DATE GROUNDWATER
SUSTAINABILITY PLAN
REGULATION COMMENT
RECEIVED BY DWR
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Subject: Draft GSP Emergency Regulations Public Comment

California Department of Water Resources
Attn: Lauren Bisnett
P.O. Box 942836
Sacramento, CA 94236

via Email to sgmps@water.ca.gov on 3/29/16.

Dear Ms. Bisnett:

On behalf of Reclamation District No. 2074 and Reclamation District No. 2030, I herewith submit my comments on the Sustainable Groundwater Management Act Draft Emergency Regulations for Groundwater Sustainability Plans and Alternatives (the "Regulations". My comments are organized by the section and paragraph numbering of the Regulations for ease of reference.

As a participant in the GSA formation and GSP adoption process in San Joaquin County as an Advisory Water Commission member and on behalf of the Reclamation Districts I represent, I have come to appreciate the formidable and daunting tasks facing cities, counties, water and irrigation districts and the like in achieving sustainability plans and administering same. The assistance and participation of DWR as a partner in our effort is having a highly beneficial effect in helping us to achieve compliance by the required dates, and we are grateful for DWR'S commitment to assist and work with us.

My comments are limited to the issues that are most relevant to the interests I serve and that may not have been fully addressed in comments from ACWA and others. We believe that ACWA'S comments are generally excellent and endorse same - particularly with regard to the complexity of the proposed regulations.

COMMENTS:

Section 353.4 Reporting Provisions and Section 354.18(e). At our SGMA meetings in San Joaquin County, we have endeavored to encourage the use and adoption of DWR'S CV2SIM and IWFM open source groundwater sustainability model and Integrated Water Flow Model (to be furnished as required by Section 354.18(e) to Agencies that wish to use same in developing water budgets) so that the data generated by the GSA'S in San Joaquin County will be reportable in a standardized format and easily useable by DWR to evaluate plan compliance. In short, it is one thing to require DWR to make its models available - it is yet another to require DWR to assist participating Agencies with the adoption and operation of DWR'S models. Section 354.18(e) states that each Agency may choose to use a different flow model, but the emphasis here is to save cost and duplication for all concerned (including DWR) in terms of evaluating Plans and compliance with Plans. The cost of adopting and operating other types of sustainability and flow models from the GSA standpoint is high, and the cost to the State of evaluating GSP data from models other than the DWR'S models is also likely to be higher than evaluating data from DWR'S standardized models. Formalizing DWR'S obligation to assist willing Agencies with adopting and operating DWR'S models on an ongoing basis will help Agencies make the ultimate decision as to which models to adopt.

Section 354.14 Hydrogeologic Conceptual Model. Section 354.14(c)(5) references surface water bodies with water supply diversions greater than 10 acre feet per year. As will be discussed in comments related to other sections of the Regulations, references to surface water and diversions of surface water seem to be somewhat

inconsistent with the notion of groundwater sustainability, and, in the case of the tidal Delta, groundwater usage does not affect surface water availability. In the Sacramento-San Joaquin Delta, most crops are irrigated with surface diversions, not groundwater. All diverters are already required to report diversion and use of surface water to the State on an annual basis. Except in instances where there is a direct connection between surface water and groundwater such that diversion of surface water and pumping of ground water directly and materially affect the availability of each, the entire subject of evaluating surface water diversions in connection with groundwater sustainability needs to be carefully examined to avoid unintentional conflicts with riparian and appropriative rights as well as wasteful efforts.

Section 354.18 Water Budget. This section and its parts need to be re-evaluated and re-written to deal with surface water and rights of riparian and appropriative diverters to surface water in a more realistic and lawful way. Most of the irrigation in the Delta is by surface water and not by groundwater. To the extent that there are agricultural areas that can interchangeably rely on both surface water and groundwater for irrigation of specific fields, then a water budget that evaluates ten years of historical surface water supply reliability data and planned vs. actual surface water deliveries might make sense. With respect to the Delta and the conventional irrigation practices of Delta diverters with riparian, senior and junior appropriative rights who do not irrigate with groundwater, the proposed regulations make no sense and appropriate changes, adaptations and exceptions should be created to avoid wasteful effort to gather data that is (a) not useful in terms of groundwater sustainability, (b) already required to be reported to the State in Statements of Diversion and Use and Reports of Licensees, and (c) which might conflict with established water rights.

Section 354.28(b)(6) Depletions of Interconnected Surface Water. An exception needs to be made for tidal areas such as the Delta that always have surface water in abundant quantities. Surface water availability is not the issue in the Delta. Water quality is the issue. Water rights may also be an issue.

Section 354.35(h)(6) Interconnected Surface Waters. Same comment as for Section 354.28(b)(6). There is no real need to measure interconnected groundwater in the tidal Delta in terms of depletion of surface waters, and interconnected groundwater in the Delta could be subject to riparian and other claims of right.

Respectfully Submitted,

George V. Hartmann

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Abraham Lincoln
16th president of US (1809 - 1865)