EASTERN SAN JOAQUIN GROUNDWATER AUTHORITY

Time Extended to Include Lunch & Workshop

Board of Directors Meeting

AGENDA

Wednesday, October 10, 2018
11:00 a.m. – 2:30 p.m.

San Joaquin County – Robert J. Cabral Agricultural Center
2101 E. Earhart Avenue – Assembly Room #1, Stockton, California

I. Call to Order/Pledge of Allegiance & Safety Announcement/Roll Call

II. SCHEDULED ITEMS – *Presentation materials to be posted on ESJGroundwater.org and emailed prior to the meeting. Copies of presentation materials will be available at the meeting.*

A. Discussion/Action Items:

1. Approval of Minutes of September 12, 2018 (See Attached)
2. Roadmap Update and Project Schedule
3. Outreach & Groundwater Sustainability Workgroup Update (See Attached)
4. GSP Action Update: Projects and Management Actions
   - Project Descriptions
   - Assessment Criteria
5. DWR Update
6. November Agenda Items

B. Informational Items (see attached):

1. September 2018, Announcement from California Department of Water Resources regarding "Survey on Water Quality as it Relates to the Sustainable Groundwater Management Act and the Groundwater Sustainability Plans (GSP) Regulations"
2. September 2018, Announcement from Christina Babbitt, Ph.D., Environmental Defense Fund, regarding "Launch of the Groundwater Exchange"
3. September 21, 2018, bakersfield.com, "County Downsizes Groundwater Management Role, Raising Concerns of State Intervention"
4. September 22, 2018, modbee.com, "Stanislaus County Appeals Ruling that Would Make it Harder for Farmers to Dig Wells"

(Continued on next page)

EASTERN SAN JOAQUIN GROUNDWATER AUTHORITY
Board of Directors Meeting
AGENDA
(Continued)

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5. September 26, 2018, California Department of Water Resources, "Sustainable Groundwater Management Program (SGMP) September Newsletter"

III. Public Comment (non-agendized items)

IV. Directors' Comments

V. Future Agenda Items

VI. Board Workshop: Projects and Management Actions

- Break for Lunch
- Approach and Objectives
- Polling Activity

VII. Adjournment

Next Regular Meeting
November 14, 2018 at 11:00 a.m.
San Joaquin County - Robert J. Cabral Agricultural Center
2101 E. Earhart Ave., Assembly Rm. #1, Stockton, California

Action may be taken on any item

Agendas and Minutes may also be found at http://www.ESJGroundwater.org
Note: If you need disability-related modification or accommodation in order to participate in this meeting, please contact San Joaquin County Public Works Water Resources Staff at (209) 468-3089 at least 48 hours prior to the start of the meeting.

EASTERN SAN JOAQUIN GROUNDWATER AUTHORITY
Board Meeting Minutes
September 12, 2018

I. Call to Order/Pledge of Allegiance & Safety Announcement/Roll Call

The Eastern San Joaquin Groundwater Authority (GWA) Board meeting was convened by Vice-Chair Mel Panizza at 11:06 a.m., on September 12, 2018, at the Robert J. Cabral Agricultural Center, 2101 E. Earhart Ave. Stockton, CA. Following the Pledge of Allegiance, a representative of the San Joaquin County Office of Emergency Services provided the required safety information.

In attendance were Vice-Chair Mel Panizza, Directors George Biagi, Jr., Rich Silverman, David Fletcher, Mike Henry, Tom Flinn, Eric Thorburn, Dale Kuil, Alternate Directors Charlie Swimley, Mel Lytle, Dennis Mills, and Doug Heberle.

II. SCHEDULED ITEMS

A. Discussion/Action Items:

1. Approval of Minutes of August 8, 2018

Motion:
Mr. Swimley motioned, and Mr. Silverman seconded, the approval of the August 8 minutes. Dr. Lytle and Mr. Flinn abstained.

2. GWA Financial Report

Ms. Alicia Connelly (San Joaquin County) provided a status as of August 30, 2018 for Fiscal Year 2018-19 of the Eastern San Joaquin Groundwater Authority budget. Mr. Silverman asked about individual GSA contributions and Mr. Brandon Nakagawa and Ms. Connelly answered, stating the full amount was invoiced and only half was due. Some GSAs have paid in full, but those GSAs that have not will have until July 1, 2019 to pay the second installment. Dr. Lytle expressed interest in information related to the Eastern San Joaquin Groundwater Authority budget, clarifying he is asking as a matter of interest only and not for action.

3. Roadmap Update and Project Schedule

Ms. Alyson Watson gave a summary of project progress.

4. Outreach & Groundwater Sustainability Workgroup Update

Ms. Watson provided a summary of the open house held on August 29th and other outreach elements. She gave a reminder on tracking outreach efforts by GSAs and gave an update on the August and September Groundwater Sustainability Workgroup meetings.

5. GSP Action Update

a. Thresholds Status

Ms. Watson provided a summary of the thresholds and work done to date, emphasizing thresholds for groundwater elevation. She indicated that the group is pausing on the analysis of thresholds for now and will return to it after going through projects and management actions, which may result in adjustment of the thresholds.

b. Projected Water Budget

Ms. Watson summarized the land and water use budget results and groundwater budget results. Mr. Silverman asked if these had been broken down by GSA. Ms. Watson responded that this has

not been done yet but can be done based on a similar comment from the Advisory Committee.

c. Sustainable Yield

Mr. Kuil asked how many acre feet (AF) of groundwater are available, and Ms. Watson responded that total storage is about 50 million AF. She indicated that the overdraft is a small portion of this but that the issue is the lowering of groundwater levels because after a point the water becomes very difficult to reach.

d. Projects and Management Actions

Ms. Watson provided an update on projects and management actions. She described an allocation approach versus a basin-wide approach to meeting sustainable yield. She then proposed a workshop following the October 10th Board meeting to discuss projects and management actions. She introduced the type of specific information needed and gave examples of potential categories and types of projects.

e. October Workshop

Motion:

Mr. Kuil moved, and Mr. Mike Henry seconded the authorization of budget to provide lunch at the Projects and Management Actions Workshop.

6. Department of Water Resources Update

Ms. Watson gave a Technical Support Services (TSS) update.

Mr. Paul Wells gave an update from DWR:

- The grant agreement should be approved soon. Invoices can be prepared now. Dr. Lytle asked how the consulting team is currently being paid. Mr. Nakagawa responded that $450,000 from Zone 2 has been transferred and the consulting team is being paid from that. Dr. Lytle indicated his desire to move as expediently as possible so funding does not halt momentum.
- No wells have been drilled yet under the TSS. This does require prioritization and submittal online. Mr. Wells encouraged getting a service request in. Dr. Lytle asked if GSAs would be allowed to provide more input to monitoring well prioritization and selection. Ms. Watson stated that a rubric has been developed for choosing site locations and potential sites are currently being ranked. A recommendation will be brought back to this group once completed and suggested that if there are additional sites that should be considered, to share that information with her. Dr. Lytle expressed interest in doing so.
- DWR has developed guidance documents on how to incorporate climate change into GSPs. These documents can be found on the DWR webpage.

7. October Agenda Items

The focus of the October meeting will be projects and management actions.

III. <u>Public Comment (non-agendized items):</u>

Ms. Mary Elizabeth (Sierra Club) provided comments on the agenda items above. She indicated that she likes the GSA outreach efforts tracking template and noted there should be a distinction for a community meeting versus a GSA meeting. Some dates should be included. She noted the invoices should be made available for public review as they are being submitted to DWR for reimbursement. On slide 16, for overall

timeline, Ms. Elizabeth would like to see a scale on how much groundwater elevation decrease we are looking at. She reiterated her comments from the GWA Advisory Committee meeting related to agricultural water use, requesting that crop type by GSA and water demand by crop type be provided so folks can have meaningful discussion about those policy areas that will have to come up when looking at land use changes as a potential management. One slide 21, she requested approximate average AF for the upper and lower limits so level of uncertainty can be captured. Ms. Elizabeth then noted there was a request that summary documents be approved at the GSA level. She also noted that Central Delta Water Agency has SGMA issues on their agenda every month. Where she lives, she has not seen any notices of GSA meetings by either the City of Stockton or Cal Water. She has requested prior that the City of Stockton Advisory Water Group have a specific item on the agenda and be regularly updated on SGMA, but this has not occurred. She further stated noted that the Advisory Water Group, Council Water Committee as well as the City Council have not had a specific GSA item on their agendas. She looks forward to seeing what the other GSAs are doing with regard to updates for their citizens.

Mr. Nakagawa introduced two new San Joaquin County employees (Anthony Diaz & Andy Nguyen).

Ms. Gene Fuss (League of Women Voters) indicated that supply-side projects were mentioned but is not hearing of recharge projects with winter and spring flows being considered. He noted that he would like to see focus on that.

IV. Directors' Comments:
None

V. Future Agenda Items:
None

VI. Adjournment:
The meeting was closed at 12:10 p.m. (Silverman/Biagi)

Next Regular Meeting: October 10, 2018 at 11:00 a.m.
San Joaquin County - Robert J. Cabral Agricultural Center, 2101 E. Earhart Ave., Assembly Rm. #1, Stockton, CA

EASTERN SAN JOAQUIN GROUNDWATER AUTHORITY

Joint Exercise of Powers Board of Directors Meeting

MEMBER SIGN-IN SHEET

Location: SJ COUNTY ROBERT J. CABRAL AG CENTER Date: 9/12/18 Time: 11:00 AM

INITIAL	Member's Name	GSA	Phone	Email
	John Freeman	Cal Water Member	209-547-7900	jfreeman@calwater.com
	Steve Cavallini	Cal Water Alternate	209-464-8311	scavallini@calwater.com
	George Biagi, Jr.	Central Delta Water Agency Member	209-481-5201	gbiagi@deltabluegrass.com
	Dante Nomellini	Central Delta Water Agency Alternate	209-465-5883	ngmplcs@pacbell.net
	Grant Thompson	Central San Joaquin Water Conservation District Member	209-639-1580	gtom@velociter.net
	Reid Roberts	Central San Joaquin Water Conservation District Alternate	209-941-8714	reidwroberts@gmail.com
	Stephen Salavatore	City of Lathrop Member	209-941-7430	ssalvatore@ci.lathrop.ca.us
		City of Lathrop Alternate		
	Alan Nakanishi	City of Lodi Member	209-333-6702	anakanishi@lodi.gov
	Charlie Swimley	City of Lodi Alternate	209-333-6706	cswimley@lodi.gov
	Rich Silverman	City of Manteca Member	209-456-8017	rsilverman@ci.manteca.ca.us
	Mark Houghton	City of Manteca Alternate	209-456-8416	mhoughton@ci.manteca.ca.us
	Elbert Holman	City of Stockton Member	209-937-8244	hoytjr63@yahoo.com
	Mel Lytle	City of Stockton Alternate	209-937-5614	mel.lytle@stocktonca.gov

INITIAL	Member's Name	GSA	Phone	Email
	Russ Thomas	Eastside San Joaquin GSA Member	209-480-8968	rthomasccwd@hotmail.com
	Walter Ward	Eastside San Joaquin GSA Alternate	209-525-6710	wward@envres.org
DF	David Fletcher	Linden County Water District Member	209-887-3202	dqfpe@comcast.net
	Paul Brennan	Linden County Water District Alternate	209-403-1537	ptbrennan@verizon.net
MH	Mike Henry	Lockeford Community Services District Member	209-712-4014	midot@att.net
	Joseph Salzman	Lockeford Community Services District Alternate	209-727-5035	lcsd@softcom.net
ES	Eric Schmid	Lockeford Community Services District Alternate	209-727-5035	lcsd@softcom.net
	Tom Flinn	North San Joaquin Water Conservation District Member	209-663-8760	tomflinn2@me.com
	Joe Valente	North San Joaquin Water Conservation District Alternate	209-334-4786	jcvalente@softcom.net
ET	Eric Thorburn, P.E.	Oakdale Irrigation District Member	209-840-5525	ethorburn@oakdaleirrigation.com
		Oakdale Irrigation District Alternate		
	Chuck Winn	San Joaquin County Member	209-953-1160	cwinn@sjgov.org
	Kathy Miller	San Joaquin County Alternate	209-953-1161	kmiller@sjgov.org
	John Herrick, Esq.	South Delta Water Agency Member	209-956-0150	jherrlaw@aol.com
	Jerry Robinson	South Delta Water Agency Alternate	209-471-4025	N/A
	Dale Kuil	South San Joaquin GSA Member	209-670-5829	dkuil@ssjid.com
	Robert Holmes	South San Joaquin GSA Alternate	209-484-7678	rholmes@ssjid.com
MP	Melvin Panizza	Stockton East Water District Member	209-948-0333	melpanizza@aol.com
AW	Andrew Watkins	Stockton East Water District Alternate	209-948-0333	watkins.andrew@verizon.net
	Anders Christensen	Woodbridge Irrigation District Member	209-625-8438	widirrigation@gmail.com
DH	Doug Heberle	Woodbridge Irrigation District Alternate	209-625-8438	heberlewid@gmail.com

Eastern San Joaquin Groundwater Authority Staff & Support

INITIAL	Member's Name	Organization	Phone	Email
	Kris Balaji	San Joaquin County	468-3100	kbalani@sjgov.org
	Fritz Buchman	San Joaquin County	468-3034	fbuchman@sjgov.org
BN	Brandon Nakagawa	San Joaquin County	468-3089	bnakagawa@sjgov.org
	Mike Callahan	San Joaquin County	468-9360	mcallahan@sjgov.org
	Alicia Connelly	San Joaquin County	468-3531	aconnelly@sjgov.org
KV	Kelly Villalpando	San Joaquin County	468-3073	krvillalpando@sjgov.org
	Danielle Barney	San Joaquin County	468-3089	dbarney@sjgov.org
AN	Andy Nguyen	San Joaquin County	953-7948	aynguyen@sjgov.org
AD	Anthony Diaz	San Joaquin County	468-3060	anthonydiaz@sjgov.org
	Rod Attebery	Neumiller & Beardslee / Legal Counsel	948-8200	rattebery@neumiller.com
	Monica Streeter	Neumiller & Beardslee / Legal Counsel	948-8200	mstreeter@neumiller.com

EASTERN SAN JOAQUIN GROUNDWATER AUTHORITY

Joint Exercise of Powers Board of Directors Meeting

OTHER INTERSTED PARTIES - SIGN-IN SHEET

Location: SJ COUNTY ROBERT J. CABRAL AG CENTER Date: 9/12/18 Time: 11:00 AM

INITIAL	Member's Name	Organization	Phone	Email
AW	Alyson Watson	W&C	415-734-0049	awatson@woodardcurran.com
JK	John Kramer	CONDOR	209 6010517	jkramer@condorearth.com
CSK	Christy Kennedy	W+C	415-321-3400	cskennedy@woodardcurran.com
KV	Ken Vogel	S.J. Farm Bureau	209-815-5803	kewsvogel@yahoo.com
CS	Chelsea Spier	DWR	916-376-9626	Chelsea.Spier@water.ca.gov
PW	Paul Wells	DWR	916 376-9656	paul.wells@water.ca.gov
BS	Briana Scapy	CDFW	978-727-3885	briana.scapy@wildlife.ca.gov
VD	Victoria Drake	ENGEO	209-684-7615	vdrake@engeo.com
DK	DALE KUIL	SSJID.	2996705829	
GG	Greg Gibson	Lathrop	2099417442	ggibson@ci.lathrop.ca.com
SM	Sara Miller	W&C	916-999-8769	smiller@woodardcurran.com
AT	Ali Taghavi	W&C	916-999-8700	ataghavi@woodardcurran.com
AC	Alicia Connelly	SJC		
D.T.	Danny Trejo	City of Stockton	(209) 937-8797	Danny.Trejo@stocktonca.gov

OTHER INTERESTED PARTIES – SIGN-IN SHEET

INITIAL	Member's Name	Organization	Phone	Email
RS	Rob Schumann	Kleinfelder	858 352 8243	rschumann@kleinfelder.com
GS	Grace Su	EBMUD		
	Dennis Mills	CALAVERAS COUNTY		
JTC	Jane Wagner Tyack	Independent consultant	209-642-5185	
ME	MElizabeth	Sierra Club		
AS	ANNETTE SCHERMESSER	AWC		
ZC	ZAC CRAWFORD	ENGEO	925-570 4056	zcrawford@engeo.com
EF	Eugene Fuss	League of Women Voters SJC	209-645-9729	genef1000@gmail.com
	Fritz Buchman	SJ Cantar		
BSM	Brian S. Moss	Calaveras County	209-754-6036	bmoss@co.calaveras.ca.us

ATTACHMENT II
A.3.

Villalpando, Kelly

From:	Ara Marderosian <ara@sequoiaforestkeeper.org>
Sent:	Tuesday, September 11, 2018 5:15 AM
To:	'Judie Talbot'; 'Mary Elizabeth'; goldrushdean@yahoo.com; kensvogel@yahoo.com; twells@tfewines.com; wprice@pacific.edu; ypark@ccstockton.org; daryllpq@gmail.com; Linda Turkatte [EH]; 'Restore the Delta'; Dfries.audubon@gmail.com; 'George Hartmann'; 'Mary Hildebrand'; jennifer@mccv.org; jgiordano@thewinegroup.com; ryan.mock@simplot.com; Mooovers@aol.com; michael.machado@ymail.com; colin@ejcw.org; mike@springcreekcc.com; machadofamilyfarms@gmail.com; 'Christy Kennedy'; 'Lucy Eidam Crocker'; 'Lindsay Martien'; Nakagawa, Brandon; ESJGroundwater; awatson@woodardcurran.com; Todd Shuman
Subject:	Eastern SJV meeting slides 11 September meeting
Attachments:	ESJ GS Workgroup Slides_Sept2018_Final.pdf

Hi All,

Slide 31 in the attached slide presentation, scheduled for presentation in today's Eastern SJV meeting, states:

Water Demands are Based on Urban
and Agricultural Water Use Estimates

Agricultural water use based

- **Crop type and acreage**
- Soil conditions
- Irrigation practices
- Hydrogeology and climate

But the slides don't provide acres of each specific livestock feed crop or give us numbers that can be converted to a useful analysis of the data.

Since Cropscape maps have already created of agricultural acreage and already included them in slide 34, associated CropScape spreadsheet should also be provide that documents the particular acreages by crop within the ESJGW Authority.

I am not able and Tod Shuman is not able to attend today's meeting due to other commitments in our schedules.

Please include this request in the minutes of the meeting sent to the Authority Board.

Thanks for all you do.

Ara

Mr. Ara Marderosian,
Executive Director
Sequoia ForestKeeper®

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Kernville, CA 93238
(760) 376-4434
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www.facebook.com/SequoiaForestKeeper
http://www.youtube.com/c/SequoiaForestkeeper

Water Demands are Based on Urban and Agricultural Water Use Estimates

EASTERN SAN JOAQUIN GROUNDWATER AUTHORITY

- Urban water use based on:
  - Population
  - Water Use Per Person
  - Agency projections
- Agricultural water use based on
  - Crop type and acreage
  - Soil conditions
  - Irrigation practices
  - Hydrogeology and climate

Villalpando, Kelly

From:	Ara Marderosian <ara@sequoiaforestkeeper.org>
Sent:	Monday, October 01, 2018 9:48 AM
To:	'Judie Talbot'; 'Mary Elizabeth'; goldrushdean@yahoo.com; kensvogel@yahoo.com; twells@tfewines.com; wprice@pacific.edu; ypark@ccstockton.org; daryllpq@gmail.com; Linda Turkatte [EH]; 'Restore the Delta'; Dfries.audubon@gmail.com; 'George Hartmann'; 'Mary Hildebrand'; jennifer@mccv.org; jgiordano@thewinegroup.com; ryan.mock@simplot.com; Mooovers@aol.com; michael.machado@ymail.com; colin@ejcw.org; mike@springcreekcc.com; machadofamilyfarms@gmail.com; 'Christy Kennedy'; 'Lucy Eidam Crocker'; 'Lindsay Martien'; Nakagawa, Brandon; ESJGroundwater; awatson@woodardcurran.com; Todd Shuman
Subject:	Eastern SJV meeting issue of public trust doctrine
Attachments:	Farmers thought they had 20 years to use groundwater as they wished maybe not anymore.docx

Farmers thought they had 20 years to use groundwater as they wished - maybe not anymore

By Dale Kasler

dkasler@sacbee.com

https://www.sacbee.com/news/state/california/water-and-drought/article218300410.html

September 17, 2018 02:00 AM

Updated September 19, 2018 09:44 PM

California farmers are laboring under a daunting edict: They must stop over-pumping groundwater from beneath their ranches. The saving grace is that state law gives them more than 20 years to do it.

Now, however, a landmark court ruling could force many farmers to curb their groundwater consumption much sooner than that, landing like a bombshell in the contentious world of California water.

For the first time, a California court has said state and county governments have a duty to regulate groundwater usage when it's clear that the pumping drains water from adjacent rivers.

"This is going to be an immediate obligation, not one that they can wait 20 years," said **James Wheaton of the Environmental Law Foundation, an Oakland nonprofit** that won the lawsuit. "They're going to have to act now."

The Aug. 29 ruling by the Third District Court of Appeal involves the Scott River in Siskiyou County, an obscure 60-mile tributary of the Klamath near the Oregon border that suddenly looms as a major artery in California water law. Wheaton said the ramifications go far beyond Siskiyou's borders.

"This ruling applies statewide," he said.

The court case spotlighted the often overlooked connection between rivers and aquifers. Rivers aren't just fed by rainwater and melting snow; they also depend on groundwater. Richard Frank, a UC Davis law professor who worked on the lawsuit, said farmers in the vicinity of the Scott pump so much groundwater that portions of the river go nearly dry during the summer. That has had a devastating effect on fish populations, including the endangered coho salmon.

"That's jobs and dollars and our livelihood," said Glen Spain, a lawyer who worked on the case and regional director of the Pacific Coast Federation of Fishermen's Associations. "If you're a fish, a dried-up river is death."

Ironically, the ruling would probably have the least impact in parched regions like the San Joaquin Valley, where aquifers already have been drained so badly that they no longer feed the rivers, said Brian Gray, a water-law expert at the Public Policy Institute of California.

The court established a broad, general principle – essentially, that groundwater pumping that harms rivers violates California law, and Siskiyou County officials must take that into account when they allow new wells to be drilled. Additional court cases or other actions would be needed to establish hard-and-fast rules on what's permissible, Wheaton said. He said the Environmental Law Group hasn't decided which steps to take.

"Is this going to change anybody's pumping next year? Not to my knowledge," said Chris Scheuring, general counsel at the California Farm Bureau Federation.

But the ruling could eventually have an effect in plenty of places. Ellen Hanak, a water-policy expert at PPIC, said groundwater pumping by wine grape growers has been shown to reduce flows significantly on the Russian River, for example. In one case, a decade ago, the river ran so low that endangered salmon were left to die on the river banks, prompting regulations requiring farmers on the Russian to coordinate their pumping activities to keep flows high enough.

Last month's court ruling could eventually bring far stricter restrictions. The Farm Bureau was concerned enough that it argued in court against the ruling.

Restricting groundwater pumping "could have a significant negative economic impact on many landowners, and frustrate long-existing, investment-backed expectations to a water right that has never before been so limited," the Farm Bureau's lawyers wrote in a legal brief with the Pacific Legal Foundation, a property-rights nonprofit in Sacramento.

Groundwater is California's lifeline, particularly in agriculture. According to the Public Policy Institute of California, aquifers generate about 40 percent of the water used by farms and cities. In lean times, it gets worse. During the recent five-year drought, farmers drilled thousands of new groundwater wells and extracted as much as 8.4 million acre-feet of water out of the aquifers each year, according to a UC Davis study. An acre-foot is about 326,000 gallons.

Alarmed about falling water tables and other consequences, the Legislature acted in 2014 to rein in groundwater consumption. The Sustainable Groundwater Management Act will require "critically over-drafted" groundwater basins to come into balance – meaning farmers will have to put as much into the basin as they take out – by 2040. The groundwater basins in better shape have until 2042 to become sustainable. Generally speaking, "sustainable" means the basins are in no worse shape than they were in January 2015.

Regional agencies are in charge of developing the sustainability plans, and state officials who oversee SGMA say last month's court ruling won't change that. The decision "does not interrupt DWR's implementation of SGMA nor uproot development of groundwater sustainability plans by local agencies," said Joyia Emard, a spokeswoman for the Department of Water Resources, in an email.

Even with two decades-plus of lead time, farm advocates say SGMA will likely force the permanent retirement of hundreds of thousands of acres of farmland. Environmentalists, however, say the Scott River can't wait for the law's deadlines to kick in.

In its lawsuit, the Environmental Law Foundation cited a legal doctrine known as "the public trust." It's a powerful doctrine, rooted in ancient Roman law, and says the state and county governments have the duty to

protect public resources such as water. The public trust doctrine was the basis for one of the most important legal decisions in California water history – the state Supreme Court's 1983 ruling that gave broad protections to Mono Lake on the eastern slope of the Sierra. That ruling prompted state regulators several years later to significantly curtail the city of Los Angeles' ability to draw water from the lake.

Now the concept is being applied to groundwater pumping and the impact it has on the state's rivers. "If you pump out the groundwater and deplete the river, you potentially violate the public trust," said the PPIC's Gray.

In the lawsuit, Siskiyou County officials said there was already a law in place to rein in pumping operations – the SGMA groundwater law – which overrides the public trust issue. The court flatly rejected that argument. Siskiyou County's attorneys couldn't be reached for comment for this story.

Wheaton said he doesn't want to use the ruling to hurt farmers, who he said have suffered plenty in recent years. But he said the rivers have to be protected, and soon.

With the ruling, "we have a very powerful tool," the environmental lawyer said. "We want to wield it in a way that's responsible but effective."

Read more here: https://www.sacbee.com/news/state/california/water-and-drought/article218300410.html#storylink=cpy

Ara

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http://www.youtube.com/c/SequoiaForestkeeper

Farmers thought they had 20 years to use groundwater as they wished maybe not anymore

By Dale Kasler

dkasler@sacbee.com

https://www.sacbee.com/news/state/california/water-and-drought/article218300410.html

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"This ruling applies statewide," he said.

The court case spotlighted the often overlooked connection between rivers and aquifers. Rivers aren't just fed by rainwater and melting snow; they also depend on groundwater. Richard Frank, a UC Davis law professor who worked on the lawsuit, said farmers in the vicinity of the Scott pump so much groundwater that portions of the river go nearly dry during the summer. That has had a devastating effect on fish populations, including the endangered coho salmon.

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But the ruling could eventually have an effect in plenty of places. Ellen Hanak, a water-policy expert at PPIC, said groundwater pumping by wine grape growers has been shown to reduce flows significantly on the Russian River, for example. In one case, a decade ago, the river ran so low that endangered salmon were left to die on the river banks, prompting regulations requiring farmers on the Russian to coordinate their pumping activities to keep flows high enough.

Last month's court ruling could eventually bring far stricter restrictions. The Farm Bureau was concerned enough that it argued in court against the ruling.

Restricting groundwater pumping "could have a significant negative economic impact on many landowners, and frustrate long-existing, investment-backed expectations to a water right that has never before been so limited," the Farm Bureau's lawyers wrote in a legal brief with the Pacific Legal Foundation, a property-rights nonprofit in Sacramento.

Groundwater is California's lifeline, particularly in agriculture. According to the Public Policy Institute of California, aquifers generate about 40 percent of the water used by farms and cities. In lean times, it gets worse. During the recent five-year drought, farmers drilled thousands of new groundwater wells and extracted as much as 8.4 million acre-feet of water out of the aquifers each year, according to a UC Davis study. An acre-foot is about 326,000 gallons.

Alarmed about falling water tables and other consequences, the Legislature acted in 2014 to rein in groundwater consumption. The Sustainable Groundwater Management Act will require "critically over-drafted" groundwater basins to come into balance – meaning farmers will have to put as much into the basin as they take out – by 2040. The groundwater basins in better shape have until 2042 to become sustainable. Generally speaking, "sustainable" means the basins are in no worse shape than they were in January 2015.

Regional agencies are in charge of developing the sustainability plans, and state officials who oversee SGMA say last month's court ruling won't change that. The decision "does not interrupt DWR's implementation of SGMA nor uproot development of groundwater sustainability plans by local agencies," said Joyia Emard, a spokeswoman for the Department of Water Resources, in an email.

Even with two decades-plus of lead time, farm advocates say SGMA will likely force the permanent retirement of hundreds of thousands of acres of farmland. Environmentalists, however, say the Scott River can't wait for the law's deadlines to kick in.

In its lawsuit, the Environmental Law Foundation cited a legal doctrine known as "the public trust." It's a powerful doctrine, rooted in ancient Roman law, and says the state and county governments have the duty to protect public resources such as water. The public trust doctrine was the basis for one of the most important legal decisions in California water history – the state Supreme Court's 1983 ruling that gave broad protections to Mono Lake on the eastern slope of the Sierra. That ruling prompted state regulators several years later to significantly curtail the city of Los Angeles' ability to draw water from the lake.

Now the concept is being applied to groundwater pumping and the impact it has on the state's rivers. "If you pump out the groundwater and deplete the river, you potentially violate the public trust," said the PPIC's Gray.

In the lawsuit, Siskiyou County officials said there was already a law in place to rein in pumping operations – the SGMA groundwater law – which overrides the public trust issue. The court flatly rejected that argument. Siskiyou County's attorneys couldn't be reached for comment for this story.

Wheaton said he doesn't want to use the ruling to hurt farmers, who he said have suffered plenty in recent years. But he said the rivers have to be protected, and soon.

With the ruling, "we have a very powerful tool," the environmental lawyer said. "We want to wield it in a way that's responsible but effective."

Read more here: https://www.sacbee.com/news/state/california/water-and-drought/article218300410.html#storylink=cpy

EASTERN SAN JOAQUIN GROUNDWATER AUTHORITY

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Eastern San Joaquin Groundwater Authority
Groundwater Sustainability Workgroup
August 15, 2018
4 – 5:30 p.m.
Robert J. Cabral Agricultural Center
2101 E. Earhart Ave., Stockton, CA, Mokelumne Room

Committee Members in Attendance

	Name	Organization
	Colin Bailey	The Environmental Justice Coalition for Water
	Barbara Barrigan-Parrilla	Restore the Delta
	Gene E. Bigler	PUENTES
	Drew Cheney	Machado Family Farms
x	Robert Dean	Calaveras County Resource Conservation District
x	Mary Elizabeth	Sierra Club
	David Fries	San Joaquin Audubon
x	Joey Giordano	The Wine Group
x	Jack Hamm	Lima Ranch
x	Mary Hildebrand	South Delta Water Agency
	George V. Hartmann	The Hartmann Law Firm
	Michael Machado	Farmer
x	Todd Shuman	Sequoia ForestKeeper
	Ryan Mock	J.R. Simplot Company
x	Yolanda Park	Catholic Charities of the Diocese of Stockton
x	Will Price	University of the Pacific & Vice Chair, SJ County Advisory Water Commission
	Daryll Quaresma	2Q Farming, Inc.
	Jennifer Shipman	Manufacturers Council of the Central Valley
	Chris Shutes	California Sportfishing Protection Alliance
	Michael F. Stieler	CGCS, Spring Creek Golf & Country Club
x	Linda Turkatte	San Joaquin County Environmental Health Department
	Ken Vogel	San Joaquin Farm Bureau Federation
x	Ted Wells	Trinchero Family Estates and Sutter Home Winery
	General Public	
x	Jane Wagner-Tyack	League of Women Voters of SJ County
x	Paul Wells	Department of Water Resources
x	Andrew Watkins	Stockton East Water District
	Staff and Consultants	
	Brandon Nakagawa	County ESJ GSP Project Representative
x	Michael Callahan	County ESJ
x	Alicia Connelly	County ESJ
x	Alyson Watson	ESJ GSP Project Manager

	Christy Kennedy	ESJ GSP Deputy Project Manager
x	Lucy Eidam Crocker	Stakeholder Engagement & Public Outreach Consultant

Meeting Notes

I. Welcome

a. Alyson Watson welcomed the group.
b. Alyson Watson reviewed the meeting agenda, emphasizing the focus would be on discussing undesirable results and minimum thresholds.

II. Comments on Meeting Notes

a. Jane Wagner-Tyack – asked for clarification on the situation assessment referenced in Section V of the July meeting notes. Alyson Watson shared that as part of the situation assessment, up to 25 stakeholders and/or small groups will be interviewed and asked questions on their interests and concerns. DWR is still intending to move forward with it, but it is taking longer than anticipated to get going. DWR will be covering the cost of the survey and it is different than the grant for the contract for this effort.
b. Review of key values – members discussed the two modifications to the 12 key values based on feedback from last time (inclusion of "be *affordable*" and "including climate change"). After discussion of the new additions, the group decided to leave the language as is for now.

III. Update on Background Conditions

a. Alyson Watson shared slides on data availability and the datasets used to date.
b. Maps were presented to show the distribution and depth of public supply, agricultural and domestic wells in the Subbasin.
    i. Public supply wells are clustered around urban centers. 95 public supply wells are deeper than 500 ft.
    ii. Agricultural wells are widely distributed and increase in depth as you move from east to west. 462 agricultural wells are deeper than 500 ft.
    iii. Domestic wells are widely distributed, generally shallower, and increase in depth as you move from east to west. 193 domestic wells are deeper than 500 ft., 6,000 domestic wells are between 200-500 ft., and about 4,000 domestic wells are between 0 and 200 ft.
    iv. Reminder, based on Ara Marderosian's comments, to have an explanation of acronyms and abbreviations on the slides moving forward. The consulting team will add a description of acronyms as often as possible to documents, PPTs and other supporting information.
    v. Members discussed the importance of considering topography when looking at well depth and indicated that wells on the east side are more expensive because they have to be drilled deeper.

IV. Undesirable Results & Minimum Thresholds

a. Alyson Watson reminded the group of the 6 sustainability indicators that must be considered under SGMA: Chronic Lowering of Groundwater Levels, Reduction in Groundwater Storage, Seawater Intrusion, Degraded Water Quality, Land Subsidence, Depletion of Interconnected Surface Water
b. Alyson Watson gave a review of SGMA terminology
    i. Undesirable results are negative impacts that can occur for each sustainability indicator
    ii. Minimum thresholds are the levels at which undesirable results may begin to occur
c. Alyson Watson reviewed the process through which measurable objectives will be developed. First, they will identify scenarios we do not want to happen and set minimum thresholds that will be protective of beneficial uses.

d. Members discussed undesirable results for the following sustainability indicators:
    a. Chronic Lowering of Groundwater Levels
    b. Reduction in Groundwater Storage, Seawater Intrusion
    c. Degraded Water Quality. (i.e., *"What are we trying to avoid?"*)
        i. Due to time restrictions, the Sustainability Indicators of Land Subsidence and Depletion of Interconnected Surface Water will be discussed at the next meeting.
e. Discussion of Chronic Lowering of Groundwater Levels
    Undesirable Results:
        i. Reduced productivity, dry wells or increased pumping costs for all users including disadvantaged communities.
        ii. Cones of depression impacting viability of adjacent shallower wells (beyond ability to recharge)
        iii. Surface water impacts
    Thresholds:
        i. Define what is "significant and unreasonable" for wells going dry. (For example, consider the age of the well)
        ii. Consider draw down vs. recharge rates
        iii. Affordability or costs as consideration: initial capital and operations and maintenance ongoing costs, esp. for small public water systems
        iv. Woodard & Curran to follow up on what the relationship is between shallow wells and disadvantaged communities and bring a definition of disadvantaged communities
f. Discussion of Reduction in Groundwater Storage
        i. Include threshold to consider future water markets, etc. (note: groundwater elevation thresholds will be more protective)
        ii. Woodard & Curran to follow up on what is the aquifer depth used in the model (and are there water quality concerns?)
g. Discussion of Seawater Intrusion
        i. Direct seawater intrusion does not occur in the Subbasin. Salinity will be addressed via the water quality sustainability indicator
h. Discussion of Degraded Water Quality
        i. Salinity – Salinity solutions should not further aggravate current "salt sink"
        ii. Do not hold basin responsible for conditions that are outside of control
            1. Naturally occurring contaminants (e.g., arsenic)
            2. Imported contaminants – salts, pharmaceuticals and personal care products (PPCPS), contaminants of emerging concern (CECs) etc. in surface water
            3. Questions were asked about whether items such as herbicides and pesticides would be considered

V. Brainstorming for Open House Stations

a. Members discussed ideas for outreach materials and content to include at the upcoming Open House event on August 29. (*"What is critical to focus on and get across?"*)
    i. Big questions:
        1. What is SGMA?
        2. What are we achieving?
        3. Why is it important?
    ii. Handout with acronyms and terminology defined
    iii. The Union of Concerned Scientists has a booklet called Getting Involved in Groundwater that can be distributed
    iv. Include large contour maps and have someone to explain where each attendee's home or business is located on the map
    v. Information on the geology and hydrogeology of the area
    vi. Consider a home learning opportunity with information about who to go to with questions about their water
    vii. Include information about upcoming meetings and how to get involved

Comment by Todd Shuman

No mention of the discussion that occurred concerning nitrates and significant levels of nitrates as an indicator of degraded groundwater quality. The primary Ag rep argued that nitrates should not be considered because dairy operations are supposed to conform with permits and nitrate regulation by other state entities already. Todd Shuman argued the opposite and stated that nitrates levels should be considered in assessing whether the GW Basin is complying with the mandate concerning degraded GW quality. Dairies are not the only source of nitrates, perhaps not even the primary source. Farmer-applied fertilizer to grow crops is likely a significant vector concerning nitrate formation and leakage into GW. Along with herbicides and pesticides, nitrate concentrations should be considered when making determinations concerning the quality of groundwater in the ESJ GW Basin.

Comment by Robert Dean

I recall that in our last meeting there was a comment about the ESJ basin having plenty of water if you consider the quantity of water at depth. It would seem to me that this could be considered a false narrative if we're concerned with water availability, economies of scale and social justice.

The great concern with regard to water availability is; will there be sufficient water supply over time at usable levels of quality. The economies of scale go directly to the costs of securing and distributing this water. We know the costs of drilling and pumping and we can calculate the costs of delivery. The issue of social justice is another matter. As said above we understand the economies of scale but when the sustainability factor is brought in all sorts of issues are raised and these are the things that concern me. For example, how will people be able to afford the increasing cost of water when these costs go up at an always ascending pace? Whether it's the cost of pumping or meeting agency rate requirements, over time these expenses can become prohibitive. This doesn't even factor in the public health cost of treatment. In the context of climate change, when droughts impact ag production and this directly impacts income at both the primary and secondary level, what becomes of sustainability. I think this is a significant threshold issue but it may be outside the purview of our workgroup. It is appropriate to call attention to it because, while decisions to alleviate this condition will happen at the local level, the solution is legislative and needs to be addressed at the state and possibly federal level.

I don't know where this would fit in to our workgroup agenda, but it seems that in order to successfully address groundwater sustainability this need to be part of the conversation.

Eastern San Joaquin Subbasin

Groundwater Sustainability Workgroup

August 15, 2018

EASTERN SAN JOAQUIN
GROUNDWATER AUTHORITY

Agenda

EASTERN SAN JOAQUIN GROUNDWATER AUTHORITY

- Comments on Meeting Notes
- Update on Background Conditions
- Undesirable Results & Minimum Thresholds
- Brainstorming for Open House Station
- Announcements
- Other Topics

Comments on Meeting Notes

Groundwater Sustainability Workgroup: Twelve Key Values

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Be implemented in an equitable manner	Be affordable and accessible	Exhibit multiple benefits to local land owners and other participating agencies	Minimize and mitigate adverse impacts to the environment including climate change
Maintain or enhance the local economy	Minimize adverse impacts to entities within the Subbasin	Maintain overlying landowner and Local Agency control of the Subbasin	Protect the rights of overlying land owners
Protect groundwater and surface water quality	Provide more reliable water supplies	Restore and maintain groundwater resources	Increase amount of water put to beneficial use within the Subbasin

Update on Background Conditions

Well Data Availability

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Dataset		Count	Data Provided				
			Well Type	Well Depth	Groundwater Levels	Groundwater Quality	Well Location
CASGEM		147	(Limited)	(Limited)	X		X
CASGEM (Voluntary)		685	(Limited)	(Limited)	X		X
CV-SALTS	*CDPH*	650	X	X		X	X
	Dairies	534	X	X		X	X
	GeoTracker	650	X	X		X	X
Data Received Directly from GSAs		243	X (Public and monitoring wells)	X	(Limited)	X	X
GAMA		225	X	(Limited)		X	X
OSWCR	*Domestic*	10,034	X	X			
	Agricultural	2,909	X	X			
	Public Supply	364	X	X			
San Joaquin County		193	(Limited)	(Limited)	X		X

Public Supply Well Distribution and Depth

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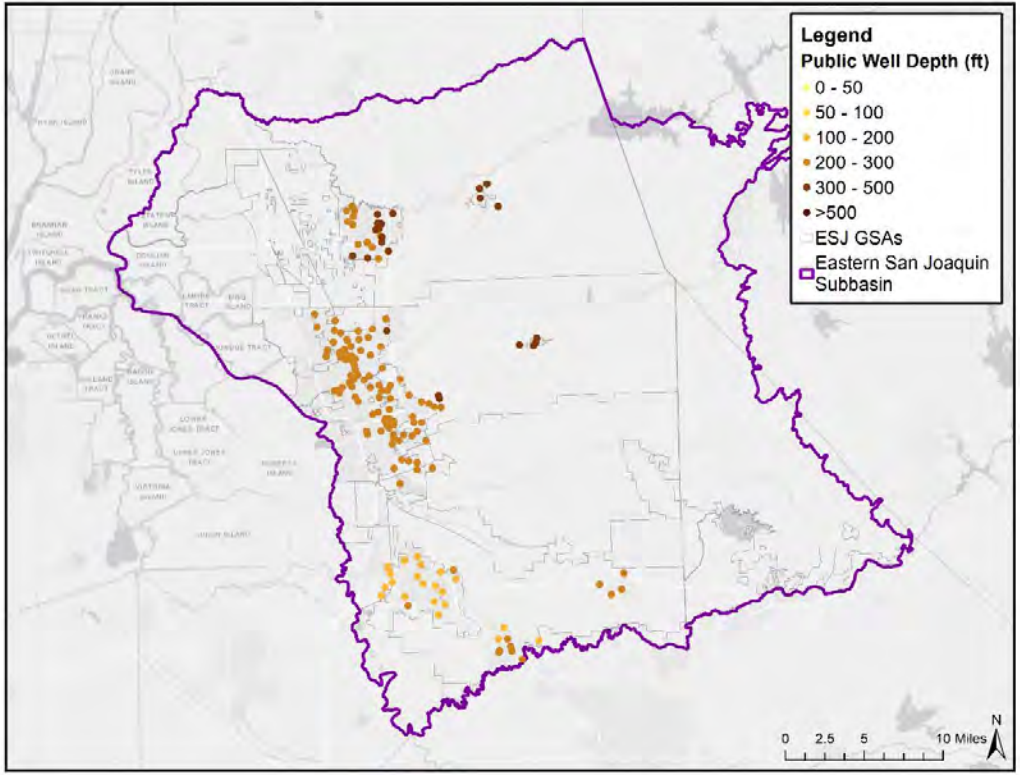

- Public supply wells are clustered around urban centers

Agricultural Well Distribution and Depth

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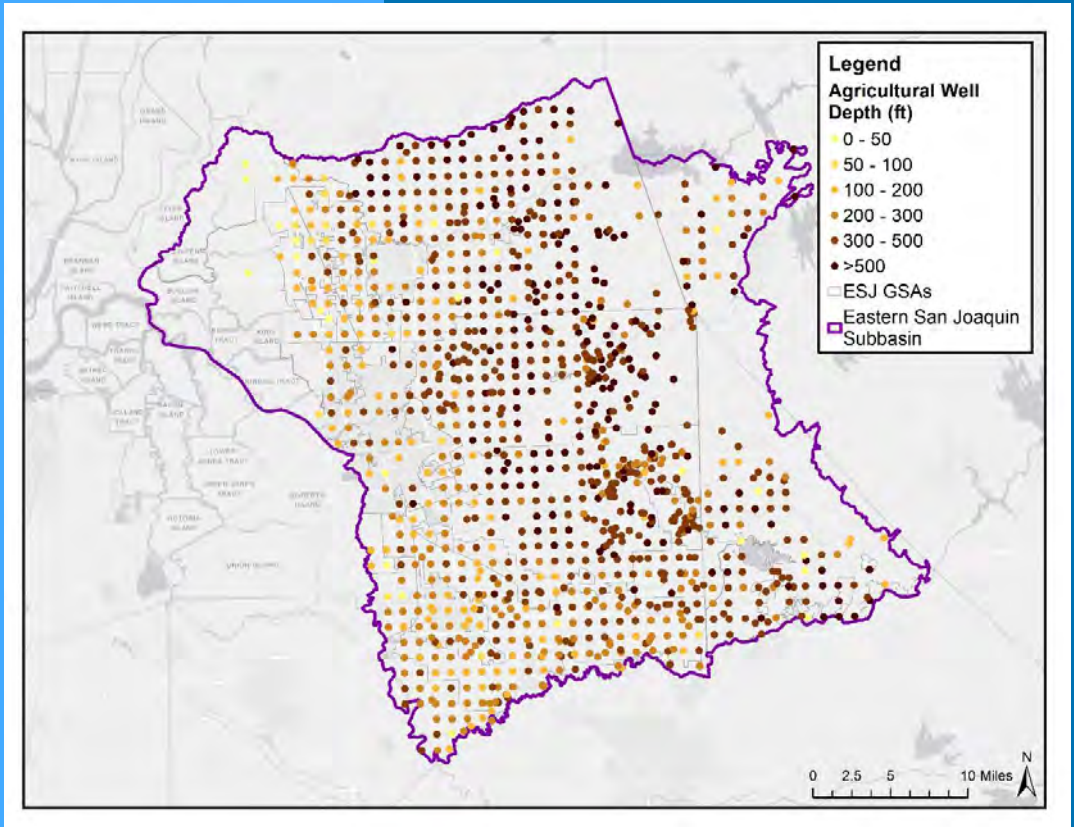

- Agricultural wells are widely distributed and increase in depth as you move from West to East

Domestic Well Distribution and Depth

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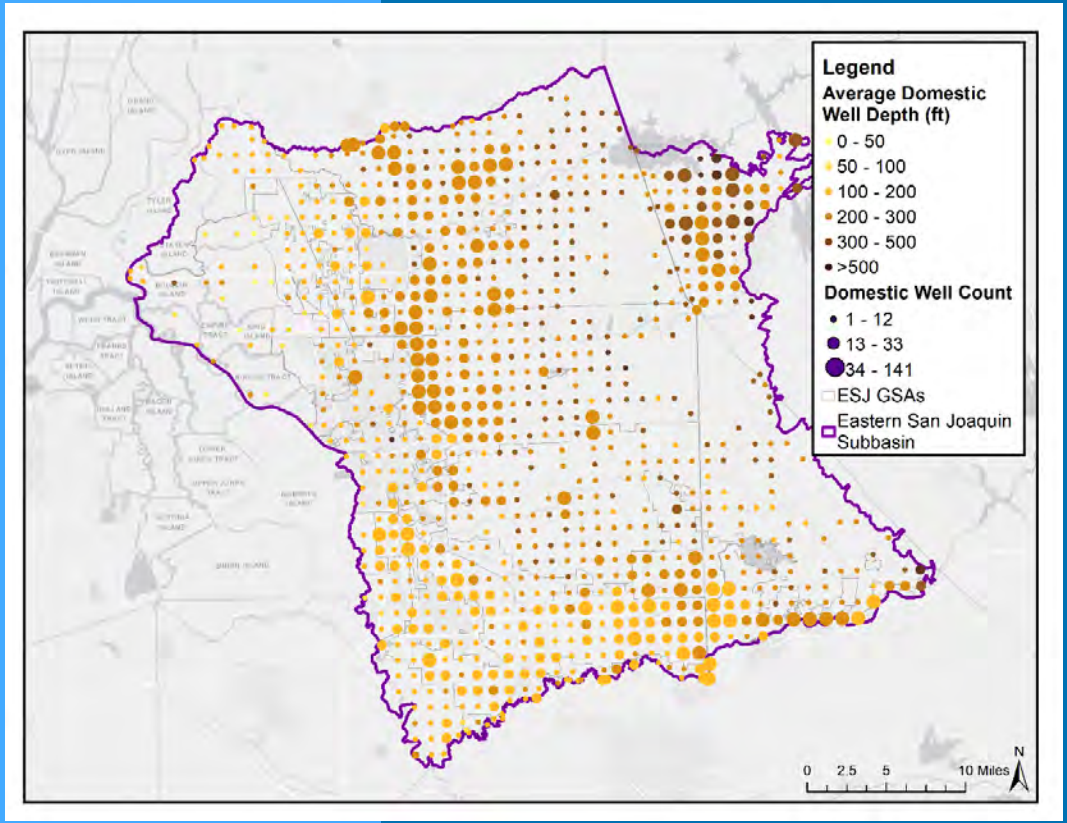

- Domestic wells are widely distributed, generally shallower, and increase in depth as you move from West to East

Average Domestic Well Depth

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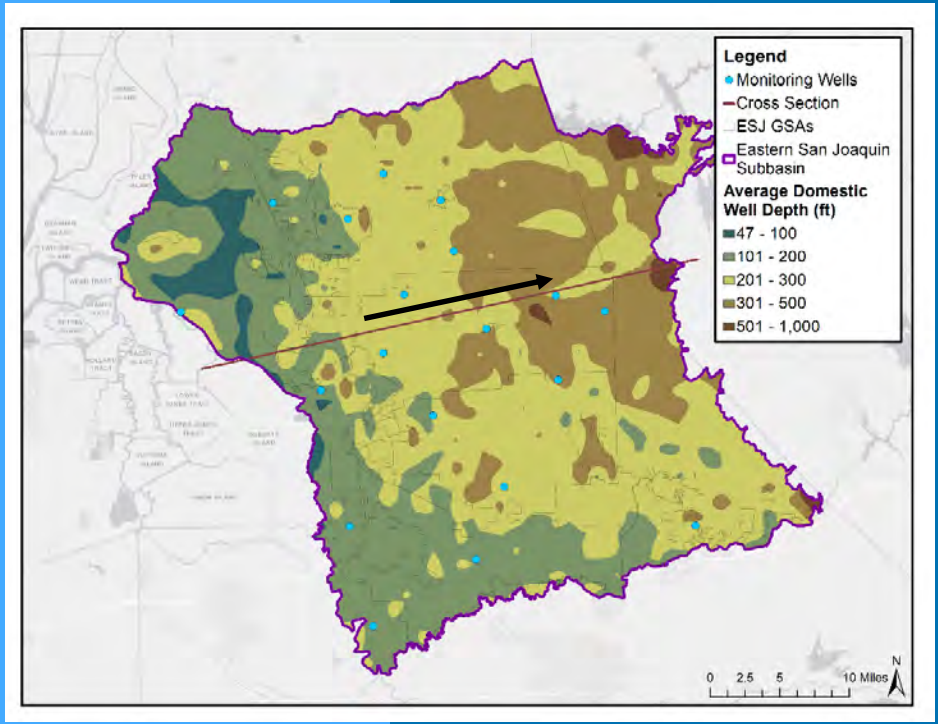

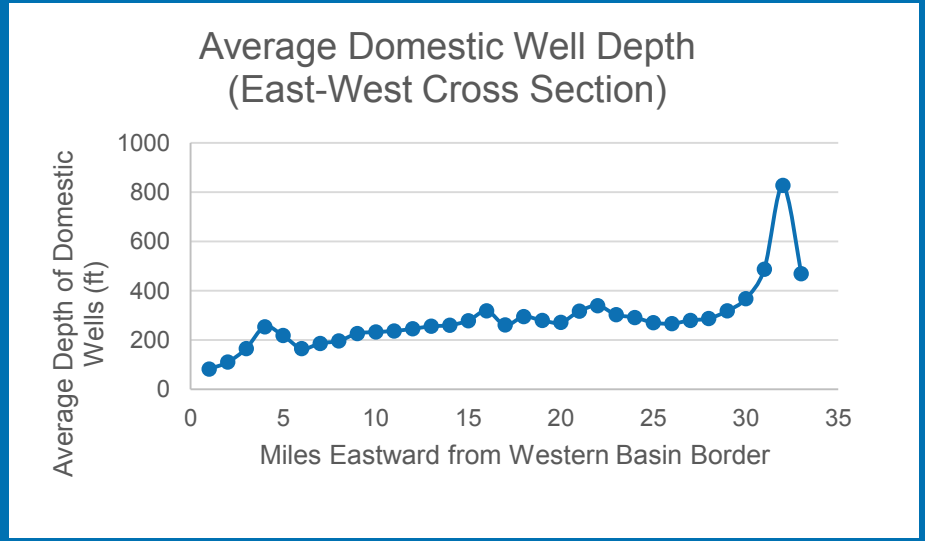

Source: OSWCR

Sustainability Indicators and Undesirable Results

Review – Six Sustainability Indicators to be Addressed

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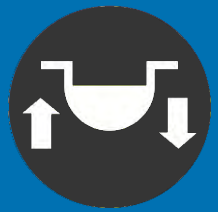
Chronic lowering of groundwater levels indicating a significant and unreasonable depletion of supply

Significant and unreasonable degraded water quality

Significant and unreasonable reduction of groundwater storage

Significant and unreasonable land subsidence

Significant and unreasonable seawater intrusion



Depletions of interconnected surface water that have significant and unreasonable adverse impacts on beneficial uses of the surface water

Review – We Will Develop Measurable Objectives for Each Sustainability Indicator

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These objectives, and the pathway to achieving them (projects, management actions, etc), are the "guts" of the GSP

Undesirable Results are Negative Impacts that can Occur for Each Sustainability Indicator

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- Undesirable Results are conditions that we do not want to have happen
- They will be used to guide and justify other GSP components including:
  - Monitoring Site Locations
  - Management Thresholds
  - Projects and Management Actions

Minimum Thresholds are the Levels at which Undesirable Results May Begin to Occur

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- Minimum Thresholds are the lowest levels the basin can go at a given monitoring point without something significant and unreasonable happening to groundwater
- These are quantitative thresholds

Understanding Undesirable Results and Setting Minimum Thresholds

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- Chronic Lowering of Groundwater Levels
- Reduction in Groundwater Storage
- Seawater Intrusion
- Degraded Water Quality
- Land Subsidence
- Depletion of Interconnected Surface Water

Undesirable Results for Chronic Lowering of Groundwater Levels

EASTERN SAN JOAQUIN GROUNDWATER AUTHORITY

Chronic Lowering of Groundwater Levels

Why is this a concern? What are we trying to avoid?

- **Wells going dry**
- **Reduced production**
- **Higher pumping costs due to greater lift**
- **Deeper installation (more expensive drilling)**

Discussion: other potential effects to consider?

Review – Groundwater Elevation Conditions

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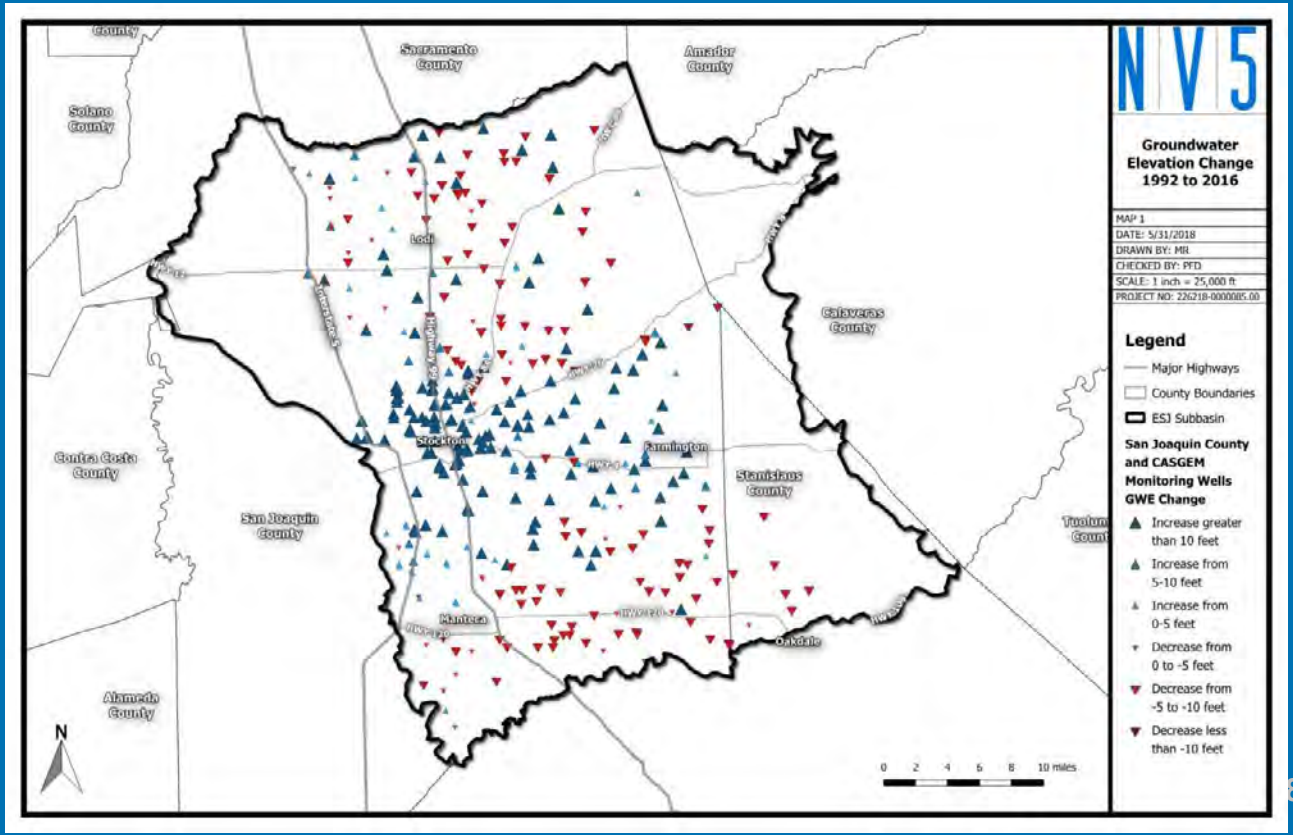
(blue) – Areas that have recovered since 1992 drought

(red) – Areas that have declined since 1992 drought



Minimum Thresholds for Groundwater Elevation: Status

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1) Mapped the lower groundwater elevation for 1992 or 2015, compared to current levels

2) Met with GSAs to confirm understanding

3) Compared to domestic well depths

4) Identified monitoring locations for groundwater thresholds

Understanding Undesirable Results and Setting Minimum Thresholds

EASTERN SAN JOAQUIN GROUNDWATER AUTHORITY

- Chronic Lowering of Groundwater Levels
- Reduction in Groundwater Storage
- Seawater Intrusion
- Degraded Water Quality
- Land Subsidence
- Depletion of Interconnected Surface Water

Undesirable Results for Reduction in Groundwater Storage

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Reduction in Groundwater Storage

Why is this a concern? What are we trying to avoid?

- **This is not a major concern**
- **Large basin storage (42 MAF), no chronic reduction that impacts supply needs**
- **Undesirable result = running out of sufficient storage to get through drought**

****This does not mean we do not need to bring the basin into balance, it only means that groundwater-related impacts will be more sensitive to other indicators, such as groundwater elevations.*

The ESJ Subbasin has Large Amounts of Groundwater in Storage

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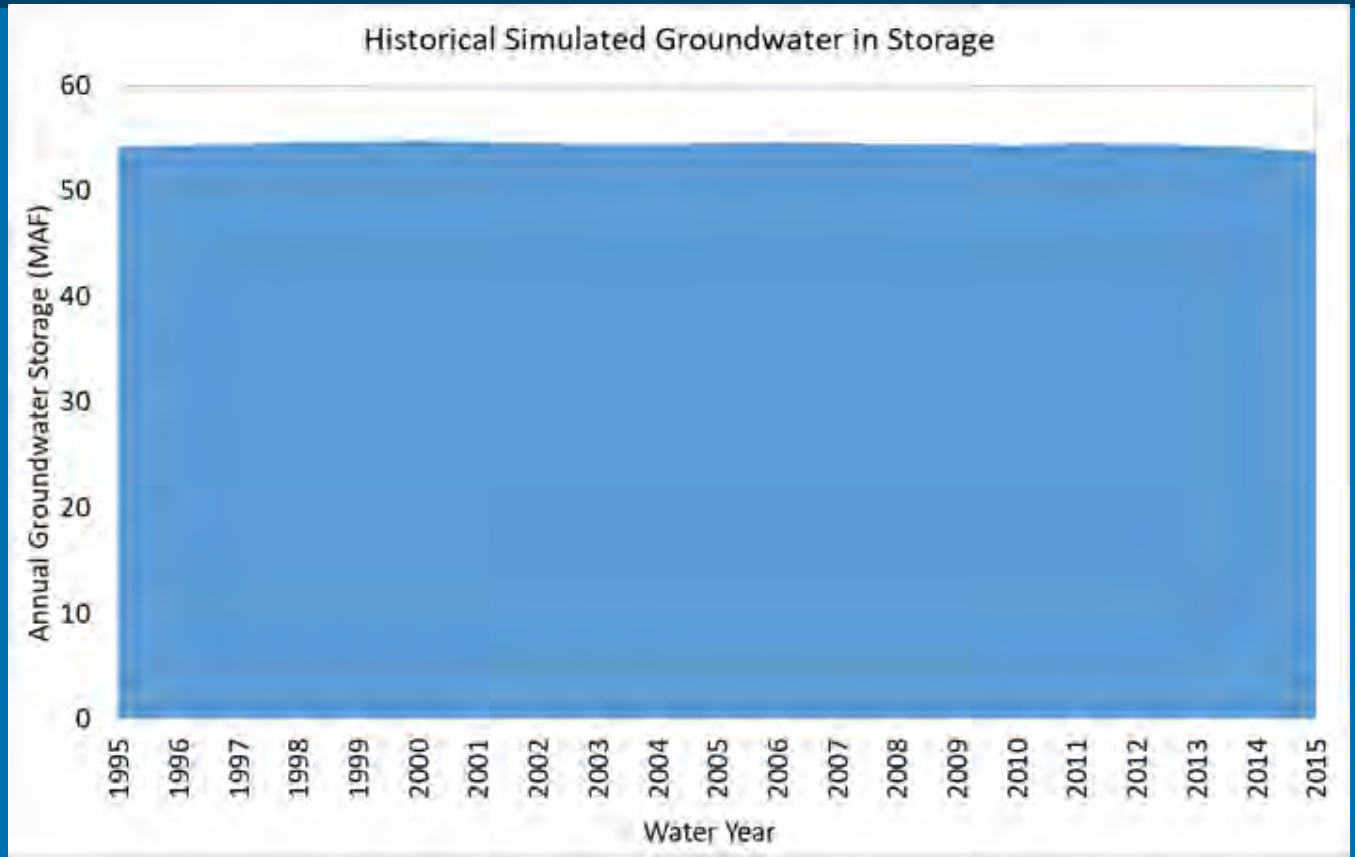
This graph shows freshwater only (model layers 1 through 3)



Understanding Undesirable Results and Setting Minimum Thresholds

EASTERN SAN JOAQUIN GROUNDWATER AUTHORITY

- Chronic Lowering of Groundwater Levels
- Reduction in Groundwater Storage
- Seawater Intrusion
- Degraded Water Quality
- Land Subsidence
- Depletion of Interconnected Surface Water

Undesirable Results for Seawater Intrusion

EASTERN SAN JOAQUIN GROUNDWATER AUTHORITY

Seawater Intrusion

Why is this a concern? What are we trying to avoid?

- **Direct seawater intrusion does not occur in the Subbasin and thresholds do not need to be addressed; salinity will be addressed via the Water Quality Sustainability Indicator**

Understanding Undesirable Results and Setting Minimum Thresholds

EASTERN SAN JOAQUIN GROUNDWATER AUTHORITY

- Chronic Lowering of Groundwater Levels
- Reduction in Groundwater Storage
- Seawater Intrusion
- Degraded Water Quality
- Land Subsidence
- Depletion of Interconnected Surface Water

Undesirable Results for Degraded Water Quality

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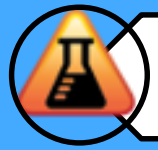

Degraded Water Quality

Why is this a concern? What are we trying to avoid?

- **Localized salinity issues – connate water and delta brackish water intrusion from reduced water levels**
- **Nitrates – septic and agricultural historical issues. Being addressed through CV SALTS and Irrigated Lands programs.**

Discussion: other potential effects to consider?

Identified Concerns for Water Quality

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What we've heard from the GWA Advisory Committee:

- Salinity
- Arsenic (naturally occurring)
- Plumes
  - 1,2,3 TCP
- Others?

Max. TDS Concentrations 2008 - 2018

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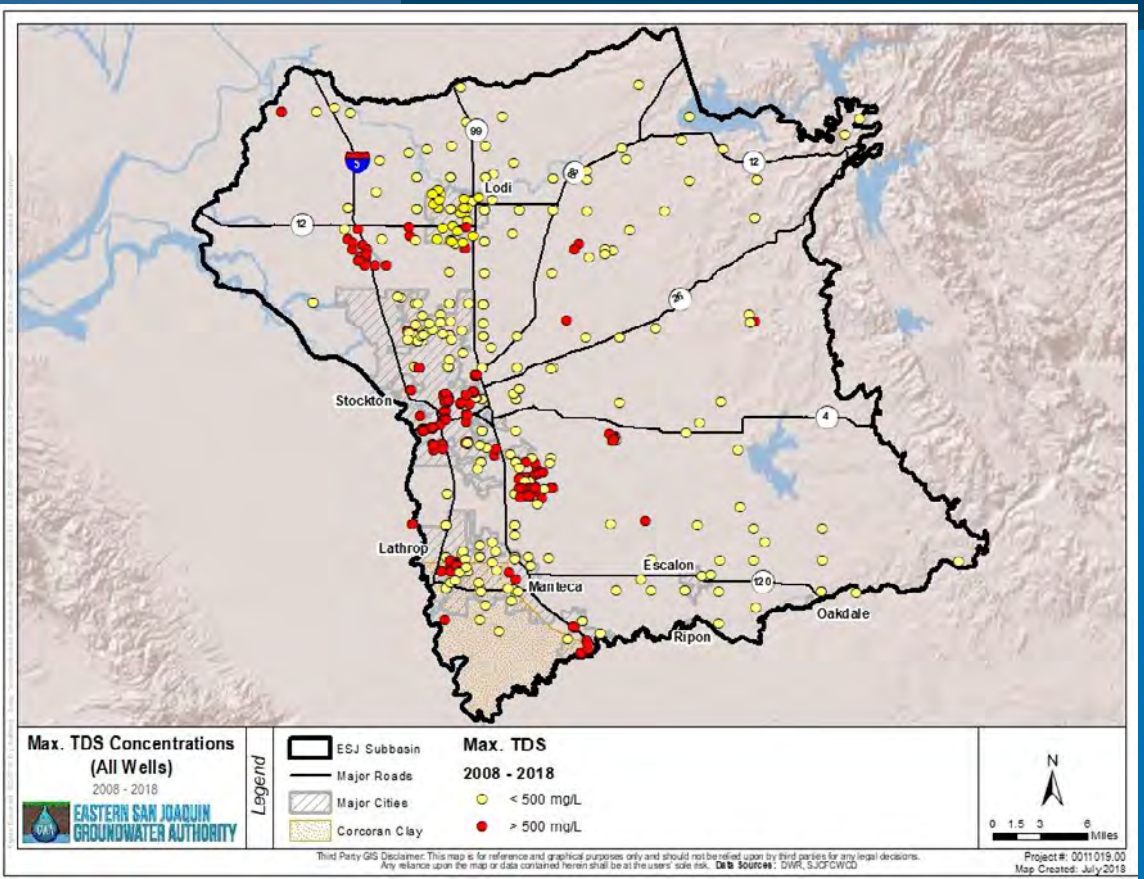

TDS exceedances are generally found in the western half of the Subbasin

Potential Plumes

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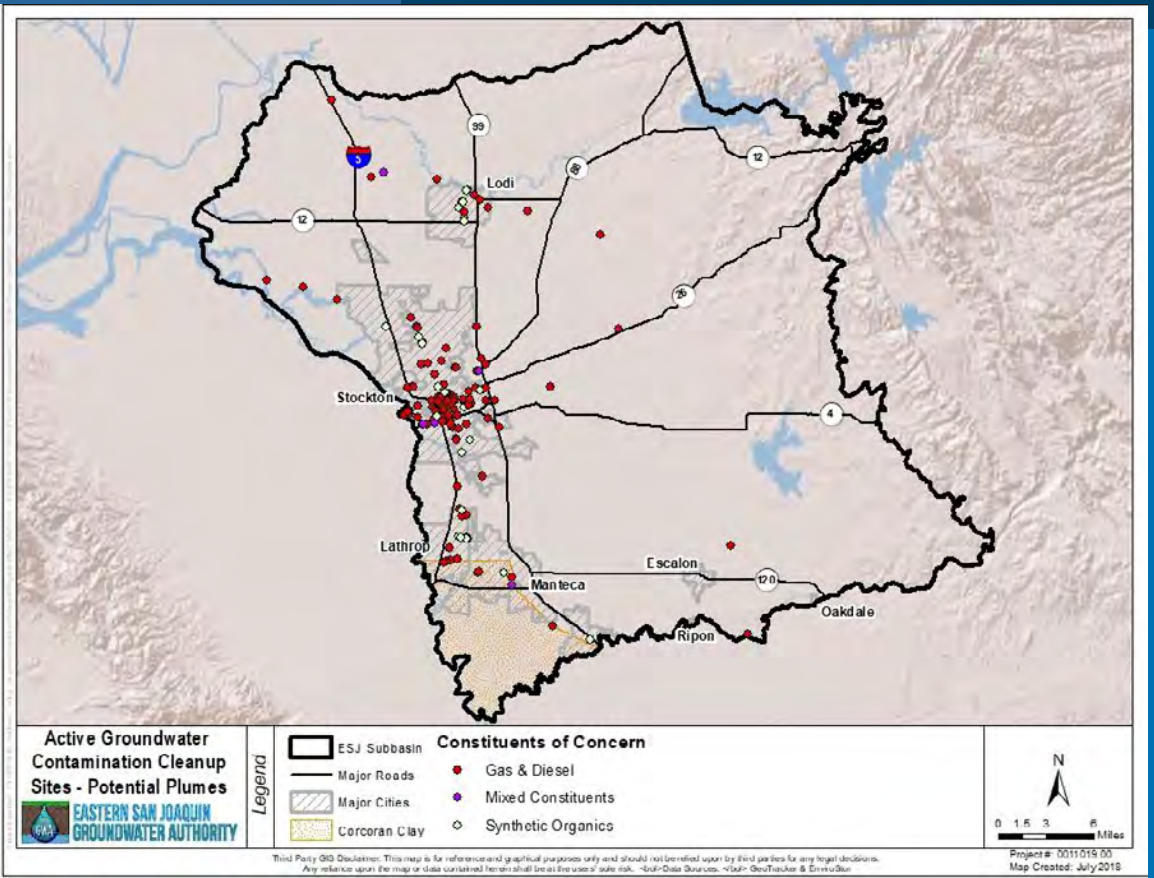

Sites with the potential to cause a groundwater plume (based on constituents)

Avoid these sites when considering monitoring programs

Minimum Thresholds for Water Quality: Status

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1) Identifying a subset of monitoring wells through advisory committee and GSAs in areas with or bordering high saline

2) Identifying sites where regulated contaminants are present and developing coordination and communication pathways

Understanding Undesirable Results and Setting Minimum Thresholds

EASTERN SAN JOAQUIN GROUNDWATER AUTHORITY

- Chronic Lowering of Groundwater Levels
- Reduction in Groundwater Storage
- Seawater Intrusion
- Degraded Water Quality
- Land Subsidence
- Depletion of Interconnected Surface Water

Undesirable Results for Land Subsidence

EASTERN SAN JOAQUIN GROUNDWATER AUTHORITY

Land Subsidence

Why is this a concern? What are we trying to avoid?

- **Impacts to private and public infrastructure**

Discussion: other potential effects to consider?

Understanding Undesirable Results and Setting Minimum Thresholds

EASTERN SAN JOAQUIN GROUNDWATER AUTHORITY

- Chronic Lowering of Groundwater Levels
- Reduction in Groundwater Storage
- Seawater Intrusion
- Degraded Water Quality
- Land Subsidence
- Depletion of Interconnected Surface Water

Undesirable Results for Depletion of Interconnected Surface Water

EASTERN SAN JOAQUIN GROUNDWATER AUTHORITY

Depletion of Interconnected Surface Water

Why is this a concern? What are we trying to avoid?

- **Ability to meet minimum flow requirements**
- **Recreation impacts**
- **Fisheries impacts/temperature**
- **Habitat impacts**
- **GDEs**
- **Impacts to water supply for reservoirs**
- **Water rights issues**
- **Water quality issues**

Discussion: other potential effects to consider?

Minimum Threshold Development for Depletion of Interconnected Surface Water

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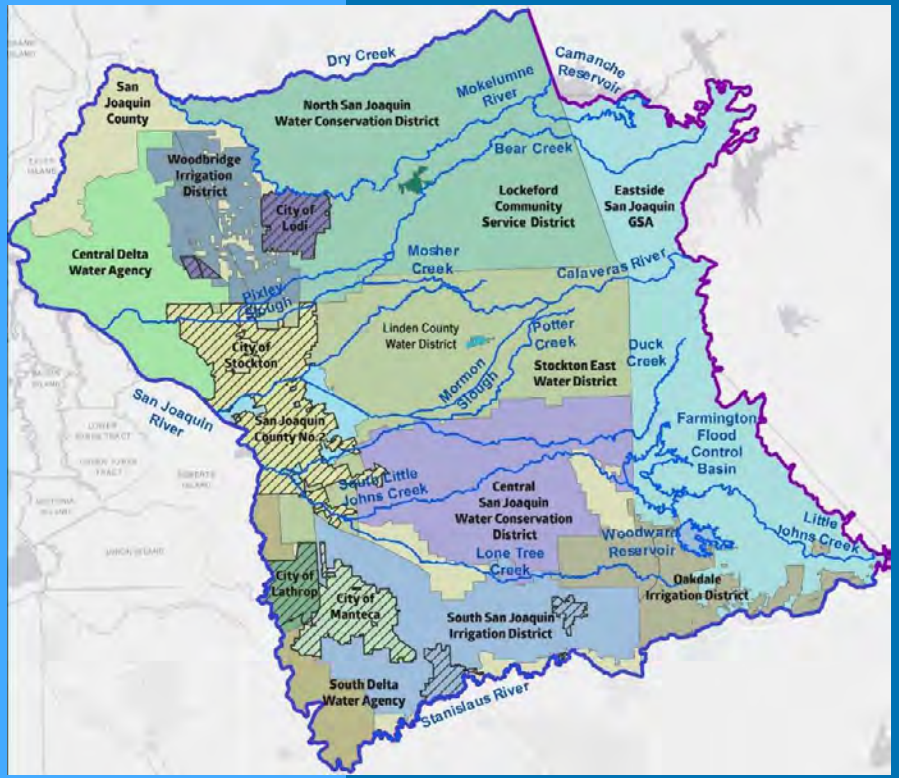

Major river systems in the Subbasin are highly managed.

Instream flow requirements, water quality standards, and water rights govern upstream releases.

Potential Approach for Developing Minimum Thresholds for Interconnected Surface Waters

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1) Recognize existing management and regulatory programs in place

2) Identify coordination and management activities that integrate with existing programs

3) Identify losing streams and consider elevation thresholds to protect against significant and unreasonable stream depletion

Brainstorming for Open House Stations

Public Meeting/Open House – August 29th

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- The first Public Open House will be held on **August 29 at 6:30pm**
- The event will follow an open house format with one outreach station for each GSA
- SGMA background provided through four stations (Background, Process, Get Involved, Technology)
- GSAs are strongly encouraged to participate
- Outreach flyer provided

August 29th
6:30 p.m. – 8 p.m.
Robert J. Cabral Agricultural Center, Calaveras Room

Public Meeting Outreach Efforts

EASTERN SAN JOAQUIN GROUNDWATER AUTHORITY

August 29
6:30 p.m. – 8 p.m.

Robert J. Cabral Agricultural Center, Calaveras Room

Mailer: We will distribute to 400+ NGOs, local businesses & water suppliers

Bilingual Flyer: A bilingual flyer be emailed to 200+ NGOs, local businesses, and water suppliers. It has also been provided to members of the ESJ Board, Advisory Committee, & Groundwater Sustainability Workgroup

Press Release: A press release will be distributed to local media outlets & organizations with newsletters

Open House Stations - Brainstorming

EASTERN SAN JOAQUIN GROUNDWATER AUTHORITY

August 29
6:30 p.m. – 8 p.m.

Robert J. Cabral Agricultural Center, Calaveras Room

Four stations at open house:

- Background
- Process
- Get Involved
- Technology

Discussion:
What are critical messages to convey at each station?

Eastern San Joaquin Subbasin

Groundwater Sustainability Workgroup

August 15, 2018

EASTERN SAN JOAQUIN
GROUNDWATER AUTHORITY

EASTERN SAN JOAQUIN GROUNDWATER AUTHORITY

1810 E. Hazelton Avenue
P. O. Box 1810
Stockton, CA 95201

(209) 468-3089
ESJgroundwater@sjgov.org
esjgroundwater.org

Eastern San Joaquin Groundwater Authority Groundwater Sustainability Workgroup
September 11, 2018
4 – 5:30 p.m.
Robert J. Cabral Agricultural Center
2101 E. Earhart Ave., Stockton, CA
Mokelumne Room

Agenda

I. Welcome

II. Comments and Meeting Notes

III. Update on Background Conditions

IV. Undesirable Results & Minimum Thresholds Continued

V. Historical Water Budget & Current Conditions Baseline

VI. Recap of Open House

VII. Announcements

VIII. Other Topics

a. Non-agenda items
b. Public Comment

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Groundwater Sustainability Workgroup
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2101 E. Earhart Ave., Stockton, CA, Mokelumne Room

Committee Members in Attendance

	Name	Organization
X	Colin Bailey	The Environmental Justice Coalition for Water
	Barbara Barrigan-Parrilla	Restore the Delta
X	Gene E. Bigler	PUENTES
	Drew Cheney	Machado Family Farms
X	Robert Dean	Calaveras County Resource Conservation District
X	Mary Elizabeth	Sierra Club
	David Fries	San Joaquin Audubon
X	Joey Giordano	The Wine Group
X	Jack Hamm	Lima Ranch
	Mary Hildebrand	South Delta Water Agency
X	George V. Hartmann	The Hartmann Law Firm
	Michael Machado	Farmer
	Ara Marderosian	Sequoia ForestKeeper
	Ryan Mock	J.R. Simplot Company
X	Yolanda Park	Catholic Charities of the Diocese of Stockton
X	Will Price	University of the Pacific & Vice Chair, SJ County Advisory Water Commission
X	Daryll Quaresma	2Q Farming, Inc.
	Jennifer Shipman	Manufacturers Council of the Central Valley
	Chris Shutes	California Sportfishing Protection Alliance
	Michael F. Stieler	CGCS, Spring Creek Golf & Country Club
X	Linda Turkatte	San Joaquin County Environmental Health Department
	Ken Vogel	San Joaquin Farm Bureau Federation
	Ted Wells	Trinchero Family Estates and Sutter Home Winery

	General Public	
X	Andrew Watkins	Farm Bureau
X	Jane Wagner-Tyack	Communications Consultant
	Staff and Consultants	
X	Brandon Nakagawa	County ESJ GSP Project Representative
X	Michael Callahan	County ESJ
X	Alicia Connelly	County ESJ
X	Alyson Watson	ESJ GSP Project Manager
X	Christy Kennedy	ESJ GSP Deputy Project Manager
	Lucy Eidam Crocker	Stakeholder Engagement & Public Outreach Consultant
X	Cindy Thomas	Stakeholder Engagement & Public Outreach Consultant

Meeting Notes

I. Welcome

a. Alyson Watson welcomed the group at 4:05 pm.
b. Alyson Watson reviewed the meeting agenda, emphasizing the focus would be on finishing last month's discussion on undesirable results, minimum thresholds, the historical water budget and current conditions baseline.

II. Comments on Meeting Notes

a. Jane Wagner-Tyack – asked Robert Dean to describe the public health cost of treatment of water and how that related to sustainability.
b. Robert Dean – noted elements from the Water Code and asked how to subsidize those that cannot afford monthly rates, noting that the answer may not be with the Groundwater Sustainability Workgroup.
c. Gene Bigler – noted that he is confused about the discussion of nitrates and sources of contamination. He asked about concerns on the nature of measurement and sources of contamination.
d. Robert Dean – commented on the issue of nitrates being addressed by CV SALTS and the Irrigated Lands Program. There is an issue with quality of water for recharge and an issue with contaminants of emerging concern (CECs) – who is managing the quality of the recharged water? It is important to consider the potential for mobilization and introduction of contaminants through recharge water.
e. Gene noted that all sources of contaminates need to be measured to better understand if the recharge efforts are successful.

III. Update on Background Conditions

a. Alyson Watson shared slides reviewing background conditions in the basin and addressing questions and comments from the last meeting. She went into detail describing the difference between disadvantaged communities (DACs) and severely disadvantaged communities (SDACs).
b. Alyson Watson clarified that median domestic well depth is about 5 ft shallower in in areas designated as DACs.

c. Gene Bigler – had a question on the definition of DACs. He noted that the current measurement disregards large populations. Has there been thought to broadening definition, possibly using the Cal Impact map? Woodard & Curran will bring the Cal Impact map to next meeting as an overlay to see how it differs from DACs. Alyson Watson clarified that DACs are not exempt from SGMA.
d. Daryll Quaresma – questioned if DACs are exempt from groundwater recharge.
e. Public Trust Doctrine discussion – Will Price did work in this area a few decades ago and has reached out to get more recent information from the legal community. He is waiting for that input. Jack Hamm asked for a definition and Alyson Watson provided a summary. Robert Dean noted that SGMA is a tool to address the issue and does not trump the Public Trust Doctrine, and that this relates to groundwater dependent ecosystems (GDEs) and interconnected surface water. Will Price noted that this has been called "common pool goods," that the work you do cannot harm others. He emphasized the need to look at how implementing SGMA affects the Public Trust Doctrine. Brandon Nakagawa noted that the Public Trust Doctrine is only to be used when there are no other options available.

IV. Undesirable Results & Minimum Thresholds Continued

a. Alyson Watson reminded the group of the 6 sustainability indicators that must be considered under SGMA: Chronic Lowering of Groundwater Levels, Reduction in Groundwater Storage, Seawater Intrusion, Degraded Water Quality, Land Subsidence and Depletion of Interconnected Surface Water
b. Alyson Watson gave a review of the Sustainability Indicators discussed in the last meeting.
    i. Chronic Lowering of Groundwater Levels
        i. Andrew Watkins had a question about the age of shallow wells, asking if they may contribute to contamination. Is it better to get rid of old wells so there is not a short circuit issue? Should groundwater be further lowered for a buffer zone with the surface? He noted the potential for a water bank concept.
        ii. The cost to access water as groundwater elevation drops is an undesirable result as it is prohibitively expensive to tap deep water or access water in storage. Cost factor needs to be part of consideration.
    ii. Depleted Water Quality
        i. Asking about water quality at depth, Andrew Watkins noted they have a recent 900 ft well with good water quality. Daryll Quaresma indicated deep water quality in his area is poor.
        ii. Gene Bigler – asked about "the salt sink" and if they are exacerbated at differing groundwater levels. All water should be considered.
    iii. Storage
        i. Consider groundwater below 800 feet as "strategic reserve."
c. Members discussed undesirable results for the remaining two sustainability indicators:
    i. Land Subsidence
        i. Andrew Watkins and Brandon Nakagawa – indicated there is data that shows there is no land subsidence occurring in the County. There is a small amount of Corcoran Clay in the southwest portion of the subbasin, which is susceptible.

ii. George V. Hartmann – indicated there is subsidence along the islands where there is oxidation/heat – a different issue.
iii. Brandon Nakagawa – indicated there is a USGS gauge station that does move up and down, and that could be due to an expansive soils issue. The area where we have Corcoran Clay is a threat area but since it is in a flood plain and next to high groundwater, there is limited potential for subsidence.
iv. Will Price – asked questions on geology.
v. Mary Elizabeth – asked what is known about subsidence in the Delta and on oxidation of peat soils. She asked to address that issue in future meetings.
vi. Infrastructure failures are a concern.

ii. Depletion of Interconnected Surface Water
i. Alyson Watson asked the group what their priorities are in regard to surface water and the potential effects to consider
1. Groundwater pumping to an extent that impacts surface water rights
2. Groundwater dependent ecosystems (GDEs) will be a part of this sustainability indicator
3. Consider where major infrastructure is
4. George V. Hartmann – asked if we eliminate some of the brainstormed concerns by ranking in order of materiality as a value judgement exercise. Mary Elizabeth indicated she is concerned about some of the items
5. Looking at floodplain issues and the impacts floodplains have, including issues with putting wells in floodplains
6. Undesirable Results including inability to meet minimum flow requirements, recreation impacts, fisheries impacts/temperature, habitat impacts, impacts to GDEs, impacts to water supply for reservoirs, water rights issues and water quality issues
7. Note on maps – be able to expand so they can be seen more clearly. Include higher resolution maps on website
8. Linda Turkatte – for permitting water wells, they have not looked at impacts in the past. They may have wells close to surface water that could potentially have an influence, and indicated she knows of several locations. Doing the permitting discretionary so proper studies can take place is beneficial. Having the regulatory process in place is useful to address this issue, but it is not in place yet
9. Andrew Watkins – noted there is recharge from rivers to the groundwater basin which is an asset to the community
10. Consider percolated groundwater through canals

V. Historical Water Budget & Current Conditions Baseline

a. Alyson Watson presented on the Historical Water Budget.
i. Alyson Watson addressed some clarifying questions.
1. There was a request to put totals on slide 32.
2. There was a request that a population base be included.
3. Industrial use is not included directly. Linda Turkatte asked where to get information about these industrial wells that we unaccounted for. She indicated to look at zoning and land use and overlay where wells

are located (wineries with production wells, other industry). Joey Giordano indicated monthly use is reported in the State Portal as part of permitting and that this information is potentially available through the County. Public drinking water systems for production water needs. Andrew Watkins indicated there is a well extraction fee that is charged, so it would be included in agricultural demand. Some areas that have industrial or large pumping wells that may not be captured include Marley Cooly Station, Elkhorn County Club, HOA on March Lane, and the golf course along Hwy 99.

b. Alyson Watson presented on the Current Conditions Baseline.

VI. Recap of Open House

a. Members discussed how the Open House event on August 29 went. (*"For those of you who attended, what was your impression of the event?"*)
    i. Will Price – enjoyed it but did not stay. Expectation was there would be an overview presentation or statement. Thinks we should keep doing them.

b. Members discussed suggestions for locations for future informational meetings.
    i. Will Price – would like to do one at the University, to get University people involved.
    ii. Eastside road (Linden or Lockeford) was suggested, to get farmers involved.

VII. Announcements

VIII. Other Topics

Comment by Robert Dean

In looking over the discussion about where next to hold the outreach meeting, I wonder if we shouldn't look for a location where critical overdraft is occurring. The other thought for a meeting would be to meet with a representative group of DACs. Perhaps at the Ag center. We talk about the DACs but I'm not sure we're not hearing their issues. I don't know if this is the appropriate venue but since it's been the topic of conversation at each meeting it should be examined. It is certainly possible that our work group could be the only entry point to discuss DACs relationship with water availability, ESJ Groundwater Basin and SGMA.

Comment by Ara Marderosian

Slide 31 in the attached slide presentation, scheduled for presentation in today's Eastern SJV meeting, states: Water Demands are based on Urban and Agricultural Water Use Estimates

Agricultural water use based

- Crop type and acreage
- Soil conditions

• Irrigation practices
• Hydrogeology and climate

But the slides don't provide acres of each specific livestock feed crop or give us numbers that can be converted to a useful analysis of the data.

Since Cropscape maps have already created of agricultural acreage and already included them in slide 34, associated CropScape spreadsheet should also be provide that documents the particular acreages by crop within the ESJGW Authority.

Eastern San Joaquin Subbasin

Groundwater Sustainability Workgroup

September 11, 2018

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Agenda

EASTERN SAN JOAQUIN GROUNDWATER AUTHORITY

- Comments on Meeting Notes
- Update on Background Conditions
- Undesirable Results & Minimum Thresholds Continued
- Historical Water Budget & Current Conditions Baseline
- Recap of Open House
- Announcements
- Other Topics

Update on Background Conditions

Disadvantaged Community (DAC) Definitions

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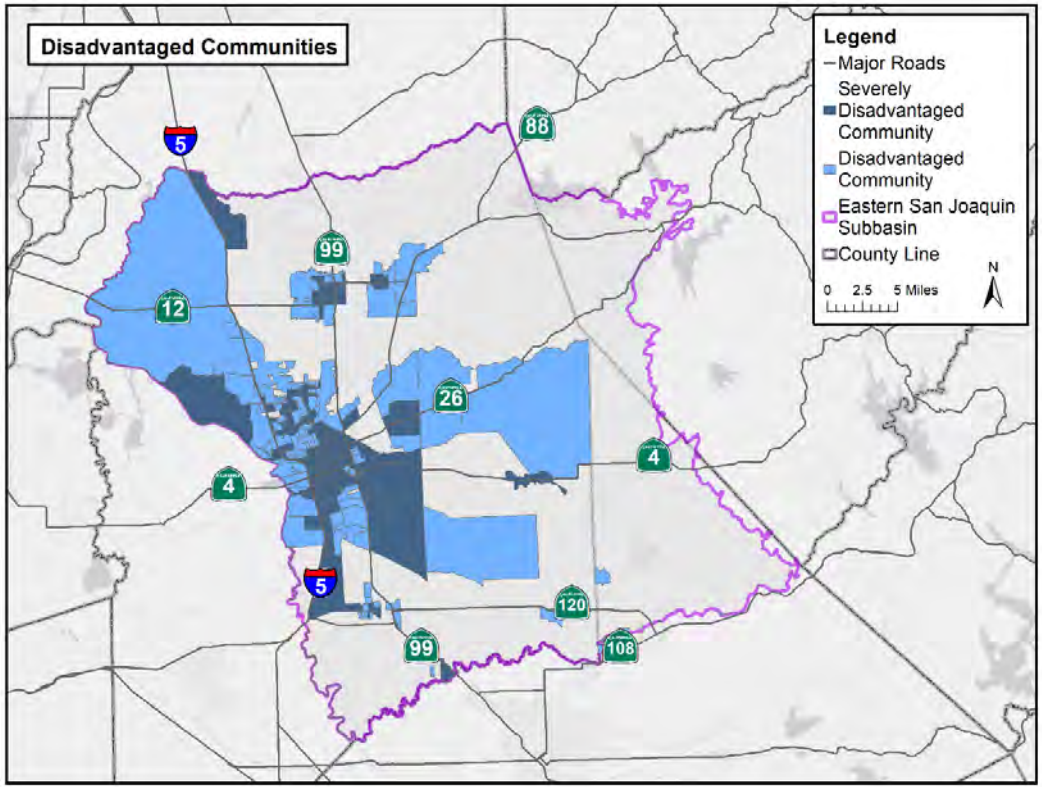

Disadvantaged Communities (DACs) are defined as census geographies with a median household income less than 80% of the statewide average.

Severely Disadvantaged Communities (SDACs) are defined as census geographies with a median household income less than 60% of the statewide average.

Disadvantaged Communities and Domestic Well Depth

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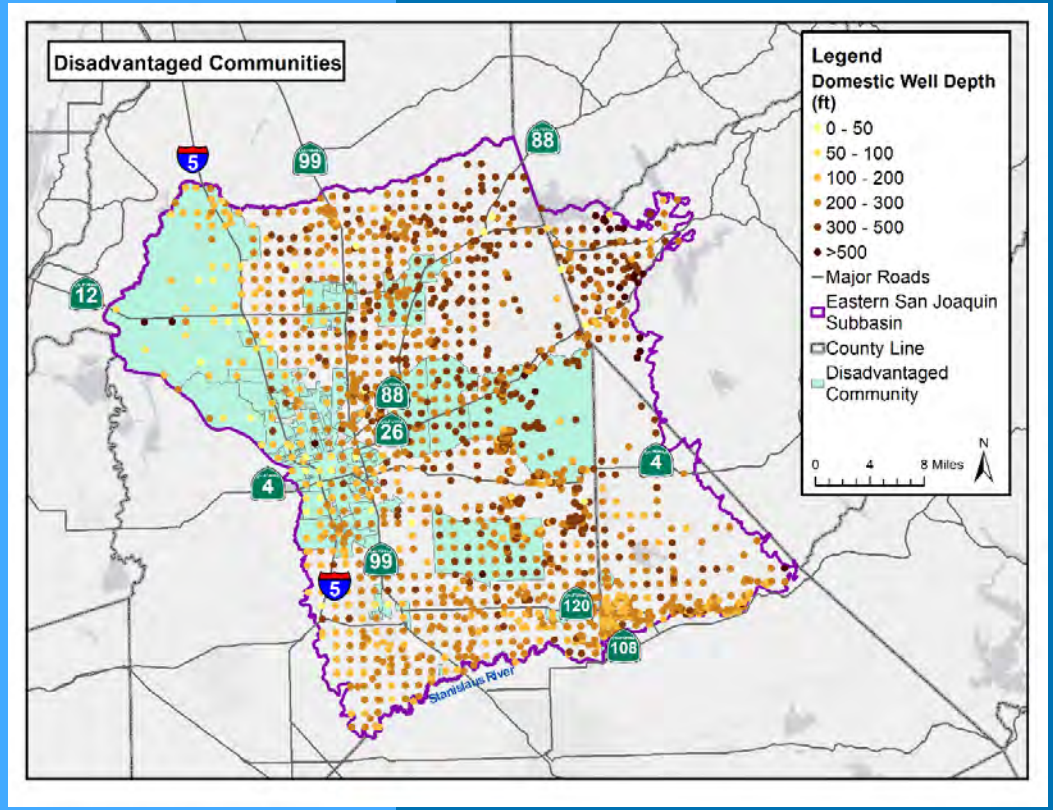

Median domestic well depth in DAC areas is very slightly lower (~5 ft) than in non-DAC areas.

This may be due to the largely western placement within the subbasin.

Well Data Availability – Acronyms Defined

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Dataset		Count	Data Provided				
			Well Type	Well Depth	Groundwater Levels	Groundwater Quality	Well Location
California Statewide Groundwater Elevation Monitoring (CASGEM)		147	(Limited)	(Limited)	X		X
CASGEM (Voluntary)		685	(Limited)	(Limited)	X		X
Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS)	*California Department of Public Health (CDPH)*	650	X	X		X	X
	Dairies	534	X	X		X	X
	GeoTracker	650	X	X		X	X
Data Received Directly from GSAs		243	X (Public and monitoring wells)	X	(Limited)	X	X
Groundwater Ambient Monitoring and Assessment (GAMA)		225	X	(Limited)		X	X
Online System for Well Completion Reports (OSWCR)	*Domestic*	10,034	X	X			
	Agricultural	2,909	X	X			
	Public Supply	364	X	X			
San Joaquin County		193	(Limited)	(Limited)	X		X

Freshwater and Saline Aquifer Depths

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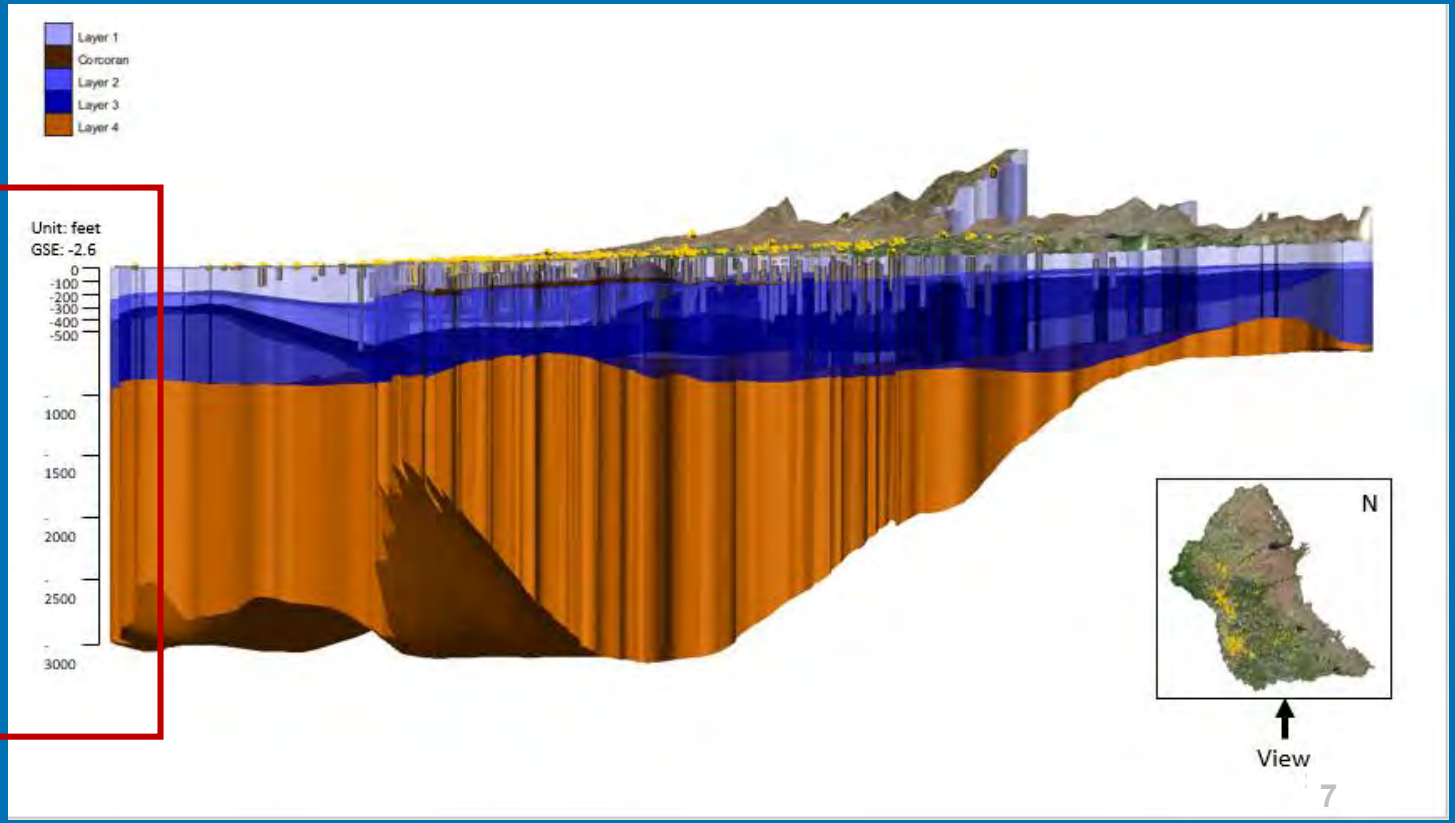
Layers 1-3 are freshwater; layer 4 is saline

There is a high likelihood of high quality freshwater deeper than 1,000 ft but very few wells at this depth



Comments Received

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To address:

- Subsidence
- Public Trust Doctrine Nexus
- DACs
- Nitrates – what is regulated under existing programs?

Not applicable within ESJ Subbasin:

- Loss of desert habitat

Undesirable Results & Minimum Thresholds Continued

Understanding Undesirable Results and Setting Minimum Thresholds

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- Chronic Lowering of Groundwater Levels
- Reduction in Groundwater Storage
- Seawater Intrusion
- Degraded Water Quality
- Land Subsidence
- Depletion of Interconnected Surface Water

Recap of Last Month's Discussion

EASTERN SAN JOAQUIN GROUNDWATER AUTHORITY

- Chronic Lowering of Groundwater Levels
- Reduction in Groundwater Storage
- Seawater Intrusion
- Degraded Water Quality
- Land Subsidence
- Depletion of Interconnected Surface Water

Undesirable Results for Chronic Lowering of Groundwater Levels

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Chronic Lowering of Groundwater Levels

Why is this a concern? What are we trying to avoid?

- **Reduced productivity, wells going dry, and increased pumping/drilling costs for all users, including Disadvantaged Communities**
- **Cones of depression impacting viability of adjacent shallower wells (beyond ability to recharge)**
- **Surface water impacts**

Undesirable Results for Reduction in Groundwater Storage

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Reduction in Groundwater Storage

Why is this a concern? What are we trying to avoid?

- **This is not a major concern due to large basin storage**
- **Undesirable result = running out of sufficient storage to get through drought**
- **Can include a threshold to consider future water markets but elevation thresholds will be more protective**

****This does not mean we do not need to bring the basin into balance, it only means that groundwater-related impacts will be more sensitive to other indicators, such as groundwater elevations.*

Undesirable Results for Seawater Intrusion

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Seawater Intrusion

Why is this a concern? What are we trying to avoid?

- **Direct seawater intrusion does not occur in the Subbasin and thresholds do not need to be addressed; salinity will be addressed via the Water Quality Sustainability Indicator**

Undesirable Results for Degraded Water Quality

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Degraded Water Quality

Why is this a concern? What are we trying to avoid?

- **Localized salinity issues – connate water and delta brackish water intrusion from reduced water levels**
- **Salinity solutions should not further aggravate current "salt sink"**
- **Do not want to hold basin responsible for conditions that are outside of its control**

Continuing On From Last Month's Discussion

EASTERN SAN JOAQUIN GROUNDWATER AUTHORITY

- Chronic Lowering of Groundwater Levels
- Reduction in Groundwater Storage
- Seawater Intrusion
- Degraded Water Quality
- Land Subsidence
- Depletion of Interconnected Surface Water

Understanding Undesirable Results and Setting Minimum Thresholds

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- Chronic Lowering of Groundwater Levels
- Reduction in Groundwater Storage
- Seawater Intrusion
- Degraded Water Quality
- Land Subsidence
- Depletion of Interconnected Surface Water

Undesirable Results for Land Subsidence

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Land Subsidence

Why is this a concern? What are we trying to avoid?

- **Impacts to private and public infrastructure**

Discussion: other potential effects to consider?

Understanding Undesirable Results and Setting Minimum Thresholds

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- Chronic Lowering of Groundwater Levels
- Reduction in Groundwater Storage
- Seawater Intrusion
- Degraded Water Quality
- Land Subsidence
- Depletion of Interconnected Surface Water

Undesirable Results for Depletion of Interconnected Surface Water

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Depletion of Interconnected Surface Water

Why is this a concern? What are we trying to avoid?

- **Ability to meet minimum flow requirements**
- **Recreation impacts**
- **Fisheries impacts/temperature**
- **Habitat impacts**
- **GDEs**
- **Impacts to water supply for reservoirs**
- **Water rights issues**
- **Water quality issues**

Discussion: other potential effects to consider?

Minimum Threshold Development for Depletion of Interconnected Surface Water

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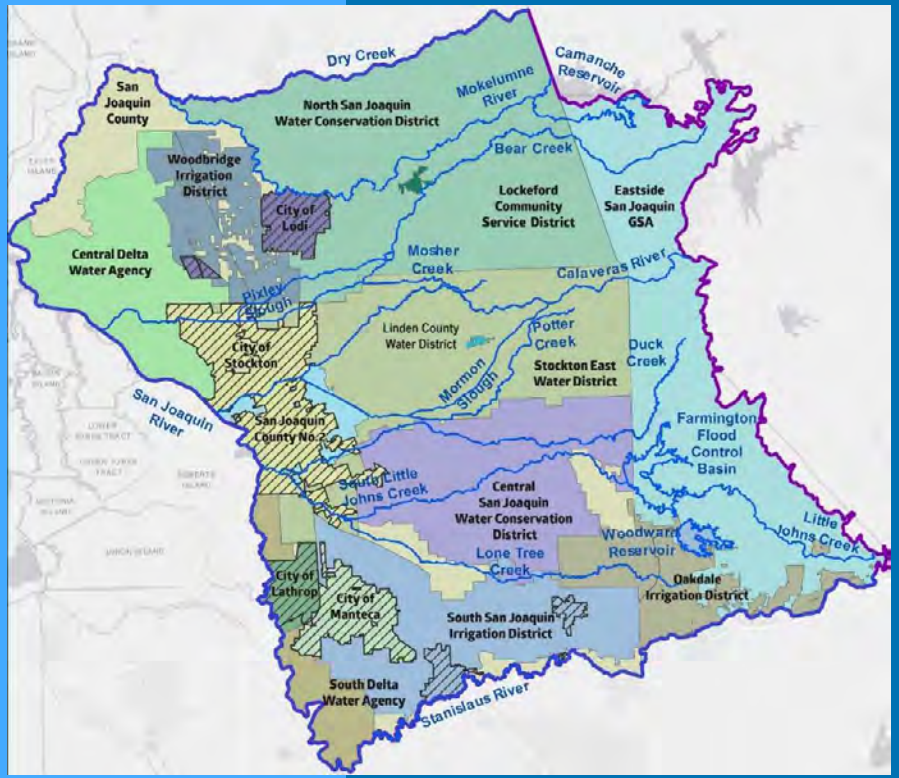

Major river systems in the Subbasin are highly managed.

Instream flow requirements, water quality standards, and water rights govern upstream releases.

Approach for Developing Minimum Thresholds for Interconnected Surface Waters

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1) Recognize existing management and regulatory programs in place

2) Identify coordination and management activities that integrate with existing programs

3) Identify losing streams and consider elevation thresholds to protect against significant and unreasonable stream depletion

Historical Water Budget & Current Conditions Baseline

What is a Water Budget?

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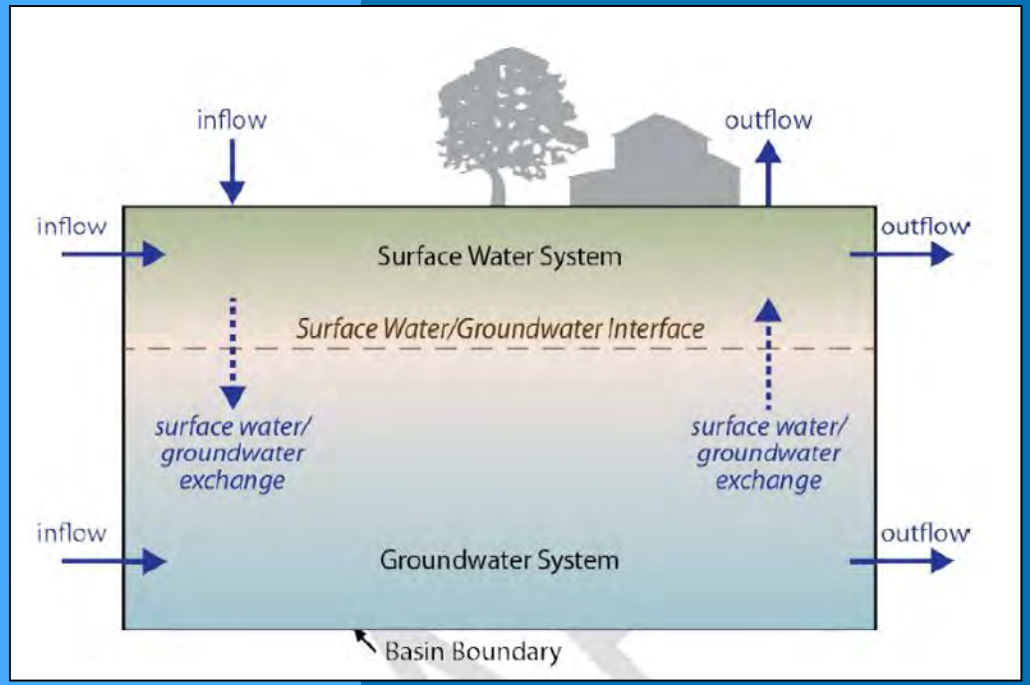

A Water Budget is an accounting of the total groundwater and surface water entering and leaving a groundwater basin.

A Water Budget Operates like a Bank Account

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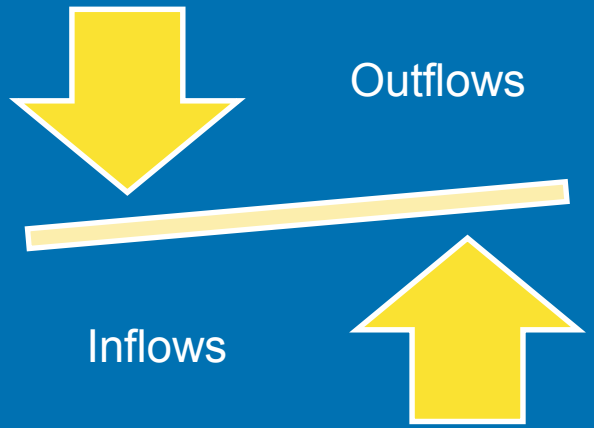
Inflows (supplies) and outflows (demands) are tracked and compared over time to identify change in amount of water stored.



Water Budgets Quantify the Movement of Water

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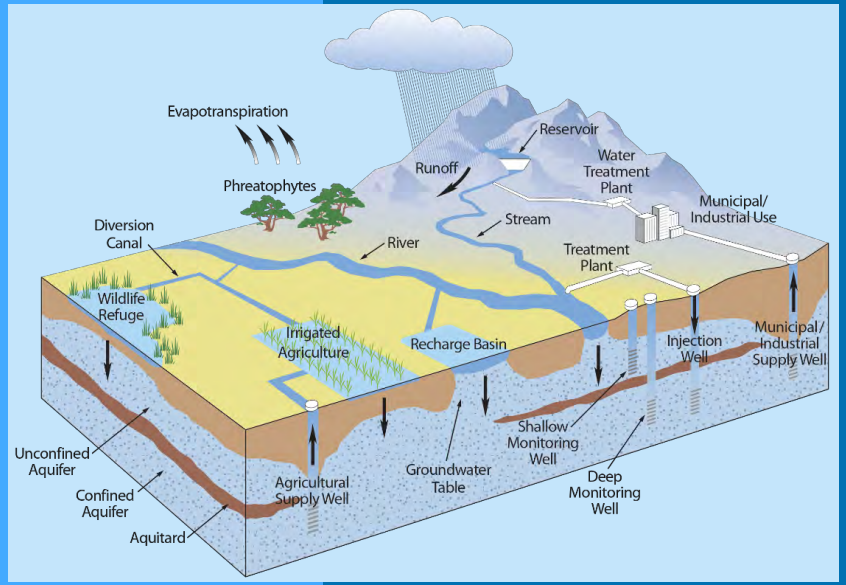

A Water Budget takes into account the storage and movement of water between the four physical systems of the hydrologic cycle:

- Atmospheric system
- Land surface system
- River and stream system
- Groundwater system

Why are Water Budgets Important?

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- "You can't manage what you don't measure"
- A series of ongoing negative balances can result in long-term conditions of overdraft (the ESJ Subbasin is currently classified as "critically overdrafted")
- Carefully calculated Water Budgets increase the likelihood that planned projects and management actions will achieve the intended outcome within the intended timeframe

The Water Budget for the ESJ GSP Combines Land and Water Use

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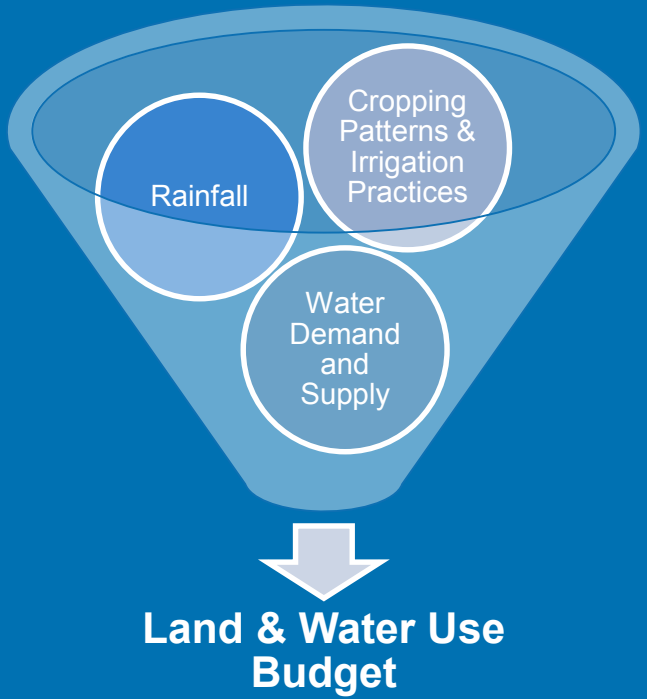

Water Budget Time Frames

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Historical Water Budget

Uses historical information for temperature, precipitation, water year type, and land use going back a minimum of 10 years.

Discussing today

Current Conditions Baseline

Uses the most recent data on population, land use, temperature, year type, and hydrologic conditions projected out over 50 years of hydrology.

Discussing today

Projected Water Budget

Uses estimated future population growth, land use changes, climate change, and sea level rise projected out over 50 years of hydrology.

Historical Water Budget

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Water Demands are Based on Urban and Agricultural Water Use Estimates

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- Urban water use based on:
  - Population
  - Water Use Per Person
  - Agency projections

- Agricultural water use based on
  - Crop type and acreage
  - Soil conditions
  - Irrigation practices
  - Hydrogeology and climate

Urban Water Demand: Changes in Use Over Time

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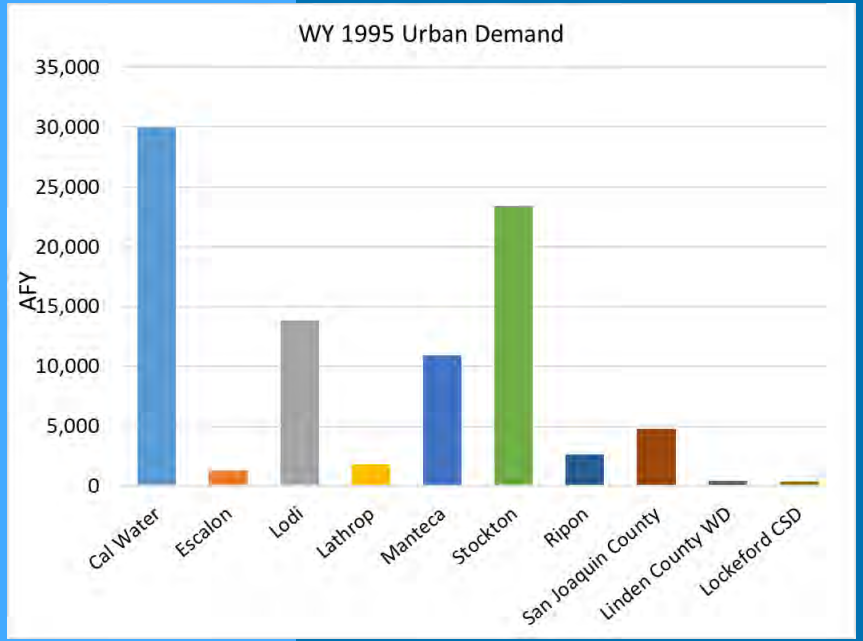

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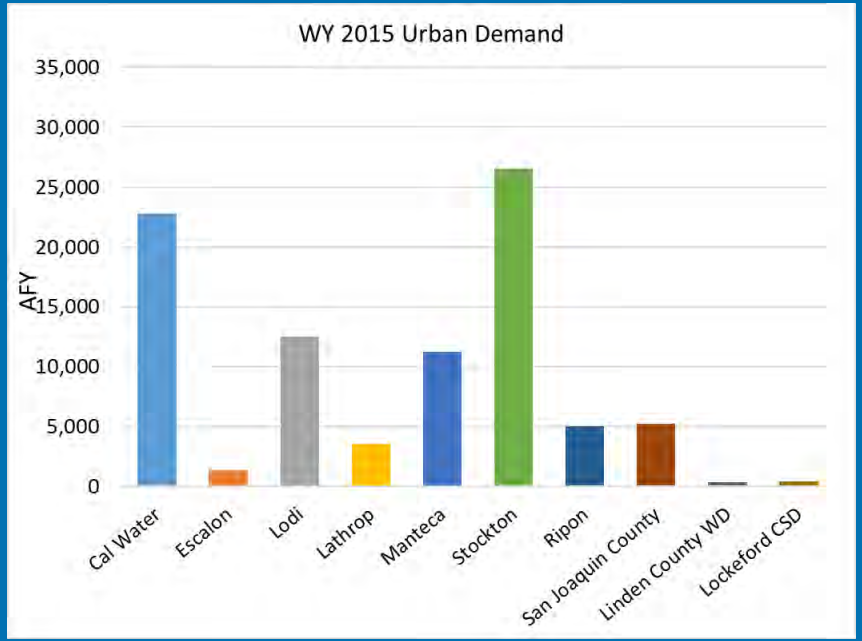

2015

Estimated Annual Urban Land and Water Use Budget

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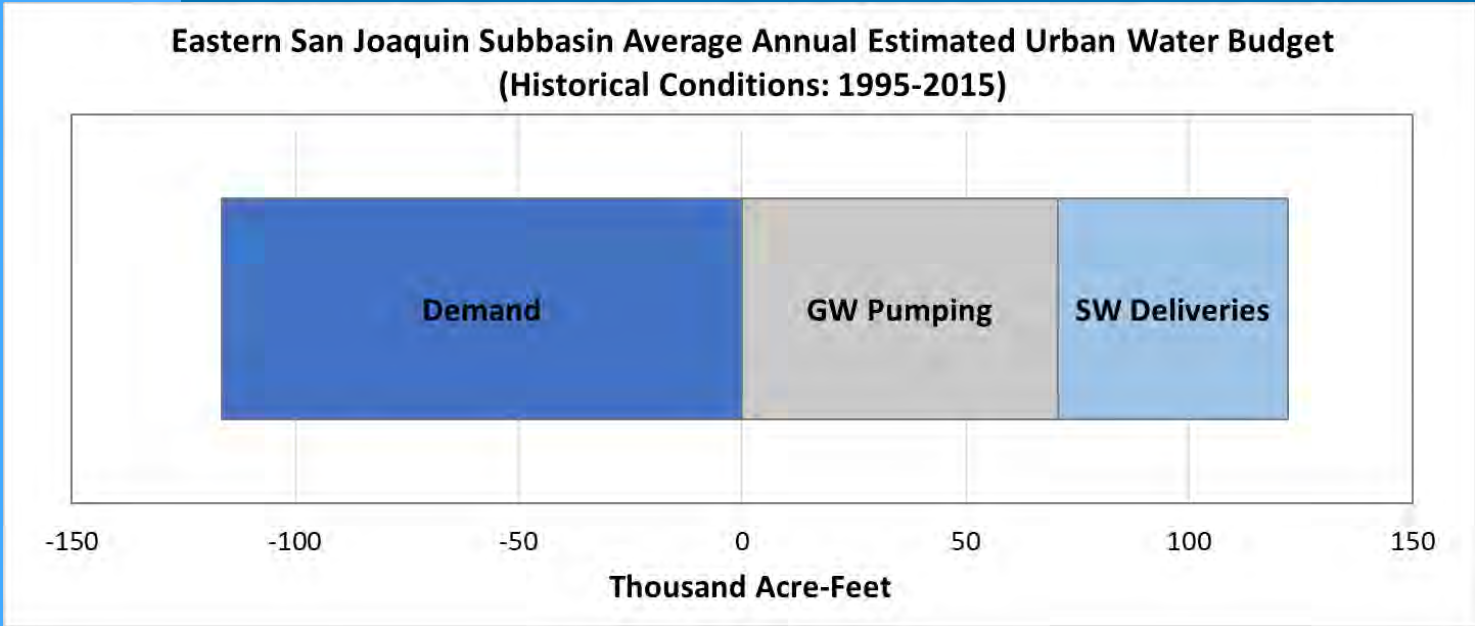

Historical Agricultural Water Demand: Changes in Crop Type Over Time

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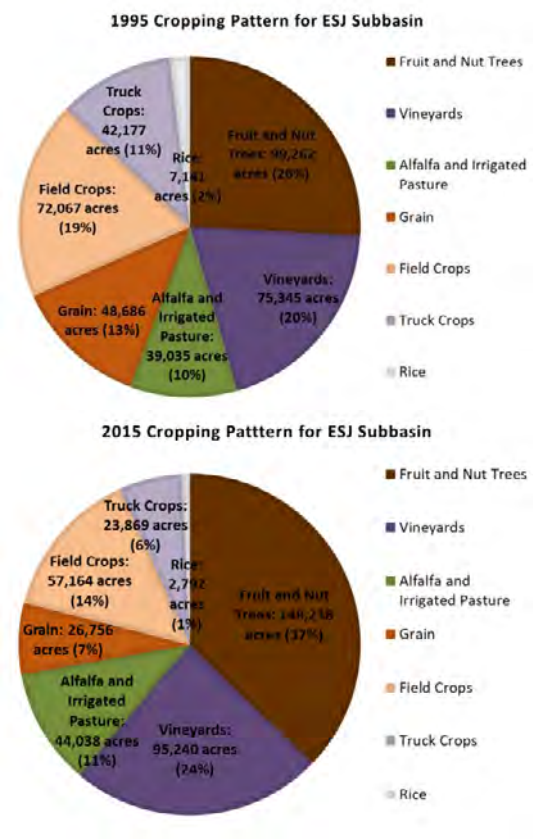

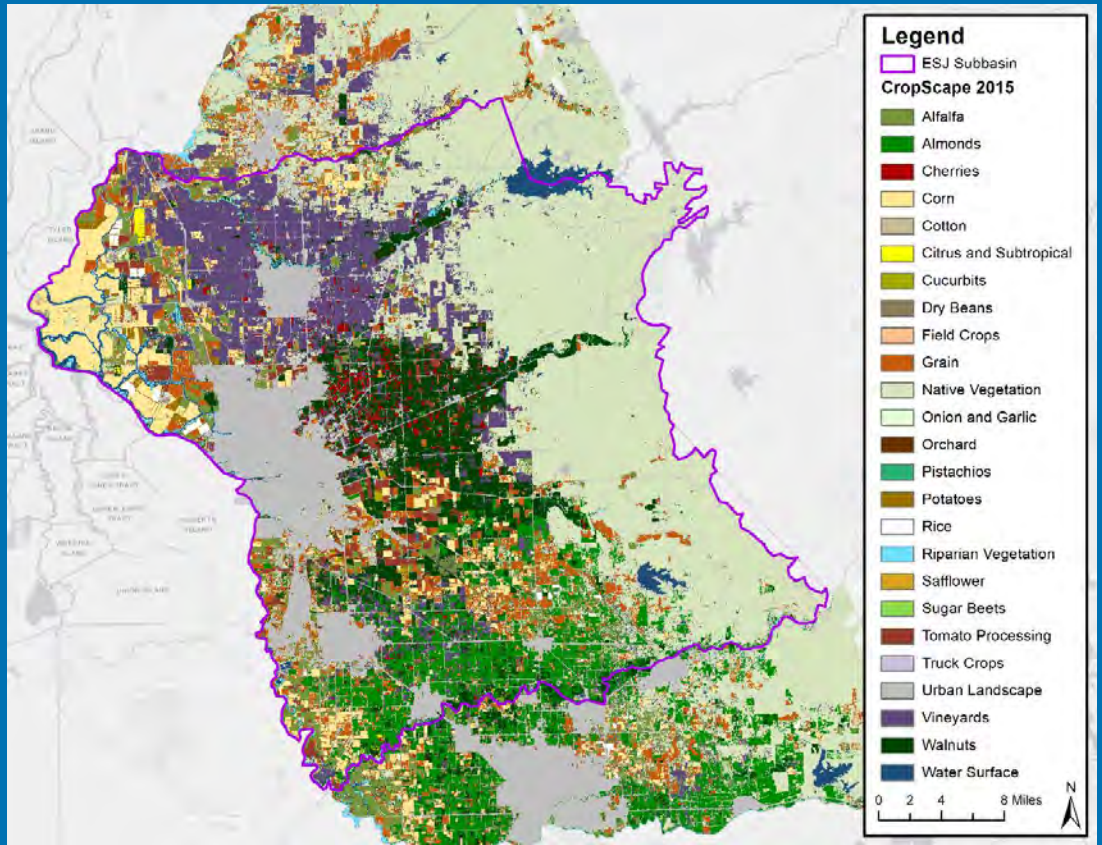

Estimated Annual Agricultural Land and Water Use Budget

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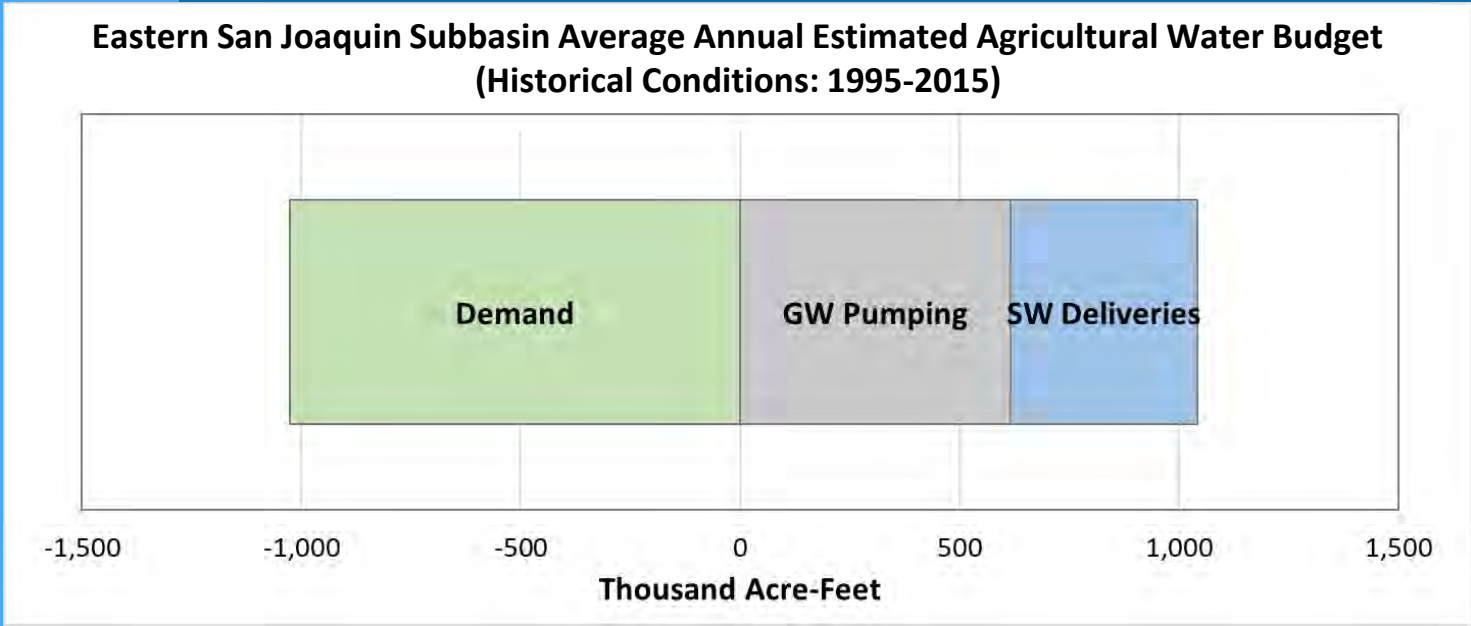

Time Series of Cumulative Storage

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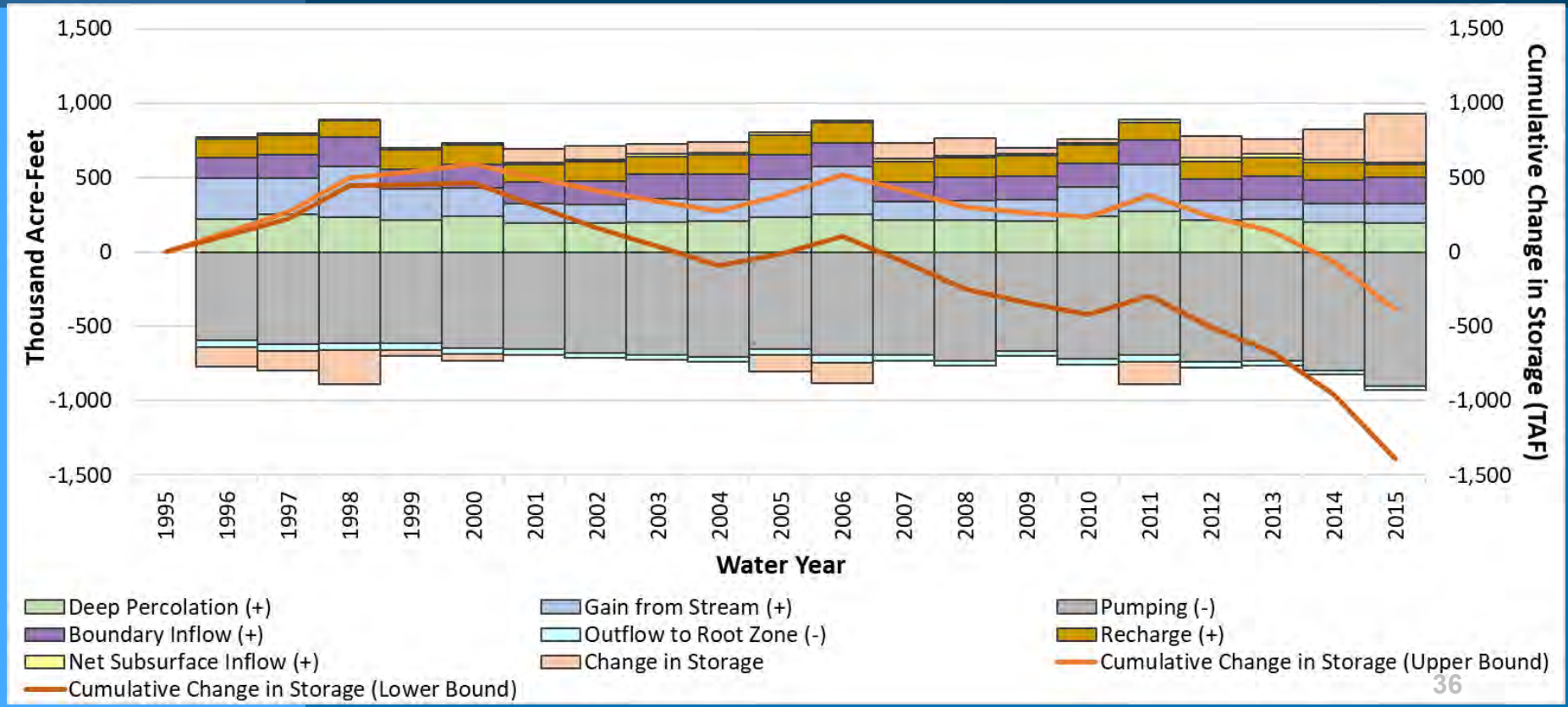

Estimated Annual Groundwater Use

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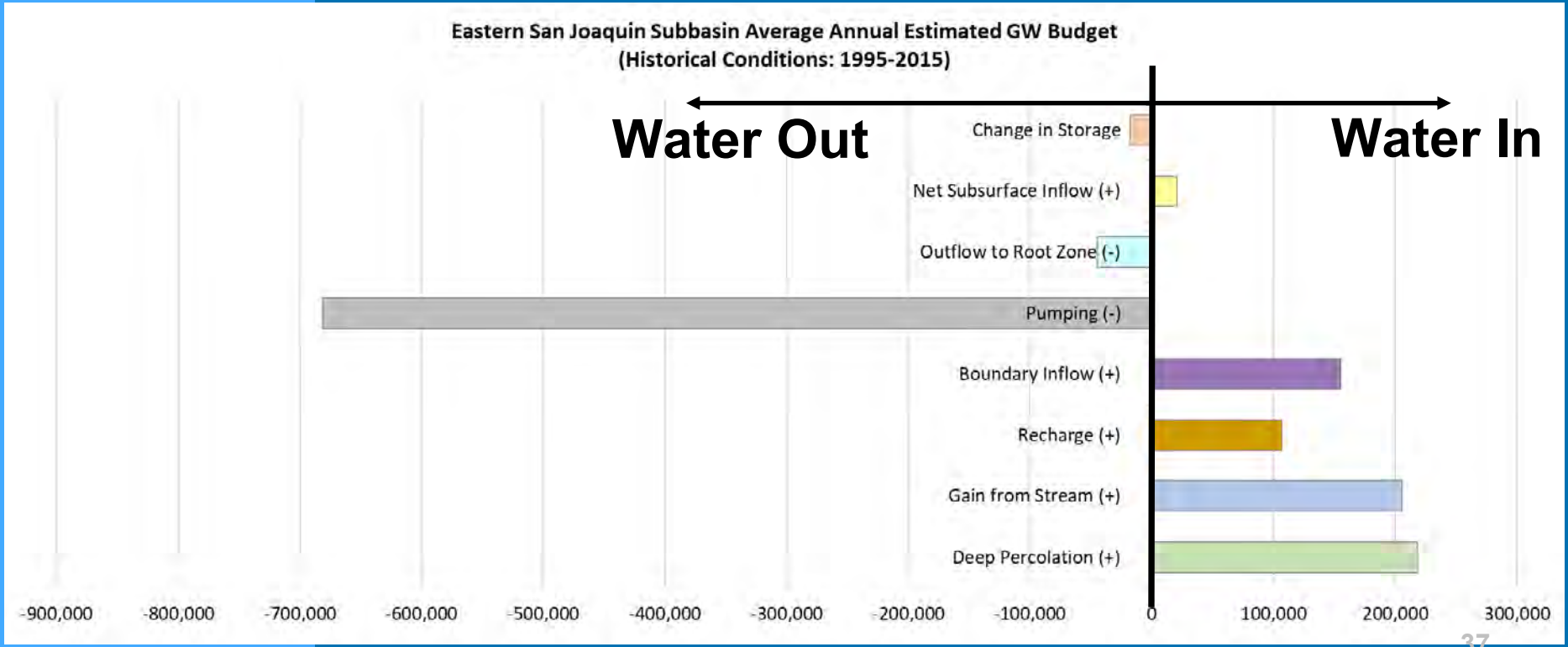


Current Conditions Baseline

EASTERN SAN JOAQUIN GROUNDWATER AUTHORITY

Historical Water Budget

Uses historical information for temperature, precipitation, water year type, and land use going back a minimum of 10 years.

Current Conditions Baseline

Uses the most recent data on population, land use, temperature, year type, and hydrologic conditions projected out over 50 years of hydrology.

Projected Water Budget

Uses estimated future population growth, land use changes, climate change, and sea level rise projected out over 50 years of hydrology.

Assumptions for Current Conditions Baseline

EASTERN SAN JOAQUIN GROUNDWATER AUTHORITY

Urban Demand:

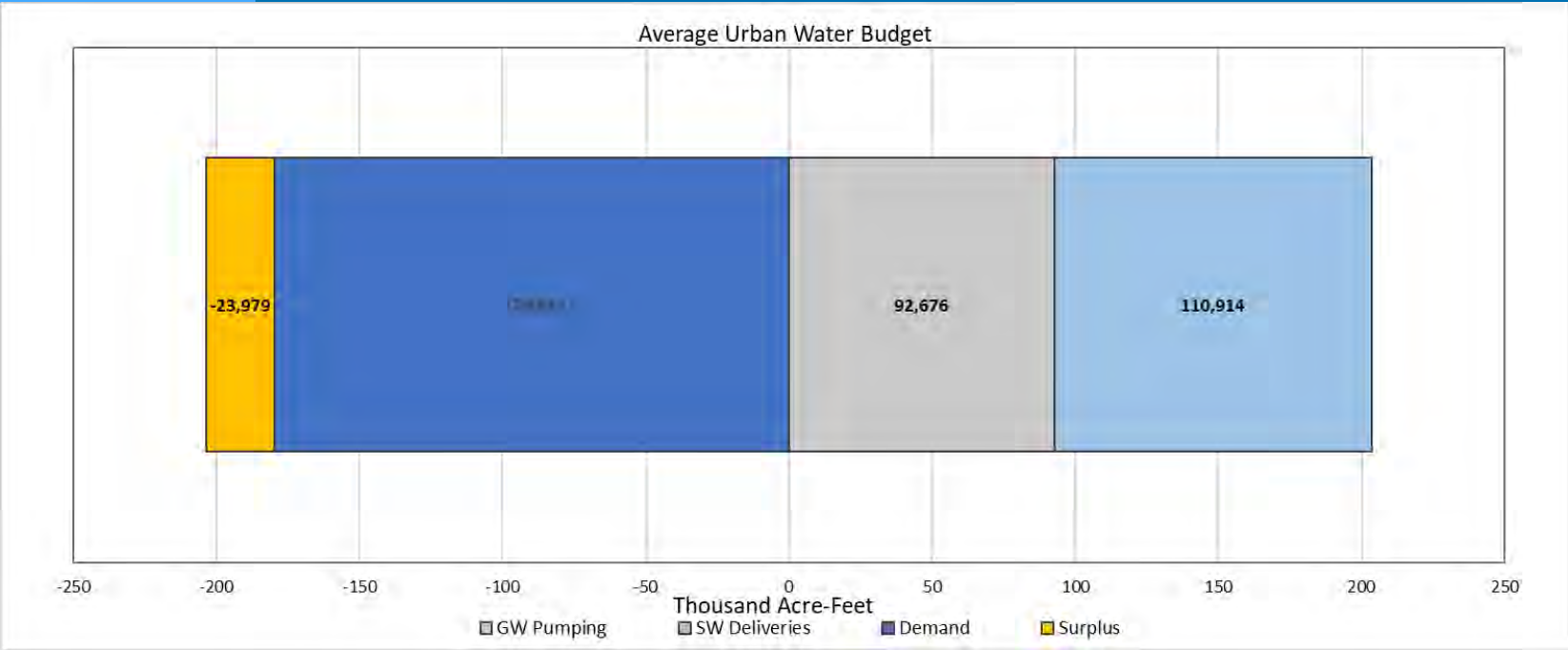
- Assume 2015 population level
- Pre-drought duty factors (2013 level GPCD)

Land Use and Cropping Pattern:

- 2014 DWR land use and cropping patterns used (LandIQ)

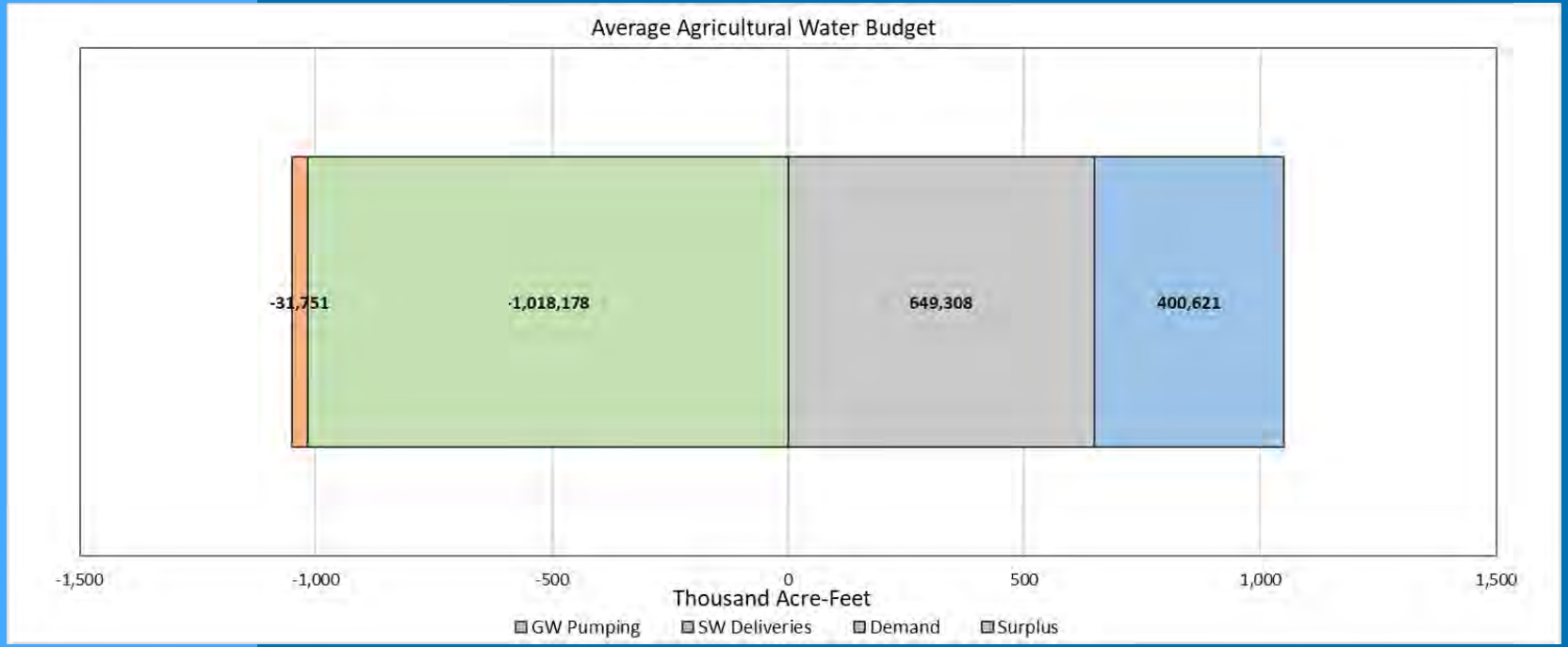
Current Conditions Baseline L&WU: Urban Water Use

EASTERN SAN JOAQUIN GROUNDWATER AUTHORITY



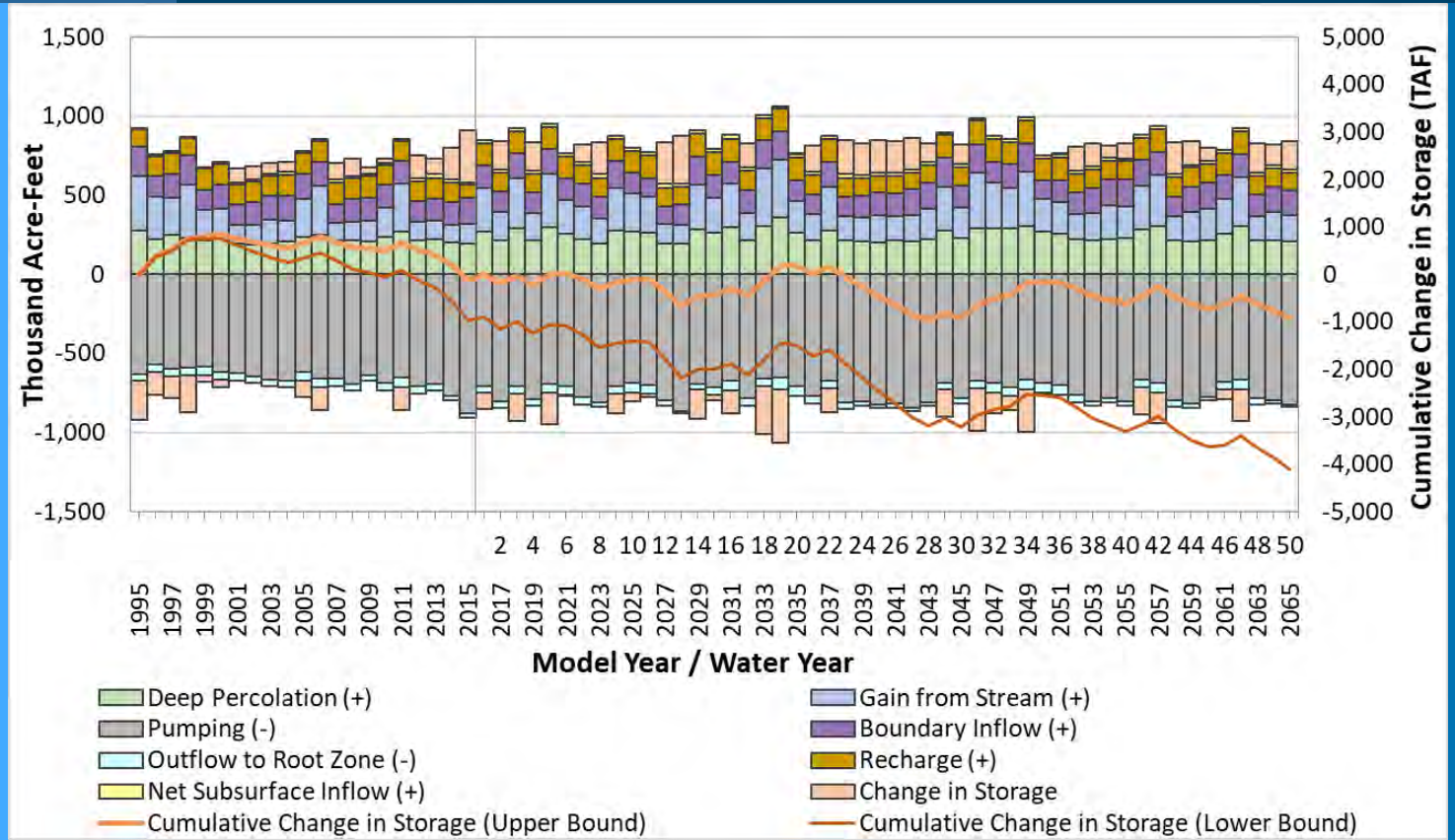
Current Conditions Baseline L&WU: Agricultural Water Use

EASTERN SAN JOAQUIN GROUNDWATER AUTHORITY



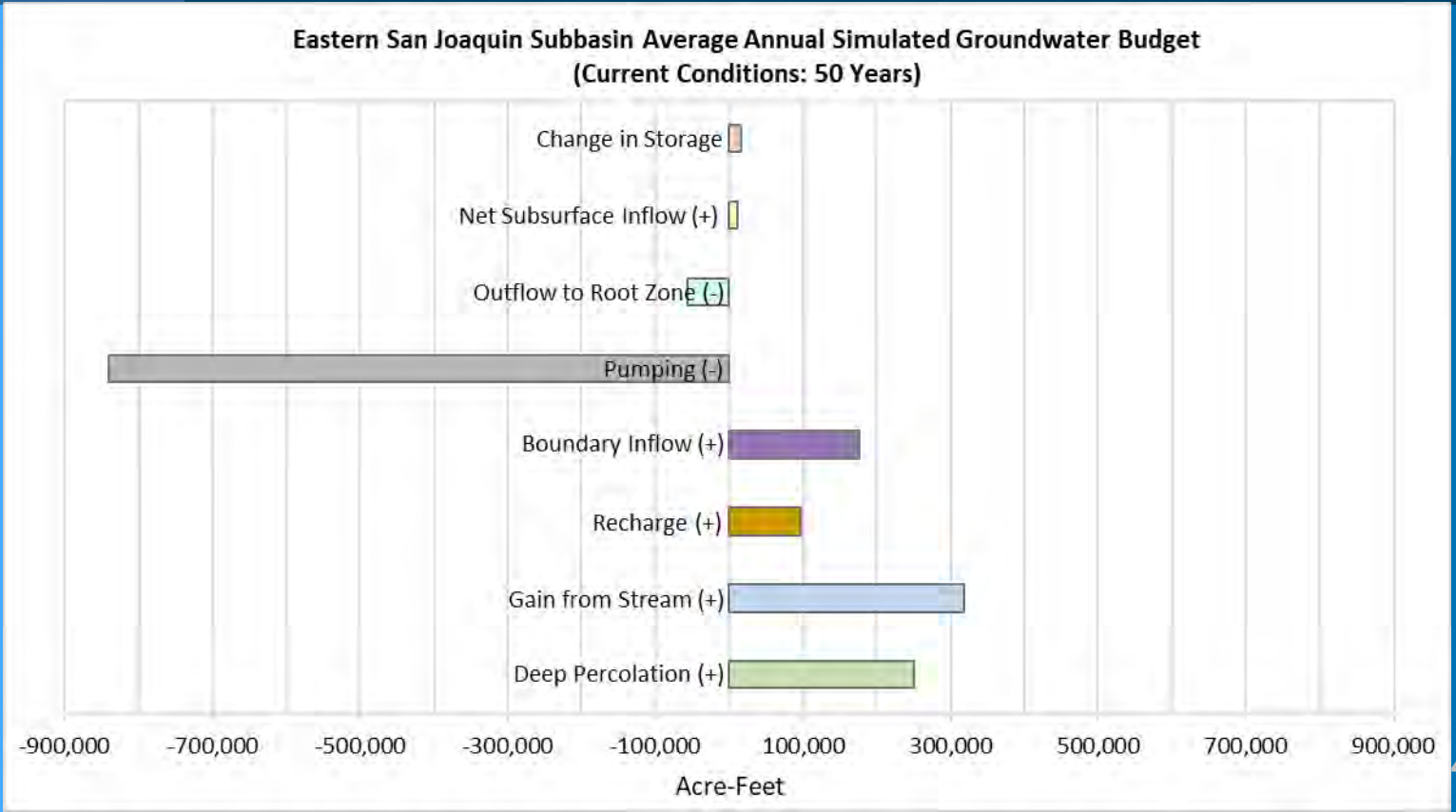
Time Series of Cumulative Storage

EASTERN SAN JOAQUIN GROUNDWATER AUTHORITY



Estimated Annual Groundwater Use

EASTERN SAN JOAQUIN GROUNDWATER AUTHORITY

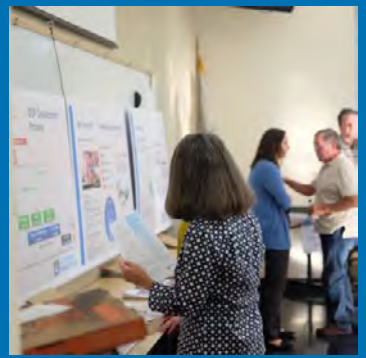


Recap of Open House

Open House Recap

EASTERN SAN JOAQUIN GROUNDWATER AUTHORITY

- Thank you for participating!
- ~50 members of the public in attendance
- Great showing by GSAs
- Open House materials will be posted to the website



Discussion: For those who attended the Open House, what was your impression of the event?

Suggestions for future locations?

Eastern San Joaquin Subbasin

Groundwater Sustainability Workgroup

September 11, 2018

EASTERN SAN JOAQUIN
GROUNDWATER AUTHORITY

EASTERN SAN JOAQUIN GROUNDWATER AUTHORITY

1810 E. Hazelton Avenue
P. O. Box 1810
Stockton, CA 95201

(209) 468-3089
ESJgroundwater@sjgov.org
esjgroundwater.org

Eastern San Joaquin Groundwater Authority Groundwater Sustainability Workgroup
October 9, 2018
4 – 5:30 p.m.
Robert J. Cabral Agricultural Center
2101 E. Earhart Ave., Stockton, CA
Delta Room

Agenda

I. Welcome

II. Comments on Meeting Notes

III. Follow-Up from Last Meeting

IV. Projected Water Budget

V. Sustainable Yield

VI. Projects and Management Actions – Introduction and Approach

VII. Announcements

a. Second Informational Meeting

VIII. Other Topics

a. Non-agenda items
b. Public Comment

ATTACHMENT II
B.1-5.

CALIFORNIA DEPARTMENT OF WATER RESOURCES
SUSTAINABLE GROUNDWATER MANAGEMENT PROGRAM

Dear Interested Parties,

The Department of Water Resources (DWR) is seeking input via a survey on water quality as it relates to the Sustainable Groundwater Management Act and the Groundwater Sustainability Plans (GSP) Regulations. The purpose of this survey is for DWR's Sustainable Groundwater Management Program (SGMP) to obtain feedback on water quality concerns, which will inform DWR's continued assistance and guidance to Groundwater Sustainability Agencies as they prepare and implement GSPs with support from interested parties.

The survey will be available until October 10, 2018, and can be accessed here: https://www.surveymonkey.com/r/SGMPwaterquality.

Your participation in this water quality survey is greatly appreciated. If you have any questions or comments, please email SGMP@water.ca.gov.

Thank you,

Sustainable Groundwater Management Program

Department of Water Resources

Dear Colleagues,

I am pleased to announce the launch of the Groundwater Exchange, a collaborative online platform designed to connect water managers, water users, and community members with tools and resources to support successful implementation of California's Sustainable Groundwater Management Act. The Groundwater Exchange is a project of Maven's Notebook and was developed in partnership with Environmental Defense Fund and Stanford's Program on Water in the West.

Please take a look at the press release below and check out the Groundwater Exchange at www.groundwaterexchange.org.

We also invite you to attend our webinar featuring a live demo of the Groundwater Exchange from noon to 1 p.m. on Thursday, Oct. 11. To register, visit https://groundwaterexchangewebinar.eventbrite.com.

Best regards,

Christina

Christina Babbitt, Ph.D.
Senior Manager, CA Groundwater Program

https://www.bakersfield.com/news/county-downsizes-groundwater-management-role-raising-concerns-of-state-intervention/article_67726fec-bdef-11e8-b97a-6b60d6dc6334.html

County downsizes groundwater management role, raising concerns of state intervention

BY JOHN COX jcox@bakersfield.com Sep 21, 2018

Concerns are rising Kern might lose local control over groundwater pumping — an activity vital to farmers, ranchers, oil producers and others — after county officials moved to scale back their own oversight role.

The county informed property owners Aug. 24 it does not have the expertise or the money to actively manage groundwater use in portions of Kern where no other management authority exists. It encouraged them to join a local water district or form their own management organization, either of which would be expected to come up with a plan for making the practice sustainable.

State law suggests that if any part of a local basin is without direct oversight or cannot come up with a detailed groundwater management plan, then the entire area — the valley portion of Kern County, in this case — is subject to intervention by officials in Sacramento. That could mean unilateral imposition of fees and possibly pumping restrictions.

Some have expressed hope any state intervention would be limited to areas that have not joined or formed a groundwater management organization. Representatives of the State Department of Water Resources and the State Water Resources Control Board, both of which have groundwater authority, said they were unable to provide clarity on that point Friday.

The prevailing uncertainty has stoked worries Sacramento would declare the entire county out of compliance, throwing into question all local groundwater planning, including millions of dollars of work by area water districts.

"We're waiting to see how this really plays out and will it really bring the state in on some lands or all lands," said David Ansolabehere, general manager of the local Cawelo Water District. "We just don't know yet."

WHO WILL PROVIDE OVERSIGHT?

The situation arises from opposition by ranchers and other property owners not part of a local water district to the idea of paying assessments necessary to cover the cost of a groundwater management plan.

County government is, by default, the organization tasked with managing areas that are not part of a local district or groundwater management organization.

Chief Deputy County Administrative Officer Alan Christensen said the county remains prepared to provide some level of management, including creation of a relatively basic management plan reflective of what he called passive land uses such as ranching. But the oversight role would be considerably less ambitious than what the county had envisioned.

For example, he said, the county might rely on satellite imagery to monitor groundwater use instead of actively monitoring groundwater levels using readings from a well.

"We're trying to find a way to do this so it works for everyone," he said. "We can still cover (properties not part of a water district). We're just not ramping to be a water district … because we don't have that expertise."

ANOTHER OPTION

An alternative he and others mentioned is for another local organization, the Kern Groundwater Authority, to assume leadership. But it was unclear Friday how far leaders of the group were willing to go in creating a rigorous management plan, and ongoing oversight role, that would be acceptable to state regulators.

Three senior KGA officials were unavailable for interviews Friday. The group's planning manager, Patricia Poire, said in a brief email the group "is working and will continue to work with the county toward SGMA compliance," referring to the State Groundwater Management Act, which sets a number of deadlines for creating plans to ensure property owners do not overuse groundwater.

SGMA has stirred considerable concern locally, partly because of the threat that the state will impose steep fees for use of groundwater, or otherwise restrict pumping. The act is intended to reverse the overuse of groundwater, which partly because of the drought has contributed to land subsidence and raised questions about future water supplies.

A key concept in SGMA is that groundwater is best managed locally. If the state does intervene, it would be expected to come up with a management plan then back away, leaving local officials in charge of carrying out regulatory measures.

TAKING INITIATIVE

Some 300,000 acres across Kern County are believed to be without a groundwater management organization other than the county. The figure had been much higher — as much as 450,000 acres — but some property owners have joined neighboring water districts or formed their own groundwater management groups.

One property owner who has opted to help form a local groundwater authority is Bakersfield-area oilman Chad Hathaway. Skeptical that the county was ever going to be able to oversee groundwater use, he helped form a group that now covers 35,000 acres of private property.

The problem is, property owners representing another 120,000 acres have not come to the table, and he remains concerned the state will try to step in.

"Are you going to take a bunch, a lot of people that have done the right thing and throw them out of compliance, when there are specific areas that are not?" he asked. "Technically, (state regulators) can."

John Cox can be reached at 661-395-7404. Follow him on Twitter: @TheThirdGraf.

The Modesto Bee

NEWS

Stanislaus County appeals ruling that would make it harder for farmers to dig wells

BY KEN CARLSON
kcarlson@modbee.com

September 21, 2018 04:38 PM
Updated September 22, 2018 03:51 PM

Stanislaus County will ask the state Supreme Court for a ruling on whether environmental review is a necessary step for a new water well.

In August, a state appeals court overturned the Stanislaus Superior Court's decision in the Protecting Our Water lawsuit, which sought an injunction against county well permit approvals. The plaintiffs claimed the county was violating the California Environmental Quality Act (CEQA) in approving well

permits without considering environmental harm.

Modesto-area farmers are already facing future cuts to water deliveries from a State Water Board plan to leave more water in rivers for fish. They will have a difficult time with sinking new wells for irrigation if the 5th District Court of Appeal decision stands, county officials said.

An environmental review is costly. It can take two years and may be challenged by litigation. County leaders voted in closed session Tuesday to prepare a petition asking the state's highest court to hear the case. There is no guarantee it will.

"Our best hope is we will prevail," County Counsel John Doering said. "It does not make sense to conduct (an environmental review) on these types of projects. ... We think other counties also are worried about this decision."

The original lawsuit was filed in January 2014, during the last drought, after hundreds of county permits had been issued for agricultural wells in Stanislaus County and had sparked concern about the health of aquifers. The plaintiffs included Protecting Our Water and Environmental Resources and the California Sportfishing Protection Alliance.

A second suit targeting more than a dozen growers who had drilled irrigation wells was settled out of court.

In a 2015 decision, Superior Court Judge Roger Beauchesne ruled against the plaintiffs in the first case but chose to monitor the county's well permitting and drilling data for a year. The plaintiffs appealed to the state appellate court in Fresno, which heard the case and issued a ruling in August.

The 5th District court acknowledged that an environmental review for most well permits is a costly, time-consuming process that might prove unnecessary. But courts are not able to change the regulations in CEQA, the judges said.

"If we were legislators, we might seek a way to provide relief from the potentially high burdens imposed by CEQA. But we are judges, not legislators. The choice is not ours to make," the court ruling said.

According to the appellate court, discretionary decisions by local government are what trigger an environmental review under the law. Since the county makes a judgment on whether there's adequate space between a new well and source of contamination, the permitting process is discretionary under CEQA, the court ruled.

Protecting Our Water was created by plaintiff Jerry Cadagan of Sonora, who died in an apparent suicide three years ago. San Francisco Attorney Thomas Lippe represents the remaining plaintiffs.

"I wish the county would just do the right thing," Lippe said Friday. "The reality is the well permits that get environmental review are the ones where people see a problem and submit comments. That opportunity should be there. It is opening the door for people to have some involvement in the process."

Wayne Zipser, executive director of Stanislaus County Farm Bureau, said a victory for the plaintiffs would be terribly burdensome for land owners. "Our position is a land owner has the right to the water underneath his or her property," Zipser said. "Farming is a beneficial use. To require environmental review on every single well is ridiculous."

Zipser noted that a state law, signed by Gov. Jerry Brown nine months after the suit was filed, requires local agencies to work on sustainable management of groundwater, and that should address concerns about overdrafting.

The county approved an ordinance in November 2014 to prohibit excessive groundwater pumping. Those regulations on groundwater mining apply outside the boundaries of irrigation districts.

The county has issued well permits for years and does not simply hand them out, Doering said. Guidelines make sure wells are built and sealed properly. Well sites close to a septic system or dairy lagoon are not permitted.

In a similar case in San Luis Obispo County, the 2nd District Court of Appeal ruled the opposite — that environmental reviews are not necessary for well permits. Plaintiffs in that lawsuit also have petitioned the Supreme Court.

Doering said an attempt to consolidate the two cases was not successful. Stanislaus expects to file its petition for Supreme Court review within one or two weeks.

Villalpando, Kelly

From: Emard, Joyia@DWR <Joyia.Emard@WATER.CA.GOV>
Sent: Thursday, September 27, 2018 4:31 PM
To: DWR_SGMP@LISTSERVICE.CNRA.CA.GOV
Subject: SGMP September Newsletter

CALIFORNIA DEPARTMENT OF WATER RESOURCES
SUSTAINABLE GROUNDWATER MANAGEMENT PROGRAM

Updates from the California Department of Water Resources Sustainable Groundwater Management Program

TODAY'S TOPICS
September 26, 2018

News
- Take Our Water Quality Survey
- Frequently Asked Questions Updated
- Basin Boundary Modification Submission Period Ending
- Basin Boundary Modification Public Comment Period Closing
- Submit Your GSP Initial Notification

Upcoming Events
- Nothing Scheduled

NEW Take Our Water Quality Survey

The Department of Water Resources (DWR) invites you to participate in a survey on water quality as it relates to the Sustainable Groundwater Management Act and the Groundwater Sustainability Plan (GSP) regulations. The survey will provide DWR's Sustainable Groundwater Management Program (SGMP) with feedback on water quality concerns. The survey results will inform DWR's continued assistance and guidance to Groundwater Sustainability Agencies (GSAs) as they prepare and implement GSPs. The survey will be available until October 10, 2018, and can be accessed here.

If you have questions or comments, please email sgmps@water.ca.gov.

NEW Frequently Asked Questions Updated

The 2018 SGMA Basin Prioritization Frequently Asked Questions have been updated.

REMINDER Basin Boundary Modifications Submission Period Ends September 28, 2018

The submission period for Basin Boundary Modifications ends at 11:59 p.m., this Friday, September 28, 2018. All information to support basin boundary modifications must be submitted on the Basin Boundary Modifications Request System.

For more information, contact Dane Mathis at dane.mathis@water.ca.gov or (559) 230-3354.

REMINDER Basin Boundary Modifications Public Comment Period Ends Oct. 31

Public comment on Basin Boundary Modifications ends on Wednesday, October 31, 2018. Comments must be submitted using the SGMA Portal – Basin Boundary Modification Request System.

For questions or more information, contact Dane Mathis at dane.mathis@water.ca.gov or (559) 230-3354.

REMINDER Submit Your GSP Initial Notification

GSAs are required to notify DWR, in writing, prior to initiating development of a GSP. GSAs must submit all applicable GSP initial notification information to DWR using the SGMA Portal – GSP Initial Notification System. Once an Initial Notification has been submitted, if changes need to be made, the SGMA Portal – GSP Initial Notification System allows edits to be made from the GSA's login account, including the ability to withdraw a submittal.

Also, remember, *"If the geographic area to be covered by the plan includes a public water system regulated by the Public Utilities Commission, the groundwater sustainability agency shall provide the written statement to the commission."* See Water Code § 10727.8.

For more information, please see Frequently Asked Questions on GSP Initial Notification Requirements or contact the Regional Coordinators in DWR's four Regional Offices. For assistance with the system, please email monica.reis@water.ca.gov.

Connect with Your Basin Point-of-Contact

DWR has designated Basin Points-of-Contact to assist local agencies and GSAs as GSPs are developed and implemented and to assist with applications for Technical Support Services and Facilitation Support Services. To determine your basin point of contact, please see the following links that provide maps and contact information:

Northern Region
North Central Region
South Central Region
Southern Region

For regional inquiries, please contact sgmp_rc@water.ca.gov.
For general inquiries, please contact sgmps@water.ca.gov.