

Policy Advisory Committee Request for Technical Advisory Committee Consultation on Del Norte Mutual Water Company (WMID 3500) Basin Assessment Protest

Item No. 26 – October 23, 2024



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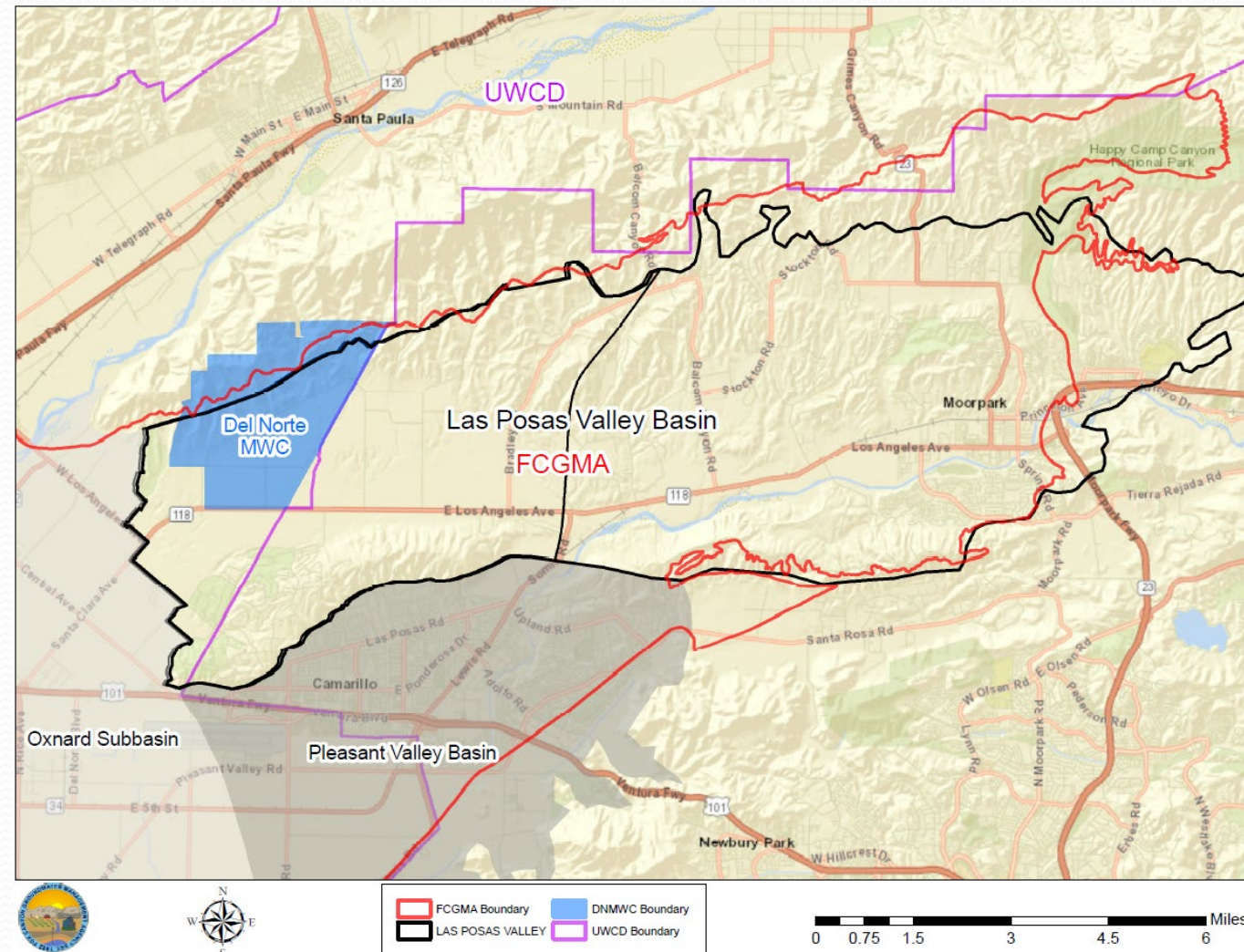
Background

- Las Posas Valley Adjudication Judgment (Judgment):
 - Requires the Watermaster levy and collect a Basin Assessment (BA) from Water Right Holders. (*Judgment, § 7.1.*)
 - BA - Administrative management of the basin, investigations, inspections, compliance & enforcement, personnel costs, general operation and maintenance, infrastructure maintenance, and Basin optimization & groundwater enhancement projects (*Judgment, § 7.*)
 - Watermaster, “may reduce the amount of the Basin Assessments levied on Water Right Holders that pay an assessment to [United Water Conservation District] if Watermaster determines, after Committee Consultation, that such a reduction is appropriate as a matter of equity.” (*Judgment, § 7.9.*)

Timeline

RESOLUTION 2023-03	DNWC PROTEST LETTER	DNWC PROTEST LETTER	CONSULTATION PAC	BOARD DIRECTION
<p>\$64 Basin Assessment</p> <ul style="list-style-type: none">▪ Two installments▪ March 01, 2024▪ June 01, 2024 (rescinded - Resolution 2024-04)	<p>Exhibit 26A</p> <ul style="list-style-type: none">▪ Judgment, § 7.9	<p>Exhibit 26B</p> <ul style="list-style-type: none">▪ Judgment § § 9.2.1.1 & 9.2.1.2 <p>Exhibit 26C</p> <ul style="list-style-type: none">▪ Committee Consultation referral (Judgment, § 7.9)	<p>2 PAC meetings</p> <p>Exhibit 26D</p> <ul style="list-style-type: none">▪ Recommendation report▪ Request for TAC consultation (Judgment, § 6.4)	<p>Board direction</p>
2023	2024	2024	2024	2024
Dec	Apr	Jul	Aug	Oct
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Watermaster and UWCD Intersection



Adjustments to Basin Assessments

"Water Right Holders located in the western portion of the Basin within the UWCD's service area presently pay assessments to UWCD, a portion of which is used to finance UWCD's ongoing activities that are designed to replenish the Basin and neighboring basins. Watermaster may reduce the amount of the Basin Assessments levied on Water Right Holders that pay an assessment to UWCD if Watermaster determines, following Committee Consultation, that such a reduction is appropriate as a matter of equity." (*Judgment*, § 7.9)

PAC Recommendation & Request

- “There are clearly policy aspects to the second question, but there are hydrogeological aspects to it, as well, and the PAC determined that without a technical foundation, it cannot develop any policy recommendations for the Watermaster. As such, at this juncture, the PAC recommends, per Section 6.4 of the Judgment, that Watermaster assign this issue to TAC for review. Once a TAC recommendation report has been developed and returned to the PAC, the PAC can discuss the policy implications and develop a recommendation report to the Watermaster regarding the Del Norte protest.” (Exhibit 26D)
- “Action Independent of Watermaster Direction. The PAC may request that the Watermaster assign a matter involving a technical question to TAC for review and the issuance of a Recommendation Report to Watermaster.” (*Judgment, § 6.4*)

Discussion: PAC Recommendation

- DNWC protest does not involve a “technical question”
 - BA are based on Water Right Holders Annual Allocation, reviewed by PAC & TAC before adoption by Watermaster (*Judgment*, §§ 4.2, 7.2.)
 - Section 7.9 of the Judgment does not require any “technical foundation” or understanding of “hydrogeological aspects” of the Basin.
- DNWC protest is an equity question, did they pay an assessment to UWCD and should Watermaster reduce the amount of Basin Assessment levied on to Water Right Holders that pay an assessment to UWCD?

Discussion: PAC Recommendation

- Policy Advisory Committee is the primary advisory body to Watermaster on policy-related matters of a non-technical nature to be considered by Watermaster (*Judgment, § 6.10.1*)
- Technical Advisory Committee is the primary advisory body to Watermaster on all matters requiring expertise to be considered by Watermaster relating to Groundwater management and sustainability of the Basin. (*Judgment, § 6.11.1*)
- Protest is not a groundwater management or sustainability of the basin issue.

Summary

- Basin Assessment Protest does not involve a technical question
- No technical assistance or evaluation from the TAC would aid the PAC in providing a recommendation on the issue.
- Section 7.9 is clear that any decision to reduce Basin Assessment shall be determined “as a matter of equity” rather than on any technical evaluation.
- Watermaster directed the matter to the PAC per the Judgment, for its members and constituents to provide policy opinions and recommendations to Watermaster on the DNWC Basin Assessment Protest.

Recommendation

- Receive and file presentation
- Deny PAC request for TAC consultation and refer the matter back to the PAC for deliberation and provide a recommendation report to Watermaster no later than November 8, 2024.