

**Sheridan HPA SD-6
June 23, 2010
Participant Comments (C), Questions (Q) and District Responses (R)**

The meeting began with an intro by Mitchell Baalman who indicated that this entire effort is still a work in progress and that few decisions have been made. Mitch referred to the agenda which was included in the meeting notice and had 4 items. Mitch finally indicated that the meeting notice was dictated by he and Brent Rogers and was NOT the product of GMD 4 staff.

C: (RE the concepts listed in the meeting notice) Rights that increased their acres later in the data period being used should not have the added acres apply to their average acres.

C: (RE the concepts listed in the meeting notice) Current regulations still allows increases in pumpage.

C: The selection process for the HPAs is still being questioned by some.

C: Everyone district-wide should be reduced equally or nothing should be done. Did not feel that reducing use inside the HPA while others just outside did nothing is fair.

Q: How did the reductions come to be applied only to irrigation rights?

R: Original thinking was that the majority of non-irrigation rights were stockwatering rights where a significant amount of the local economy was being generated and where most of the irrigated corn was ending up.

Q: Is this process a takings?

R: No one knows yet, but the idea is to leave the water rights alone and through an order, restrict these rights based on the enhanced management program adopted – meaning a 3 or 5-year restriction.

From here the discussion turned to considering the 9 concept elements to re-assess if these were still the desire of the group or not.

1) A mandated reduction of water usage in the HPA resulting in less total usage:

Show of hands vote to continue developing this effort was in the affirmative – noting that not everyone raised their hand in the affirmative, but no one raised their hand in the negative.

2) That all non-irrigation rights be exempted (for economic concerns):

Following information that this concept is likely illegal, the consensus was to eliminate it from further discussion and development.

3) A significant penalty be imposed for water use violations:

Consensus was to retain the concept and develop specific procedure in the development of the HPA regulation if and when that time comes.

4) Subsequent impairment complaints be considered by DWR in the context of the enhanced management efforts ongoing;

Consensus was to retain this concept

5) The regulation implementing these conditions, be automatically sunsetted after the specific program period – to be locally amended or eliminated per stakeholder decision;

Consensus to retain this concept

6) Individual water right priority be a non-factor;

Much discussion but on a show of hands vote, 20 voted to retain this concept and 7 voted in the negative.

7) Water rights that have reduced their recent water use be reduced a lesser amount;

Consensus was to retain this concept.

8) That an IGUCA approach (Intensive Groundwater Use Control Area) not be taken;

Consensus was to continue developing a bottoms-up approach outside the IGUCA process until this is no longer an option.

9) That water rights already in a set-aside conservation program, or have not used water at all in the specific target years, not be penalized;

Consensus was to retain this concept.

C: GMD 4 staff offered to meet with any group who wanted to catch up by going back to the beginning to cover again the introductory presentations.

C: GMD 4 staff stated that they have offered very little in the way of suggested goals and/or approaches. The role of GMD 4 in this process is to find a way to implement whatever the group decided should be their future goal(s) and approaches.

C: There needs to be a more **formal approach** to this process. Suggested a voting procedure – 1 water right, 1 vote.

C: Agreed that a voting process is needed for decisions, but felt there needed to be some input mechanism for those who cannot attend or are absentee – suggested a ballot be provided on all the issues.

C: Felt that there has been enough opportunity for anyone to get involved if they wanted to. Absentee landlords have been getting meeting notifications and have had ample opportunity to get with operators if they were interested or concerned.

This issue broke into many side discussions and comments – all of which were not able to be captured. There were clear differences of opinion on the issues of: 1) voting in meetings such as this one; 2) getting input from the remainder of the stakeholders who have not been participating; and whether the additional input should be formal (by voting ballot) or informal (by questionnaire or survey). There were also comments concerning who should be receiving the ballots/surveys.

GMD 4 staff suggested a more formal informal process might include a process where the final recommendations to the board be made in the form of a petition requiring a set number of signatures. It could also be argued that the required public hearings for the management program, any regulations done for this effort, and the added public hearing for the final recommendations, constitutes enough of a formal process. GMD 4 staff also indicated that the group could organize however they wanted to and get as formal as they wanted to. It is not certain that any consensus was reached on this concept.

C: GMD 4 staff spoke about the future steps involved and presented them in the hopes they would better clarify the process and pitfalls ahead and give everyone a wider perspective of the process – and showing how several of the most important concepts are being incorporated.

C: The idea of a fund-driven program was suggested again. Basically any exceedance of the designated multi-year allocation would command a payment into a special fund that would then be used to retire water use to eventually achieve the goal.

Directions to DWR or GMD 4:

1. None