

Via e-mail to: sgmps@water.ca.gov

Subject: Formal Comments on the Draft Emergency Regulations for
Basin Boundary Modification

DATE BASIN BOUNDARY
REGULATION COMMENT
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The Bulletin 118 Update is an opportunity to manage live streams, groundwater and ground water basins as a single interconnected system – as a complete watershed.

- 1. The boundaries of each basin should be extended to match the boundaries of the watershed that feeds that basin.***
- 2. New water use from a watershed upstream of the basin should be constrained proportionally to their effect upon the groundwater basin. New sustainable uses could be allowed.***
- 3. Subbasins should be allowed to be defined based on discontinuities with other portions of the basin as a whole.***
- 4. Those Subbasins should have their local water use and/or new water use limited or constrained dependent upon demonstrating the sustainability of that use by groundwater measurements and metered wells.***
- 5. The rationale behind SGMA applies equally to all parts of the watershed and the rules, regulations and necessary management practices to comply with SGMA should be applied proportionally across the whole watershed.***

The current system in California to manage Groundwater Basins as distinct entities unrelated to the rest of the watershed around them is flawed. Groundwater Basins are highly reliant upon the surrounding watershed for annual recharge. For example studies of the Paso Robles Groundwater Basin estimate that two thirds of the annual recharge comes from the surrounding hillsides of the Salinas watershed. To try to effectively manage water levels within a basin while ignoring water use from the watershed feeding the basin shows poor understanding and a dereliction of duty by those entrusted with its management.

Water has historically been managed in California as live streams and to a lesser extent as groundwater. It was politically the most expedient. It facilitated economic growth. It was not wise management of the water resource. We cannot change history. In the past we did not face the constraints that we face today. In the face of these constraints we need to start to manage our resources more wisely. The current State wide crisis is forcing all of us to reconsider how we manage our water resource. We are radically changing our legal outlook on historic groundwater rights as we implement SGMA. In essence we threw the old rule book out the window because the problem is that drastic. In fact the problem is drastic enough we need to start to manage the whole water system. We know that our water system is highly interconnected and interrelated and we can no longer chose to ignore that relationship. We need to take advantage of this current crisis to institute logical ecosystem wide – watershed wide solutions. This current review of Bulletin 118 is the logical point to institutionally begin to implement that change.

Just as SGMA recognizes and preserves our historical groundwater rights we can expand basin boundaries to include the whole watershed feeding the basin while recognizing and preserving the rights of the upstream property owners. If the problem is bad enough to restrict new water uses in one part of the watershed it is bad enough to restrict new uses from any portion of the watershed if it can be shown to reduce recharge of the basin.

In the Paso Robles Groundwater Basin it has been calculated that approximately two thirds of the annual recharge comes from that portion of the watershed outside of the basin. We have restricted new growth and new uses of water from within the boundaries of the basin but are allowing growth and new uses outside of the basin. The City of San Luis Obispo is taking water from the Salinas River system that feeds the Critically Overdrafted Paso Robles Basin. They have a historical "right" to that water, but they are continuing to use that water for significant new growth. Just as it was in the 1880's it is expedient. It facilitates economic growth. It is irresponsible. It is an irresponsible use of water from a system that is overtaxed and failing. It is irresponsible economically and environmentally. It represents our time honored use of natural resources for short term economic gain with disregard for long term costs. Similarly the Atascadero area of the Paso Robles Basin has been "politically" excluded from the Paso Basin to allow developers to move ahead with new development and for a few farmers along the river to be free of the new Water District heading to the rest of the basin. The Atascadero area does not have good access to extract water from the main portion of the Paso Robles Basin. However, all new uses of water allowed in the Atascadero area will reduce the amount of water moving into the Paso Robles Basin. The same is true of the Shandon, Creston and other outlying upstream portions of the basin. Like Atascadero these areas do not have the ability to extract water from the main downstream portion of the basin suffering from significant falling water levels. These potential subbasins are upstream of that part of the basin and have varying connectivity with it. We are definitely and significantly controlling new water use in those areas. The logic for restricting water use there extends to the boundaries of the watershed.

Properties upstream of a basin should not be penalized for overuse by properties within that basin. However new uses from upstream properties need to be strictly controlled and monitored to insure they do not exacerbate the situation. Similarly areas within a basin should face rules and regulations proportional to groundwater conditions below them and to their use of water.

Streams, groundwater, water basins, precipitation, water infiltration, lateral movement of water through soils, alluvium and lower layers along with evaporation, transpiration, outflow and pumping for agriculture and human consumption they are all interrelated, interdependent. It is one system. If we want to maximize positive results from our efforts to manage water we really need to manage it on a system wide basis. Our current piecemeal efforts to manage problems in groundwater basins separately from the whole system are doomed to unsatisfactory piecemeal results.

This is not to suggest that those outside the basin should make up for water use by the bigger users from within a basin. No, all users need to be an equally and proportionally responsible for any solution. It is time to reduce new uses of water from all parts of each watershed. Those who are upstream of the basin should not be restricted in their current reasonable use of their water resource. New uses of the water resource should be constrained high or low until the watershed returns to a sustainable level. Any proposed new use of water within the watershed feeding a basin with falling water levels should be studied and permitted before being allowed to proceed. After implementation of any new use of water it should be metered and the water level measured to fully understand its effects on the system as a whole. New projects, growth or agriculture in such a basin should be allowed to occur in a fashion that sustainably safeguards the water system. If that cannot be done the new uses need to be denied until new sources of water can be acquired. Current uses will need to be managed to comply with SGMA.

From: Willy Cunha farming organically in the Shandon Subbasin of the Paso Robles Groundwater Basin. I am active member of the Paso Robles Groundwater Basin Advisory Committee and the Previous Blue Ribbon Committee and before that the North County Groundwater Committee. I belong to the Central Coast Vineyard Team, past Chairman of the Board.

Willy Cunha