

2.0 STATE WATER CODE REPORT REQUIREMENTS

2.1 WATER SUPPLY ASSESSMENT

California Water Code (Section 10910 et seq.) requires the preparation of a WSA for all projects meeting the definition of a project as stated in the Water Code. The goal of a WSA is to identify available water supplies that may be used to meet water demand for a project and to determine the adequacy of those supplies during critical periods, such as a drought.

2.2 URBAN WATER MANAGEMENT PLAN UPDATE

Section 10610 et seq. of the California Water Code, known as the Urban Water Management Planning Act, calls for creation and periodic update of Urban Water Management Plans (UWMP) by all urban water suppliers and sets forth the requirements for such plans, including definition of relevant terms.

Under the definition given in Section 10617, an urban water supplier is an entity “providing water for municipal purposes either directly or indirectly to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually.” Water for this development will be supplied from groundwater wells dispersed around the project site, and possibly from future wells within the project boundaries; this system will connect to the City of Santa Paula’s existing water system.

In 2006, the City of Santa Paula completed an UWMP update that included the portions of the East Area 1 Specific Plan located east of the City and north of Telegraph Road.³ This UWMP did not discuss the specific development and activities contemplated by this Specific Plan, although it did discuss, in general terms, the nature and extent of the long-term water supply for the City for the East Area and included an estimated 1,107 dwelling units on approximately 491 acres. Much of this general discussion is cited and paraphrased in this WSA. The UWMP contains an analysis of the factors required by Government Code section 66437.7 (a)(2), and such factors apply to this WSA.

Accordingly, this WSA, in concert with the UWMP prepared by the City, includes all necessary data and analyses required by California Water Code section 10910 et seq. and by Government Code section 66437.7 et seq.

The City of Santa Paula, Urban Water Management Plan 2005 Update, prepared by Kennedy/Jenks Consultants, dated June 2006 is incorporated in total by reference in this WSA.

³ City of Santa Paula, Urban Water Management Plan 2005 Update, prepared by Kennedy/Jenks Consultants, June 2006, Table 3-5, Potential Development and Estimated Future Water Demand.

3.0 WATER SUPPLY AND DISTRIBUTION

3.1 WATER SUPPLY

The City of Santa Paula currently has secured water rights from two sources: groundwater allocation from the Santa Paula Basin and a surface water wheeling agreement with the Canyon Irrigation Company. Surface water from Santa Paula Creek was a major source of potable water supply for the City's service area until wells were drilled into the Santa Paula Basin to augment the supply from Santa Paula Creek. Currently the Santa Paula Basin is the City's sole source of potable water supply.

The East Area 1 site overlies both the Santa Paula and Fillmore groundwater basins. The approximate boundary of the basin is shown in **Figure 2, Santa Paula and Fillmore Groundwater Basins Boundary Map**, and **Figure 3, Location of Santa Paula and Fillmore Groundwater Basins Boundary on East Area 1 Site**.

The City does not presently extract groundwater from the Fillmore Basin. However, roughly 37 percent of the East Area 1 Specific Plan is located outside of the Santa Paula Basin to the east within the Fillmore Basin. As discussed herein, the City may supply the East Area Specific Plan project with groundwater rights from both the Santa Paula Basin and the Fillmore Basin. Both the Department of Water Resources (DWR) and United Water Conservation District (UWCD) regularly report on the hydrogeologic conditions within both basins, and a summary of reported groundwater conditions is provided herein.

DWR's most recent publication discussing the basins is the 2003 edition of Bulletin 118.⁴ Bulletin 118 describes the Santa Paula and Fillmore Basins as subbasins of the larger Santa Clara River Valley Groundwater Basin. Other subbasins within the Santa Clara River Valley Groundwater Basin include the Piru, Mound, and Oxnard Subbasins. Each of the five subbasins is an alluvial basin recharged, in part, by the Santa Clara River.⁵ For the sake of simplicity, and because the subbasins are subject to varying forms of management, this WSA refers to the Santa Paula and Fillmore Basins as basins rather than subbasins.

3.1.1 Santa Paula Basin

The Santa Paula Basin underlies the City of Santa Paula and unincorporated areas to the southwest of the City within the Santa Clara River Valley. The basin is bounded by the impervious rocks of the Topatopa Mountains to the north, impervious rocks of Oak Ridge and South Mountain, the Oak Ridge fault, and

⁴ State of California, Resources Agency, Department of Water Resources, *California Groundwater*, Bulletin 118 Update 2003, October 2003.

⁵ Ibid.

Saticoy fault on the south.⁶ The eastern edge of the basin is marked by a bedrock constriction, with the boundary placed at the position of maximum rising water.⁷ The western boundary separates the Santa Paula basin from the Mound and Oxnard subbasins, with the western boundary placed where there is a distinct change in the slope of the water table.⁸ Ground surface elevations range from 140 feet above sea level in the west to about 1,000 feet above sea level along the Santa Paula Creek drainage.⁹ The Santa Clara River and Santa Paula Creek drain the valley westward toward the Pacific Ocean. Average annual precipitation ranges from 14 to 18 inches.¹⁰

The basin is recharged by percolation of surface flow from the Santa Clara River, Santa Paula Creek, and other minor tributary streams, as well as subsurface flow from the Fillmore Basin.¹¹ Some of the surface flow in the Santa Clara River originates as release from Lake Piru and contains natural runoff of precipitation and imported State Water Project water.¹² Percolation of precipitation and unused irrigation waters provide additional recharge. Groundwater in the Santa Paula Basin generally flows toward the southwest.¹³

Disagreement over the issue of safe yield of groundwater between the UWCD and other parties using water from the Santa Paula Basin, including the City of Santa Paula and the City of San Buenaventura (Ventura), led to the adjudication of groundwater rights within the Santa Paula Basin in 1996. A stipulated judgment was agreed to by the parties, and after review and approval by the Ventura County Superior Court, was entered as a final judgment (Judgment) to adjudicate groundwater rights within the basin. In summary, the Judgment adjudicates groundwater rights, regulates individual and collective pumping, provides for basin management through a Technical Advisory Committee (TAC), and reserves jurisdiction in the Superior Court to resolve future disputes and provide for supplementary orders as necessary. A copy of the Judgment is provided in **Appendix A**.

The Judgment allocates the use of groundwater in the Santa Paula Basin between the City of Ventura and the Santa Paula Basin Pumpers Association (SPBPA), which is a consortium of water users in the Santa Paula area, including the City and farming interests. UWCD is also a party to the Judgment. Although

⁶ State of California, Resources Agency, Department of Water Resources, *California Groundwater*, Bulletin 118 Update 2003, October 2003.

⁷ Ibid.

⁸ Ibid.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Ibid.

¹² United Water Conservation District, Surface and Groundwater Conditions report, Water Year 2000 Supplement.

¹³ State of California, Resources Agency, Department of Water Resources, *California Groundwater*, Bulletin 118 Update 2003, October 2003.



SOURCE: United Water Conservation District - 2004

FIGURE 2

Santa Paula and Fillmore Groundwater Basins Boundary Map



SOURCE: United Water Conservation District – 2004

FIGURE 3

Location of Santa Paula and Fillmore Groundwater Basins Boundary on East Area 1 Site

UWCD does not produce water from the Santa Paula Basin, the Basin is located within its boundaries and UWCD is authorized to engage in groundwater management and replenishment activities and to act to protect water supplies that are of common benefit to the lands and residents within UWCD.

Currently, the SPBPA possesses a collective groundwater right allocation of 27,500 AFY that it holds in trust for its membership. The Judgment further subdivides the collective 27,500 AFY allocation as sub-allocations to each of the SPBPA members and a few non-parties. The allocations and sub-allocations are summarized in **Table 2, Santa Paula Basin Water Allocations**.

Table 2
Santa Paula Basin Water Allocations

Water User	Allocation (AFY) ¹
Santa Paula Basin Pumpers Association	
City ²	5,412
Canyon Irrigation Company	673
Farmers Irrigation Company	9,406
Limoneira	3,173
Alta Mutual Water Company	758
All Other SPBPA Users	8,078
Subtotal SPBPA	27,500
City of San Buenaventura	3,000
Unallocated Reserve	3,000

Source: City of Santa Paula, Urban Water Management Plan 2005 Update, prepared by Kennedy/Jenks Consultants, June 2006, Table 3-7.

¹ All values rounded to nearest acre-foot (AF).

² City transferred 673 AFY to Canyon Irrigation Company in January 1998. Thus, the City's current allocation is 5,412 AFY.

Pursuant to the terms of the Judgment, the City of Santa Paula has a sub-allocation of 6,085 AFY available for urban uses. However, the City transferred 673 AFY to Canyon Irrigation Company in January 1998. Thus, the City's current allocation is 5,412 AFY. This amount could be adjusted if the terms of the Judgment are modified, or if the City acquires additional water rights from areas subject to development or from other users within the SPBPA.

Water on the project site used for irrigation has been historically supplied from on-site wells. These wells have withdrawn groundwater from both the Santa Paula and Fillmore Basins. Withdrawals from the Santa Paula Basin have been accounted for under the Santa Paula Basin Judgment. Currently, the

members of the SPBPA have a cumulative allocation to pump on average 27,500 AFY, of which Limoneira Company has an allocation of 3,173 AFY and the Newsom Family Trust an allocation of 138.1 AFY.¹⁴

The Judgment sets forth an "assumed initial yield" of the basin at 33,500 AFY, subject to modification if credible technical information demonstrates a need for a change.¹⁵ The Judgment also set forth a seven-year study period to evaluate the appropriateness of the assumed initial basin yield of 33,500 AFY, which began on 1 January 1996. After the seven year study period, UCWD and the other member of the TAC collaborated to produce a study of the basin's groundwater conditions and the implications for the initial 33,500 AFY safe yield allocation.¹⁶ The Yield Study reported that over the period 1997 to 2003, parties to the Judgment had cumulatively produced 42,111 AF less than their combined total allocation for this period. The estimated subsurface outflow was reported to be 7,200 AFY; average annual extraction were estimated to be 21,612 AFY,¹⁷ and the safe yield appeared to be no less than 26,000 AFY. The Yield Study also reported fluctuations in groundwater levels that correlated with precipitation trends. However, the Yield Study also concluded that long-term observations suggested that the Basin was not in a state of overdraft.¹⁸

The Yield Study was submitted to the Superior Court by the TAC along with the 2003 Annual Report on the Basin.¹⁹ Based on the study results, the TAC recommended to the Court that the safe yield remain at 33,500 AFY. The Court accepted the recommendation, but ordered another report on the yield of the basin from the TAC in 2010.

Water Code section 10631 requires that this WSA (a) identify whether the DWR has determined, in the most recent official department bulletin, whether the Santa Paula Basin is presently in a state of overdraft or at risk of becoming overdrafted under current conditions; and (b) provide an analysis of the sufficiency of the Basin's groundwater supply to meet the projected water demands of the East Area 1 Specific Plan. DWR's most recent assessment of conditions in the Santa Paula Basin was issued as part of DWR's Bulletin 118, Update 2003, which does not state that any portion of the Santa Paula Basin is presently, or was previously, in a state of overdraft.²⁰ Bulletin 118 does, however, report as follows:

¹⁴ City of Santa Paula, Urban Water Management Plan 2005 Update, prepared by Kennedy/Jenks Consultants, June 2006, Appendix J, Stipulated Judgment for United Water Conservation District vs. City of San Buenaventura.

¹⁵ Ibid, Urban Water Management Plan 2005 Update, prepared by Kennedy/Jenks Consultants, June 2006.

¹⁶ United Water Conservation District, Piru and Fillmore Basins Annual Groundwater Conditions Report Water Year 2003, December 2004.

¹⁷ State of California, Resources Agency, Department of Water Resources, *California Groundwater*, Bulletin 118 Update 2003, October 2003.

¹⁸ United Water Conservation District, Piru and Fillmore Basins Annual Groundwater Conditions Report Water Year 2003, December 2004, p.3

¹⁹ Ibid.

²⁰ State of California, Resources Agency, Department of Water Resources, *California Groundwater*, Bulletin 118 Update 2003, October 2003.

Hydrographs from the Santa Paula Subbasin show a range of up to 55 feet in water level elevation since 1975. The hydrographs show an annual cyclic rise and fall of water level of about 20 feet with longer-term variations apparently following precipitation cycles. The subbasin was at a low level in 1991 and 1992, then recovered by 1994 and has remained stable since then.

In addition to the Yield Study's conclusion that the Santa Paula Basin is not in a state of overdraft, UWCD's most recent water table observations show that water levels within the Santa Paula Basin remain within the stable range reported within Bulletin 118 and the Yield Study.²¹ Therefore, it does not appear that the Santa Paula Basin is in a state of overdraft or at risk of becoming overdrafted under current conditions.

As the forgoing discussion illustrates the Santa Paula Basin is comprehensively managed by the TAC, UWCD, and the reserved jurisdiction of the Court, as provided in the Judgment. The basin's water tables have stabilized and appear to be sufficient to support the allocation of groundwater rights set forth within the Judgment. Moreover, groundwater production rights are defined and limited as a collective whole and in relation to each of SPBPA's individual members. This confinement and definition of the groundwater rights existing within the Basin provides additional certainty for the long-term reliability of the groundwater supply from the Basin, including the Santa Paula Basin groundwater rights that will be used, in part, to supply the East Area 1 Specific Plan, as discussed herein. For these reasons, it is fair to conclude that the Santa Paula Basin's groundwater supply is sufficient to meet that portion of the East Area 1 Specific Plan's water supply needs that shall be satisfied by groundwater from the Santa Paula Basin.

3.1.2 Fillmore Basin

The Fillmore Basin is located northeast of the Santa Paula Basin. The two basins share a boundary (Santa Paula Basin eastern boundary and Fillmore Basin western boundary), which is characterized by bedrock restraints that cause groundwater levels to rise along the shared boundary.²² The Fillmore Basin is bounded on the north by impervious rocks of the Topatopa Mountains and the San Cayetano fault and on the south by impervious rocks of Oak Ridge and the Oak Ridge fault. The eastern and western boundaries are marked by bedrock constrictions.²³ Ground surface elevations range from 280 feet above sea level in the west to about 1,000 feet above sea level along the north and south edges (DWR, 2003). The

²¹ United Water Conservation District, UCWD website:
http://www.unitedwater.org/groundwater/99160499_20061006_094638.pdf, accessed July 27, 2007.

²² State of California, Resources Agency, Department of Water Resources, *California Groundwater*, Bulletin 118 Update 2003, October 2003.

²³ State of California, Resources Agency, Department of Water Resources, *California Groundwater*, Bulletin 118 Update 2003, October 2003.

Santa Clara River and Sespe Creek drain the surface waters of the basin. Average annual precipitation ranges from 14 to 18 inches.²⁴

The basin is recharged by percolation of surface flow from the Santa Clara River, Sespe Creek, and minor tributary streams, as well as subsurface flow from the Piru Subbasin.²⁵ Some of the surface flow in the Santa Clara River originates as release from Lake Piru and contains natural runoff of precipitation and imported State Water Project water.²⁶ Percolation of precipitation and unused irrigation waters provide additional recharge. Groundwater in Fillmore Basin generally flows toward the southwest.²⁷ Other possible sources of groundwater recharge are the San Pedro outcrops in the foothills to the north of the basin. These sources of recharge may also be augmented by United Water Conservation District's (United) timed release of State Water Project Water from Lake Piru into the Santa Clara River for additional recharge; for 1997-98, the applied water recharge was estimated to be 19,125 AF.²⁸ Finally, recharge occurs through water releases from Lake Piru upstream from the Fillmore and Piru basins. This water then percolates from the Santa Clara River into the Piru and Fillmore basins.

Water levels in the Fillmore Basin vary cyclically according to seasonal changes in pumping and precipitation.²⁹ During the last 50 years, the groundwater levels have varied over a range of about 45 feet and during the last 30 years, a range of about 30 feet.³⁰ The Fillmore Subbasin recharges rapidly and fills to capacity in years of abundant precipitation. The most recent low water levels were observed at the end of 1992 following several years of below-average precipitation. Thereafter, water levels recovered by about 30 feet to reach recent historical high water tables in 1994.³¹ Subsequently, water levels have remained within about 5 feet of historical high levels.³² In October 1999, the subbasin was an estimated 95 percent full.³³

The groundwater flow gradient in the Fillmore basin generally creates an east to west movement of groundwater through the alluvium. Groundwater that infiltrates from Sespe Creek generally flows

²⁴ Ibid.

²⁵ Ibid.

²⁶ United Water Conservation District, Piru and Fillmore Basins Annual Groundwater Conditions Report Water Year 2003, December 2004.

²⁷ State of California, Resources Agency, Department of Water Resources, *California Groundwater*, Bulletin 118 Update 2003, October 2003.

²⁸ United Water Conservation District, *Piru and Fillmore Basins Annual Groundwater Conditions Report Water Year 2003*, prepared for the AB 3030 Groundwater Management Council, December 2004.

²⁹ Ibid.

³⁰ Ibid.

³¹ United Water Conservation District, *Piru and Fillmore Basins Annual Groundwater Conditions Report Water Year 2003*, prepared for the AB 3030 Groundwater Management Council, December 2004.

³² Ibid.

³³ Ibid.

towards the southwest.³⁴ In the San Pedro Formation, the movement of groundwater is southerly, changing to westerly near the axis of the syncline between the Fillmore and Piru Basins to the north. The basin is considered an unconfined groundwater basin.

The most recent published information on the Fillmore Basin is the 2003 *Annual Groundwater Conditions Report Water Year* completed to meet Assembly Bill (AB) 3030 requirements. There has not been a detailed water budget completed for the Fillmore Basin since 2003. For the period from 2002 to 2006, the pumpage from the Fillmore Basin has been slightly more than approximately 41,760 AFY.³⁵ The average pumpage was greater during the dry cycle from 1984 to 1991 than it was for the wet cycle from 1992 to 1998, which is understandable because much of the Basin water demand is for agricultural irrigation. Agriculture accounted for approximately 92 percent of this pumpage.

A historical record of the estimated groundwater storage capacity/depletion of the Fillmore basin is displayed in **Figure 4, Historical Fillmore Basin Groundwater Storage**. As this graph illustrates, the Fillmore Basin has been at or nearly full since the 1970s. The variability of storage over the past 40 years reflects changes in recharge from precipitation with declines in the Basin occurring during prolonged dry periods, as occurred in the late 1970s and early 1990s. However, the Basin has shown its ability to recover from these and return to levels at or near capacity during wet periods. According to DWR, the Basin has approximately 7 million AF of water in storage.³⁶ Thus, although a basin water balance has not been performed by DWR or UWCD, the historical fluctuation of the basin's water tables and return to capacity following wet periods suggests that the basin is not in a state of overdraft or likely to enter a state of overdraft under current conditions. Moreover, the drawdown of basin water tables during dry periods provides UWCD with the opportunity to release additional SWP water for infiltration into the basin to recharge the available storage space.

Like the analysis above, relating to the Santa Paula Basin, Water Code section 10631 requires that this WSA (a) identify whether DWR has determined, in the most recent official department bulletin, whether the Fillmore Basin is presently in a state of overdraft or at risk of becoming overdrafted under current conditions; and (b) provide an analysis of the sufficiency of the Basin's groundwater supply to meet the projected water demands of the East Area 1 Specific Plan. DWR's most recent assessment of conditions in the Fillmore Basin was issued as part of DWR Bulletin 118, Update 2003.³⁷ Bulletin 118 does not state

³⁴ Ibid.

³⁵ Personal communication with Mr. Ken Turner, United Water Conservation District, August 3, 2007.

³⁶ California Department of Water Resources (DWR), *Bulletin 118 California's Groundwater*, Santa Clara River Basin, Fillmore Subbasin, January 20, 2006. It should be noted that UWCD is of the opinion that the 7 million AF is too high for total basin storage.

³⁷ State of California, Resources Agency, Department of Water Resources, *California Groundwater*, Bulletin 118 Update 2003, October 2003.

that any portion of the Fillmore Basin is presently, or was previously, in a state of overdraft.³⁸ Bulletin 118 does, however, state as follows:

Water levels in the Fillmore Subbasin vary cyclically according to seasonal changes in pumping and precipitation. During the last 50 years, the groundwater levels have varied over a range of about 45 feet and during the last 30 years, a range of about 30 feet (UWCD 1996, 1999b). Like the Piru Subbasin to the east, the Fillmore Subbasin recharges rapidly and fills to capacity in years of abundant precipitation. The most recent low water levels were observed at the end of 1992 and then water levels recovered about 30 feet to the historical high by 1994 (UWCD 1996, 1999b). Subsequently, water levels have remained within about five feet of historical high levels (UWCD 1996, 1999b). In October 1999, the subbasin was an estimated 95 percent full (Panaro 2000).

UWCD's most recent water table observations for the Fillmore Basin show that water levels within the Fillmore Basin remain near historic highs. It is therefore fair to conclude that the Fillmore Basin is not in a state of overdraft, or at risk of becoming overdrafted under current conditions.³⁹ Indeed, as evidenced by recent high water levels within the basin, the Fillmore Basin appears to be in a surplus condition. That is, there is likely more water recharging the basin than is being extracted or otherwise leaving the basin.

According to information provided by UWCD,⁴⁰ the total groundwater production for the Fillmore basin for the past five years was:

- 2002 – 45,915 AF
- 2003 – 41,453 AF
- 2004 – 42,538 AF
- 2005 – 38,226 AF
- 2006 – 40,672 AF

The top five pumpers in 2006 produced 18,364 AF from the Fillmore Basin in the following amounts of groundwater each:⁴¹

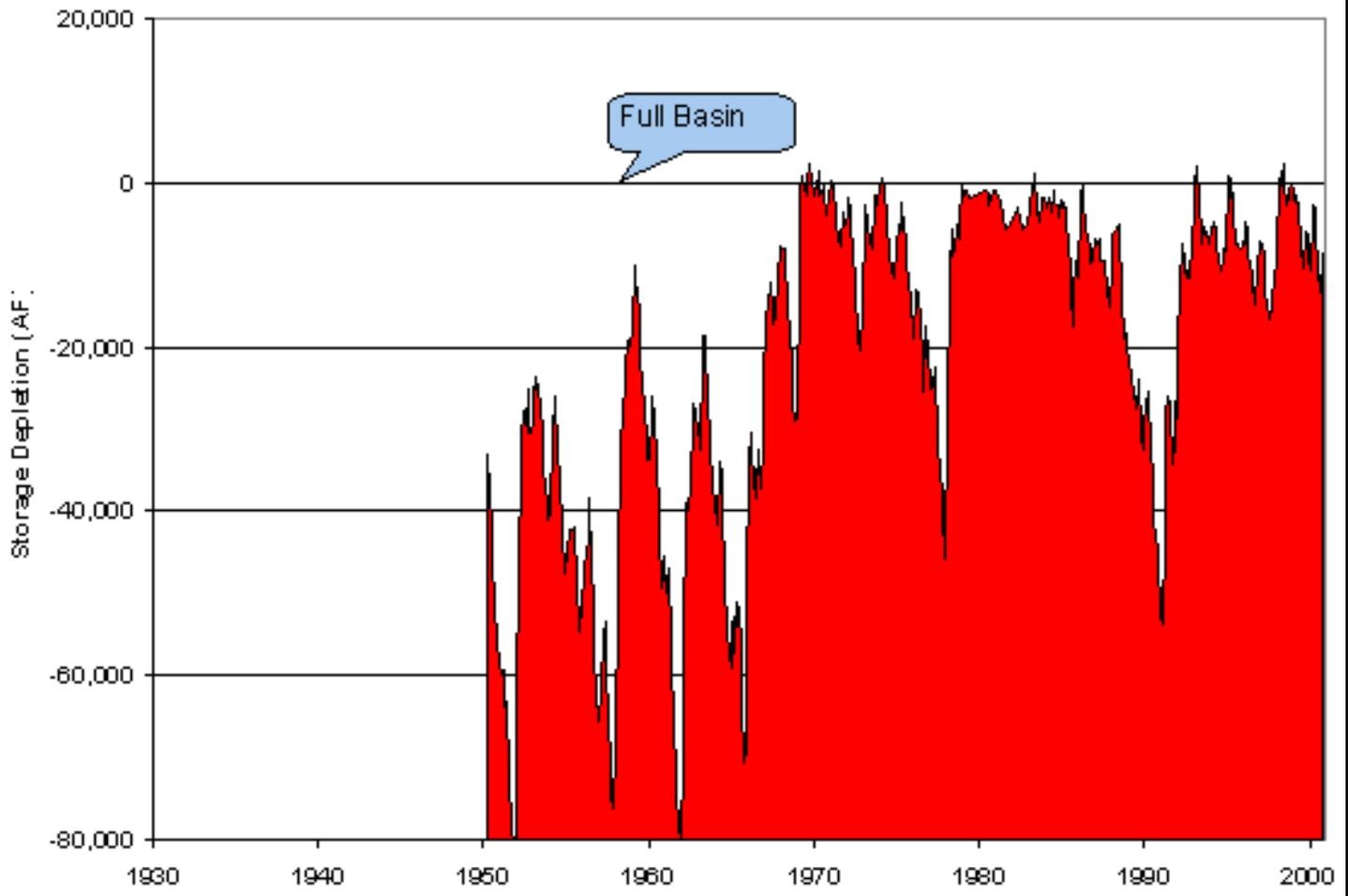
- 7,956 AF – (Fish Hatchery)
- 4,288 AF – (City of Fillmore)
- 2,609 AF – (Agricultural Mutual)
- 2,012 AF – (Agricultural Mutual)
- 1,499 AF – (Agricultural Mutual)

³⁸ Ibid.

³⁹ United Water Conservation District, UCWD website:
http://www.unitedwater.org/groundwater/99160499_20061006_094638.pdf, accessed July 27, 2007.

⁴⁰ Correspondence (e-mail) from Ken Turner of United Water Conservation District to Frank Brommenshenkel on August 3, 2007.

⁴¹ Correspondence (e-mail) from Ken Turner of United Water Conservation District to Frank Brommenshenkel on August 3, 2007.



SOURCE: United Water Conservation District – December 2004

FIGURE 4



Historical Fillmore Basin Groundwater Storage

By virtue of the Limoneira Company's land ownership overlying the Fillmore Basin, they currently enjoy overlying groundwater rights, which allow them to extract groundwater from the Basin for reasonable uses upon their overlying property.⁴² Overlying rights are senior in priority to appropriative rights (another type of right that allows for use of the groundwater off of the overlying property), and are correlative in priority with all other overlying rights held by other landowners overlying the Basin. It is important to acknowledge that overlying rights are not dependent upon historical use; that is, dormant overlying rights may be exercised at any time. Once exercised, the newly exercised overlying rights share the same priority as previously exercised overlying rights.

The Limoneira Company and the City as their successor, may also exercise appropriative rights from the Basin because the Basin has surplus water in excess of safe yield available for production.⁴³ Thus, the City may rely on either overlying or appropriative rights in the Fillmore Basin to supply water to a portion of the East Area 1 Specific Plan.⁴⁴ Given the surplus status of the Fillmore Basin, this groundwater production will provide a reliable source of water for a portion of the project's water needs.

3.2 WATER SERVICE AREA

The City is located approximately 17 miles inland from the Pacific Ocean in central Ventura County (**Figure 5, City of Santa Paul Location Map**). The City lies within the Santa Clara River Valley,

⁴² *City of Barstow v. Mojave Water Agency* (2002) 23 Cal.4th 1224, 1240.

⁴³ *Ibid*, appropriators have a legal right to extract surplus water.

⁴⁴ Although a municipality is typically characterized as an appropriator when providing municipal water service (even when serving parcels overlying the groundwater supply), (*City of Pasadena v. City of Alhambra* (1949) 33 Cal.2d 908, 925; *Gould v. Stafford* (1891) 91 Cal. 146, 155; *Spring Valley Water Co. v. Alameda County* (1927) 88 Cal.App. 157, 168), overlying groundwater rights can be preserved and relied upon by the municipality to provide water service to overlying parcels where an agency relationship is established prior to the initiation of water service to provide that the municipality will act as agent of the overlying landowners to deliver water to them with reliance upon their overlying rights. *Hildreth v. Montecito Creek Water Co.* (1903) 139 Cal. 22, 29 [72 P. 395] (mutual water company becomes an agent...the water remaining the subject of individual ownership and private use as before); *City of Glendale v. Crescenta Mut. Water Co.* (1955) 135 Cal.App.2d 784, 801 [288 P.2d 105]; *Erwin v. Gage Canal Co.* (1964) 226 Cal.App.2d 189 [37 Cal.Rptr. 901] (mutual water company becomes an agent in producing and delivering landowners' water); see also *Orange County Water Dist. v. City of Colton* (1964) 226 Cal.App.2d 642, 648-649 [38 Cal.Rptr. 286] (court distinguished invalid transfer of water rights from a valid grant to an agent or trustee of the right to capture and distribute water to the overlying owners thereof). Thus, the City can preserve and rely upon the overlying rights currently held by the Limoneira Company and the Newsom Family Trust, by virtue of their land ownership, to serve portions of the East Area 1 Specific Plan. However, because the Fillmore Basin currently has surplus groundwater supplies, the City can also rely on appropriative rights for this service as well.