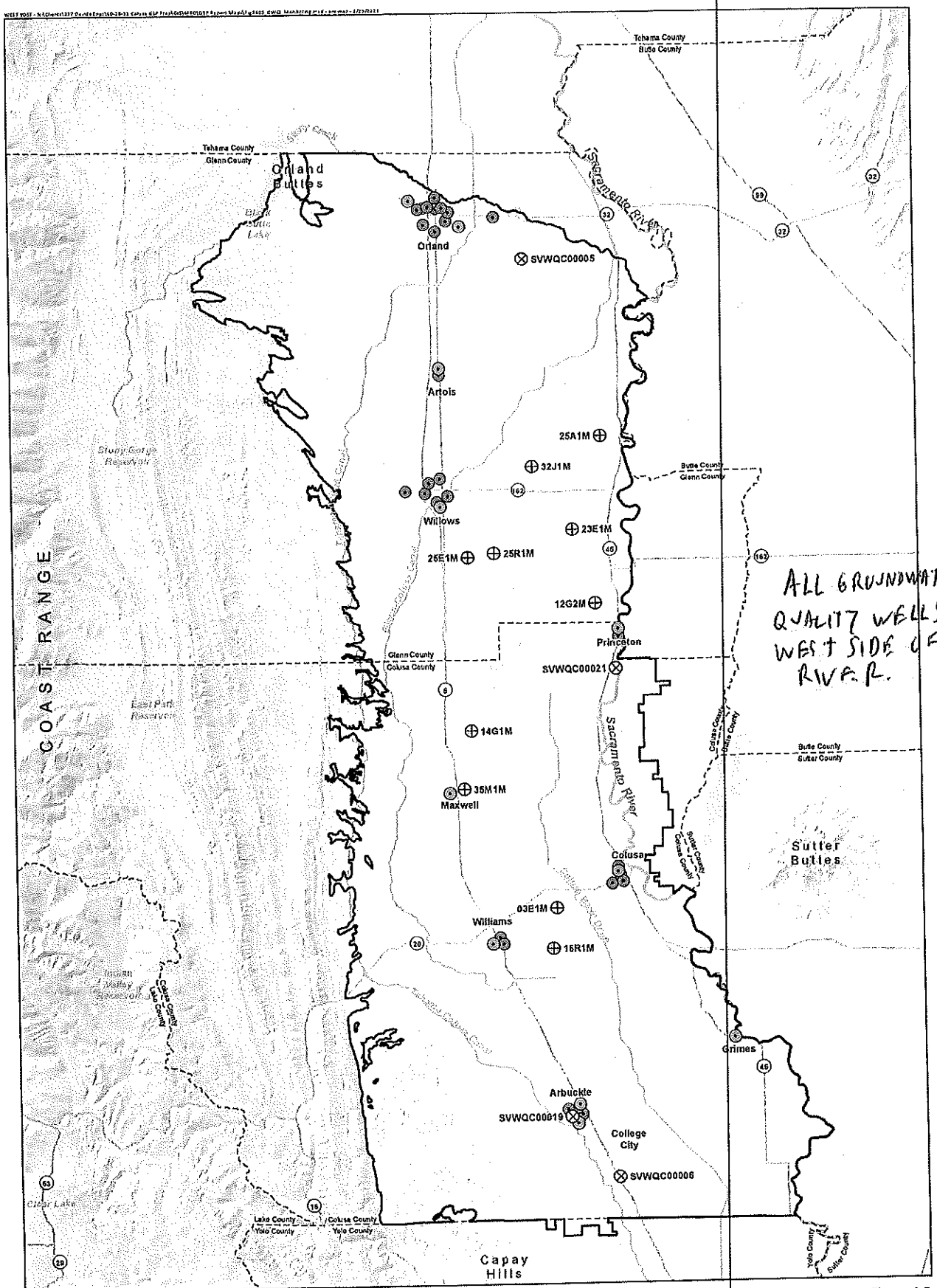
0 2.5 5

Scale in Miles

Figure 4-2

Proposed Groundwater Monitoring Network Wells

Colusa Groundwater Authority and Glenn Groundwater Authority
Colusa Subbasin
Groundwater Sustainability Plan



ALL GROUNDWATER QUALITY WELLS ON WEST SIDE OF SACRAMENTO RIVER.

Colusa Subbasin

Representative California Rice Commission Groundwater Monitoring Well

Representative Sacramento Valley Water Quality Coalition Groundwater Monitoring Well

Representative Public Water Supply Well

Other Active Public Water Supply Well

Horizontal Datum: North American Datum of 1983 (NAD 83), California State Plane Zone II, feet.

N

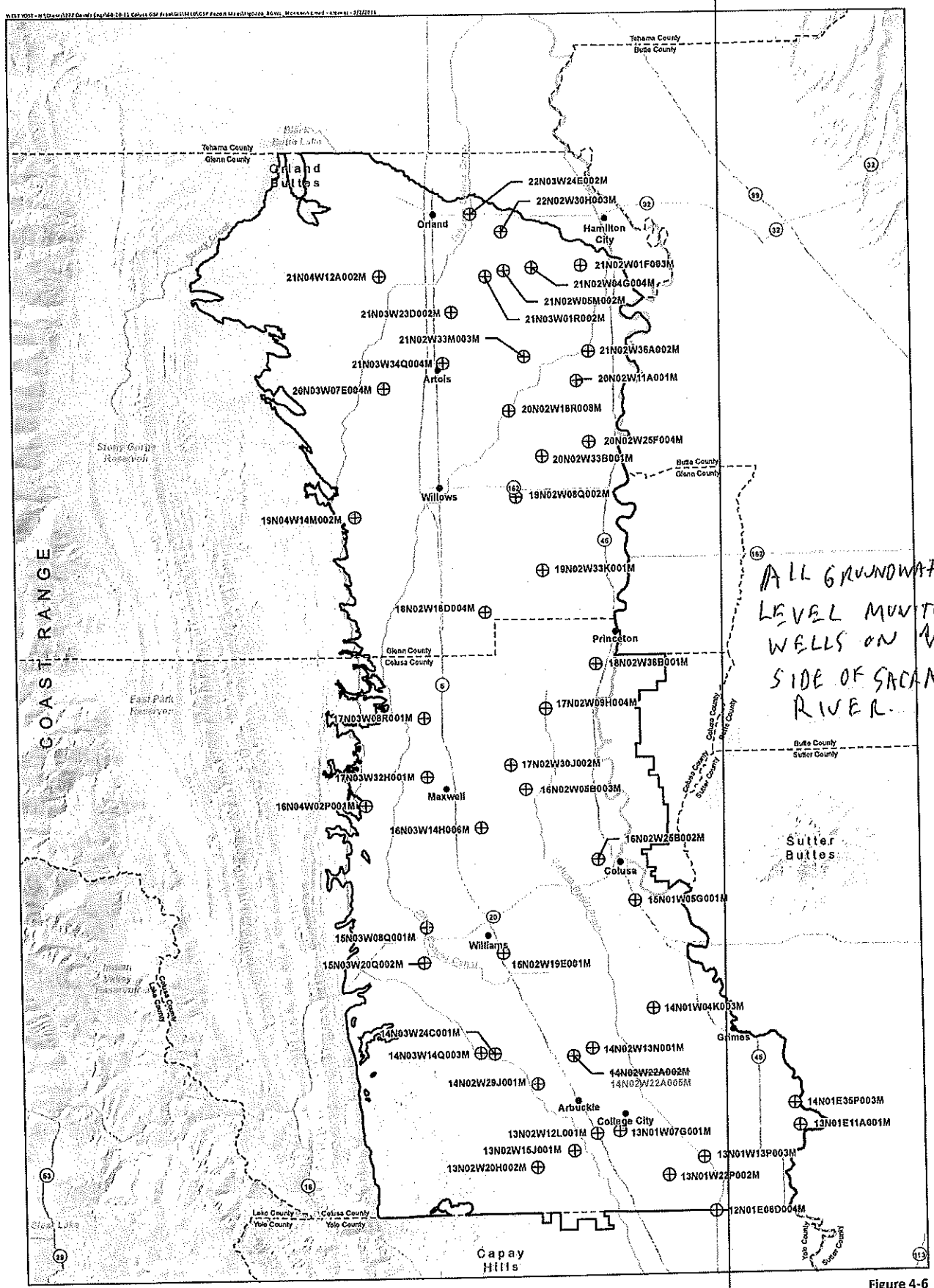
0 2.5 5

Scale in Miles

Figure 4-3

Groundwater Quality Monitoring Network Wells

Colusa Groundwater Authority and Glenn Groundwater Authority
Colusa Subbasin
Groundwater Sustainability Plan



ALL GROUNDWATER LEVEL MONITORING WELLS ON WEST SIDE OF SACRAMENTO RIVER.

Horizontal Datum: North American Datum of 1983 (NAD 83), California State Plane Zone II, feet.

Figure 4-6

Representative Groundwater Level Monitoring Network

Colusa Groundwater Authority and Glenn Groundwater Authority
Colusa Subbasin
Groundwater Sustainability Plan

EXHIBIT B

Assessment

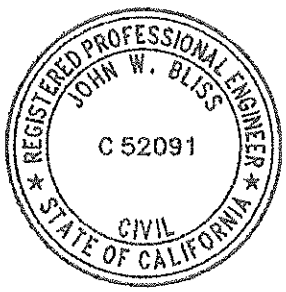
The amount to be paid for said CGA Administration and GSP Implementation Services and the expense incidental thereto, to be paid by the parcels in CGA for the FY 2025-26 is generally as follows:

Costs	
Beginning Unrestricted Net Assets	~~$0~~ $1,309,800
Total Annual Costs	$1,991,000
Less Contribution from other Sources	$0
	$1,991,000
Net Amount to Assessment	$1,991,000

The Assessment is subject to an annual adjustment tied to the annual change in the Consumer Price Index for the Western Region as of January of each succeeding year, with the maximum annual adjustment not to exceed 3% for each of the four (4) years following its adoption. Thereafter, the Assessment cannot be increased without approval from property owners in another assessment ballot proceeding. In the event that the actual assessment rate for any given year is not increased by an amount equal to the maximum of 3% or the yearly CPI change plus any CPI change in previous years that was in excess of 3%, the maximum authorized assessment shall increase by this amount. In such an event, the maximum authorized assessment shall be equal to the base year assessment as adjusted by the increase to the CPI, plus any and all CPI adjustments deferred in any and all prior years. The CPI change above 3% can be used in a future year when the CPI adjustment is below 3%.

The Assessment Diagram attached hereto and incorporated by reference herein shows the exterior boundaries of CGA. The distinctive number of each parcel or lot of land in CGA is its County Assessor's Parcel Number appearing on the Assessment Roll.

Each parcel or lot of land is described in the Assessment Roll by reference to its parcel number as shown on the Assessor's Maps of the Counties of Colusa and Yolo for the fiscal year 2025-26. For a more particular description of said property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorders of Colusa and Yolo County.



Engineer of Work

By _____

John Bliss, License No. C052019

CGA

As of June 30

CASH BALANCE

June 2025 Activity

Cash Receipts		
Operations Flat Fee	$	7,409.85
Total Cash Receipts	$	7,409.85

Cash Disbursements		
Warrants - May	$	8,839.74
Warrants - April		32,172.40
Total Cash Disbursements	$	41,012.14

Cash Balance

Prior Month to Current Month Ending Balance Reconciliation

May Cash Balance By Investment		
Umqua Checking	$	361,608.61
Umqua Money Market		875,736.61
Umqua Savings		33,007.81
Total Cash Balance	$	1,270,353.03

June Activity		
Cash Receipts	$	7,409.85
Cash Disbursements		(41,012.14)
Interest Earnings Checking		7.20
Interest Earnings Savings (Pending Qtly Statement)		0.82
Short Pay to be Adj		90.00
Total Activity	$	(33,504.27)
Ending Cash Balance	$	1,236,848.76
Less: Outstanding Warrants:		
Warrants - April		(9,675.49)
Warrants - May		(36,746.05)
Warrants - June		(48,120.26)
Total Available Cash By Activity	$	1,142,306.96

June Cash Balance by Investment		
Umqua Checking	$	328,096.32
Umqua Money Market		875,743.81
Umqua Savings		33,008.63
Total Balance	$	1,236,848.76
Less: Outstanding Warrants		(94,541.80)
Total Available Cash by Investment	$	1,142,306.96

Outstanding Warrants are vendor invoices received and not yet paid or in transit.

$1,142,306
+ 317,500
$1,459,806
150,000
$1,307,806
Beginning Net Assets.

100% of the Year Completed

BUDGET TO ACTUAL REPORT- July thru June Pending Accruals

		ACTUALS BY REVENUE					
		(A) BUDGET	Restricted Prop. 218	Glenn County 50%	(B) $ ACTUAL	(A-B) $ REMAINING	(B/A) % COMPLETED
1	**REVENUE**						
2	***Prior Year Funds to Balance***	***249,308***	-	-	-	249,308	0%
3	Proposition 218 Fee Agreements-$1.21	472,000	419,641	-	**419,641**	52,359	89%
4	Proposition 218 Landowner Fee-Operations Flat Fee $1.21	*8,242*	7,410	-	**7,410**	832	90%
5	Glenn County Groundwater Authority Reimbursement	317,500	-	-	-	317,500	0%
6	Interest	100	91	-	**91**	9	91%
7							
8	**TOTAL REVENUES**	1,047,150	427,142	-	427,142	620,008	41%
9	**EXPENSES**						
10	**Office Expense**						
11	Bank Fees	500	-	-	-	500	0%
12	JPA Insurance	2,000	-	-	-	2,000	0%
13	Printing and Copying/Outreach	5,500	-	-	-	5,500	0%
14	Website-Current	500	-	-	-	500	0%
15	Website-New	1,000	-	-	-	1,000	0%
16	Miscellaneous-PO Box	500	122	-	**122**	378	24%
17							
18	**Professional Services- Admin**						
19	Auditor	21,500	10,500	-	**10,500**	11,000	49%
20	Financial Services Bookkeeping (Crippen/Atlas)	5,000	3,448	-	**3,448**	1,552	69%
21	Legal Services (Young & Wooldridge)	55,000	43,423	-	**43,423**	11,577	79%
22	Program Manager/Facilitation Svcs (RGS)	175,000	82,269	-	**82,269**	92,731	47%
23	Annual Parcel Update (Provost & Pritchard)	*3,500*	2,045	-	**2,045**	1,455	58%
24	GSP Implementation (Davids Engineering)	*15,000*	44,034	-	**44,034**	(29,034)	294%
24	GSP Implementation (Water Ecology	-	23,363	-	**23,363**	(23,363)	0%
25	Legal Defense Reserve	-	-	-	-	-	0%
26	County Tax Roll Fee Support	*5,000*	-	-	-	5,000	0%
27	County of Butte GSA- Member Contribution	*12,500*	12,338	-	**12,338**	163	99%
28	***Miscellaneous -Prof Services Admin- Contingency 10%***	*30,250*	-	-	-	30,250	0%

State of California
Department of Water Resources
Sustainable Groundwater Management Program
Groundwater Sustainability Plan Assessment
Staff Report

Groundwater Basin Name:	Sacramento Valley – Colusa Subbasin (No. 5-021.52)
Submitting Agency:	Colusa Groundwater Authority Groundwater Sustainability Agency and Glenn Groundwater Authority Groundwater Sustainability Agency
Submittal Type:	Initial GSP Submission
Submittal Date:	January 28, 2022
Recommendation:	Incomplete
Date:	October 26, 2023

The Colusa Groundwater Authority Groundwater Sustainability Agency and Glenn Groundwater Authority Groundwater Sustainability Agency (collectively, the GSAs) submitted the Colusa Subbasin Groundwater Sustainability Plan (GSP or Plan) to the Department of Water Resources (Department) for evaluation and assessment as required by the Sustainable Groundwater Management Act (SGMA)[1] and the GSP Regulations.[2] The GSP covers the entire Sacramento Valley – Colusa Subbasin (Subbasin) for the implementation of SGMA. As presented in this staff report, a single GSP covering the entire basin was adopted and submitted to the Department for review by the GSAs.[3]

Evaluation and assessment by the Department is based on whether an adopted and submitted GSP, either individually or in coordination with other adopted and submitted GSPs, complies with SGMA and substantially complies with the GSP Regulations. Department staff base its assessment on information submitted as part of an adopted GSP, public comments submitted to the Department, and other materials, data, and reports that are relevant to conducting a thorough assessment. Department staff have evaluated the GSP and have identified deficiencies that staff recommend should preclude its approval.[4] In addition, consistent with the GSP Regulations, Department staff have provided required corrective actions[5] that the GSAs should review while determining how and whether to address the deficiencies. The deficiencies and required corrective actions are explained in greater detail in Section 3 of this staff report and are generally related to

[1] Water Code § 10720 *et seq.*
[2] 23 CCR § 350 *et seq.*
[3] Water Code §§ 10727(b)(1), 10733.4; 23 CCR § 355.2.
[4] 23 CCR §355.2(e)(2).
[5] 23 CCR §355.2(e)(2)(B).

mitigate overdraft.[41] While the GSP presents information about overdraft, it is unclear whether this assessment is reasonable or uses the best available information, because the GSP's reported overdraft varies greatly from recent change in groundwater storage data. Furthermore, the projects and management actions proposed in the GSP, which have been developed to address the projected overdraft conditions, do not appear to be sufficient to mitigate the actual overdraft conditions in the Subbasin. Department staff have identified this as a deficiency that should preclude plan approval at this time. The following section describes specific details about the deficiency and outlines one or more corrective actions the GSAs must take to address to correct it.

The GSP presents conflicting information about overdraft occurring in the Subbasin. While the Plan acknowledges overdraft is observed in the Subbasin in the historical and projected water budgets, the current water budget shows a positive change in storage. The historical water budget, which reflects the period from 1990 to 2015, estimates an average negative change in groundwater storage (overdraft) of 28,000 acre-feet per year (AFY).[42] The change in storage figure provided in the GSP shows annual overdraft has increased recently resulting in an overdraft of approximately 1,000,000 acre-feet from 2006 to 2015.[43] However, the Plan's current water budget shows an increase in storage of 1,000 AFY. The projected water budget with future land use and climate change anticipates an increase in groundwater pumping by 58,000 AFY yet presents a lower value of overdraft of 7,300 AFY (cumulative change in groundwater storage of -365,000 acre-feet) over the 50-year implementation horizon.[44]

Since the GSP submittal, annual report data submitted to the Department demonstrates that groundwater storage within the Subbasin has dramatically decreased, deviating from the values reported in the GSP for the historical and projected water budgets. Specifically, the overdraft reported for water year (WY) 2021 (which represents change between October 1, 2020, and September 30, 2021) was -418,000 acre-feet and -377,170 acre-feet for WY 2022.[45] Combined, these values represent a loss of storage of over 795,000 acre-feet in just a two-year period, which is more than double the anticipated overdraft predicted over the 50-year implementation horizon. Department staff recognize WY 2021 and WY 2022 were critically dry years; however, the magnitude of the loss of storage observed during these two years is significantly greater than the average value provided in the historical water budget of -166,000 acre-feet for the previous critically dry water year types, indicating that overdraft is increasing.[46] Based on a review of the information included in the GSP and annual reports, and the discrepancies in the reported projections of overdraft, Department staff are unable to conclude the GSAs have included a

[41] 23 CCR § 355.4(b)(6).
[42] Colusa Subbasin GSP, Table 3-12, p. 215.
[43] Colusa Subbasin GSP, Figure 3-29, p. 184.
[44] Colusa Subbasin GSP, Section 3.3.6, p. 229.
[45] Department of Water Resources, SGMA Portal, Annual Report Module, WY 2021 and WY 2022 Data, Reported Overdraft, Colusa Subbasin.
[46] Colusa Subbasin GSP, Table 3-13, p. 218.

COLUSA
SUBBASIN

April 23, 2024

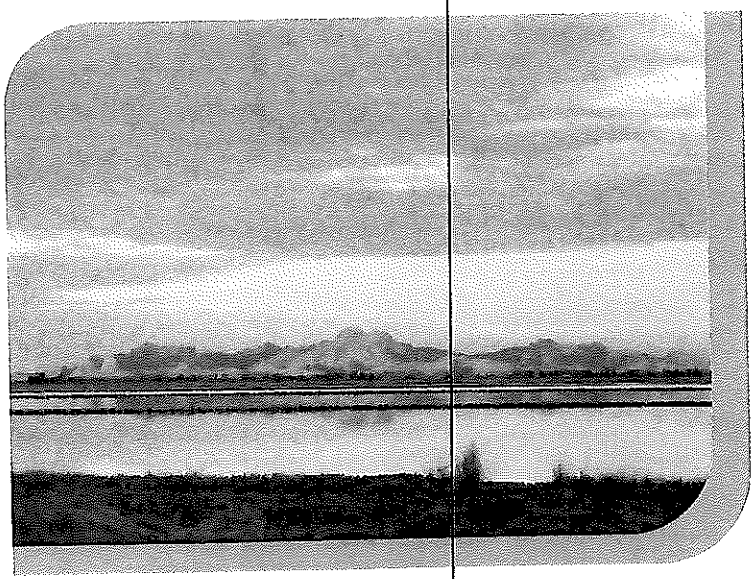
Paul Gosselin
Deputy Director for Sustainable Groundwater Management
California Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236-0001

Sent Electronically

RE: Revisions to the 2022 Colusa Subbasin Groundwater Sustainability Plan

Dear Mr. Gosselin:

In January 2022, the Colusa Groundwater Authority (CGA) Groundwater Sustainability Agency (GSA) and the Glenn Groundwater Authority (GGA) GSA jointly submitted an initial Groundwater Sustainability Plan (Initial GSP) for the Colusa Subbasin (Subbasin) to the California Department of Water Resources (DWR). The Initial GSP outlined the CGA's and GGA's (jointly referred to as the GSAs) plan to achieve and maintain sustainable groundwater conditions in the Subbasin by 2042, consistent with the Sustainable Groundwater Management Act (SGMA). Development of the Initial GSP was completed through extensive technical efforts and stakeholder engagement processes spanning more than two years. Subsequent GSP revisions in 2023-2024, leading to this Revised GSP, have likewise been made through a public-facing process with consideration of stakeholder comments at public GSA governing body meetings, GSA Technical Advisory Committee (TAC) meetings, and public hearings. The Initial GSP submitted in January 2022 and this Revised GSP are the product of these public processes and reflect a balance of local interests across a broad and diverse cross-section of stakeholders and beneficial uses and users of groundwater in the Subbasin.



The GSAs pursued development of the Initial GSP utilizing the best available science, data, and credible information for making decisions leading up to 2022. Unfortunately, drought conditions in 2020-2022 coincided with the development, and subsequent approval, of the Initial GSP, a timing that did not permit complete evaluation and inclusion of data from those years in the Initial GSP. The circumstances of that period – including historic reductions in surface water supply allocations – contributed to groundwater conditions that differed vastly from those observed in the historical and current periods evaluated in the Initial GSP. Sustained

while the GSAs implement other projects and management actions (PMAs) to achieve sustainability. See Section 6.3.7 and Appendix 6F of the Revised GSP for details.

- Updates to other GSP projects to include new, available details regarding the scope, timeline, and benefits of planned and proposed projects that would help to mitigate overdraft, stabilize and bolster groundwater levels, and reduce subsidence.

Overdraft

- Revision of the Subbasin overdraft estimate through analysis of empirical groundwater elevation data from representative monitoring site (RMS) wells in the Subbasin over a more recent, current period from 2016-2021. This analysis resulted in a revised overdraft estimate of 62,000 acre-feet per year. The revision is consistent with the approach used to quantify groundwater storage changes in the Colusa GSP Annual Reports.

- Provision for recurring evaluation of overdraft in the Subbasin each year in the Annual Report, based on newly available data from RMS wells, and use of this information to inform adaptive management of the Subbasin through adaptive implementation of PMAs.

Groundwater Level Sustainable Management Criteria (SMC)

- Revision and clarification of what constitutes undesirable results (URs) related to groundwater levels, particularly in regard to drinking water well users, subsidence, and other beneficial uses and users of groundwater. Revisions include quantitative supporting information and justification, including analysis of conditions in the Subbasin during the 2020-2022 drought period.

- Revision of the groundwater level SMC (**Table 2**) to provide for:
  - Clear representation and evaluation of local conditions in different areas of the Subbasin, distinguishing between:
    - "Focus RMS wells" (18 of 48 total): RMS wells in areas where URs have occurred already, as observed by nearby subsidence and/or domestic wells impacts during the 2020-2022 drought period.
    - "Non-Focus RMS wells" (30 of 48 total): RMS wells in areas where URs have not occurred, as observed by the same metrics.
  - Minimum thresholds (MTs) that are clearly related to and will avoid URs:
    - Focus RMS wells: MTs set to 2020-2022 lows, when URs occurred.
    - Non-focus RMS wells: MTs set to 2020-2022 lows, minus a 15-25 ft margin set based on local analyses of potential well impacts and subsidence risk to determine a threshold beyond which URs may occur.
  - Subbasin-wide URs occur when 12.5% (6 of 48) RMS wells in the Subbasin exceed their MTs for two consecutive fall minimum values.

EXHIBIT C.

Brownstein

Brownstein Hyatt Farber Schreck, LLP
805.882.1427 main
1021 Anacapa Street, 2nd Floor
Santa Barbara, California 93101

August 1, 2025

Colusa Groundwater Authority
P.O. Box 475
Colusa, CA 95932-9804

RE: Written Objections of Benjamin and Laura King, King Golden State Orchards, LLC (APNs 015070111000 and 015070141000) to Colusa Groundwater Authority's Proposed 2025-26 SGMA Operational Assessment

To the Colusa Groundwater Authority:

On behalf of our clients, Benjamin and Laura King, Brownstein Hyatt Farber Schreck, LLP timely submits the below objections ("Written Objections") in advance of the August 2, 2025 deadline to object to the Colusa Groundwater Authority's ("CGA") proposed 2025-26 SGMA Operational Assessment ("Proposed Assessment").[1] Pursuant to AB 2257, these Written Objections specify the grounds on which our clients allege noncompliance with Article XIII D of the California Constitution. In the event that the CGA adopts the Proposed Assessment, our clients preserve their right to bring a subsequent legal challenge based on the entire administrative record and do not limit their arguments to those contained herein.[2]

Specifically, our clients allege that the Proposed Assessment fails to comply with both the procedural and substantive requirements of Article XIII D, § 4 of the California Constitution on the following grounds:

1. the Proposed Assessment, as calculated in the Engineer's Report, does not accurately reflect the proportional special benefit conferred on each parcel as required by Article XIII D, § 4(a);
2. although reclassification of the designated "land use group" of certain parcels is likely required for the CGA to comply with the substantive requirements of Article XIII D, § 4(a), any reclassification that increases the amount chargeable to another owner's particular parcel would require additional Prop 218 notice and public hearing pursuant to Article XIII D, § 4(c)-(e);

[1] These Written Objections comply with both the exhaustion of remedies requirements in Gov. Code § 53759.1 and the instructions for submitting Written Objections provided in the CGA's written notice of the Proposed Assessments. *See* Gov. Code § 53759.1(b); Ballot Information Guide, p. 4 ("Written Objections").
[2] *See* Gov. Code § 53759.2(b)(1)-(2) (defining scope of judicial review).

3. the total costs of the Proposed Assessment likely overestimate the capital costs necessary to provide the specified services and are unreasonable; *and*
4. APNs 015070111000 and 015070141000, being parcels on the East Side of the Sacramento River with distinct hydrological features, likely receive no benefit from the CGA's proposed Groundwater Sustainability Services and should not pay for those services

1. The Proposed Assessment does not accurately reflect the proportional special benefits conferred on each parcel

Article XIII D, § 4(a) of the California Constitution requires that "[n]o assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel." In order to measure the "proportional special benefit conferred" on each parcel subject to the assessment, the agency must prepare an engineer's report which calculates the "special benefit derived by each identified parcel . . . in relationship to the entirety of the capital cost of a public improvement, the maintenance and operation expenses of a public improvement, or the cost of the property related service being provided."[3]

The CGA's Proposed Assessment and corresponding Engineer's Report fail to meet this standard of proportionality because they do not accurately calculate the "proportional special benefits conferred" on each individual parcel being assessed. Instead, the CGA relies on an individual parcel's location within a particular irrigation district as a proxy to estimate each parcel's level of groundwater use regardless of the parcel's actual reliance on groundwater. Since the Engineer's Report purports to calculate the degree of special benefit conferred on each parcel as a function of the parcel's reliance on groundwater (as estimated by the parcel's designated "land use group"), this lack of parcel-by-parcel groundwater accounting proves fatal to the Proposed Assessment.

To illustrate, the Engineer's Report calculates the degree of proportional special benefit by designating parcels into four "land use groups," which generally correspond to estimated reliance on groundwater: (1) "non-irrigable land," such as rangeland, (2) "land that relies exclusively on groundwater," referred to as "Groundwater Only," (3) land where "both surface water and groundwater are used," referred to as "Conjunctive Use," and (4) land "where surface water is used as the primary or only source," referred to as "Surface Water."[4] In order to quantify each parcel's proportional special benefit of each of the "Service Categories" in the Proposed Assessment, the Engineer's Report assigns a "benefit factor" to each of these land use groups, with "Reliance on Groundwater" being the single benefit factor used to

[3] Cal Const., art. XIII D, § 4(a)-(b).
[4] Engineer's Report, Colusa Groundwater Authority SGMA Operational Assessment (June 2025) ("Engineer's Report"), p. 14.

determine the proportional special benefit of the CGA's proposed Groundwater Sustainability Services.[5] This results in "Groundwater Only" designations paying the highest share of the costs of the CGA's proposed Groundwater Sustainability Services, at 60.9%, with "Conjunctive Use" designated parcels paying 31.5% of the costs and "Surface Water" designated parcels paying 7.6%.[6] Parcels designated at "Groundwater Only" "bear the highest total rate," $11.19 per acre.[7] The Engineer's Report attempts to justify this high rate by concluding that "Groundwater Only" designated parcels "receive substantial benefit from all Service Categories, governance, strategic planning, and groundwater protection, and are appropriately assigned the largest cost share."[8]

Setting aside whether "Reliance on Groundwater" is an appropriate basis to calculate the proportional special benefit of the CGA's proposed Groundwater Sustainability Services, the problem with this methodology is that the CGA's "land use group" designations are not based on *the parcel's* actual (or even estimated) reliance on groundwater. Instead, the "land use group" designations are based on historical water use of the water agency or irrigation district in which each individual parcel is contained.[9]

The CGA's method of apportioning the total costs of the CGA's proposed services does not comply with Article XIII D, § 4(a) of the California Constitution because it does not provide a parcel-specific analysis of the benefit factor—e.g., Reliance on Groundwater—that the CGA is using to calculate proportional special benefit.[10] This means that, regardless of an individual parcel's reliance on groundwater, the individual parcel's calculated proportional special benefit is based on the average historical use of the *entire* irrigation district in which the parcel is located. Calculating proportional special benefits under Article XIII D, § 4(a) of the California Constitution does not allow determinations based on a

---

[5] Engineer's Report, p. 36, Table 6; p. 37 (explaining that "[t]he Reliance on Groundwater factor is used to apportion costs in a way that reflects the level of dependency [on groundwater], assigning a greater share of costs to parcels with the highest need for sustained and secure groundwater access.").

[6] Engineer's Report, p. 36, Table 6.

[7] Engineer's Report, p. 38.

[8] Engineer's Report, p. 38.

[9] "Surface Water" designations are given to parcels "within a water agency where the historical aggregate groundwater pumping is less than 0.15 AF per acre"; "Conjunctive Use" designations are given to parcels "within a water agency where groundwater pumping on an aggregate basis is between 0.15 AF per acre and 1.3 AF per acre"; and "Groundwater Only" designations are given to parcels within a water agency where groundwater pumping "on an aggregate basis [is] greater than 1.3 AF per acre." *See* Engineer's Report, p. 29.

[10] The CGA appears to be aware that it does not have the parcel-specific data necessary to impose a special benefit assessment that allocates proportional special benefit according to groundwater use, noting that "the Groundwater Accounting Program will address the lack of parcel-scale groundwater use data in the Colusa Subbasin." *See* Frequently Asked Questions, Colusa Groundwater Authority Proposed SGMA Operational Assessment, p. 2. By imposing fees for the Groundwater Accounting Program through a special benefit assessment, the CGA appears to be reverse engineering the parcel-specific analysis it needs to pass the assessment in the first instance.

"neighborhood-by-neighborhood basis"; instead, the CGA must calculate proportional special benefit based on the degree to which the *parcel* receives the special benefit.[11]

The effect of this methodology is that parcels within a "Groundwater Only" irrigation district bear the highest share of proportional costs even if individual parcels primarily rely on surface water or use a mix of groundwater and surface water, whereas parcels within a "Surface Water" irrigation district bear a significantly lower share of the proportional costs even if the individual parcels primarily rely on groundwater. This lack of parcel-by-parcel specificity means that certain parcels (i.e., parcels within a groundwater-intensive irrigation district that primarily rely on surface water or conjunctive use) are likely subsidizing the cost of service to parcels that primarily use groundwater but are physically located in an irrigation district that uses groundwater to a lesser degree (on an aggregate, historical basis). Subsidizing costs in this way fails to meet the strict proportionality standards in Article XIII D, § 4(a).[12]

Specifically, we have identified several instances where the CGA's designation of the "land use groups" likely fail to accurately reflect the proportional special benefit conferred on individual parcels:

- **Inconsistent designation of the boundaries of the Colusa Drain Mutual Water Company ("CDMWC").** The CGA's "Assessment Diagram"[13] is inconsistent with the maps used in the CGA's Groundwater Sustainability Plan ("GSP") used to determine which parcels are within the CDMWC.[14] This results in parcels on the westside of the CDMWC boundary being inaccurately designated as "Groundwater Only" parcels and therefore likely overestimates their proportional special benefit.
- **Inconsistent designation of only certain riparian parcels as "Surface Water."** As noted in the Engineer's Report, "parcels within Sacramento River Settlement Contractor (SRSC) boundaries were assigned to 'Surface Water' and . . . [o]ther parcels likely to have riparian surface water rights along the Sacramento River were identified using DWR's 2014 Colusa County Land Use Survey" and designated as "Surface Water."[15] Although this approach of designating riparian parcels as "Surface Water" is likely reasonable, it should not be limited to riparian parcels along the Sacramento River. Specifically, the Engineer's Report fails to designate (or attempt to assess) riparian parcels along the Colusa Basin Drain, the City of Colusa, and parcels on the east side of the Colusa Subbasin, several of which are likely riparian parcels and thus appropriately designated as "Surface Water." These parcels are inappropriately designated as "Groundwater Only."[16] Additionally, Table B.3 of the Engineer's Report creates subareas which are inconsistent

[11] *Town of Tiburon* (2009) 180 Cal. App. 4th at 1068, 1083.
[12] *Town of Tiburon* (2009) 180 Cal. App. 4th at 1068.
[13] *See* Engineer's Report, p. 44, Figure 3.
[14] *Compare* Engineer's Report, p. 44, Figure 3 *with* GSP Figures 2-3 and 2-4; GSP Appendix 3F.
[15] Engineer's Report, p. 47, Appendix B, Tables B.2-B.3.
[16] Engineer's Report, pp. 47-48, Appendix B, Table B.3.

with the subareas of Appendix 3F of the GSP and result in a questionable "Surface Water" designation for those new subareas.

- **Inconsistent redesignations of land use groups from the GSP:** As noted in Table B.1 of the Engineer's Report, the CGA has changed the GSP subarea designation of Sycamore Mutual, Maxwell Irrigation District, and Provident Irrigation District from "Conjunctive Use" to "Surface Water" since "[t]he GSP subarea water budgets do not accurately account for drain water reuse which may significantly overestimate groundwater pumping for these subareas."[17] The Engineer's Report provides no data for the redesignation, and fails to explain why only these irrigation districts were changed based on drain water reuse. If drain water reuse is a criteria for redesignation, all diverters on the Colusa Basin Drain should be appropriately designated as "Surface Water" parcels.

II. Reclassification of land use designations of individual parcels would likely require the CGA to provide addition Prop 218 notice and hearing to property owners

Recognizing that the designated "land use groups" in the Engineer's Report may not accurately reflect an individual parcel's reliance on groundwater, the CGA passed Resolution 2025-02 on July 11, 2025, allowing property owners to submit evidence that their "land use" designation should be changed. Although we agree that the "land use group" designations need to be revised in order to accurately reflect the proportional special benefit conferred on each individual parcel, changing proportionality calculations in the middle of the CGA's Prop 218 process would violate the procedural requirements of Article XIII D, § 4(c)-(e).

Specifically, before adopting a special benefit assessment, the CGA must provide notice by mail of the proposed assessment that specifies "the amount chargeable to the owner's particular parcel" and must conduct a public hearing on the proposed assessment based on the amount of the assessment contained in that notice "not less than 45 days after mailing the notice of the proposed assessment ."[18] Since "proportional special benefits" are "determined in relationship to the *entirety of the capital costs*"[19] of the proposed services, any redesignation that diverges from those contained in the Engineer's Report will necessarily change the amount owed by each property owner (unless those adjustments are instead funded through general funds),[20] and therefore may increase the proportional cost paid by property owners who remain designated as "Groundwater Only."

---

[17] Engineer's Report, pp. 46-47, Table B.1, fn. 2.
[18] Cal Const., art. XIII D, § 4(c), (e).
[19] Cal Const., art. XIII D, § 4(a) (emphasis added).
[20] Notably, however, the Engineer's Report states that no reserves are available for the Proposed Assessment. *See* Engineer's Report, pp. 22, 42.

Article XIII D, § 4(c) requires the notice to include the amount of the assessment "chargeable to the owner's particular parcel," which may not change before adoption of the special benefit assessment. The change to the proportional special benefit that may result from the CGA's attempted reclassification at this time therefore would require the CGA to provide renewed notice of the Proposed Assessment and provide an additional 45 days before holding a public hearing based on the renewed notice reflecting the updated cost to each parcel.

Additionally, relying on the redesignation process in Resolution 2025-02 may result in a prejudicial impact to property owners that are currently designated as "Groundwater Only," since they are required to submit new evidence of their access to surface water while property owners that are currently designated as "Surface Water" have no incentive to correct their designation even though certain "Surface Water" parcels likely rely primarily on groundwater.

III. The calculation of capital costs needed to provide the CGA's proposed services are likely overestimated and exceed the reasonable cost of providing service

Special benefit assessments cannot "exceed[ ] the *reasonable* cost of the proportional special benefit conferred" on each parcel.[21] The "reasonable cost" of proposed services cannot be based merely on a projected annual budget, but rather must be based on an estimation of the cost to the agency proposed the particular public improvement being financed by the assessment.[22] In this sense, the purpose of calculating the "reasonable cost" of a proposed special benefit assessment is to require properties receiving a special benefit from the public improvements to pay for them, not to fund an agency's ongoing budget.[23]

The Engineer's Report calculates the total annual costs of the Proposed Assessment to be $1,991,000, with *no contribution* from other sources and *no inclusion* of net reserves available to the CGA.[24] This failure to include net reserves available may prove fatal to the Proposed Assessment because it appears that the CGA is seeking to fund its ongoing budget through special benefit assessments, rather than calculate the actual cost of providing the proportional special benefit of a public improvement to each parcel as required by Article XIII D, § 4(a).[25] As noted in the annual budget, the CGA claims that it has $0 in unrestricted net assets for FY 2025-26 and seeks to fund the entirety of its services through the Proposed Assessment.[26] However, our clients believe that the CGA has over $1 million in cash reserves excluding the $250,000 Legal Reserve going into FY 2025-26 that should be considered when calculating

---

[21] Cal Const., art. XIII D, § 4(a) (emphasis added).
[22] *Silicon Valley Taxpayers' Ass'n v. Santa Clara Cnty. Open Space Auth.* (2008) 44 Cal. 4th 431, 455-58.
[23] *Silicon Valley Taxpayers' Ass'n* (2008) 44 Cal. 4th at 457.
[24] Engineer's Report, pp. 22, 42.
[25] *See* Engineer's Report, p. 15 ("The proposed Assessment will fund CGA's operational budget . . . [t]o meet its operational needs, CGA must generate approximately $1,991,000 in FY 2025-26.").
[26] Engineer's Report, pp. 22, 42.

the annual budget. Considering these reserves, the Proposed Assessment is likely grossly overcalculated.

Additionally, various aspects of the annual budget may be wrongly allocated between the various "Services Categories" that the CGA is proposing and are likely unreasonable. For example, the budget allocates $200,000 annually for "setup" costs for the Groundwater Accounting Program, with no provision to sunset these costs after "setup" has occurred.[27] The annual budget also allocates $250,000 annually for "satellite imagery input," which appears to be unnecessary to provide the proposed services since open source data could instead be used for a more modest consulting fee of between $10,000-50,000 annually.

Both of these costs, the Groundwater Accounting Program and Satellite Imagery Input, are part of the Groundwater Sustainability Services that are primarily imposed on designated "Groundwater Only" parcels, which would pay 60.9% of the budget for these services. However, it appears that these costs are wrongly allocated to the Groundwater Sustainability Services category since the accounting system and satellite data system would benefit the basin as a whole and does not have any targeted benefit to solve the domestic well mitigation or subsidence issues addressed by the CGA's proposed Groundwater Sustainability Services. If these services benefit non-"Groundwater Only" parcels to a greater degree, this misallocation would violate the parcel-by-parcel proportionality requirements of Article XIII D, § 4. It may be more appropriate to includes these budget items in the Planning Services Budget category.

IV. Parcels located on the East Side of the Sacramento River with distinct hydrological features likely receive no benefit from the CGA's proposed Groundwater Sustainability Services

Finally, our clients object to the inclusion of APNs 015070111000 and 015070141000 in Groundwater Sustainability Services category of the Proposed Assessment because those parcels likely receive no benefit from those proposed Groundwater Sustainability Services due to their distinct hydrological features of parcels on the East Side of the Sacramento River and separate from the remainder of the Colusa Subbasin,[28] in addition to the lack of monitoring wells and subsidence monitoring on those parcels.

---

[27] Engineer's Report, p. 45, Appendix A, Table 9; *see also* Engineer's Report, p. 15 ("To meet its operational needs, CGA must generate approximately $1,991,000 in FY 2025-26. In future years, the budget will be evaluated and determined by the Board but is expected to remain relatively stable.").

[28] The Colusa County portion that lies on the East Side of the Sacramento River has always been historically part of the West Butte Subbasin in DWR Bulletin 118 and has always been hydrologically connected to the unique hydrology and geomorphology of the Sutter Buttes and the aquifer located west of the Willows Fault. This area only was included with the historical Colusa Subbasin by a Basin Boundary Modification that was approved on an "administrative basis" since the unique hydrology of the East Side of the Sacramento River is widely understood. Please note that the area of Glenn County which lies on the east side of the Sacramento River remained connected with the established unique hydrology of this

As described in the Engineer's Report, the CGA's proposed Groundwater Sustainability Services "include[ ] focused efforts to ensure that the basin remains sustainable" and consist of (1) the Domestic Well Mitigation Program and (2) the Demand Management/Groundwater Accounting System Program.[29] These services likely provide little or no benefit to the parcels east of the Sacramento River that are included in the Colusa Subbasin because (1) there are no current or proposed monitoring wells for groundwater sustainability indicators or subsidence monitoring on the east side, so the CGA is not providing these services to these parcels, and (2) these parcels are hydrologically distinct from the remainder of the Colusa Subbasin since they are bounded by the Willows Fault, and therefore do not contribute to the undesirable results that the CGA is trying to address with its Groundwater Sustainability Services.

As noted in the Engineer's Report, although parcels to the east of the CGA, referred to as "proximate parcels," may receive *some* degree of benefit from the Proposed Assessment, those "general benefits" are minimal and therefore not subtracted from the Proposed Assessment.[30] The reason that our clients' parcels are included in the Colusa Subbasin, rather than the neighboring Butte Subbasin, is purely a jurisdictional decision, rather than one based on the actual boundaries of the subbasins.

As noted in the Joint Power Agreement for the CGA and the Memorandum of Agreement with Glenn County:

> Groundwater conditions throughout the County and Subbasin are not uniform. Conditions vary by location, surface water conditions, precipitation and water year type. While all Beneficial Uses and Users will share the obligation to achieve sustainability, solutions will need to reflect these geographic and hydrogeographic differences.[31]

The CGA has failed to incorporate these considerations of hydrology as required by the Joint Power Agreement by imposing the highest fees on our clients' east side parcels (designated as "Groundwater Only") without considering whether this differing hydrology impacts the proportional special benefit that these parcels receive from the proposed Groundwater Sustainability Services. We respectfully request that this decision be reconsidered.

---

portion of the aquifer and now is part of the Butte Subbasin as is the portion of the area of Colusa County on the East Side of the Sacramento River that comprises RD 1004.

[29] Engineer's Report, pp. 20-21.

[30] Engineer's Report, pp. 25-26.

[31] Joint Powers Agreement, Exhibit A, Memorandum of Agreement, Section 5.2.2.

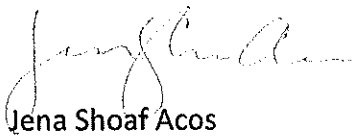
In conclusion, we submit these Written Objections to state the grounds upon which the Proposed Assessment violates Article XIII D of the California Constitution and respectfully request that you address these concerns before considering adoption of the Proposed Assessment.

Please submit in writing any responses to these Written Objections at the following addresses:

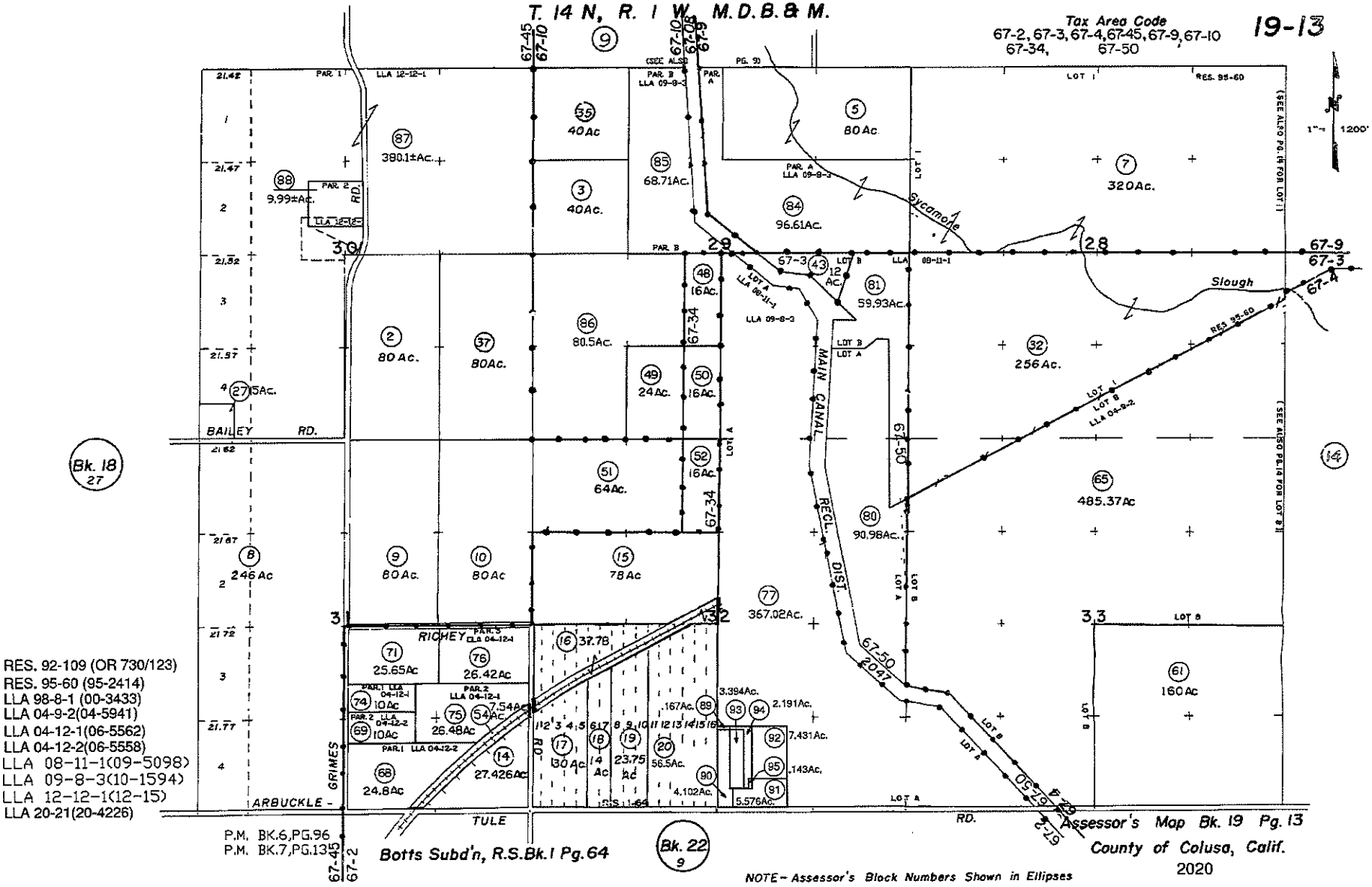
Benjamin King
King Golden State Orchards, LLC
P.O. Box 29
Colusa, California 95932

Jena Shoaf Acos
Brownstein Hyatt Farber Schreck, LLP
1021 Anacapa Street, 2nd Floor
Santa Barbara, California 93101

Respectfully submitted,



Jena Shoaf Acos


T. 14 N, R. 1 W, M.D.B.& M.
Tax Area Code
67-2, 67-3, 67-4, 67-45, 67-9, 67-10
67-34, 67-50
19-13
1" = 1200'
RES. 92-109 (OR 730/123)
RES. 95-60 (95-2414)
LLA 98-8-1 (00-3433)
LLA 04-9-2(04-5941)
LLA 04-12-1(06-5562)
LLA 04-12-2(06-5558)
LLA 08-11-1(09-5098)
LLA 09-8-3(10-1594)
LLA 12-12-1(12-15)
LLA 20-21(20-4226)
P.M. BK.6,PG.96
P.M. BK.7,PG.135
Botts Subd'n, R.S.Bk.1 Pg.64
Bk. 18
27
Bk. 22
9
BAILEY RD.
RICHEY RD.
ARBUCKLE - GRIMES
TULE RD.
MAIN CANAL
RECL. DIST. 2047
Sycamore Slough
RES. 95-60
LLA 12-12-1
LLA 09-8-3
LLA 08-11-1
LLA 04-9-2
380.1±Ac.
80 Ac.
40Ac.
68.71Ac.
80 Ac.
320Ac.
9.99±Ac.
96.61Ac.
16Ac.
12 Ac.
59.93Ac.
80.5Ac.
80Ac.
256 Ac.
24 Ac.
16Ac.
64Ac.
485.37Ac
246 Ac
80Ac.
80Ac
78 Ac
90.98Ac.
367.02Ac.
25.65Ac
26.42Ac
10Ac
7.54Ac
26.48Ac
10Ac
27.426Ac
24.8Ac
37.78
130 Ac
14 Ac
23.75 Ac
56.5Ac.
4.102Ac.
5.576Ac.
3.394Ac.
2.191Ac.
.167Ac.
7.431Ac.
.143Ac.
160 Ac
Assessor's Map Bk. 19 Pg. 13
County of Colusa, Calif.
2020
NOTE- Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles