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## COMMENTS OF ROBERT S. PELCYGER, SPECIAL COUNSEL OF THE SAN LUIS REY INDIAN WATER AUTHORITY, ON AGENDA ITEM 7(a) OF THE DECEMBER 18, 2020 SPECIAL MEETING OF THE SPECIAL DISTRICTS ADVISORY COMMITTEE OF THE SAN DIEGO COUNTY LOCAL AGENCY FORMATION COMMISSION

I am Special Counsel on water related issues to the San Luis Rey Indian Water Authority (IWA). My comments concern Item 7(a) of the December 18, 2020 Special Meeting of the Special District Advisory Committee of the San Diego County Local Agency Formation Commission (San Diego LAFCO).

I first want to commend Linda Heckencamp, the project manager for the December 2020 Draft Report on San Diego's three Resource Conservation Districts (RCDs) (2020 Draft Report). The report is excellent and thorough. My comments are limited to the aspects of the Draft Report that concern the Upper San Luis Rey RCD (Upper SLR RCD).

The SLR RCD "operates without dedicated or separate administration." Draft Report at 82. "Its two service functions are provided through a part-time equivalent staffing of 0.25 at the end of the report period." Draft Report at 83.

The SLR RCD is one of the three governmental agencies that formed the Upper San Luis Rey Basin Groundwater Sustainability Agency (Upper Basin GSA) pursuant to California's Sustainable Groundwater Management Act (SGMA), California Water

Coder sections 10720 et. seq. The IWA is affected by the formation and actions of the Upper Basin GSA.

Based on the information contained in the LAFCO's December 2020 Draft Report, the IWA respectfully requests that San Diego LAFCO continue to emphasize that the active powers of the Upper SLR RCD are limited to water conservation and wildlife enhancement and that the Upper SLR RCD is not authorized to carry out water distribution or other latent responsibilities.

LAFCO's December 2020 Draft Report states (at pages 81-82):

Upper San Luis Rey RCD is currently authorized to provide two active categories [of service functions] under its principal act: (a) water conservation and (b) wildlife enhancement. All other service functions (i.e. powers) enumerated under the principal act are deemed latent and would need to be formally activated by LAFCO at a noticed hearing before Upper San Luis Rey RCD would be allowed to initiate. Similarly, should Upper San Luis Rey RCD seek to divest itself of directly providing an active service function, it would need to receive LAFCO approval at a noticed public hearing. A list of active and latent Upper San Luis Rey RCD service function follows.

Active Service Functions

Wildlife Enhancement  
Water Conservation

Latent Service Functions

Soil Erosion  
Water Distribution  
Agricultural Enhancement  
Erosion Stabilization

LAFCO's December 2020 Draft Report at 81-82. See also, LAFCO's December 2020 Draft Report at 73: "The primary focus of Upper San Luis Rey RCD has involved maintaining conservation easements and performing related work to protect and restore native wildlife."

The goal of "water conservation" activities is to promote and encourage efficient water use. Typical water use efficiency measures include installation of water meters or

other measuring devices and changing from flood to spray irrigation or from spray to drip irrigation. Water distribution is separate and distinct from Water Conservation.

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The SLRIWA respectfully requests the Special Districts Advisory Committee to investigate the active and latent powers of the Upper San Luis Rey RCD and to conclude that the Upper San Luis Rey RCD’s active service functions are limited to Wildlife Enhancement and Water Conservation, and that the Upper San Luis Rey RCD should not be allowed to initiate Water Distribution or any other Latent Service Functions unless and until they are formally activated by San Diego LAFCO at a noticed hearing.

I would be glad to respond to questions any members of the Special District Advisory Committee may have.

Thank you for the opportunity to provide these comments.

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Robert S. Peleyger

