

NEVADA IRRIGATION DISTRICT

Engineering Committee

October 15, 2019, 9:00 A.M.

MINUTES

Committee Members Present: Nick Wilcox, Director, Division V
Laura L. Peters, Director, Division IV

Committee Staff Members Present: Remleh Scherzinger, General Manager
Gary King, Engineering Manager

Other Staff Members Present: Kris Stepanian, Board Secretary
Doug Roderick, Senior Engineer
Chip Close, Operations Manager
Andrew McClure, Counsel for District
Joanne Phillips, Management Assistant

Expert Consultants Present: Tom Keegan, Helix Environmental

PUBLIC COMMENT

Diana Suarez, Colfax:

- Recited literature regarding Groundwater Storage as the Climate Change Solution

Mike Pasner, Indian Springs Organic Farms:

- Asked if topics such as encasements, seepage, groundwater supply, and fractured rock would be open for discussion at the Seepage Policy Workshop

Gary King, Engineering Manager, explained the intent of the Seepage Policy Workshop and referred to the agenda for the topics of discussion.

Minutes of the August 20, 2019 Regular Meeting

- Director Peters requested clarification regarding the 5-Year Capital Plan, 52914-Sediment Removal, on page 5 of 7, regarding the Newtown Reservoir, in which a decision has not been made whether the reservoir would be cleaned up or given to the property owners. She asked if it would be given “as-is” to the property owners if the decision is to abandon the reservoir.

Mr. King replied that a decision has not been made regarding her question, and added that before any District facility is given away, it must be approved by the Board as it is considered a gift of public funds.

- Director Peters requested that “waterways” be changed to “water funds,” as discussed on page 6 of 7, 10171–Water and 10191–Maintenance
- Syd Brown of SYRCL commented that the spelling of Tracy Sheehan should be Traci Sheehan, on page 6 of 7

Director Wilcox moved to approve the minutes as amended. Director Peters concurred.

Mr. King closed Item one and moved to Item two.

Amended Minutes of the April 16, 2019 Meeting

Kris Stepanian, Board Secretary, presented the Minutes from the April 16, 2019 meeting that the Committee originally approved as amended on July 16, 2019. Upon review of the audio, it was discovered that there was a contradiction with the amendments. After discussion and clarification with Director Peters, the two items shown in red were corrected to be consistent with the audio.

- Director Wilcox thanked staff for reviewing the audio and stressed the importance of the minutes to reflect what was said in the meeting. Director Wilcox recommended that any contradictions as to what was said, are confirmed by a review of the audio.
- Remleh Scherzinger, General Manager, stated that the District is heading towards summary minutes as opposed to verbatim. Director Wilcox agreed and added he would like to have the committee meetings videotaped like the Board meetings. Ms. Stepanian explained this topic would be going to the Administrative Practices Committee.
- A member of the public asked about the relevance of amending the statement regarding compliance with state law, to compliance with the Professional Engineers Act. Ms. Stepanian explained that it was to specify the area of state law Director Peters referred to in the meeting.

Director Wilcox and Director Peters approved the April 16, 2019 minutes as amended.

Mr. King closed Item two and moved to Item three.

Salmon Spawning and Water Quality Surveys in Auburn Ravine

Tom Keegan, Helix Environmental Planning, Inc., presented the findings of the 2017-2018 Surveys on Auburn Ravine near the Hemphill Diversion Facility. The Helix report was included with the staff report for the Committee's information.

The following public comments were discussed:

- **Kim Taylor, Friends of Auburn Ravine:**
Discussed studies of beaver dams and their functionality specifically to the salmon habitat
- **Diana Suarez, Colfax:**
Announced an assembly would take place on Saturday, October 19, 2019 at 10:00 AM at the Lincoln City Hall, for the "March to Hemphill Dam" to celebrate salmon spawning and to show support for the removal of the Hemphill and Virginia-Gold Hill Dams.
- **Mike Pasner, Penn Valley:**
Asked if elemental copper, glyphosate, or herbicides were tested for in the monitoring of water quality in Auburn Ravine

Mr. Scherzinger replied that they were not.

Centennial Water Supply Project

Doug Roderick, Senior Engineer, presented the quarterly update of the Centennial project. The information was included in the staff report for the Committee's review.

The following discussions ensued regarding the project update:

- Mr. Roderick clarified the budget for staffing and legal expenses related to the project
- Mr. King discussed a budget amendment to move \$200,000 of the Centennial budget to Water Meters and \$1,000,000 to the Lake Wildwood Backbone Extension project, pending Board approval
- Mr. King recommended that the Centennial project updates be reduced to semi-annually from quarterly due to the decreased activity on the project pending the Environmental Impact Report (EIR) and AB52 Consultations and the amount of staffing time spent gathering the financial data that equates to roughly \$400 to \$500 each quarter

After hearing public comments regarding the recommendation, the Centennial updates will continue to be presented quarterly.

The following Public Comments were discussed:

- Traci Sheehan, Foothill Water Network:
Asked if the section titled “Expenses/(Revenue)” could be shown as separate line items on the Staff Report. Ms. Sheehan also requested the updates continue on a quarterly basis
- Ashley Overhouse, SYRCL:
Also requested “Expenses/(Revenue)” be shown as separate line items on the Staff Report. Ms. Overhouse also requested the updates continue on a quarterly basis

Mr. Roderick explained that the revenue is net of property management related expenses, and the auditors require the revenue to be reported as a net amount

- Steve Petit, North Auburn:
Applauded the District for suspending further property acquisitions and asked how long the property owners that are in the proposed reservoir footprint going to be under this cloud of uncertainty

Mr. Scherzinger replied that the directive to staff from the Board of Directors is to suspend all property acquisitions at the District until the Pacific Gas & Electric (PG&E) bankruptcy is complete. The directive was not only for Centennial properties but for all non-approved projects.

- Diana Suarez, Colfax:
Asked if Yuba County is claiming any of the unimpeded flows from the Bear River for their voluntary agreement with the Department of Water Resources (DWR) and how much that will cut into NID’s water rights claim. She also asked if South Sutter Water District is looking at raising the level at Camp Far West and how much that will affect the District’s claim.

Mr. Scherzinger replied that South Sutter is anticipating utilizing their water rights, but that has nothing to do with the Centennial claim. Whatever their Voluntary Settlement Agreements (VSA) say to do is up to them.

Mr. King closed item three and paused for a five-minute recess before the Seepage Policy Workshop.

Seepage Policy Workshop

Gary King, Engineering Manager, presented the item, explaining that the intent of this workshop is to focus on seepage and provide further opportunity for members of the community and responsible agencies to provide input regarding the development of a seepage policy.

Andrew McClure, District Counsel, reviewed existing law, regulations, and policies:

- District Rules and Regulations Section 3.03 – All Water Belongs to District. “The District expressly reserves the right to recapture, reuse and resell all waters within the boundaries of the District. No water user acquires a proprietary right by reason of use”.
- Current CEQA Mitigations – Newtown Canal and Banner Cascade Projects
- Sustainable Groundwater Management Act (SGMA)
- Reviewed Applicable California case laws

Mr. King provided a presentation regarding CEQA Mitigation:

- Banner Cascade CEQA document
- Banner Cascade Groundwater Study
- Newtown Canal CEQA document

US Geological Survey (USGS)

Kim Taylor, Program Officer, California Water Science Center, USGS

- Provided update of their recent work
 - Cooperating with the State Water Resources Control Board on statewide groundwater quality monitoring
 - Looking at water quality that is tapped into by public water supply systems
 - Looking at the water that is being tapped into by domestic well systems
 - State interested in foothill area due to wells that were deepened during recent drought. Concerns included:
 - Possible supply issues
 - Possible older water resulting in water quality issues
- Water quality analysis completed on 75 local wells
- Journal article is in its final stages of review and is expected to be released by March of 2020

Zeno Levy, Principal Investigator, provided an overview of findings

- Utilized isotopes of water – fingerprints of the water molecule
 - Differentiate between water at higher elevation that is developed and diverted down to lower elevations and local rain at site of well
 - Stronger fingerprint at lower elevations during the drought
 - Cannot distinguish between what is direct seepage from infrastructure versus what is applied to the surface as irrigation water

- Items to keep in mind when looking at seepage in this type of fractured system:
 - Hydrographs is not a clear and complete indication
 - Seepage can change the slope of decline
 - There would be benefit from more studies
 - Water level measurements alone can only give potential for flow
 - More flow potential when water is at a higher elevation

Ms. Taylor added that they estimate approximately 30% of water use from the wells (below the snow zone) during the drought came from imported water. There is a huge population in Nevada County that is relying on NID water indirectly.

Director Peters asked how they arrived at this conclusion.

Mr. Levy provided an overview of how they arrived at this conclusion:

- The study was a regional water quality and hydrology tracer study
- Not a seepage study
- Looked at the isotopes
- Mixing models - Method of assuming the mixture/proportions of rainwater and canal water from well water
- Rainwater and canal water isotopes look differently
- Well water isotopes look somewhere in between rainwater and canal water
- Downslope of the canals shown at approximately 30%
 - Ranged from very little to 80%
- Large percentage of wells were closer to the downslope edge of the canals
- On the upslope of the edge of the canal, there was very little of the fingerprint
- Other techniques need to be brought in because they cannot say with 100% certainty it is not water people applied on their own property
- Difficult to determine where every molecule of water came from
- Most wells in this area have their biggest recharge during winter, but there is some that occurs during the dry season
- Determining percentages is a case by case basis and very complicated
- Water loss from canals is not necessarily a one to one correlation with the percentage gains in a well

PUBLIC COMMENT

Dianna Suarez, Colfax:

- Groundwater storage as the climate change solution
- Climate change and extreme weather impacts
- Groundwater is needed for fire suppression

- Concerned encasing of canals that formerly recharged wells and pastures would deprive people of water
- Shared concerns regarding fractured rock
- Talked about reservoir evaporation
- Provided a list of concerns to Gary King, Engineering Manager

Nancy Weber, Nevada City:

- Suggested looking at values of NID's water supply to Placer and Nevada County communities
- Discussed the fragility of groundwater system with fractured rock
- Talked about aquifers in Placer County
- Spoke about irrigated farmlands benefiting groundwater recharge, fire protection, habitat restoration, and preservation
- Spoke about both Newtown and Banner construction projects and their difficulties
- Would like to see County policy for canal setbacks as well as slope and soil consistency with each scenario being reviewed independently and scientifically as each case is unique
- Suggested an ad hoc committee be formed
- Expressed that many well owners do not feel they are stealing water
- Would like to see an effort to influence the state to recognize groundwater recharge from irrigation and from leaking canals as a beneficial use
- Believes interpretation needs to involve the whole community
- Wells are included in the value of property

Steve Pettit, N. Auburn:

- Requested clarification of groundwater ownership as well as the distinction between rainfall and imported water
- Inquired about the outcome of paying for a miner's inch and allowing it to seep into the ground, utilizing ditch water for consumption, and clarification of how service from the canal would work
- Asked if there was a correlation between the seepage from canal and wells studied on Banner-Cascade and if applicable across the foothills
- Requested clarification of the options available
- Asked for the options be clearly defined for the public to review

Andy McClure, District Counsel, responded that each landowner has what is called the "overlying right." If there is native yield in a basin, each landowner has the right to extract that amount that is reasonable and beneficial for their property from the native yield. What the cases talk about is augmenting the native yield, bringing water into the system that would not have been there, except for the development.

Mr. King responded that there are three options:

1. File a claim if District encases
2. Obtain water service off of the encasement
3. District does not encase and puts a meter on the well

Discussion ensued regarding monitoring wells, measuring water levels, and understanding the data.

Louise Jackson, Nevada City:

- Would like to see a broader view of issues
- Suggested that there may be grants available
- Believes the policy should be geared toward the amount of water and the length of canal

Discussion ensued as to measuring seepage from canals.

Currently, the Water Board does not recognize seepage and leakage as beneficial uses of water.

Andy McClure, District Counsel, explained that it is Water Code Section 1242 and that there has been a lot of discussion about trying to amend that code section.

- It is considered beneficial use if the seepage is ultimately recovered from the ground
- Abandoning water to the basin is not beneficial use
 - It is considered abandonment under the five-year forfeiture non-user law. If someone has appropriated water, abandoned it to a groundwater basin, and not recovered it within the five-year period, then there is an argument for the right to recover it

Evelyn Saltero, member of public:

- Suggested recognizing the regional benefits of the canal system
- Suggested utilizing scientific information and evaluating each well independently on a case by case basis
- Believes there is value in determining the percentage of canal water that is actually influencing the well

Peter VanZant, Nevada City:

- Commented on CEQA requirement related to seepage
- Commented on the right to recapture the value of water in a well for domestic use
- The overall water supply is going to be an issue on encasement
- Spoke about past Banner Cascade project and determining value/benefits of open canals
- Suggested that environmental, cultural and community benefits of open water be evaluated

Mike Pasner, Penn Valley:

- Requested committee meetings be video recorded
- Believes allowing people to become customers is forcing them to purchase water
- Spoke about a conversation with the General Manager from 5-years prior regarding encasements
- Believes this should be evaluated on a case by case basis
- Against the District creating a policy

David Magnee, member of the public:

- Questioned if an assessment will be created for wells near canals
- Stated that CEQA guidelines are updated annually for legislation and case law
- Questioned the process of submitting claims
- Inquired about maps
- Questioned the scenario of a neighbor drilling a well that negatively impacts his well
- Inquired if there was a Master Plan for encasements

Matt Berry, Nevada City:

- Stated that the water that once ran through his property is now gone
- Stated he is worried if his well runs dry and District is out of water what his future would hold
- Suggested more studies could be done
- He is concerned about having a data logger put on his well
- He is a customer of NID
- Inquired if more water could be acquired if in the future their well runs dry
- Requested clarification of a water quality issue vs. pinch point rumor
- Would like to see more transparency

A draft policy will be developed and brought back to the Engineering Committee at a future meeting and for further review and discussion, before going to the full Board of Directors for consideration of approval.