



# Westlands Water District

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## VIA EMAIL

California Department of Water Resources  
Attn: Sustainable Groundwater Management Section  
P.O. Box 942836  
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Re: Westlands Water District's Comments on the Draft Emergency Regulations for Groundwater Sustainability Plans and Alternatives

To whom it may concern:

Westlands Water District (Westlands) appreciates the opportunity to provide comments on the Department of Water Resources (DWR) Draft Emergency Regulations for Groundwater Sustainability Plans and Alternatives (Regulations). Westlands reviewed the Regulations and has the following comments:

- In general the Regulations require the Plan to contain a significant amount of detail, which is inconsistent with SGMA.  
**Recommendation:** Compare the California Water Code with the draft Regulations proposed by DWR. DWR should modify the Regulations to be consistent with the California Water Code.
- The term "basin" is used throughout the Regulations. Based on the context of the majority of the Regulations, the term basin is used in sections where the term subbasin is the appropriate language.  
**Recommendation:** Change all sections of the Regulations where DWR is describing a requirement of a subbasin.
- **Section 351 (z)** defines "Reporting Period" as a period covered by the annual report required by Water Code Section 10728, which shall consist of the previous water year.

Water Code Section 10728 does not mention a reporting period requirement nor is the reporting period defined in Water Code Section 10721. However, the Regulations and the Water Code have defined the “water year” as the period from October 1 to September 30. As a Central Valley Project contractor, Westlands’ water contract year begins on March 1 and ends February 28/29.

**Recommendation:** To be consistent with local agency operations, the reporting period should be defined by the Groundwater Sustainability Agency (GSA).

- **Section 352.6 (b)(2)** states that “[a]ll available information about the wells shall be reported in the Plan, which shall include, at a minimum, well location, well construction, and well use.”. The terms “all” and “well use” are extremely broad terms. For clarification purposes, the Regulations should utilize more descriptive language.

**Recommendation:** Revise language to “Information about the wells shall be reported in the Plan, which shall include, at a minimum, well location, well construction, and the total volume of groundwater pumped.”

- **Section 353.4 (b)** requires “certification” of all Plans, amendments, annual reports and five year assessments. None of the Water Code sections cited or referenced support this requirement.

**Recommendation:** Delete the required certification language.

- **Section 353.6 (b)** requires the Department to “establish a comment period of *no less than* 60 days on an adopted Plan that has been accepted by the Department for evaluation.” This language suggests that the Department could extend a comment period beyond 60 days. Water Code Section 10733.4 (c) indicates that the Department shall provide a 60 day comment period.

**Recommendation:** Revise language to conform to the Water Code, providing for a 60 day comment period.

- **Section 354.8 (a)(4)** requires that maps depict “[d]esignation of existing land uses and the identification of each water use sector and water source type.” Although this level of refinement is desired by DWR, developing a map and a Plan with this level of refinement is not feasible at a parcel level in the Westside Subbasin. Westlands’ ability to develop a detailed map as required in Section 354.8 (a)(4) is limited by the available historical data and this data is not available subbasin wide. Thus, the level of technical detail that is included in a Plan to illustrate the water use and source types should be established by the GSA and not the Regulations.

**Recommendation:** Revise language to “Designation of existing land uses and the identification of each water use sector and water source type at the subbasin level.”

- **Section 354.18 (a)(4)** requires the water budget to include “[a]ll water demands by water source type and water use sector.” Implementing a water budget at the parcel level is not feasible. The level of detail presented in a water budget should be established by the GSA and not the Regulations.

**Recommendation:** Revise language to “All water demands by water source type and water use sector at a subbasin level.”

- **Section 354.18 (c)** allows the GSA to develop a Plan without a groundwater surface water model. Areas that DWR classified as critically overdrafted basins should be required to build a groundwater surface water model as part of their GSP. The evaluation of boundary conditions and the movement of groundwater between adjacent subbasins is complex. Allowing for alternative methods to evaluate water budgets within a subbasin does not provide the best available science for quantifying impacts between adjacent subbasins. Lack of the best available information will lead to uncertainty and misunderstanding of groundwater conditions, and will ultimately create disputes between adjacent GSAs.

**Recommendation:** Require all critically overdrafted basins to develop a groundwater surface water model.

- **Section 354.26 (a)(3)** requires “[a] description of known or projected effects on the beneficial uses and users of groundwater, and other potential effects that would occur or are occurring.” This level of detail does not promote local control and should be established by the GSA. Additionally, SGMA obligates a local agency to manage the groundwater resource, not the users of groundwater.

**Recommendation:** Revise the language as follows: “A description of known or projected effects on the beneficial uses” and delete ~~“and users of groundwater, and other potential effects that would occur or are occurring.”~~

- **Section 353.4 (c)** requires “[a]ll materials submitted to the Department shall be posted on the Department’s Internet Web site.” All materials submitted to DWR should not be posted to its web site. DWR should limit information posted to its web site to Plans deemed complete and adequate by DWR.

**Recommendation:** Revise language to “All Plans submitted to the Department and deemed adequate shall be posted on the Department’s Internet Web site.”

- **Section 354.28 (b)(5)** states that “[t]he minimum threshold for land subsidence shall be the rate of subsidence that substantially interferes with surface land uses.” Subsidence is not similar to the other critical parameters since soils will likely continue to drain, consolidate, and subside when groundwater extractions are below the established sustainable yield. Based on the data available from DWR at the following URL, [http://www.water.ca.gov/groundwater/docs/NASA\\_REPORT.pdf](http://www.water.ca.gov/groundwater/docs/NASA_REPORT.pdf), in years when surface water supplies are ample enough to minimize groundwater pumping, delayed subsidence still occurs. The Cal Tech report includes a subsidence table on page 8 that shows subsidence continued along the California Aqueduct in 2007, as indicated in the legend as the Corcoran max. In 2007, there was minimal groundwater pumping in Westlands, yet the report contains information that indicates subsidence continued. Thus, it is reasonable to establish a Plan that allows for subsidence to continue, as the groundwater extraction rate may not directly correlate to the subsidence rate. DWR should identify the criteria used to determine if the developed minimum thresholds are acceptable. These criteria should reflect the specific geology and hydrology of a given subbasin.

**Recommendation:** Revise the language to “The minimum threshold for land subsidence shall be the rate of subsidence that substantially interferes with surface land uses. The rate of allowable subsidence shall be consistent with the basin’s geological characteristics.”

- **Section 354.44 (b)** states that “[e]ach Plan shall include contingency projects or actions...” The main objective of SGMA is to provide local agencies with the authority to implement a Plan to sustainably manage groundwater. If all the other components required in the Regulations are successfully executed, such that a GSA develops a Plan based on technical information, DWR reviews and deems the Plan adequate, then the idea of a contingency plan or action would not seem to be applicable. Contingency projects or actions are not a requirement of the California Water Code. Thus, the necessity for the development of a contingency project or action is inappropriate and may not be warranted, and such requirement should only be imposed by DWR if measurable objectives are deficient.

**Recommendation:** Remove this paragraph of the Regulations. This potential requirement, assuming a minimum threshold is exceeded; the requirement is more appropriately placed in section 355.6 of the Regulations. DWR should issue a requirement of the GSA to develop a plan or action to resolve the undesirable result experienced in the Plan coverage area.

- **Section 355.2(e)** states “[t]he Department may include recommended corrective actions to address any deficiencies identified in the assessment.” The term “any deficiencies” is too broad. Deficiencies identified by DWR should be established based on the same standards required of the GSAs developing the Plan. To be consistent with other areas of the Regulations, DWR’s conclusions and recommendations on Plan deficiencies should be based on the best available information and best available science.

**Recommendation:** Revise language to “The Department may include recommended corrective actions to address deficiencies identified in the assessment, and the recommendations shall be based on the best available information and best available science.”

- **Section 355.4** In discussing the criteria for Plan evaluation, the Regulations state in part that DWR shall evaluate a Plan to determine whether it is in “substantial compliance” with the Regulations. “Substantial compliance” is then defined to mean “the Agency has attempted to comply with these regulations in good faith, that the supporting information is sufficiently detailed and the analyses sufficiently thorough and stating “...reasonable, in the judgment of the Department, to permit evaluation of the Plan, and the Department determines that any discrepancy would not materially affect the ability of the Agency to achieve the sustainability goal or of the Department to evaluate the likelihood of the Plan to attain that goal.” This area of the Regulations provides DWR with significantly -broad authority. The Regulations do not define what is considered reasonable or provide guidelines to determine reasonableness. It is important to stress local control in the approval and implementation of the Plan. If the developed Plan is reasonable to the land owner required to comply with the Plan, then DWR should also deem the Plan to be adequate.

**Recommendation:** Revise the language to “Reasonable as approved by the affected land owners of the Plan.”

Thank you for the opportunity to provide the DWR with our comments regarding the Draft Groundwater Sustainability Plans and Alternatives Regulations. We look forward to working with DWR to ensure the Westside Subbasin’s groundwater resource is managed sustainably.

Sincerely,



Dan Pope  
Chief Operating Officer