

Memorandum

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DATE: August 27, 2021
TO: County of Santa Barbara
FROM: Amy Steinfeld
RE: Water Analysis for Canna Rios Project (APN 129-040-010), 19LUP-0000-00116

I. Location of Properties

The Canna Rios LLC (Canna Rios) property (APN 129-040-010) ("Property") overlies the California Department of Water Resources (DWR) designated Santa Maria River Valley Groundwater Basin (3-012.01) at the confluence of the Cuyama, Sisquoc and Santa Maria rivers. The Santa Maria River Valley Groundwater Basin (Basin) extends into portions of San Luis Obispo County as well. The Basin was adjudicated in 2005 and the Stipulation was approved and implemented in 2008. Former owners of the site, Tri-M Rental Group, participated in the Basin groundwater litigation and were signatories to the settlement stipulation in 2005, entered by the Superior Court of the State of California, County of Santa Clara (Superior Court, 2008). As set forth in the Court judgment, signatory landowners and their successors have an overlying right and first priority to use the native groundwater. Accordingly, this Property is entitled to produce water from any well on its property for any beneficial use on its property.

The Basin's management is dictated by the courts and is comprised of three management areas: Santa Maria Valley Management Area, Northern Cities Management Area and Nipomo Mesa Management Area. The Property is in the Santa Maria Valley Management Area.

The Santa Maria River Valley Groundwater Basin is designated a very low priority groundwater basin by DWR, is not one of the critically overdrafted groundwater basins in California, and is not a priority for groundwater management since it is already managed through the adjudication. The property also lies within the Santa Maria Basin designated by the County of Santa Barbara (County) in 1992.

II. Status and Management of Local Groundwater Basin

In 1992, the County developed the following threshold of significance¹ for the Santa Maria subbasin: 25 acre-feet/year (AFY)² based on the estimated safe yield and groundwater pumping at that time. These

¹ Point at which a project's estimated contribution to the overuse of groundwater in an alluvial basin or other aquifer is considered significantly adverse.

² Environmental Thresholds and Guidelines Manual, October 2008, Table 2 (1992), <http://santabarbaracounty.ca.gov/ceo/asset.c/479>

thresholds were developed at the tail-end of a 6-year drought and have not been updated in nearly 30 years. The County noted that it only established thresholds for overdrafted basins and noted that the analysis of projects should consider whether “projected net new consumptive water use of a project” would exceed the threshold for that basin.³

Since 1992, additional technical work has been done to determine the status of the basin. Groundwater monitoring in the Santa Maria River Valley Groundwater Basin has historically been completed by Santa Barbara County Water Agency in cooperation with the USGS, the Santa Maria Valley Water Conservation District, and the Twitchell Management Authority. In the County of Santa Barbara’s 2019 Groundwater Basins Summary Report, groundwater levels in Santa Maria River Valley Groundwater Basin have “show[n] noticeable recent recharge along the Sisquoc River as a result of river infiltration during Water Years 2017 and 2019.”⁴

As required by the court adjudication process, a report of hydrogeologic conditions, water requirements, supplies and disposition must be submitted annually. The 2020 report states that “conditions in 2020 showed that groundwater levels were similar to or slightly lower than those in 2019.”⁵ “While groundwater levels in the Santa Maria Valley Management Area gradually declined overall since about 2002, they remain in 2020 above the lowest recorded levels in the great majority of the [management areas].”⁶ The report notes that total groundwater demand in 2020 (122,910 AF) was comparable to use during the last 15 years and that there is no finding of severe water shortage conditions in the management area in 2020.⁷

III. Historic and Future Water Use

The Canna Rios project proposes to cultivate 48 acres of cannabis, which is only approximately 10.8% of the entire parcel. The cannabis will have a water duty of approximately 2.2 AFY/acre for two crops per year. Therefore, the proposed groundwater demand for the Project is 105.6 AFY. The Project is located on historically irrigated lands that have been used for large scale agriculture for more than 40 years. Historic groundwater use on the Property is provided in Table 1. From 2010-2014, 115 acres of broccoli were grown on the same field where the cannabis will be planted. Between 2015 and 2017, the landowner grew 100 acres of broccoli. In 2019 and 2020, 96 acres of hemp were grown. Average water use on the property will decrease with the implementation of this project because of the overall reduction in cultivated acreage and implementation of state-of-the-art irrigation technology described in the LUP. As demonstrated by the chart below, this project will decrease water use by approximately **168.2 AF** annually based on a decade of records for this property. In sum, this Project will not exceed the County’s Threshold of 25 AFY of new net groundwater demand.

³ *Id.* at p. 76.

⁴ County of Santa Barbara 2019 Groundwater Basins Summary Report, Public Works Department, Water Resources Division, August 20, 2019, pg. 3, <https://www.countyofsb.org/uploadedFiles/pwd/Content/Water/WaterAgency/GW%20Data%20Report%202019.pdf>

⁵ 2020 Annual Report of Hydrogeologic Conditions, Water Requirements, Supplies and Disposition, April 2021, p. 37, <https://www.cityofsantamaria.org/home/showdocument?id=27796>

⁶ *Id.* p. 39

⁷ *Id.* p. 39

Table 1. Historic groundwater use on the proposed cannabis cultivation area.

Year	Hemp (acres) ⁸	Broccoli (acres) ⁹	Water Use (AFY)
2010	-	115	322
2011	-	115	322
2012	-	115	322
2013	-	115	322
2014	-	115	322
2015	-	100	280
2016	-	100	280
2017	-	100	280
2018	-	-	0
2019	96	-	144
2020	96	-	144
Average Historical Water Use (AFY)¹⁰			273.8
Projected Water Use			105.6

IV. Conclusion

1. The Canna Rios property overlies the Santa Maria Valley Groundwater Basin as identified by DWR. It also lies within the Santa Maria Valley Management Area created during the adjudication of the Basin.
2. In 1992, the County developed a threshold of significance for the Basin of 25 AFY based on the estimated safe yield and groundwater pumping at that time.
3. The 2020 Annual Report of Hydrogeologic Conditions, Water Requirements, Supplies and Disposition of the Santa Maria Valley Management Area states that “conditions in 2020 showed that groundwater levels were similar to or slightly lower than those in 2019.”¹¹ “While groundwater levels in the Santa Maria Valley Management Area gradually declined overall since about 2002, they remain in 2020 above the lowest recorded levels in the great majority of the [management areas].”¹²
4. The estimated historic water use of the proposed cultivation area is 273.8 AFY.

⁸ A 1.5 AFY/acre water duty for hemp was used based on the County of San Luis Obispo’s Agricultural Water Offset Program. Section 22.30.204 Table 3.
https://library.municode.com/ca/san_luis_obispo_county/codes/county_code?nodetd=TIT22LAUSOR_ART4STSPLAUS_CH22.30STSPLAUS_22.30.204NEEXIRCRPRUSWAPAROGRBAEXATSSI

⁹ A water duty of 2.8 AFY/acre was used for broccoli based on the County of Santa Barbara’s Environmental Thresholds and Guidelines Manual. p. 135.
<https://cosantabarbara.app.box.com/s/vtxutffe2n52jme97lqmv66os7pp3lm5>

¹⁰ Does not include 2018

¹¹ 2020 Annual Report of Hydrogeologic Conditions, Water Requirements, Supplies and Disposition, April 2021, p. 37, <https://www.cityofsantamaria.org/home/showdocument?id=27796>

¹² *Id.* p. 39

5. The projected water demand of 48 acres of cannabis is 105.6 AFY. Total water demand of the subject cultivation area will decrease by approximately 168.2 AFY.

6. The proposed project is within the County's Threshold of 25 AFY of new net groundwater demand.