

**MEMORANDUM  
LOCAL AGENCY FORMATION COMMISSION**

**TO:** Local Agency Formation Commission

**FROM:** Stephen Lucas, Executive Officer

**SUBJECT:** **File No. 20-05 - Agricultural Groundwater Users of Butte County (AGUBC) – Tuscan Water District Formation**

**DATE:** January 27, 2020 for the meeting of February 6, 2020

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**Background**

For several years, a group of landowners/farmers who rely exclusively on groundwater to irrigate their agricultural operations, have been actively working towards forming a California Water District in the northwest corner of Butte County, roughly overlapping the Vina Groundwater Basin. The purpose of this effort was to 1) ensure their voices were heard as non-district represented landowners in the sustainable groundwater management discussions at that time and 2) ultimately, ensure a reliable source of groundwater for future agricultural activities.

These farmers began their efforts working closely with the Butte County Farm Bureau in 2016 and the County of Butte shortly thereafter as the Board of Supervisors (BOS) sanctioned Groundwater Pumpers Advisory Committee (GPAC). The GPAC was intended to advise the BOS as the County implemented the Sustainable Groundwater Management Act (SGMA). Some of this group eventually evolved into the **Agricultural Groundwater Users of Butte County (AGUBC)**, a California 501(c)(6) non-profit corporation with its membership representing over 50,000 irrigated acres in Butte County.

**Recent Action**

The AGUBC has determined that its best option to safeguard their agricultural operations related to water availability within the Vina Basin, is to form the proposed Tuscan Water District (TWD). The TWD is proposed to be a California Water District which is a landowner voter district as opposed to a registered voter district. This means each landowner has a vote based on acreage owned. Given their active involvement with the BOS and the Butte County Water and Resource Conservation Department, the AGUBC initially sought to form the new district by a resolution of application from the BOS to LAFCo. This direction was curtailed by the County and subsequently, the AGUBC landowners decided to petition LAFCo directly as is provided for in the Cortese Knox Hertzberg Local Government Reorganization Act of 2000 (GC Section 56700, 56700.4).

The first official step to petition LAFCo is to circulate a petition in support of the proposal. Attached to this memorandum is a **Notice of Intent to Circulate Petition** submitted by the landowners. The sole role of LAFCo at this juncture is for the Executive Officer to notify affected local agencies of the receipt of the Notice of Intent to Circulate Petition. (Government Code Section 56700.4).

With the submittal of the Notice of Intent to Circulate Petition, the proponents can begin circulating a petition to affected landowners seeking support for the proposed district formation. For the

Petition to be valid, the proponents will need to collect signatures from the holders of title to a **majority in area of land** which is capable of using water beneficially for irrigation, domestic, industrial or municipal purposes and which can be serviced from common sources of supply and by the same system of works (Water Code Section 34153).

The purpose of the Notice of Intent to Circulate Petition is simply to inform affected local agencies and the public that the proponents intend to circulate a petition and requires no action at this time. Should the petition be valid, the proponents are then permitted to make an application with the Butte LAFCo for the proposed District formation.

**ACTION REQUESTED:** None. Informational Item Only

Attachments: 1. Notice of Intent to Circulate Petition



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**BUTTE LOCAL AGENCY FORMATION COMMISSION**

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1453 Downer Street, Suite C • Oroville, California 95965-4950  
(530)538-7784 • Fax (530)538-2847 • www.buttelafco.org

December 19, 2019

Affected Local Agencies: *Sent Via Email*

Pine Creek Cemetery District	Sacramento River Reclamation District	City of Chico
Durham Irrigation District	Rock Creek Reclamation District	County of Butte
Richvale Irrigation District	Butte County Mosquito & Vector Control District	
Western Canal Water District	Butte County Resource Conservation District	

Re: **Notice of Intent to Circulate Petition - Proposed Tuscan Water District**

Affected Local Agencies:

The Butte Local Agency Formation Commission (LAFCo) has received a **Notice of Intent to Circulate Petition** (Attachment A) from Richard McGowan for the purpose of proposing the formation of a California Water District that is proposed to be named the Tuscan Water District.

The LAFCo Executive Officer is required (Government Code Section 56700.4) to notify all affected local agencies of the receipt of the **Notice of Intent to Circulate Petition**.

Following the receipt of the Notice of Intent to Circulate Petition, the proponents can begin circulating a petition to affected landowners seeking support for the proposed district formation. For the Petition to be valid, the proponents will need to collect signatures from the holders of title to a majority in area of land which is capable of using water beneficially for irrigation, domestic, industrial or municipal purposes and which can be serviced from common sources of supply and by the same system of works (Water Code Section 34153).

Should the petition be valid, the proponents are then permitted to make an application with the Butte LAFCo for the proposed District formation.

The purpose of this **Notice of Intent to Circulate Petition** is simply to inform your agency that the proponents intend to circulate a petition, no action is required at this time.

Sincerely,

*Steve Lucas*

Stephen Lucas  
Executive Officer

cc: LAFCO



Butte LAFCO

DEC 18 2019

Oroville, CA

Petition for Proceedings Pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000

PART 1: Notice of Intent to Circulate Petition

Proponents are required to file a Notice of Intent to Circulate Petition with the Executive Officer of the Butte Local Agency Formation Commission before a petition to initiate a change of organization or reorganization can be circulated [GC §56700.4(a)]

Date: 12/18/19

Proponents Name: Richard McGowan (print)

Richard McGowan (signature of proponent or representative)

Address: 30 Independence Cir #300 (Street)

Chico Ca 95973 (City) (State) (zip)

Contact Information: (530) 342-4040 (phone number)

mfrich@hotmail.com (email address)

1. Notice is hereby given to circulate a petition proposing to: Form the Tuscan Water District (Type of change of organization or reorganization)

2. The reason(s) for proposal are: The Vina & Butte sub-basins are lacking the public infrastructure & basin wide local agency with the necessary powers & support of groundwater dependent landowners to manage/coordinate development, enhancement & preservation of beneficial use of ground & surface water for agricultural/domestic purposes

Pursuant to Section 56700.4 of the California Government Code, this Notice of Intent to Circulate Petition was filed with me on 12/18/19; Stephen Lucas, Executive Officer

PART 2: Disclosure Requirements

The Political Reform Act prohibits a person appointed to the Local Agency Formation Commission from soliciting or accepting campaign contributions of more than \$250 within the preceding 12 months from parties, participants, or their agents while a proceeding is pending before LAFCO and for three months following the decision. LAFCO commissioners who receive such contributions are required to disqualify themselves from participating in the proceedings. Both commissioners and contributors who are parties to the proceeding are required to disclose the contributions received or made. Pursuant to Government Code Section 56700.1, any person or combination of persons who, for political purposes, directly or indirectly contributes \$1,000 or more, or expend \$1,000 or more in support of, or in opposition to a proposal for a change of organization or reorganization that will be submitted to the Commission, shall disclose and report to the Commission to the same extent and subject to the same requirements of the Political Reform Act (Title 9 [commencing with Section 81000]) as provided for local initiative measures. Pursuant to Government Code Section 57009, any person or combination of persons who directly or indirectly contributes \$1,000 or more, or expends \$1,000 or in support of, or in opposition to, the conducting authority proceedings for a change of organization or reorganization, must comply with the disclosure requirements of the Political Reform Act of 1974, (Government Code section 81000 et seq.). Applicable reports must be submitted to the Secretary of State and the appropriate city or county clerk. Copies of the reports must also be filed with the Executive Officer of Butte LAFCO.

Written Statement of Reason for the Proposal (56700.4)

**Notice of Intent to Circulate Petition to  
Form Tuscan Water District**

Notice is hereby given of the Agricultural Groundwater Users Association of Butte County's intention to circulate a petition proposing to form the Tuscan Water District (District) pursuant to California Water District Law (Water Code Section 34000 and following), and Cortese Knox Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 and following).

The reasons for the proposal are:

- a. Create a new independent special district with elected representation to serve all land owners in the area by working cooperatively with Butte County, the Vina and Rock Creek GSAs and other stakeholders to implement the Groundwater Sustainability Act; and,
- b. Preserve and protect groundwater resources in the proposed District; and,
- c. To the extent consistent with or required by the applicable Groundwater Management Plan, acquire, plan, construct, maintain, improve, operate, and keep in repair the works for the production, storage, transmission, and distribution of water, including groundwater recharge; and,
- d. Create an organization of all types of groundwater dependent landowners to collaborate with sustainable groundwater management to preserve and protect agricultural and rural water supplies In Butte County.

Location and Service Area: (Judy S to validate correct number acres, generally, on the north stretching from the Tehama County line south to the northern boundary of the Western Canal Water District service area; the eastern boundary is Highway 99 and the City of Chico corporate boundary; on the west, the Sacramento River, Big Chico Creek, M and T Ranch, Llano Seco Ranch Water District and Reclamation District 2106. The District will include approximately 152 square miles in the Vina and Butte Sub-basins.

For additional information, contact:

Richard McGowan, President of the Agricultural Groundwater Users of Butte County.

### Part 3 Butte LAFCO: Petition for Change of Organization or Reorganization

1. The specific change of organization is: Approval of the formation of a California Water District, to be named the Tuscan Water District, and establishment of a coterminous sphere of influence.
2. The boundaries (Exhibit A) and legal description (Exhibit B) of the territory included in the proposal are as described in Exhibits "A" and "B" attached hereto and by this reference incorporated here in.
3. The proposal is not consistent with the proposed new California Water District sphere of influence, as the district does not currently exist and a sphere of influence has not been established; however, upon district formation, the district boundary, service area and sphere of influence will be one and the same.
4. The reasons for the proposal are: The Vina and portions of the Butte sub-basins are lacking the public infrastructure and basin-wide water district with statutory power, authority and support of groundwater-dependent landowners to plan, manage, coordinate, develop, enhance and preserve beneficial use of ground and surface water for all landowners in the proposed district for both agricultural and domestic uses.

Objectives of the district include but are not limited to:

- a. Creation of a new independent special water district with locally elected representation to serve all landowners, including groundwater pumpers, domestic well users and agricultural interests in the district service area.
- b. Cooperate and participate with Butte County, Butte County Groundwater Sustainability Agencies (GSA's) and other stakeholders to plan for and implement the Sustainable Groundwater Management Act (SGMA).
- c. To the extent consistent with, or required by, the applicable Groundwater Sustainability Plan (GSA), acquire, plan, construct, maintain, improve, operate and keep in repair, the works for the production, storage, transmission and distribution of water, including water recharge.
- d. Preserve and protect groundwater resources in the proposed district for the benefit of all groundwater-dependent users.
- e. Creation of an organization within the water district of all types of groundwater-dependent landowners to collaborate on sustainable groundwater management to preserve and protect agricultural and rural water supplies in Butte County.
- f. Obtain the power and authority of California Water Districts under the Water Code, Sustainable Groundwater Management Act of 2014, Cortese Knox Hertzberg Local Government Act of 2000, Public Resources, Revenue and Taxation and Elections Codes.

5. The proposed terms and conditions of the change or organization (special district formation) are:
  - a. The name of the new California Water District shall be the Tuscan Water District.
  - b. The legal description of the boundaries, service area and sphere of influence of the territory included in the proposal are as described in Exhibits "A" and "B" and attached hereto and by this reference incorporated herein.
  - c. The Tuscan Water District will be an independent, special water district with 7 directors, initially elected at large, and serving staggered terms and selected on the same ballot that forms the district. Within a reasonable time, but after the first four years of district operation, the district Board of Directors shall evaluate geographic representation of communities of interest, and determine appropriate number of directors, and reorganize by division of equally sized divisions to accommodate unique communities of interest, and diversity of landownership of groundwater-dependent users.
  - d. The Tuscan Water District is requesting to have the power and authority of the California Water Districts, Government Code Section 56000, Sustainable Groundwater Management Act, Public Resources, Revenue and Taxation and Elections Codes included but not limited to the following:
    - i. Ability to establish zones of benefit based on conditions and needs to provide appropriate levels of service.
    - ii. Notwithstanding the authorizations of the California Water Code, not be authorized to acquire, plan, construct, maintain, improve, operate, keep in repair the necessary works for the production, storage, transmission and distribution of water, unless the exercise of such power is consistent with, or required by, the applicable Groundwater Sustainability Plan (GSP).
    - iii. Notwithstanding the California Water District law, the Government Code, or California Article XIII (D), by their affirmative vote to form the Tuscan Water District, landowners: (A) consent to board of directors levying assessments on district lands; (B) approve initial assessments not to exceed \$10.00 per acre; and (C) authorize Butte County to collect such assessments along with other taxes to recover district formation costs, costs for initial staff and administration of the district and to cover expenses associated with collaborating with Butte County and

the Vina GSA to implement the Groundwater Sustainability Plan applicable to area covered by the Tuscan Water District.

- iv. The Tuscan Water District will not provide reclamation, flood control, or agricultural drainage services in the Rock Creek Reclamation District service area unless Rock Creek consents to such service or is unable to do so

6. Signers of the petition are landowners.

7. Chief petitioner:

Richard Mc Gowan  
30 Independence Circle # 300  
Chico, Ca 95979

8. Do petitioners include all landowners within the proposed Tuscan Water District? No; however, petition signers represent a majority of holders of interest in terms of acreage within the proposed district service area.

9. The territory of the proposed district is inhabited, there are more than 12 registered voters.

10. (a) The principal act under which the district is proposed to be formed is the California Water Code, Water Code Section 34000 and following.

(b) The proposed name of the district is the Tuscan Water District

(c) The boundaries and legal description of the proposed district are described and attached and by this reference, incorporated here in.

11. The proposal does not include consolidations of separate districts.

12. Landowners are initiating district formation by landowner petition and not pursuing Resolution of Application by an affected agency. .



PART 4b: Landowner Petition

**Petitions must meet minimum signature requirements (see Part 5). Signatures must be secured within six months of the date on which the first signature was affixed. Petitions must be submitted to the LAFCO Executive Officer within 60 days after the last signature is affixed (Govt. Code § 56705).**

**Each of the undersigned states:**

- I personally signed this petition.
- I am a registered voter within the County of Butte.
- I personally affixed hereto the date of my signing this petition and my place of residence, or if no street or number exists, then a designation of my place of residence that will enable the location to be readily ascertained.

Name of Signer	Assessor's Parcel Number	Date Signed	Official Use
Sign _____ Print _____			
Sign _____ Print _____			