

DATE GROUNDWATER
SUSTAINABILITY PLAN
REGULATION COMMENT
RECEIVED BY DWR
04/01/2016

Via e-mail to: sgmps@water.ca.gov

Subject: Draft GSP Emergency Regulations Public Comment

Dear Ms. Bisnett,

I am a farmer and an attorney and would like to supplement the comments I made at the public meeting that the Department held in Santa Ana on March 22, 2016.

1) I am concerned about protecting small farmers who simply wish to limit their extractions to within their share of the natural safe yield of their basin, in accordance with their water rights. A municipality in the basin that desires to grow, and that wants more residential development, may want to import expensive water into the basin to support the new development. As I understand it, a GSA may import water to recharge the basin and require every pumper pay for it. The increased fees to pay for imported water may drive small farmers out of business. I believe the regulations should incorporate some kind of express standard regarding fees that would protect small farmers from that result.

2) SGMA allows groundwater sustainability agencies (GSAs) to adopt plans that limit extractions of individual pumpers. As I understand it, the limitations of extractions must be consistent with water right priorities. The draft regulations require GSAs to take into account the "interests" of groundwater users, which I assume includes water right priorities (sections 354.10(b), 354.26(a)(3), 354.28(a)(4), and 355.4(b)(4)). I believe that local agencies that own a well in the basin are disqualified to serve as a GSA for the basin due to conflict of interest. For example, a city may own a well in a basin, and a sustainability plan may call for limitations on extractions. In opposing the plan, a farmer should be entitled to submit evidence in the form of public comment that challenges a water right priority that may be claimed by the city in the well. The GSA must be able to be impartial in evaluating the farmer's evidence. Due to conflict of interest, the city could not serve as the GSA or part of the GSA. If a member of the Legislature owned the well, and claimed the priority, that member could not vote for legislation adopting the plan. The Legislature cannot delegate power to entities in the same position of conflicting interest.

3) I also believe the regulations should require GSAs to provide individual notice to well owners prior to adopting fees or extraction limitations.

Sincerely,

Personal Information Redacted