

COMMENTS RECEIVED JANUARY 25, 2021 to APRIL 1, 2021

Number	Chapter	Table	Page	Figure	Date	Commenter	Comment	Response	Action
1					2/1/2021	Bill Lipe	Re: Allocations Discussion: What percentage of the reservoir releases are considered natural flow? Agency has rights to salvage water. You say it's an overestimate at 149,000 AFY, why wouldn't a great portion of the reservoirs releases be part of the natural flow? It would have been natural before it was behind the dam.	Abby Ostovar: Through the water budget and SVOM we will have an estimate of what the common native supply is. We're having discussions with WRA about water rights as well.	
2					2/1/2021	Bill Lipe	I get it, it's not an easy question to answer. Even with the 149,000, we're at 144,000, does that impact what is considered sustainable? Is there cause for alarm?	Abby Ostovar: Having a backup option(s), considering all dormant land that could come into production is a good idea.	
3					2/1/2021	Roger Moitoso	Let's cut to the chase. Ours is the native sustainable yield. We have an enhancement zone on top of this, 2C. If sustainable yield is 149,000 and we're at 144,000, we're good. You have to look at these plans every five years anyway. To come up with some number now doesn't make sense. We are sustainable and this plan should be focused on monitoring. We've been working on sustainability for 60 years. If this was before the reservoirs, it'd be a different conversation, but we have the reservoirs. Whether 144,000 is a real number or not, if everything we're doing is within the sustainable yield, there's no number to attach to it.	Abby Ostovar: You're right, we do need to monitor. We don't have extraction data for two thirds of the subbasin. The 149,000 does include reservoir releases which isn't native common yield, so it's the best estimate that we have at that time, but it isn't the actual number.	
4					2/1/2021	Bill Lipe	I thought I saw a number of 229,000 as sustainable yield somewhere. Could you figure out how that number got changed? I think that number was different.	Abby Ostovar: I know those are not exact numbers. There is still a good amount of pumping in the Upper Valley. Allocations are something that may be needed in the future, especially with respect to dormant land. I wanted to give past estimates of sustainable yield and we will give you updated numbers with the SVOM.	
5					2/1/2021	Tom Merrifield	if we start implementing pumping allocations and at that point, are the water rights looked to determine which percentages go to which user at that point in time? Is that how the water rights come in to play?	Abby Ostovar: No allocation structure can determine or change a water right. There are different ways you can go about the allocation structure. DW: The funny thing about GW, water rights are never quantified until you go to court. We can base our allocation in a way that is consistent with water rights, but that number only gets set once you're in court.	
6					2/1/2021	Bill Lipe	How does beneficial use get included in water rights?	DW: I am not an attorney. In the state constitution, you can only use water for a beneficial use. What a beneficial use is, still has to be decided on a case by case basis. Les: It's better to say reasonable, instead of beneficial. Some beneficial uses may not be reasonable under certain circumstances.	
7					2/1/2021	Bill Lipe	Who determines what is reasonable?	Les Girard: It's case law that determines what is reasonable. I think what we're trying to do here, within each subbasin, get consensus on what actions can be taken to keep the subbasin sustainable. The GSA can't alter someone's water right, but the water right is dependent by what is reasonable under the circumstances. I think that's what people need to focus the future on. What is going to be a reasonable use of water under circumstances in the future.	
8					2/1/2021	Roger Moitoso	The Upper Valley with the enhancements we've already paid for is 149,000. It's an estimate, but it's a number based on the B&C report from 2015 and what we report to the WRA. We are in balance. Now we have to figure out how to split when we're in balance? We're all good neighbors, we're adding to the economy, we're 4,000 AF to the good. We're trying to create an answer to a problem that doesn't exist. What's the point? We need to monitor it, but we're in good shape.	Comment received	
9					2/1/2021	Grant Cremers	I share the sentiment, and the conversations that we've had are based on how we can improve. You talk about dormant use, yeah, everything could change. I guess any ground could go to golf courses. If you look at the situation we're in now, and those charts Derrick puts up, we're in a great spot and it'll only get better. The sentiment in the Upper Valley is that everyone wants the whole basin to succeed, not just the Upper Valley. We're in good shape, and we're going to be in good shape. We're not there, and we don't have to go to the drastic actions of allocations. If you associate funding with pumping, then it's water we've already paid for with the enhancements.	Comment received	
10					2/1/2021	Roger Moitoso	If there's a project that needs to be funded, there's a 218 vote. But if you want a fistfight in the southern end of the county, put a pumping fee on the water. I'll call my attorney.	Comment received	
11					2/1/2021	Grant Cremers	The GSA can set a framework to be successful and enhance water resources, that would be better than the regulatory route because that would lead to adjudication.	Comment received	
12					2/1/2021	Roger Moitoso	Showing numbers that we're in balance. What's to regulate if you're in good shape? Why implement pumping limits if we're already in sustainable yield?	Comment received	

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13					2/1/2021	Grant Cremers	The term extended drought, is that determined by historical data? Or is that open to interpretation?	Abby Ostovar: It's open to interpretation. At what point do you say the Upper Valley is in extended drought?	
14					2/1/2021	Jason Smith	Let's just say, in 2013, 2014, 2015, there was enough water and it wasn't released. This is my question. To be an extended drought is that we don't get any natural flow, the Arroyo Seco didn't run, and the dams weren't high enough to release water. Right now we show we're in sustainable yield, but we're in charge of putting together a "what if" scenario. In 2015, some wells went dry. Let's use that scenario.	Abby Ostovar: At what point does it trigger concern? Without any allocation or pumping structure, part of why we brought this forward, is that some people may want to pump all they can and another person tries to conserve.	
15					2/1/2021	Bill Lipe	They're just operating, they're not banking on not having water. That's not how operations operate. They're focused on the markets and how much spinach to plant. An inordinate amount of natural flow for the upper valley is blocked, and has been for 60 years. I bring it up for an instance. In the last six days, we've had 86,000 AF flow into the dams. How much of that is natural flow? It's not being released now, but maybe later. I think that's the critical part of this whole question as to whether we need allocations or not. What comes out of those reservoirs is a big deal, and the timely release, like when it is actually happening. It needs to be reinforced, 80% of our natural flow is blocked and managed, and a lot of money has been put into it.	Comment received	
16					2/1/2021	Bill Lipe	Someone may say just get it to the King City Bridge. I think we all get that it's more than that. You've got to get water to Chualar at least every couple of years, and it has to come from those reservoirs. We've seen what the Arroyo Seco can do. I've heard the term before how reservoir flows are not natural, but certainly some portion of that flow is natural. What's salvage water versus what's truly natural, maybe they don't even know. It needs to be understood. We need to put it in context.	Abby Ostovar: It is a very important point. If it could be easily solved or answered, it would be. This won't be answered immediately.	
17					2/1/2021	Bill Lipe	There was no water that passed Spreckels for like 39 months. That should be a warning flag. Chualar and Spreckels, if there's no water flowing past those points, for a couple of years, then we have some issues.	Abby Ostovar: I think I should frame this as, independent of reservoir releases, how should the GSA manage the GW in an extended drought.	
18					2/1/2021	Grant Cremers	We're the residents/stakeholders, the ones paying the bills. The totality of their (MCWRA, GSA, etc.) work is what we are benefiting from. What's the best way to get the reservoirs managed, get the natural GW managed?	Donna Meyer: To your point, we're looking at those questions and coordination. We're looking at completing the GSPs, and grappling with the questions you've raised today. We're thinking and working on that with our partners at WRA. The basin has always worked as a whole. The state broke you up, and now we're looking at it in a new way with six basins. We have on our minds that the GSP will make it through the approval process. The time frame we need you to think about is not the last drought, not today, but the next 50 years. Climate change, wildfires, we have to have that broader perspective. We're not forcing you to do one thing or another, it's our due diligence to complete a plan that will make it through the process.	
19					2/1/2021	Jason Smith	This has always been an issue. I think a lot of people feel like, this isn't exactly what's going to happen, but it's a what-if scenario. People are afraid that if we put it out there, then it's locked in, in the plan. How is the plan binding? Say we said, ok, in a drought in five years, we're going to go to 'X' allocation. If we put it into a plan, and god forbid we get to that, and that's somehow what we're implementing. How are we going to put in something that we've never experienced?	Donna Meyer: I completely acknowledge that.	
20					2/1/2021	Tom Merrifield	I don't know what the targeted safety factor is. In an extended drought situation, if we had a number, we could look at the different options. It sounds like we have a number of options here. I don't know from a quantity standpoint over 50 year period, what we would want to target. That would dictate what options we would entertain or not entertain.	Comment received	
21					2/1/2021	Grant Cremers	I agree. We got the cart before the horse. We haven't had number talks, what is the sustainable yield?. It's hard to have these conversations if you don't have the numbers there. We can't figure out the benefit of Arundo control, or river maintenance, or maybe the benefit of an enhanced watershed post wildfire. We can't calculate those benefits, but we are talking about planning for an extended drought.	Donna Meyer: We're working to identify those benefits, and we'll come back with those numbers.	
22					2/1/2021	Grant Cremers	I was hoping the ideas and information would come out and the overlap of the agencies would become clear and we could all work in the direction we need to go. I'm hoping there is a water model that verifies a benefit from winter releases. Capture it in a bigger vessel, the GW basin and use the reservoirs differently. Change is hard. I was hoping through the GSA and GSPs, we could show everyone that this is the best way to go forward with our water.	Donna Meyer: We're doing that work. I'm in communication with WRA all the time. We're getting caught up with the modelling and getting some of that data. You bring it up at an opportune time. That's exactly why we've decided to do a strategic plan. We have to spend time on those questions now as we're creating these plans instead of backing in once we're done.	

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23					2/1/2021	Nancy Isakson	Talking about drought, many of you know WRA is actually in the process of developing a drought plan. The GSA is part of that technical advisory committee. Since the operation of the reservoirs is part of a drought plan, couldn't you just point to that you're working with WRA and the development of a drought plan and include some mile markers when you review every five years? Bottom line, GSA doesn't control the reservoirs or their operations, which are key to any drought plan.	Comment received	
24					2/1/2021	Bill Lipe	We'll have to work with the county, they're the ones who permit the wells. We as the GSA need to understand what is being developed. Are we going to be the tip of the spear in determining who can use their land and how?	Comment received	
25					2/1/2021	Roger Moitoso	Are we trying to create a problem that doesn't exist? A lot of that land doesn't have much of an aquifer beneath it. If we have to come up with a plan for 100,000 acres that may or may not be developed, we're going way into left field. We are creating a need that doesn't exist. We have to monitor.	Abby Ostovar: We have to put into place what we need to manage into the future. We need to create a monitoring plan. If we do hit a hard spot, an extended drought or a new user comes in, we at least have the tools in place to deal with that and take course correction at that point.	
26					2/1/2021	Bill Lipe	Is everybody going to have to meter their wells with meters calibrated with independent 3rd parties?	Comment received	
27					2/1/2021	Roger Moitoso	Again, when your own numbers were 4,000 AF to the good, and we're coming up with a hypothetical reason for adjudication, then you're going to get an adjudication. We can do that!	Comment received	
28					2/1/2021	Bill Lipe	We're trying to get a defensible plan that will pass DWR. It seems backwards, we're the local authority spending our own money. It should be DWR that comes to the table and listen to us. The whole basin is alright. There are some problem areas. I didn't mean to bring up metering wells. When you take into the reservoirs, they are dependent on things that are outside of our control. But if you want to tell someone what they can and cannot do on their own land, yeah, they will involve the courts.	Comment received	
29					2/1/2021	Roger Moitoso	The whole thing right now is that we need science. We're in pretty good shape because we built reservoirs, treatment plants, long before SGMA. Yes, we need a plan, and the plan is "monitor" and if anything we're doing is not causing one of the 6 deadly sins, we're good. Did '15, '16 get worse because the reservoirs were operated, not our question. Please don't alter the native natural flow. Manage the surplus water. If the way they operate the reservoirs doesn't alter the natural flow, then with enhances it. The GSP should set up a really good monitoring system. If 10,000 acres of walnuts come in, and we're not hitting the 6 deadly sins, then keep going.	Comment received	
30					2/1/2021	Jason Smith	Do we have examples of the 180/400 or other GSAs that are dealing with this question? I get what we're saying, we don't have a problem, don't want to make this a problem. You're trying to make a plan that says, "what if we do have a problem?". We need to monitor and revisit every five years to see if anything has changed. Isn't that enough?	Abby Ostovar: Relooking every five years is one approach. Another way is to put in a trigger. DW: I think Mr. Smith's question gets to the heart of why this is such a difficult situation. No, there are no examples of basins not in overdraft that have done this. For the very first time, the state is asking basins that are already in balance, how they will manage their basin. There is no case law, either. What we look at, the GSP has to have projects that get to sustainability, and respond to changing conditions. DWR has to say, they're responding to changing conditions. This is just our advice. This is your GSP.	
31					2/1/2021	Roger Moitoso	Isn't it 2015?	Abby Ostovar: I'm not sure what to do if we hit an undesirable result. What is the plan there that we can show DWR.	
32					2/1/2021	Bill Lipe	Fair to say Upper Valley is the most relevant example? Versus an archaic system that DWR came up with? We've got data. We're the example.	DW: We are asking the question, "what does it mean to manage our GW when we don't have an observable problem right now?" But we do want to be wise and say, "but should an observable problem come up, what action will we take?"	
33					2/1/2021	Marc Bloom	Yes, we're a subbasin, and yes we've done a great job. But isn't the plan for the whole basin? We can answer those questions for the Upper Valley, but the GSP being submitted is for the whole basin?	Abby Ostovar: There will be a separate GSPs for each subbasin, but they have to mesh together for the whole basin.	
34					2/1/2021	Marc Bloom	Because the water flows through us, we're the gatekeepers. I'm wondering what they're going to be doing that's going to affect our subbasin because it flow through us to them.	Bill Lipe: Then we get into how much water that flows is native flow or salvage water. It's a very complex question to answer.	
35					2/1/2021	Marc Bloom	It is beyond what is natural, but how much of it do we have a right to? As the water provider for King City, we're stating we don't support allocations or limitations at this point. If we get down to allocations, it going to come down to case law which means it's going to the courts. We have to accept that.	Comment received	
36					2/1/2021	Grant Cremers	I've talked to a lot of people in the UV and other subbasins, and I get the idea that everyone wants to maximize the amount of water going through the valley.	Comment received	

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37					2/1/2021	Marc Bloom	We also support projects more than allocations: CSIP, Arundo removal, etc to maximize and add water to the basin.	Comment received	
38					2/1/2021	Ann Myhre	I think all of us realize and want water to pass through our subbasin and flow up the valley to everyone else. This subbasin has been very forgiving. My family has been through droughts, and we have the ability to recover. Sometimes now in the summer, we see less water than was before the dams. When we get into dry periods, we start pumping at 50ft lower. But last week, water levels returned to normal. We're going to revisit this every five years. If we have a five-year drought, we might be concerned. But if we have a two-year drought, we probably don't have to be too worried.	Comment received	
39					2/1/2021	Grant Cremers	I feel like we should make a motion. I get the feeling that we don't want to have allocations. We support monitoring and maintenance.	Les Girard: It would be appropriate. I would remind the committee that any vote to actually implement allocations would take a supermajority plus vote of the BOD, to emphasize how difficult it would actually be.	
40					2/1/2021	Grant Cremers	I'll make a motion that the Upper Valley Subbasin is in support of monitoring the SMC criteria, river maintenance, and enhancement of infrastructure, and releases from the reservoir, and not in support of pumping allocations or water marketing.	Comment received	
41					2/1/2021	Tom Virsik	I have a client in the Upper Valley that has quite a bit of land that would be characterized as dormant. If the GSA precludes that land in sharing in the water, that would be a problem. I agree with a lot of the conversation that has been occurring. In my opinion, the tension between the GSA and MCWRA, given what SGMA is, can only be resolved one way. The GSA moves forward with what is appropriate, and if MCWRA doesn't like it, then they have to undo it. Partnership is important, but shoving only goes one way. I agree with Abby's recommendation, to pick this up when we have real numbers. It's very difficult to understand what's going on without numbers. Once you have the water budgets, you have allocation. You have a number that's a water budget. You have allocation. You don't give it that name, but to the outside world, that's what it is. I suggest, don't stay in fear, be proactive if at all possible. A small aside, I think when Bryce [WestWater] used the term 'allowance' he didn't mean allocation. That has to do with water marketing, which is not what we're discussing today. The general discussion today was to a high standard, so thank you.	Comment received	
42					2/1/2021	Nancy Isakson	This level of conversation has been really helpful. I know there is an issue with the GSA and MCWRA. You guys, the landowners, are managed by both. It seems that working together to manage your resources to benefit everybody is the best way. We've spent many years fighting MCWRA and we're in a good place. I bring this up for the drought planning. MCWRA is such an integral part of how the reservoirs are operated, and how you'll manage the basin. One aside, you mentioned the B&C report, as I recall, the baseline was not as the basin was in that day and time. I'm not sure all the other projects that were included. Having your model will be key to the water budget and sustainability.	Comment received	
43					2/1/2021	Tom Virsik	At least from engineers I know, reservoirs can be managed in a way that you know which flows are for fish, other flows, etc. That the MCWRA hasn't done that, is a reality and means they might need to be forced to do it at this point.	Comment received	
44					2/1/2021	Jason Smith	While I don't disagree with the motion, I'm not sure we really need to do that right now. Maybe we can table until the next discussion. As we talk about the need for the science and numbers. We need to get our head around how this will be a document that will pass. I don't think there's a need at this moment to send this motion through. It doesn't hurt us to wait and just see where this conversation goes	Comment received	
45					2/1/2021	Grant Cremers	I would rescind part of my motion, and say we don't support allocation or water markets, until we see the model and the numbers.	Comment received	
46					2/1/2021	Bill Lipe	I think it's pretty clear that nobody in the Upper Valley supports allocations. I don't know if we need to go on record as saying that. Perhaps we could just abide by Abby's wish to wait. I know we're on a pressing schedule.	Comment received	
47					2/1/2021	Grant Cremers	Amended Motion: The Upper Valley Subbasin is in support of monitoring the six management criteria, river maintenance and enhancement of infrastructure and theory for water releases from the reservoir. The Upper Valley Subbasin is not in support of pumping allocations or water marketing and we don't want to make decisions on pumping allocations or water marketing until we see the water budget and the model.	Motion was passed by the committee.	Motion will be incorporated in GSP.
48					2/1/2021	Roger Moitoso	I do agree. But just so we understand, we continue to kick allocation down the road, it just keeps coming. This motion sets in place that this committee doesn't support this, don't bring it back.	Comment received	