

HIDDEN VALLEY LAKE COMMUNITY SERVICES DISTRICT

WHITE PAPER ON WATER RIGHT OPTIONS FOR RELIEF FROM STATE WATER RESOURCES CONTROL BOARD'S CONNECTION MORATORIUM

Option 1 – Percolating Groundwater Determination to Lift the Division of Drinking Water's (DDW) Connection Moratorium against Hidden Valley Lake Community Services District

A. Subterranean Stream/Percolating Groundwater Evaluation

Water underground is presumptively percolating groundwater and is not subject to the State Water Resources Control Board's (SWRCB) permitting jurisdiction, unless it is water flowing in a subterranean stream through a known and definite channel. Using SWRCB subterranean stream determinations as a guide, Wagner & Bonsignore Engineers (WBE), with assistance of Dickenson, Peatman & Fogarty (DP&F), will prepare a report evaluating the existence of a subterranean stream in Coyote Valley and the vicinity of Hidden Valley Lake Community Services District's (HVLCS D) Grange Road Wells, principally by identifying if there is evidence of a channel with relatively impermeable bed and banks or if the course of a channel is capable of being determined by reasonable inference. The report will be developed through the following tasks:

- Reviewing available geologic maps and groundwater reports;
- Reviewing available soil survey maps to better define the location and type of alluvial units within the valley (i.e., stream channels, terraces, alluvial fans);
- Reviewing available Well Completion Reports for the Coyote Valley area;
- Performing an area reconnaissance to update the geologic mapping of previous published sources and to locate water wells (if needed);
- Developing new/updated map of the alluvial deposits in Coyote Valley, overlaying new geologic and soils data if existing maps do not adequately define conditions (available maps reviewed are generally very generalized and may not adequately support evaluation of presence/absence of a subterranean stream);
- Developing geologic cross sections based on available boring logs from the well completion reports along at least three transects across the valley;
- Preparing a narrative description of the likely subsurface geologic conditions underlying Coyote Valley, with a discussion of why a subterranean stream cannot be reasonably inferred (if concluded from the above scope items);
- Transmit report to SWRCB Division of Water Rights

B. HVLCS D's Proposed Actions on its Existing Appropriative Rights

HVLCS D holds water right License 13527A and Permit 20770B (Applications A030049A and A030049B, respectively) for the year around diversion of Putah Creek Underflow from its Grange Road and Agricultural wells for municipal uses. It also holds Statements of Water Diversion and Use for the diversion of water from the Grange Road wells under a claim of riparian right. If the Board accepts the percolating groundwater determination, HVLCS D may

elect either to: (1) request cancellation of the License and Permit and withdrawal of its SWDUs; or (2) not cancel the surface water rights and instead report no diversion of surface water and the use of groundwater in lieu of surface water in its annual reports. Under the latter scenario HVLCS D would remain responsible for payment of annual permit and license fees and compliance with water measurement requirements.

HVLCS D actions associated with cancelling its surface water rights would include:

- Request cancellation of License and Permit, and withdraw claims of riparian right and divert all water as percolating groundwater;
- Continue with monthly measurements of monitoring wells, Grange Road and Agricultural Wells;
- Measure monthly water use made in Grange Road and Agricultural Wells;
- Maintain financial commitment with U.S. Geological Survey of the gaging station Putah Creek Near Guenoc;
- Provide SWRCB with well measurement and water use data if requested;
- Discontinue supplemental water program.

HVLCS D may want to consider having Michael Podlech continue performing an annual reconnaissance survey of the Putah Creek Channel downstream of the gaging station for a few years after the end of the supplemental water program.

C. Request to Lift DDW Connection Moratorium

Prepare letter to the SWRCB's Division of Drinking Water requesting that the Compliance Order and its moratorium on new connections be removed because the HVLCS D is diverting percolating groundwater as the source of water to meet its demands.

Timeline: 4 to 6 months

Estimated Cost: \$20,000-40,000

Option 2 - Obtain New Water Right to Permit from SWRCB to Use Water Stored in Hidden Valley Lake to Lift DDW's Connection Moratorium against HVLCS D

A new application to appropriate water would request a permit to use water stored in Hidden Valley Lake for HVLCS D's domestic uses during times when Putah Creek is curtailed due to water availability. Stored water would be released from Hidden Valley Lake only during times when the existing Putah Creek underflow rights are curtailed. The Lake would be refilled in winter subject to standard SWRCB permit conditions. Moratorium would remain until new application is approved. HVLCS D's License and Permit, and claims of riparian rights would remain in place, and would be relied to meet demands in most years.

Actions would include:

- HVLCS D would continue to comply with the Supplemental Water Program set forth in its License and Permit;
- Prepare and file an Application to Appropriate Water;
- Prepare hydrological study on Putah Creek to show water available for project;

- Perform environmental review to identify impacts, if any, associated with the use of Hidden Valley Lake to meet municipal demands;
- Prepare and circulate required environmental document;
- Respond to protests filed against application and comments on environmental document;
- Negotiate protest dismissal terms;
- File Lake and Streambed Alteration Agreement with California Department of Fish & Wildlife;
- Prepare Compliance Plan to identify how to comply with terms and conditions of Permit.

Timeline: 18 months to 3 years

Estimated Cost: \$50,000-75,000