



RAYMOND BASIN MANAGEMENT BOARD

December 17, 2013

City of Alhambra
City of Arcadia
California-American
Water Company
East Pasadena
Water Company
H.E. Huntington Library
and Art Gallery
Kinneloa Irrigation
District
La Cañada Irrigation
District
Las Flores Water
Company
Lincoln Avenue
Water Company
Pasadena Cemetery
Association
City of Pasadena
Rubio Cañon Land and
Water Association
San Gabriel County
Water District
City of Sierra Madre
Sunny Slope
Water Company
Valley Water Company

State Water Resources Control Board
Attn: Eric Oppenheimer via email at eric.oppenheimer@waterboards.ca.gov

Re: COMMENTS ON DRAFT GROUNDWATER WORK PLAN CONCEPT PAPER

Dear Mr. Oppenheimer,

This office represents the Raymond Basin Management Board ("Board"), which was formed by the Los Angeles County Superior Court when it adjudicated the Raymond Groundwater Basin in The City of Pasadena v. City of Alhambra (Los Angeles County Superior Court, Case No. Pasadena C-1323.) The Court has charged the Board with the powers and responsibilities of managing the Raymond Basin and to protect the long-term quantity and quality of the groundwater supply. The Board is presently composed of members from the City of Pasadena, the Lincoln Avenue Water Company, Rubio Canon Land and Water, the City of Alhambra, the City of Arcadia, California-American Water, Kinneloa Irrigation District, San Gabriel County Water District, City of Sierra Madre and Sunny Slope Water Company.

The Raymond Basin Management Board already incorporates many of the objectives that the draft plan outlines:

1. Manage and control the withdrawal and replenishment of water supplies in the Basin.
2. Implement annually the Operating Safe Yield (the amount of groundwater that can safely be extracted) for the succeeding fiscal year, and notify the pumpers of production totals on a monthly basis.
3. Coordinate spreading and Storage activities.
4. Coordinate local involvement in efforts to preserve and restore the quality of groundwater in the Basin.
5. Assist and encourage regulatory agencies to enforce water quality regulations affecting the Basin.
6. Collect production, water quality, and other relevant data from producers.
7. Prepare an annual report of Watermaster activities, including financial activities, and summary reports of pumping and diversion.
8. Participate as Groundwater Representative on the Greater Los Angeles County Integrated Water resource Management Leadership Committee.

Again, the draft Workplan and Concept Paper reflect rules and regulations which exist in the Raymond Basin spelling out the procedures by which Watermaster-controlled actions are to be carried out. Under the Rules and Regulations, water producers in the Basin must obtain Watermaster approval for activities such as:

- Constructing or modifying a well.
- Destroying a Well
- Producing Stored Water.
- Spreading water in the Basin.
- Credit for additional water spread during the year.

In order to fund its operation, the Board is authorized by the Court to levy and collect assessments from the producers based upon their percentage of Safe Yield. These assessments are applied primarily to administrative and engineering costs.

Additionally the Board actively worked to have language included in the 2007 Water Resources Development Act for the advancement of enhanced centralized water conservation facilities and in recent years we have worked with the Army Corps of Engineers and Los Angeles County Public Works to develop a Project Implementation Plan and enhance Basin groundwater flow modeling capabilities.

Regarding potential State Board actions, we support the collection of statewide data in so far as it will help the state integrate information facilitating the establishment of priorities and needed areas of cooperation between agencies as well as court-appointed bodies.

With respect to legislation, we feel that any legislation enacted that establishes a framework for statutory authority for the water boards, should not just include coordination with other state and local agencies, but with court appointed bodies such as the Watermaster. Moreover, the statutory authority of the State Board should not supersede or intervene in any manner with court ordered mandates in the management of a basin including the judicial allocation of water rights. We feel that any ambiguity with this factor may instigate legal uncertainties and claims which will run contrary to the overall objectives of the State Board's work plan and concept paper, as well as our productive on-going accomplishments. This includes, for example, legislative reforms suggested in the concept paper requiring sampling of private domestic wells prior to the transfer of property title or sale. Where adjudicated basins are concerned, this information should first reside with such bodies.

Our main concern is maintaining local control and local management of Groundwater Basins. While we see some improvement over past State Water Resources Board (State Board) perspectives on the importance of this approach as opposed to centralized, state regulation, we still feel that the Draft Paper presents a somewhat negative connotation on this subject (e.g., page two, paragraph 1: “groundwater management has largely evolved on an as needed basis in a *decentralized* manner across the State. *In spite of this...*). The Draft Paper should be revised to be very clear on the core perspective (as we understand it) that different actions are needed in areas where groundwater is not being managed and protected. The fact that there are many Groundwater Basins currently being managed effectively cannot be stressed enough in such a widely distributed document. As you know, we strongly believe that comprehensive, effective management of groundwater is not only possible; it is most effective through local control wherever possible.

Additionally, it may be helpful to define what you mean by “local” and “regional” management. Clearly defining what is meant by “local” versus “regional” management will help avoid misinterpretation during Implementation. There should be a short discussion of the different forms of groundwater management included that describes management through adjudication, special act agencies, etc. To be fair, the Draft Paper does highlight the fact that local conditions are unique and that is one of the reasons why a “one-size-fits-all” approach to groundwater management or regulation will not work. Our members unanimously felt that the Draft Paper should include a discussion of water rights and how that subject ties into other key issues from a regulatory and public trust perspective. Also, it is not clear if the concepts discussed in the Draft Paper are intended to expand the State Board’s existing jurisdiction. We feel strongly that this and the other issues mentioned above should be further expanded upon and better explained.

We also recommend noting that groundwater, historically, has not received the same level of state funding that has been made available for export facilities. Indeed, one of the reasons that groundwater hasn’t been developed or managed in some areas is because imported water has been used rather than investing long-term in groundwater infrastructure for transport, storage and treatment. More emphasis on this might help legislators understand why it is so important to support groundwater in new bond measures. We think it is also important to emphasize that water customers/ratepayers pay the costs associated with groundwater management. It is important that those investments and the burden they place on ratepayers be acknowledged. We are concerned increasing costs to already well managed Groundwater Basins will adversely impact local storage and clean-up activities currently underway.

The State Board must clearly distinguish approaches and actions it feels may be appropriate, even site specific cases where current management and control efforts both are, and are not protecting groundwater resources. Such an approach might serve to create an incentive for recalcitrant parties by setting a clear level of expected management. The main purpose of State involvement should be to provide tools for areas not being managed correctly while allowing properly managed Basins to continue protecting and enhancing this resource.

Lastly, we believe that the State Board should consider creating an oversight group to help guide the process of developing and implementing a worthwhile Groundwater Work Plan. Our members welcome the opportunity to work with you further to refine the development of implementation, planning and strategy development.

Sincerely,

A handwritten signature in blue ink, appearing to read 'AZ', is written over the word 'Sincerely,' and extends down over the name and title.

Anthony C. Zampielo
Executive Officer

cc: RBMB Board of Directors