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This is to comment on the Water Board's discussion draft of the Groundwater Workplan Concept Paper and to add my strong support for this effort.

I am a rural resident of San Luis Obispo (SLO) County and my property lies over the Paso Robles Groundwater Basin (Basin). These comments are my own but largely reflect, to the best of my knowledge, those of many of the local citizenry that I interact with on a regular basis here in the northern part of SLO County.

I would note that I am the chairperson of our local Citizen's Advisory Council, known as the Creston Advisory Body (CAB). We hold monthly meetings giving recommendations and feedback to the County Board of Supervisors and to all County departments and organizations who gather public input on a wide variety of issues. The majority of the properties represented by CAB are zoned as agriculture or rural lands with a scattering of small residential single family parcels. Creston is one of the main sub-areas of the Paso Robles Groundwater Basin and had previously been known as having some of the best and most plentiful groundwater in the area. However, the average well in Creston, according to the most recent County well collection data from October 2013, is now down approximately 40 feet over the last 10 years, fairs better than some and worse than other sub-areas of the Basin. There are no community water systems within our boundaries. All residents of our community rely on private wells. Also, I have been a participating member of Pro Water Equity since formation in the spring of this year.

I appreciate having had the opportunity to meet with you along with members of Pro Water Equity and other local citizens. I felt very fortunate to get the chance to show you a representative sample of the rural areas over the Paso Robles Groundwater Basin and the existing and imminent new irrigation projects we feel may have significant impacts on our future water supplies. I hope you felt this was time well spent. We were very grateful that you fit us into your busy schedules. During this meeting you requested that the comments presented to you be submitted in writing so that others would have the opportunity to comment back on the suggestions for your Concept Paper.

I believe these ideas would fall under the headings of **Governance and Management**.

Examine programs at the state and local level that encourage/promote excessive water usage, sometimes to the detriment of the groundwater basins.

1. Limit the number of Williamson Act contracts over independent groundwater basins. No more than “X” acres (or a percentage of the area over the basin) should be allowed to be under Williamson Act contracts for intensive water use crops. Residents are paying twice, first in loss of water for their homes and secondarily by subsidizing the high water users who are over using it, and in the form of tax breaks. We are now over pumping the Paso Robles Groundwater Basin and will continue to consistently exceed our annual safe yield if things do not change. Currently over 80% of the water pumped from the main part of the Basin is irrigation for about 38,500 acres, the majority of which is under the Williamson Act. There are well over 300,000 acres over the main basin. This basin can not continue to sustain growth in irrigated agriculture. This basin was historically the water supply for dry farming and cattle. A return to this type of agriculture (Ag) would go a long way in restoring the Basin.
2. Limit the governmental farm subsidies and crop protection programs for crops that should not be grown in the climate (semi-arid in our case) in the first place. Overhead sprinklers are being used for frost protection, using more water, and then if this is not successful farmers collect insurance on their failed crop. Once again the basin’s residential overlying landowners are being asked to pay twice.
3. We should not give low interest loans to agriculture to drill wells that promote more water usage for a basin in crisis. Residents do not get the benefit of any subsidized programs when their wells go dry and can incur costs of \$15,000 to \$30,000 per replacement well. Meanwhile government is making the situation worse by assisting with the financing of more Ag wells.
4. Limit the depth and size of wells in general. Deep wells that punch through the upper basin formation down into the lower formation of “bad” water can potentially allow contamination of the upper fresh water to occur. Large bore wells can cause drawdown, leaving a vacuum or empty space, when the pumping is more powerful than the slower recharge, again when associated with a deep well, and could also permit fresh water contamination. Additionally there are known to be geothermal pockets in the Paso Robles area that could cause further damage. Limiting the total number of wells may have to be considered at some point as well. An option for taking this type of action should be included in any long range planning as a consequence triggered when defined thresholds are reached..
5. Require local plans for water management to include an over all plan for sustainability for independent basins such as the one in Paso Robles. Define how much of each type of water usage will be allowed...urban, rural residential and various types of agriculture. Require equitable standards for water usage per acre so as not to devalue individual parcels. Limit the number of acres of intensive water using crops. Don’t reward prior wasteful users by allowing them to continue at the expense of everyone else. Just because you have not used water in the past should not mean that you aren’t entitled to any in the future. Many

families here on the Central Coast of CA own land with the intention of retiring here and building a house on vacant property. Others have made estate plans for allowing their children to build a second residence on their large parcel that until recently was entitled to two residences. Just as much consideration should be given to the hope and dreams, and the financial impact to these people, as is given to existing high water use farmers who are over using their fair allotment for a crop (wine grapes) that is not beneficial to everyone but makes the farmer a ton of money.

Set water use standards in the form of, what I believe has been referred to as, “crop duty factors,” and expect growers to remain within those standards. Set limits that will trigger predefined actions when exceeded. Require agriculturists to remain on the forefront of irrigation technologies that minimize water use and revise crop duty factors accordingly. Reward good behavior. Build in and prioritize support for crops that are actually providing food for local populations. Support rural residential properties who want to retain the ability to be sustainable. Evaluate the economic impact of not putting sustainability plans in place and continuing to allow unrestricted growth in all sectors. The state of California should have permitting authority for irrigation projects that use groundwater in a manner similar to that which it has for projects using surface water. Additionally there needs to be a high level of coordination with the Department of Agriculture to implement and enforce efforts to manage and sustain agriculture.

6. Recognize the interactions between the various sub-areas of the basins and be consistent in how rules are applied across the basin with consideration when sub-areas are all connected. Uneven application of rules will lead to uneven bearing of the burden instead of management that would benefit all parties.

7. Support, maybe even require, the inclusion of land conservation programs to retire lands with intensive water usage and in the case of SLO County return them back to dry farming and cattle ranching or other endeavors that make reasonable use of the water and the land. Funding assistance programs, or at the very least examples of model programs that have worked elsewhere, are needed. This could assist with maintaining the value of all parcels. Before moving to SLO County I lived in Boulder, CO where the county had a program linked to collection of property taxes that collected fees to acquire “open space” in the county. This money was used to buy up properties and the associated water rights. This gave the County the additional prestigious luxury of leaving large expanses of land “undeveloped” but available for public use (hiking, horse back riding, etc.) and it secured the water rights for the general public at large.

8. Evaluate local building codes to eliminate wasteful water use practices. For example, the screening of water tanks from neighbors’ views with greenery is a common practice. Consider fencing or other structures that don’t require water. Require local industries, such as wineries, to install catch basins and for recycling water used during processing or production. Allow residents to install rain water

capture systems, grey water reuse systems, and retention ponds (in applicable areas). Support projects in recharge areas of the basin that will assist with local water retention.

Streamline and democratize the process for establishing a water management structure

1. Counties are under a great strain trying to maneuver through the system and figure out what authority they actually have and what authority they must solicit from the state in order to begin managing water resources. In the case of San Luis Obispo (SLO) County, neither the Board of Supervisors, the Department of Public Works nor the local LAFCo, have ever attempted anything on this scale. There was not a clear path for them to follow. Much time and research was necessary to even get the effort off the ground. This caused significant delays in addressing the problem here in SLO County. As a first step the County, by resolution, adopted voluntary water management tools under AB3030, however at the point when this happened the problem was already on its way to becoming serious. The voluntary measures were attempted but failed because they were voluntary. In San Luis Obispo County this process took well over two years. Two years wasted instead of taking meaningful actions at the onset that could begin the process of basin restoration.

Now the County must go through the process of obtaining additional AB3030 authority to actually begin management. There is resistance by some members of the public to place this authority in the hands of the “government”, or in the hands of the Board of Supervisors, three of the five, are not elected by residents over the Basin. So, there is no guarantee that a resolution to adopt these powers will pass. If the County is successful in adopting these additional powers, a feasibility study must be conducted to evaluate supplemental water options before any demand management can begin. Supplemental water, even if available which is not likely considering the water crisis throughout the state, would require a project, a vote for funding and possibly years to construct, leaving the chance to begin real management years away. Is this the best approach to begin management of a Basin in crisis? Perhaps all counties should automatically be granted the full AB3030 powers instead of having to pass a resolution(s) to obtain/claim them. Or, perhaps it should be more of an administrative process where counties apply to the State Water Board to be granted these powers.

The formation of an independent water district is also a bureaucratic minefield even if it is an off the shelf district which rarely serves the specialized needs of most basins. Water districts customized to the needs of each community and basin require special legislation to be carried to Sacramento by one of the local state representatives and are thereby sadly subject to the influence of many special interest groups when they should instead be designed and managed for the benefit of the people. On a side note, this is clearly not just an issue in SLO County because local citizen’s group here in SLO have been contacted by local citizen’s

groups in other counties of California (i.e. Tulare) who are experiencing the same confusion and are asking us how we have been able to get the process rolling. There has got to be a clearer more expeditious way to being basin management. At the rate that groundwater is disappearing in California retaining the present sluggish system will literally be disastrous for many of our citizens.

2. Elections to establish a water district and to seat a board of directors should always be conducted so results represent the will of the majority of electorate and parcel owners. A small handful of property owners, or special interests, should not be able to control the elections or the board of directors' decisions on how to manage a basin. Proposition 218 elections/votes should only apply to items where the direct assessed benefit is unevenly distributed to landowners. In the case of the Paso Robles Groundwater Basin if the only water users were urban, small commercial and rural residential there would be plenty of water. We also need agriculture, however, the basin can not sustain irrigating every available acre intensively. As in many areas of California, agricultural interests in northern SLO County hold title to the majority of the acreage over the Basin (roughly 36 landowners own >51% of the acreage but not the majority of the parcels (9065 total parcels). Exploitation of the Basin by commercial Ag interests is not in the best interest of anyone. All stakeholders should have equal say in the management of basins. The formation, administrative funding and election of the Board of Directors should be either registered voters, or one vote per parcel, by residents who live over the basin in question. This would also make the elections less expensive.

Legislative Changes and Judicial Reviews

1. The CA water code needs to be rewritten. Many sections are outdated, assumptions about water availability are no longer accurate or appropriate and the changing outlook on who should manage and why, is undergoing significant changes due to, in many cases, mismanagement.

Examples of outdated code: Sections of the code refer to the Board of Supervisors in each county being the deciding and responsible authority. However, with the formation of Local Area Formation Commissions that authority has shifted in many sections outlined in the CA water code. It is difficult determine when the authority lies with one or the other.

Sections of the water code refer to “equalized assessment rolls” to be used for voting purposes. According to our SLO County Clerk these do not exist since the enactment of Proposition 13.

Inaccurate or in appropriate assumptions: When the water code was written it was to manage primarily surface water. Groundwater has become just as important. Most districts described in water code were to manage delivery and distribution. The need to manage usage has become of primary importance for

surface water but even more important for groundwater. There is not an unlimited source of water at our disposal.

Management structures and representative boards: A California Water District was written into the code to give agriculturists the power to manage water in counties where they are the primary users. This type of water district focuses in on acquiring supplemental water....water that is becoming less and less available and definitively not dependable. Elections to form a California Water District and for the Board of Directors have been based on landowner votes weighted by the acreage they own. This has led to agriculturally run boards holding all the power. Local residents then must go through a controversial legislative process to convert the voting structure to a one man one vote type of election for governing boards to try to regain control by the populace.

Populations have grown and climate changes have led to lower than average rainfall across the state. Water supplies in the form of groundwater have diminished. We can no longer sustain unlimited water intensive irrigated agriculture in many of our arid and semi-arid climates and certainly not with the expectation that it can be sustained with water from other parts of the state. Some agriculturists have gained monopolies to “water rights” and even become water purveyors in some cases instead of farmers. California water needs to be used for the common good. Agriculture is reportedly <5 % of the CA GDP. Other businesses will not be sustainable in CA if the electorate has no water, or can't afford to pay for it. SLO County is currently being considered for the formation of a California Water District as local large acreage holding agriculturists have filed a petition with LAFCo to take this step over the Paso Robles Groundwater Basin. SLO County rural residents who significantly outnumber the handful of agriculturists will be at a distinct disadvantage if this type of district comes to a vote with votes based on acreage.

2. The court process for adjudication to resolve water suits is inefficient, expensive and extremely time consuming. Each case requires extensive investigatory time at the onset looking to collect data including cataloging, monitoring, groundwater rights and usage. Frequently the data does not exist because there has been a lack of monitoring, oversight and enforcement. The time it takes to resolve problems is time that could be used to begin management. There does not seem to be any consistencies in the outcomes and fairness is sometimes elusive. When adjudication allocations are based upon prior usage, landowners who have conserved water pay an unfair penalty. There have been multiple white papers written on the topic of establishment of “water courts” made up of judges and staff who specialize in the subject of water. This would help expedite, standardize and provide more consistency in the outcomes. One document that extensively researches and expounds upon this topic is titled “Allocating Under Water: Reforming California’s Groundwater Adjudications” by M.Rhead Enion and comes out of the Emmett Center on Climate Change and the Environment at UCLA School of Law. Here is the url link to the website:

http://cdn.law.ucla.edu/SiteCollectionDocuments/Centers%20and%20Programs/Emmett%20Center%20on%20Climate%20Change%20and%20the%20Environment/Pritzker_4_Allocating_Under_Water.pdf I think serious consideration must be given to the concept of establishing “water courts” in California.

The following items probably go under **Monitoring and Assessment** but also **Funding**

1. Develop a program to aid counties with initial studies defining their groundwater basins. Assistance with mapping and defining the boundaries of the basin and the watersheds is needed both in terms of funding and expertise. Define whether basin boundaries are inclusive of the surrounding watersheds or just the basin itself. Standardization of processes would benefit all counties in California by sharing best practices and introducing efficiencies.
2. Require all counties with aquifers/groundwater basins to begin reporting on the status of their water resources. Provide guidelines on expectations for quality and quantity (groundwater levels). Require dedicated wells distributed broadly over the basin(s). Mandate that the counties set thresholds with triggers and predefined actions that will be taken when these thresholds are met. These measurements are the canary in the coal mine.

The effort to manage groundwater usage in Paso Robles has been a topic of debate for many years. Until recently there has not been the political motivation for tackling this difficult task. There are 6400 developed parcels over the Basin (~2/3 of the available 9065 parcels) and in 2013 the number of verified residential dry wells began to rise (up to 50 now with more in crisis and a 2-6month wait for drillers) causing more attention to be focused on assessment of the problem and deliberation on how it could best be managed. Many landowners are afraid to speak out, or report well problems, due to fear of property devaluation and, if they are small wine grape growers, potential retaliation by winery owners who have purchased their crops in the past in the form of future cancelled contracts. Local citizen’s groups have raised awareness of the Basin’s status. The CAB citizen’s advisory has had water as a standing agenda item every month for over two years. I personally have conducted several informational sessions outside of CAB for our local residents.

SLO County’s Board of Supervisors enacted an Urgency Ordinance with a minimum set of rules to limit future Basin extractions (1:1 offsets for future plantings), but did not set guidelines to reduce pumping. Additionally, a ‘vested rights’ clause was included whose subsequent definition puts no regulation on planting for parcels sites under 20 acres (essentially half the parcels but only 15% of the acreage) and lax requirements for planting projects begun prior to Aug. 27th, 2013 (well over two years after the Basin had been declared at Severity Level III).

Although hopeful at first, this action seems to have exacerbated the situation with a “rush to plant” and to drill new deeper wells preceding any action by the County. Unfortunately, to date there seems to be no clear path to how best achieve a successful

formation of a management district. Along with County efforts, multiple groups have been attempting to work towards this end. In spite of the positive progress, two recent lawsuits have been filed, one asking for the Urgency Ordinance to be stopped (because some landowners don't want their ability to plant to be restricted in any way) and a second by the same groups claiming "quiet title" water rights. Meanwhile the most recent hydrology study released this week, funded by SLO County to obtain an update of the Basin's status have reported revised estimates of the perennial yield numbers, down from 94,000 AFY in 2002 to 89,200 AFY today. This means there is 5% less available water than we expected. The change in storage is now estimated to be 2900 AFY. The 'vested rights' clause of the recently adopted Urgency Ordinance already has 15 applications for 1500 acres still to be planted and that will probably be approved. There is the potential for more vested rights applications to come to an already insolvent "water bank." There is a clear urgency to our situation that this Urgency Ordinance can not address. We need demand management as quickly as possible.

Establishment of state guidelines demonstrating that groundwater is a common resource that needs to be managed equitably for the reasonable and beneficial use of all are long overdue. A clear path to establishing a successful workable groundwater management district needs to be delineated.

I realize that some of these suggestions may be outside the scope of the Concept Paper, however, I want to be sure that all potential tools for managing our groundwater basins are given their due consideration. I encourage your evaluation and elimination of state programs that promote and reward excessive water use and hope some of the ideas laid out in this letter can spark some interest and be of use in your endeavors. I have attached a sample letter from the Creston Advisory Body from August of this year demonstrating that we have been giving serious consideration to potential land use measures within the County's authority that we have asked them to consider.

Thank you for taking up this herculean task at a time when it is most essential for the security of all Californians.

Sincerely,

Sheila Lyons, resident and landowner whose property overlies the Paso Robles Groundwater Basin.