

McCue, Jean@Waterboards

From: Norm Groot <norm@montereycfb.com>
Sent: Wednesday, July 17, 2013 2:51 PM
To: Unit, Wr_Hearing@Waterboards
Cc: kobrien@downeybrand.com; Rose, David@Waterboards; pjmlaw@pacbell.net; Masuda, Roger@CALWATERLAW; 'N. Isakson'; 'KEVIN PIEARCY'
Subject: MCWRA Proposed Revocation Hearing - Comment Letter
Attachments: SWRCB Permit 11043 comments 071713.pdf

Attached please find comment letter from Monterey County Farm Bureau.

Norm Groot

Executive Director, **Monterey County Farm Bureau**



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July 17, 2013

State Water Resources Control Board
Division of Water Rights
Att: Jean McCue
P.O. Box 2000
Sacramento, CA 95812-2000

VIA: Email to wrhearing@waterboards.ca.gov

RE: MCWRA Proposed Revocation Hearing

Dear Ms. McCue:

Monterey County Farm Bureau represents family farmers and ranchers in the interest of protecting and promoting agriculture throughout our County. We strive to improve the ability of those engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of our local resources.

We are submitting comments as an intervener in this proceeding, in response to the proposed settlement between the Division of Water Rights Prosecution Team and Monterey County Water Resources Agency ('MCWRA'). We understand the signed Settlement Agreement has been forwarded to the State Water Resources Control Board ('SWRCB') Executive Director for signature, thus finalizing the settlement on this water right of the Salinas River known as Water Permit #11043.

Throughout the decades of projects built to develop water rights here in Monterey County, Monterey County Farm Bureau ('MCFB') has supported the construction of Nacimiento and San Antonio Reservoirs, Castroville Seawater Intrusion Project, Salinas Valley Reclamation Project, and the Salinas Valley Water Project. All these projects have enhanced the water resources available to the Salinas Valley basin, and more importantly, work conjunctively towards the reversal of salt water intrusion into the groundwater basin.

The proposed settlement to avert the possible revocation of Water Permit #11043 provides few details on how the specific points were arrived at. Presumably there were negotiations and calculations that came into discussions between the parties, but not



having all the information available to analyze if this settlement is fair and equal makes these comments subjective to only what we know at this time.

We find the references to implement solutions to combat seawater intrusion vague when only referencing a "Phase II of the project" that has no further details on what this project might consist of, where it will be, and how it might be constructed. We would appreciate more clarity, particularly if this is meant to be Phase II of the Salinas Valley Water Project. If the project is intended to protect water resources of the basin by working to stop salt water intrusion, the interveners should be provided more details on how this proposed project and the overall goals of the basin will be managed.

We fully support that the conditions of the permit will remain unchanged relative to the use of water appropriated by projects under the permit, mainly that uses of the water will continue to be for agricultural, municipal, and industrial purposes. It is important to MCFB that the original context of the permit remains intact for any consideration of future water resource projects; however, we remain concerned that there is no map available that clearly defines the area of use for this permit, and neither MCWRA nor SWRCB can produce such a map that satisfies this concern.

Timelines outlined in the proposed settlement appear to be very aggressive and cause concern if the milestones are not met according to schedule. Developing any new water resource project is a costly and time-consuming effort, with many potential roadblocks that remain unforeseen at the initiation of a timeline. We express concern that progress on milestones will become a subjective decision, in the absence of a clear understanding of what each milestone is set to achieve. We would prefer a stated list of actions that clearly define the objectives of each milestone towards the development of any water resource project.

Without the benefit of understanding how water supply calculations were made or determined, we must believe that the reduction of the water quantity within the permit is resolute with some calculation of available water based on projects already in place and expected flows. While we don't have the details of how the reduction of water available to the permit was calculated, we must draw the conclusion that by limiting the flows available for any project to winter months (and subject to new, specific conditions) the expectation is that water will presumably be available during those months to fulfill any project identified, designed and built. The winter flows may ultimately mean that water resource projects may need to store the water for later use when the groundwater basin is more accepting of recharge. We find this determination a bit curious as the intention of any project is to recharge the basin when natural flows are lower due to seasonal variations (and as originally designated in the permit, augmented by controlled releases from the reservoirs); without the



ability to store the captured water for any project until truly needed, assessing a winter-only flow determination is difficult to understand without specifics of any proposed project relative to the conditions imposed. We require more information to fully understand how limiting flows to winter months for any new project will be beneficial to the groundwater basin.

MCFB supports the continued efforts to halt salt water intrusion into the Salinas Valley groundwater basin through water resource projects that ultimately benefit groundwater users in areas of infiltration. We presume that the settlement agreement is drafted with the best of compromises for all parties involved, but reserve full assessment of this settlement until more details can be provided. We remain concerned that additional restrictions on the use of the water under this permit will make new projects (specifically the Phase II noted) more difficult to analyze, build, and achieve success in retarding salt water intrusion. Our request is for SWRCB, in conjunction with MCWRA, to provide more details about the water supply calculations, flow rates, and available water for projects in the coming weeks, in order that the residents and farmers of the Salinas Valley basin can make their own objective review.

We thank you for the opportunity to provide these comments.

Sincerely,



Norman C. Groot
Executive Director