



THE STATE BAR OF CALIFORNIA

Environmental Law Section

How Blue is Your Valley? Your Voice, Your Future: A Community Conference on Water in the San Joaquin Valley

I Feel the Earth Move Under My Feet – Subsidence, Sustainable Management, and California's New Groundwater Law

Friday, April 24, 2015
11:15 a.m.-12:45 p.m.

Moderator: Roger Moore

Panelists: Sarge Green, Phoebe Seaton, Ernest Conant and
Dane Mathis

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I Feel The Earth Move Under My Feet

Subsidence, Sustainable Management, and
California's New Groundwater Law

Roger B. Moore

Partner, Rossmann and Moore, LLP

("How Blue is Your Valley" Conference,
State Bar of California Environmental Law Section, Fresno, CA, April 24, 2015)

A Perfect Storm (without the water)

California has faced drought, subsidence, overdraft, dry wells, and a “race to the bottom.”



Fissures near Lucerne Lake (dry) in San Bernardino County (Source: USGS)

Subsidence: That Sinking Feeling

Dr. Joseph Poland (USGS, 1977)



Land Subsidence from Groundwater Use in the San Joaquin Valley (2014)

- Recent observations of subsidence are “unanticipated and alarming, and likely to continue unless changes occur.”
- “Legislative and policy changes are needed to address this ongoing problem that has immense economic and environmental implications for the state of California.”

(Luhdorff & Scalmanini Consulting Engineers, Borchers and Carpenter, July 2014 report commissioned by California Water Foundation)

California Groundwater Law

- Overlying owners share an unquantified “reasonable” amount of water. Appropriators from the basin take after, by priority of time.
- Some basins are adjudicated; many aren’t.
- County exercise of police power upheld in *Baldwin v. County of Tehama*, 31 Cal.App.4th 166 (1994). Some counties have ordinances.
- Interim efforts before 2014--e.g., Special District laws, AB 3030 (1992), SB 1938 (2002), Delta Act (2009)--but no comprehensive state law.

Sustainable Groundwater Management Act (SGMA), 2014



What is “Sustainable” Groundwater Management?

- In SGMA, it’s the “management and use of groundwater in a manner that can be maintained during the planning and implementation horizon without causing undesirable results” (Water Code § 10721(u).)
- Governor signed SGMA in September 2014: SB 1739 (Dickinson), SB 1168 and 1319 (Pavley)

What Are Undesirable Results?

Water Code, §10721(w) : “Significant and unreasonable”

- Depletion of supply (chronic lowering)
- Reduction of groundwater storage
- Seawater intrusion
- Degraded water quality
- Land subsidence
- Surface water depletions
- Not “other significant environmental degradation.”

ACWA on Groundwater

- “Subjecting vast new quantities of water to State Board jurisdiction...is not an appropriate solution, because of the catastrophic effect it would have on California's established system of water rights.”

ACWA, August 2001

- “ACWA Executive Director Timothy Quinn said passage of the legislation ranks among the most important developments in California water history.”

ACWA, September 2014

SGMA: Local Authority

- “[S]ustainable groundwater management is **best achieved locally** through the development, implementation, and updating of plans and programs based on the best available science.”

(Wat. Code, § 113.)

- City and county police power is preserved
- Cannot adopt/update AB 3030 plans
- Must form sustainability agencies, adopt plans
- Must develop data for sustainable management.

SGMA: State Responsibility

- DWR provides guidance and technical support, sets basin priorities and boundaries, and develops regulations for groundwater sustainability (Draft Strategic Plan released, March 2015.)
- State Board intervenes if needed to ensure locals implement sustainable plans.
- State Board handles fee schedule, data reporting, probationary designations, and interim sustainability plans.

Groundwater Sustainability Agencies

One or or more local public agencies with water supply, water management, or land use responsibilities within a groundwater basin. (Wat. Code, § 10721(m).)

Shall consider the interests of all beneficial uses and users of groundwater, as well as those responsible for implementing groundwater sustainability plans. (Wat. Code, § 10723.2; 10723.4)

GSA Timetable and Tasks

January 1, 2017: Submit any alternative to GSAs to DWR

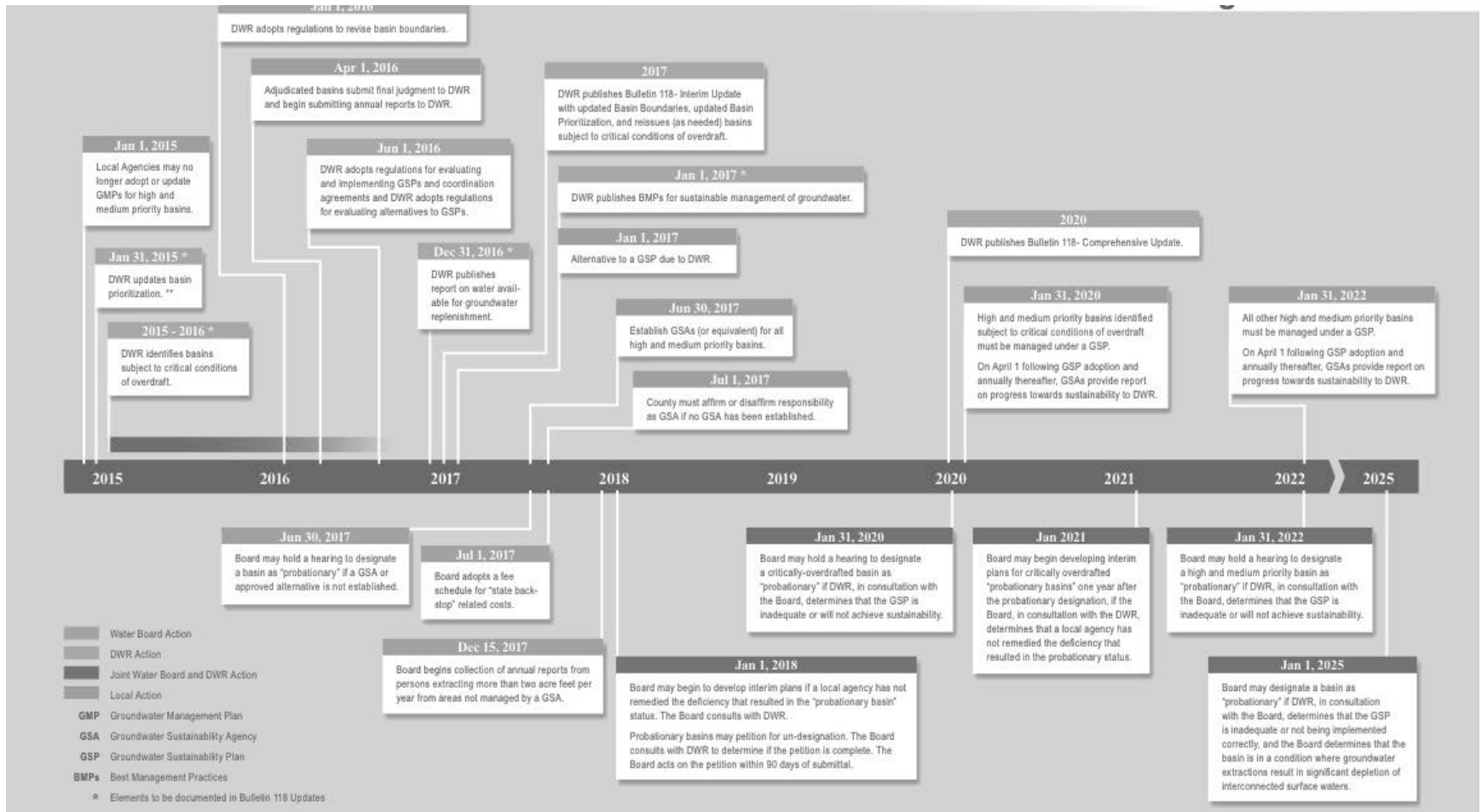
June 30, 2017: GSAs for **high or medium priority basins**, following notice and hearing. (Wat. Code, § 10735.2.)

Within 30 days of choosing to form a GSA, must notify DWR. If no other notices are filed within 90 days after posting, the GSA is presumed exclusive within the area the agency manages. (Wat. Code, § 10723.8.)

“Special act” districts are presumed GSAs (Wat. Code, § 10723.)

Local county is presumed to be GSA in uncovered area above basin (Wat. Code, § 10724.)

Groundwater Legislation Timeline



The Long Path to Sustainability

- Management of basins under Groundwater Sustainability Plan (GSP):
 - by January 31, 2020 (critically overdrafted)
 - by January 31, 2022 (other high or medium-priority basins)
- **Within 20-25 years** of implementing GSP, basin must operate within sustainable yield.
- Adjudicated basins are required to report annual water use (reports due April 1, 2016).

GSA Governance

- Local agencies may use a joint powers agreement, memorandum of understanding, or other legal agreement in forming GSAs. (Wat. Code, § 10723.6.)
- SGMA generally allows counties and other local agencies a wide range of governance options. (Wat. Code, § 10723(a).)
- Issues remaining: role of private entities; scope of a GSA's statutory powers (including extraction of fees, monitoring, and enforcement).

GSA Governance Options

- Centralized basin-wide or sub-basin wide GSA
- Distributed governance (with coordination agreement)
- Combination GSA (hybrid of centralized and distributed tasks)

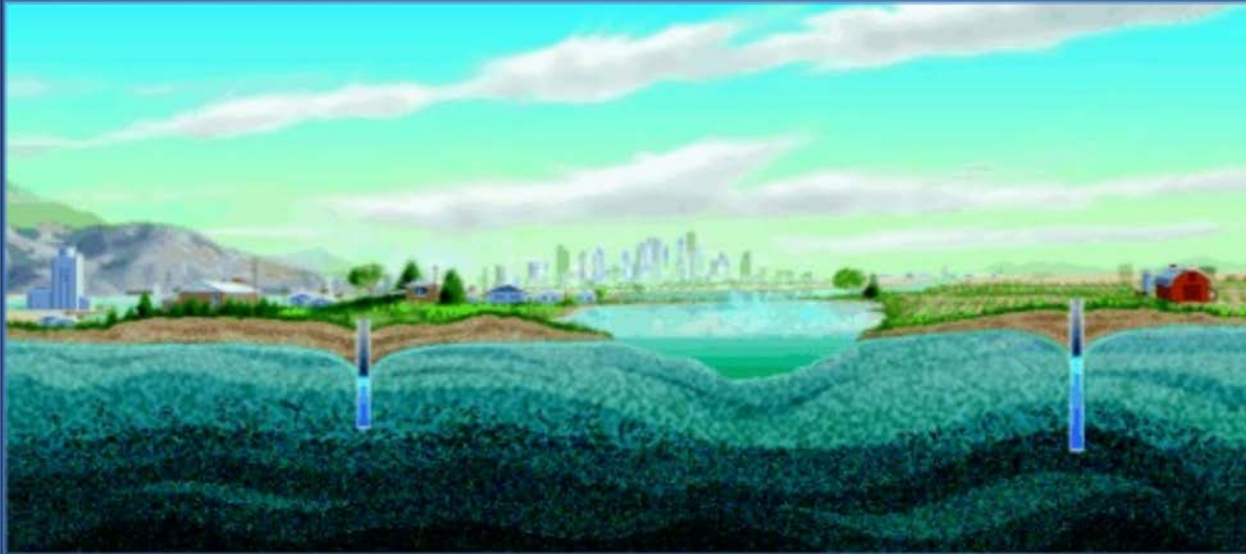
Funding Sustainable Groundwater Management

- DWR, *Groundwater Sustainability Program: Draft Strategic Plan* (March 9, 2015): funding to help local agencies to develop tools and models, prepare water budgets, and provide technical assistance in helping GSAs prepare their GSPs.
- Much remains unknown about the scope and timing of that funding.

Funding: Proposition 1

- Funding for competitive grants for projects that develop and implement groundwater plans and projects.
- State is reviewing proposals for implementation in 2015
- Legislative Analyst's Office: February 2015 report on Water Bond Implementation

San Joaquin Valley Groundwater

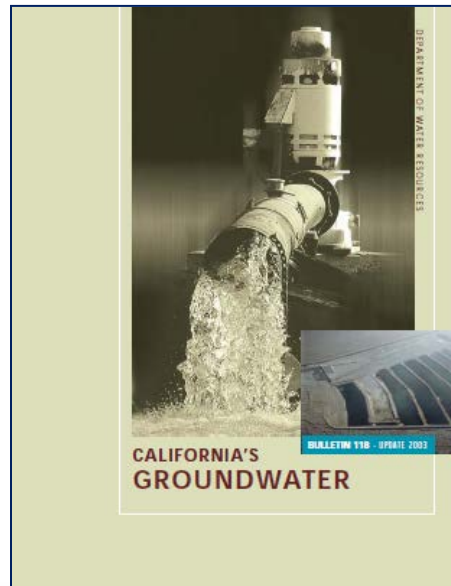


**How Blue is Your Valley Conference
April 2015**

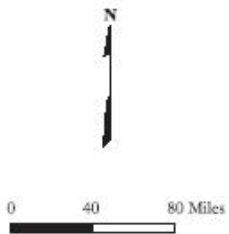
***Dane Mathis, PG, CEG, CHG
Senior Engineering Geologist
Division of Integrated Regional Water Management
South Central Region Office***



California's Groundwater Basins

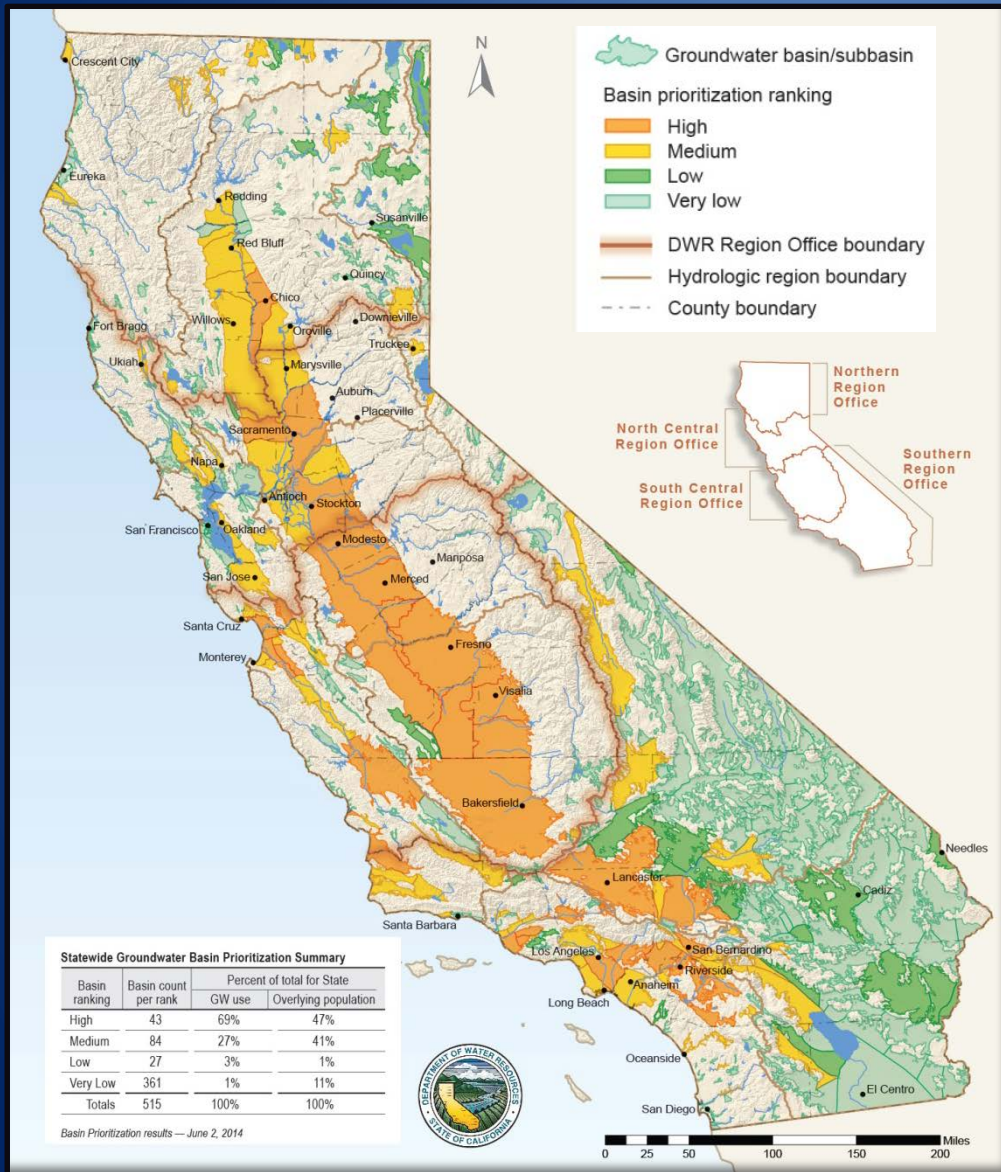


- 515 alluvial basins/subbasins
- ~ 40% of state's water supply
- Basins, precipitation, population, and demands are not evenly distributed



Source: DWR's Bulletin 118, update 2003

CASGEM Basin Prioritization



Statewide Breakdown

Basin Ranking	Basin Count per Rank	Percent of Total for Hydrologic Region	
		GW Use	Overlying Population
High	43	69%	47%
Medium	84	27%	41%
Low	27	3%	1%
Very Low	361	1%	11%
Totals	515	100%	100%

127 High & Medium Priority basins

- 96% of groundwater use
- 88% of overlying population

<http://www.water.ca.gov/groundwater/casgem/>



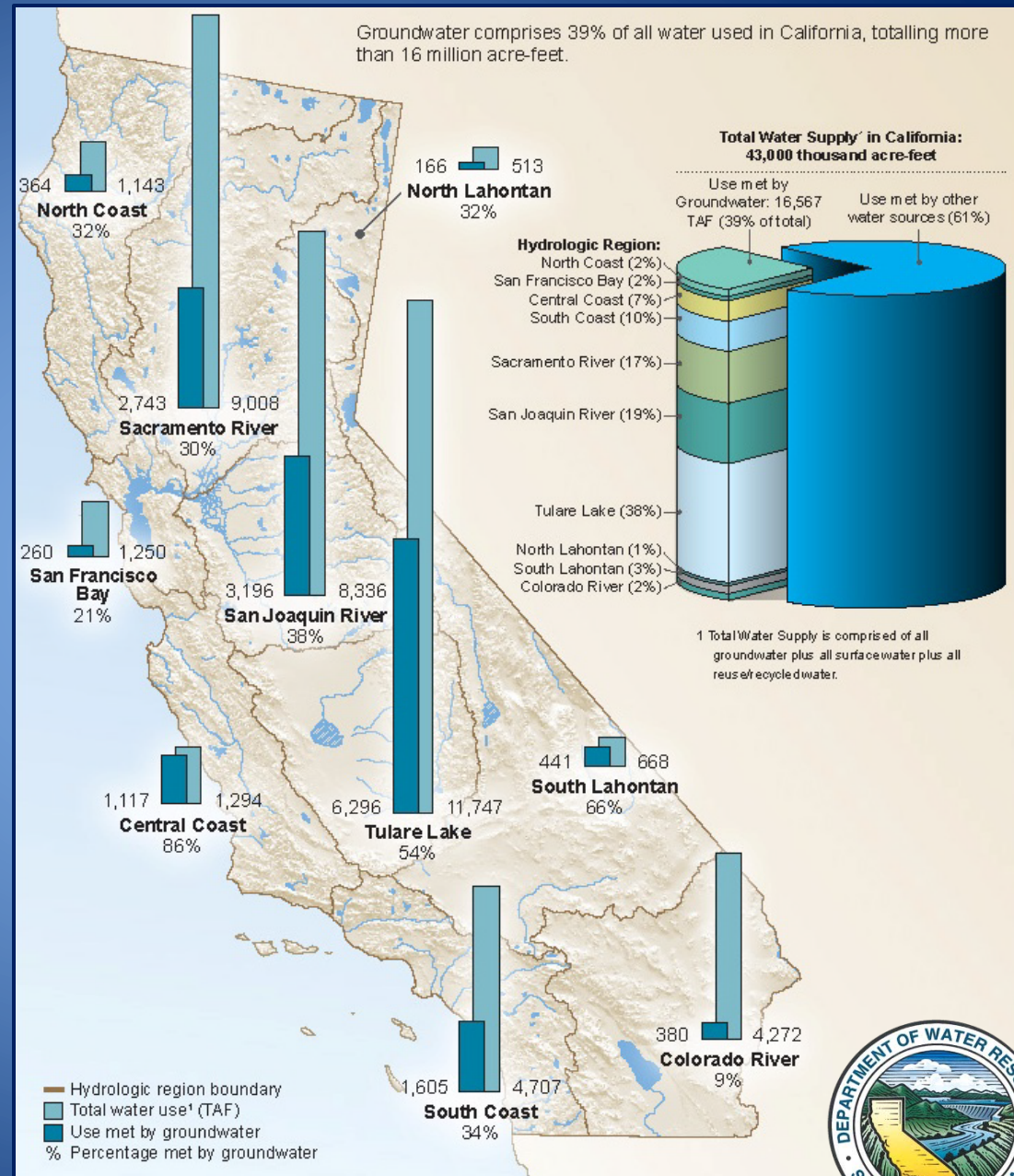
Statewide Groundwater

Regions with highest use:
(relative to statewide total)

- Tulare Lake 38%
- San Joaquin River 19%
- Sacramento River 17%
- South Coast 10%
- Central Coast 7%

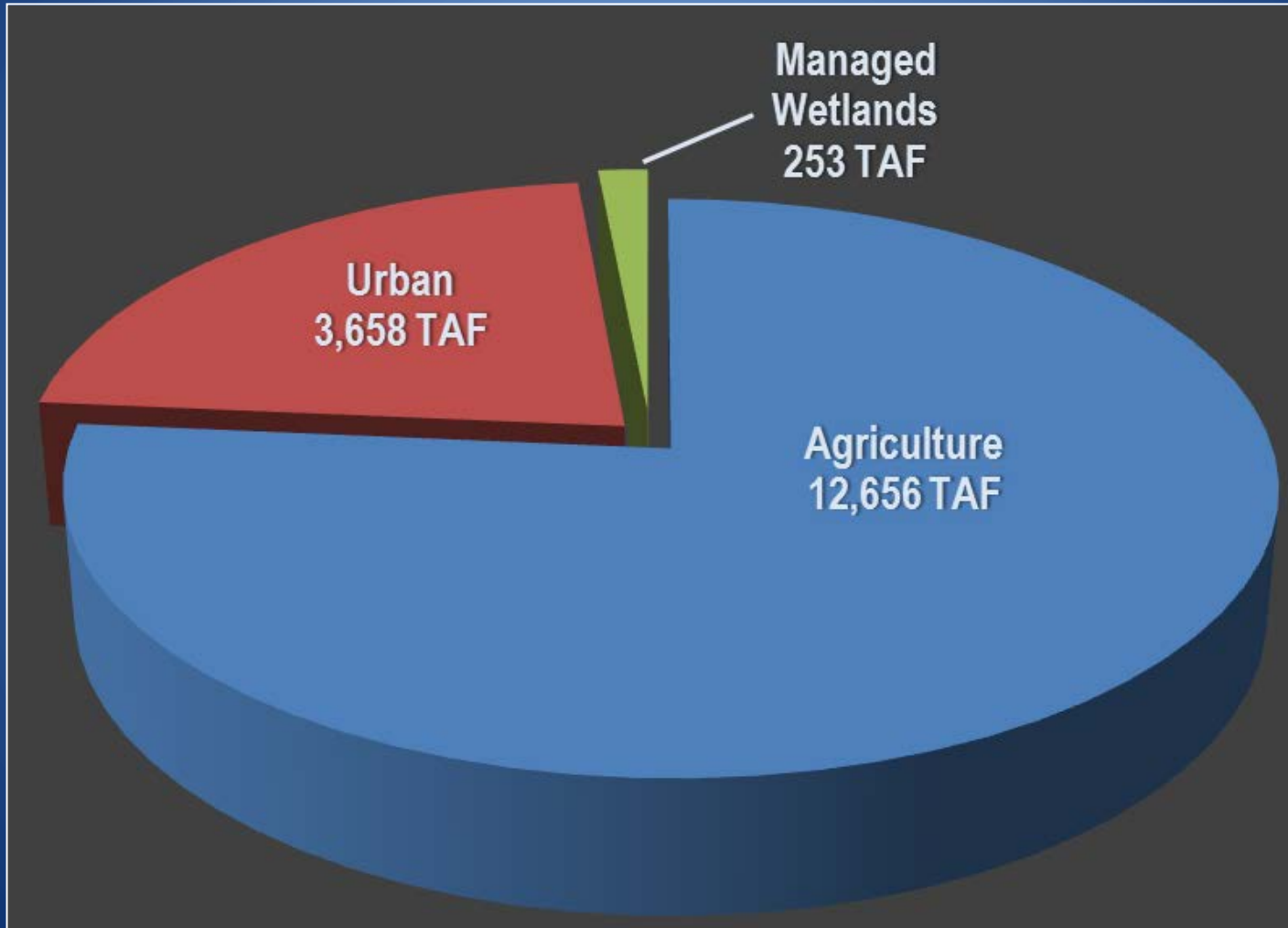
(2005 to 2010 Average Annual Data)

Source: California Water Plan Update 2013



Statewide Groundwater

2005-2010 Average Annual: 16,567 (TAF)



Source: California Water Plan Update 2013



A long time ago...

THE FRESNO BEE

Friday, Oct. 29, 1971

County Land Sinks; Expert Warns On Pumping

By Gerald P. Merrell

Uncontrolled pumping of ground water has made Fresno County the world's largest subsidence region, with more than 2,000 square miles of sinking land, destroying millions of dollars in property and soil, a leading geologist said last night.

Dr. William B. Bull, professor of geosciences at the University of Arizona, said at Fresno State College that subsidence in the county, especially on the barren West Side, is so severe that there is no other region "that even comes close to being a runner-up."

Bull said county officials should develop safeguards to protect the land and public from uncontrolled pump-

water out of the ground or building on that land because it will only increase the subsidence."

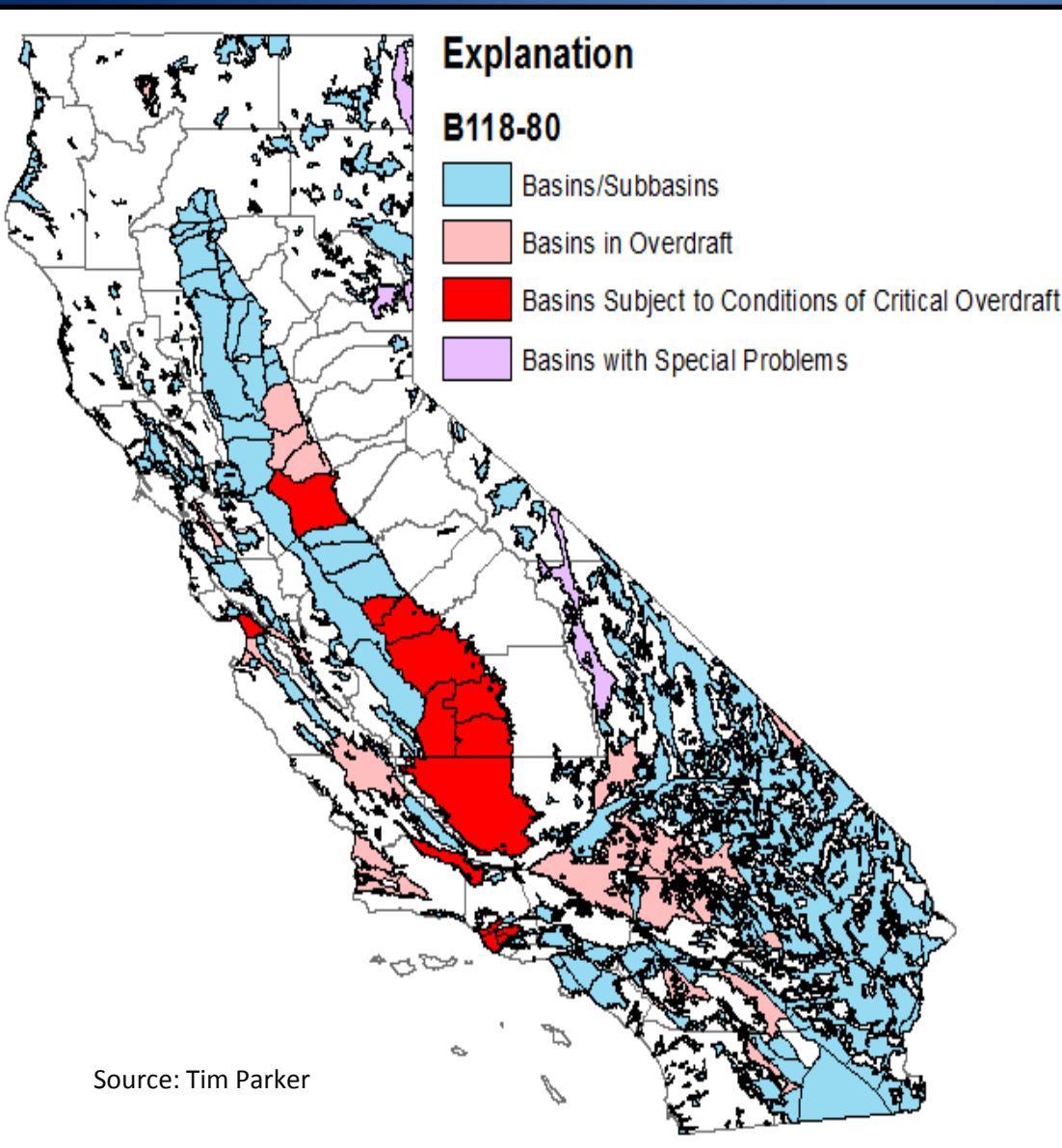
has slipped at least one foot. And there is a stretch of 70 miles which subsided at least 10 feet.

Bull said county officials should develop safeguards to protect the land and public from uncontrolled pumping of ground water and development which will have an adverse effect on the land.

Mrs. Robert F. Reid last night was elected president of the Easter Seal Society for Crippled Children and Sports Club, North Fresno Rotary Club, Delta Alpha Chapter of Epsilon Sigma Alpha, Clovis and Sanger High Mrs. Ampress L. Moore, M Elmer C. Rothe, Jr. Schmeiser, M ter, Stan



Overdraft in 1980

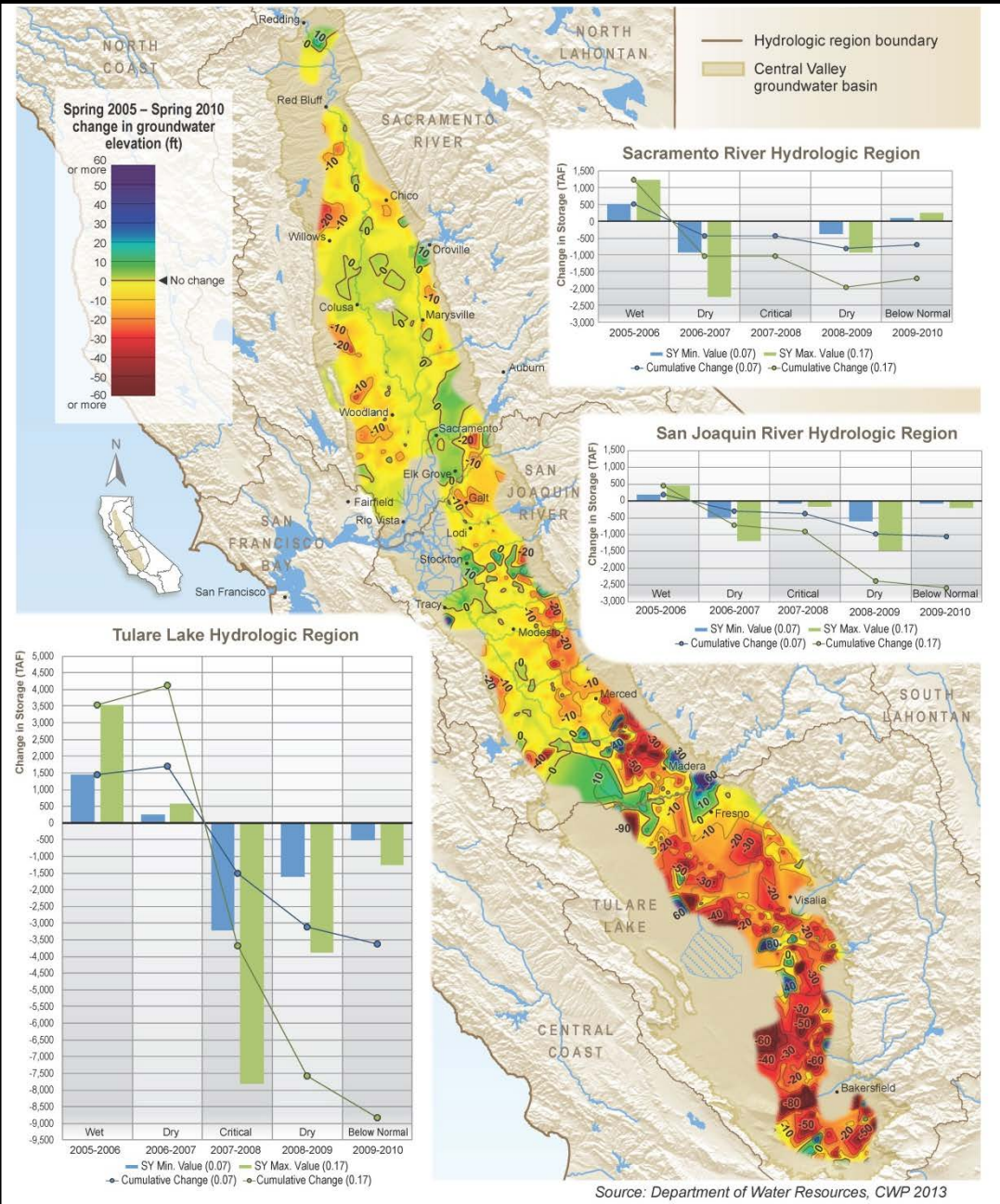


- 31 basins with evidence of overdraft
- 11 basins subject to critical overdraft
- 4 basins with special problems

35 years later - many of these basins show signs of continued overdraft and impacts have not yet been adequately addressed

Source: Tim Parker





Spring 2005-Spring 2010 Change in Groundwater Storage

Sacramento River HR

+

San Joaquin River HR

+

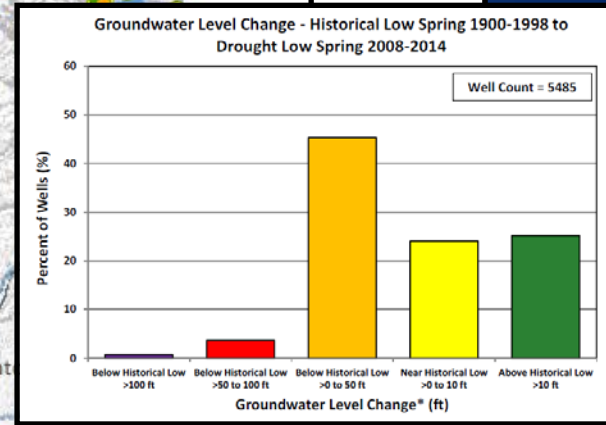
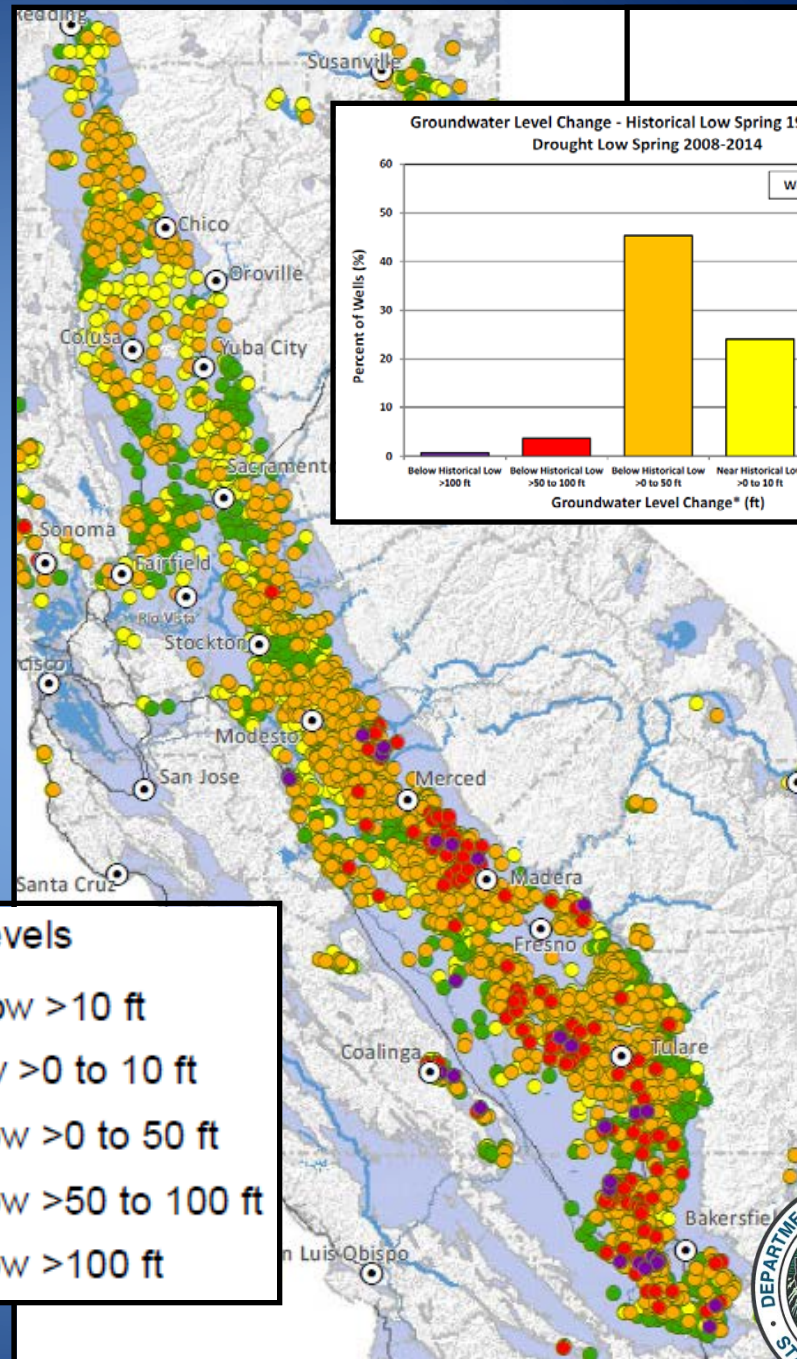
Tulare Lake HR

= approx. -5 to -13
Million Acre feet (MAF)



Groundwater Level Change

Historical Low Spring 1900-1998
to Drought Low Spring 2008-2014



- Change in Groundwater Levels
- Above Historical Low > 10 ft
 - Near Historical Low >0 to 10 ft
 - Below Historical Low >0 to 50 ft
 - Below Historical Low >50 to 100 ft
 - Below Historical Low >100 ft

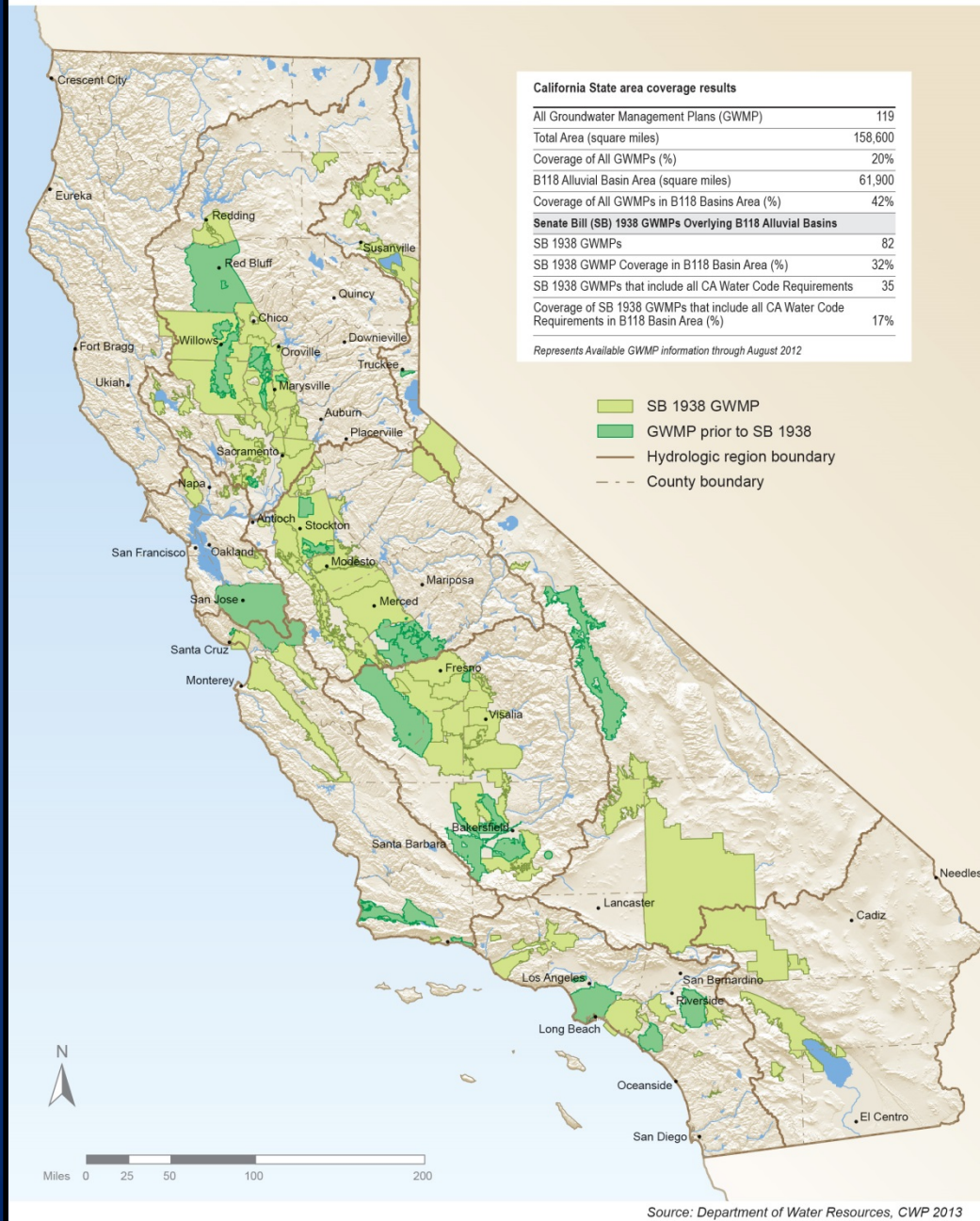


California Groundwater Management Plans

Groundwater Management Planning

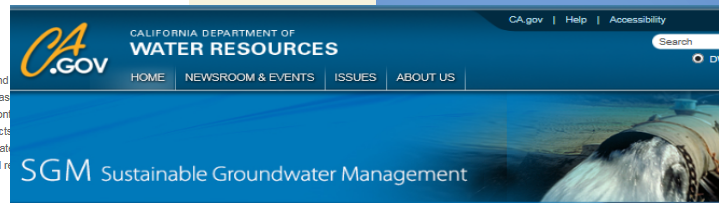
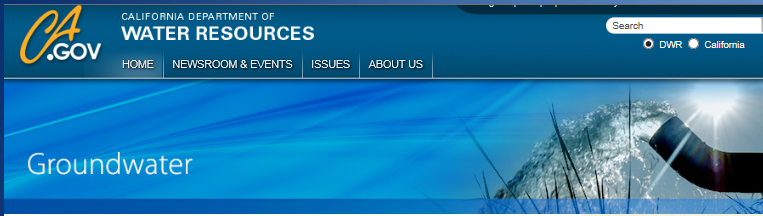
- 119 GWMPs
- 42% of basin area
- 35 GWMPs met all CWC requirements (SB 1938)

*as of August 2012



DWR Groundwater

<http://www.water.ca.gov/groundwater/>



Introduction

Groundwater resources play a vital role in maintaining California's economic and environmental health. During an average year, California's 515 alluvial groundwater basins and subbasins provide approximately 30 to 40 percent toward the State's total water supply. During dry years, groundwater can provide up to 50 percent of the statewide annual supply, and serves as a critical buffer against the impacts of drought. Many municipal, agricultural, and disadvantaged communities rely on groundwater for their water supply needs. Groundwater extraction in excess of natural and managed recharge can result in low groundwater elevations in many regions of California.

DWR has a long-standing history of collecting and analyzing groundwater data, monitoring groundwater conditions, implementing local groundwater assistance grants, encouraging groundwater conservation, and providing the technical expertise needed to improve statewide groundwater management practices. In addition, DWR is responsible for implementing the Sustainable Groundwater Management Act (SGMA), the California Statewide Groundwater Elevation Monitoring (CASGEM), and California's groundwater basins through updates to Bulletin 118.

The Sustainable Groundwater Management (SGM) Program

To implement the increased responsibilities given to DWR by the 2014 Sustainable Groundwater Management Act (SGMA), DWR has expanded its existing local assistance programs in the Division of Groundwater Management (DIRWM) and has developed a Strategic Plan for the Sustainable Groundwater Management Program. [More info...](#)

Groundwater Information Center (GIC)

The Groundwater Information Center (GIC) is DWR's portal for groundwater basic information, groundwater management plans, water well basics, and statewide groundwater information. [More info...](#)

Introduction

The Department of Water Resources (DWR) has developed a Strategic Plan for its Sustainable Groundwater Management (SGM) Program. DWR's SGM Program will implement the new and expanded responsibilities identified in the 2014 Sustainable Groundwater Management Act (SGMA). Some of these expanded responsibilities include: (1) developing regulations to revise groundwater basin boundaries; (2) adopting regulations for evaluating and implementing Groundwater Sustainability Plans (GSPs) and coordination agreements; (3) identifying basins subject to critical conditions of overdraft; (4) identifying water available for groundwater replenishment; and (5) publishing best management practices for the sustainable management of groundwater.

Announcements

🔔 GSA notification received
DWR has received a notification of formation of a Groundwater Sustainability Agency. View the notification [here](#).

🔔 Sustainable Groundwater Management Timeline
Timeline of relevant activities outlined in the Sustainable Groundwater Management Act is available [here](#).

The Sustainable Groundwater Management Act (SGMA)

The SGMA is a three-bill package that collectively establishes a new structure for managing California's groundwater. A central feature of the SGMA is the recognition that groundwater management in California is best accomplished locally. The SGMA was signed by Governor Edmund G. Brown Jr. on September 16, 2014, and includes the provisions of Senate Bill (SB) 1168, Assembly Bill (AB) 1730, and SB 1319. The SGMA builds upon the existing groundwater management provisions established by AB 3030 (1992), SB 1938 (2002), and AB 359 (2011), as well as SBX7 6 (2009) which established the California Statewide Groundwater Elevation Monitoring (CASGEM) Program.

Introduction

The Groundwater Information Center is DWR's portal for groundwater information, groundwater management plans, water well basics, and statewide and regional reports, maps and figures. California's groundwater provides approximately 30 to 40 percent of the State's total water supply, depending on wet or dry years, and serves as a critical buffer against drought and climate change. Some communities in California are 100 percent reliant upon groundwater for urban and agricultural use.

DWR has a long-standing history of collecting and analyzing groundwater data, investigating and reporting groundwater conditions, implementing local groundwater assistance grants, encouraging integrated water management, and providing the technical expertise needed to improve groundwater management practices. DWR will continue to work with local agencies and regional organizations to provide data that enables sustainable groundwater management. The Groundwater Information Center website will be updated as new information becomes available.

New Groundwater and Sustainable Groundwater Management websites

As a result of the recent groundwater legislation, DWR has created two new websites relating to groundwater: "Groundwater" and "Sustainable Groundwater Management". The new DWR Groundwater website provides a central hub to California's major groundwater programs that DWR is responsible for, including Sustainable Groundwater Management, California Statewide Groundwater Elevation Monitoring (CASGEM), and Bulletin 118. The new DWR Sustainable Groundwater Management website provides information related to DWR's new Sustainable Groundwater Management Program.

GROUNDWATER HOME 🔔

GROUNDWATER INFORMATION CENTER

- Groundwater Basics
- Maps and Reports
- Groundwater Management
- Key Legislation
- Groundwater Management Plans
- Developing a Groundwater Management Plan
- Groundwater Well Information
- Well Completion Reports
- Well Standards
- Well Inquiries
- Well Permitting Agency
- Monitoring and Data Collection
- CASGEM



...the capacity to endure

...to be diverse and productive over time

sustainability

...long-term maintenance of well-being

...reconciliation of environmental, social equity,
and economic demands





Thank you!

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Division of Integrated Regional Water Management
South Central Region Office***



STATE BAR

“HOW BLUE IS YOUR VALLEY”

April 24, 2015, Fresno

Summary of

Sustainable Groundwater Management Act of 2014

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* The views expressed here are not necessarily the views of Young Wooldridge and its clients.

Sustainable Groundwater Management Act

SB 1168 & SB1319 (Pavley)

AB1739 (Dickinson)

In Part Brought About By:

- Drought
- Statewide attention to wells running dry and subsidence
- Major groups advocating need for legislation (ACWA, California Water Foundation, Administration)
- California is the only Western State without some form of comprehensive regulation/management of groundwater pumping

Governor's Groundwater Legislation Signing Message:

- Groundwater management is best accomplished locally
- State's primary roll is to provide guidance, technical support and set forth interim measures when local agencies don't achieve a more sustainable future
- Next year I will submit for legislative consideration a proposal to streamline judicial adjudications of groundwater rights

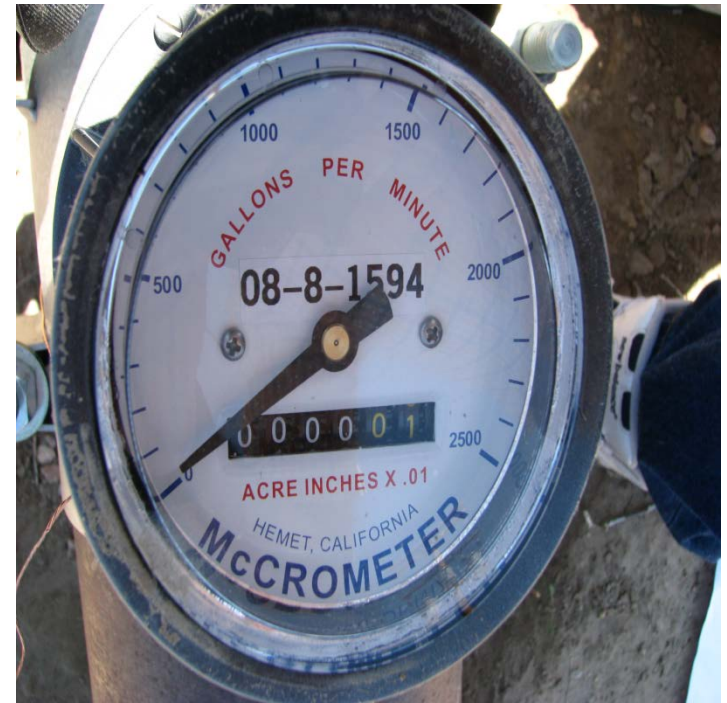
Overview of the Act - Requires the following:

- By June 30, 2017, Groundwater Sustainability Agencies (GSAs) must be identified and file with DWR to cover each high and medium priority basin.
- By January 31, 2020, critically overdrafted basins must develop and file a Groundwater Sustainability Plan (GSP) and the Plan must provide for achieving the “sustainability goal” within 20 years.
- By January 31, 2022, for basins not in critical overdraft.
- If these dates are not met, the State Resources Control Board is authorized to designate the basin “probationary” and implement its own GSP.

“Sustainability Goal” means a basin operating within its sustainable yield.

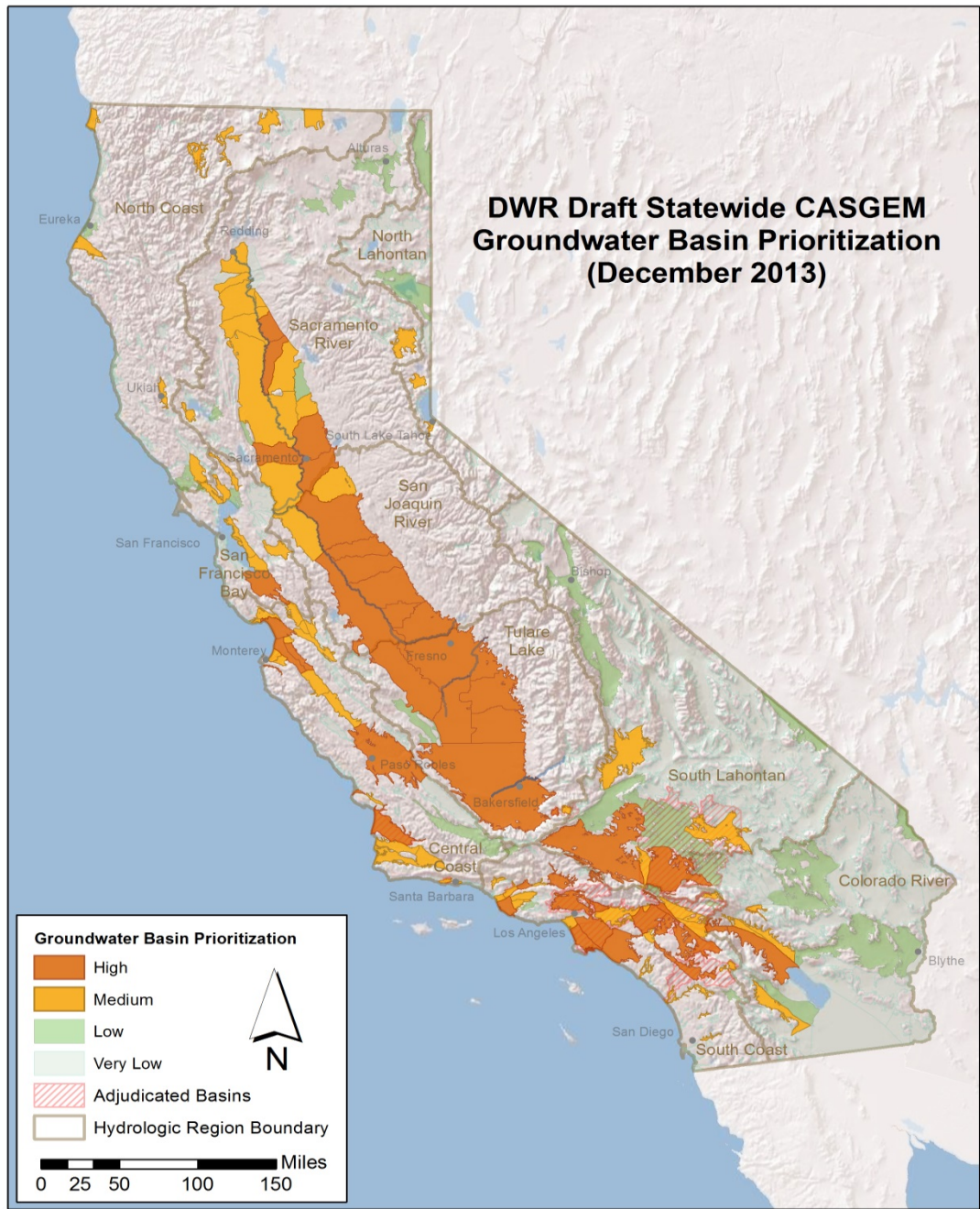
“Sustainable Yield” means the maximum water used over a period of time without causing

"undesirable results"



“Undesirable results” mean the following:

- Chronic lowering of groundwater levels indicating a significant and unreasonable depletion of supply if continued
- Significant and unreasonable reduction of groundwater storage
- Significant and unreasonable sea water intrusion
- Significant and unreasonable reduction in water quality
- Significant and unreasonable land subsidence
- Groundwater depletions that have a significant and unreasonable adverse impact on surface water



Mandatory for approximately 127 basins in state designated as high or medium priority, including, essentially the entire Central Valley.

Local Agency(s) Forming a Groundwater Sustainability Agency (GSA)

- The GSA must be a public agency, or group of public agencies
 - GSAs to cover entire basin
 - Can be a Joint Powers Authority (JPA) or
 - MOU or other legal agreement
- Counties are responsible for "white" areas that are areas not within a water district or agency, but counties are not required to “step up” and take responsibility for white areas.
- Allows for:
 - Single Plan/One GSA
 - Single Plan/Multiple GSAs
 - Multiple Plans/Multiple GSA
 - “Coordinated Agreement” if multiple Plans
- Boundaries for GSAs will be based on DWRs Bulletin 118, unless a process is pursued to change boundaries through DWR
- GSA(s) must file with DWR by June 30, 2017

- GSAs are to develop a Groundwater Sustainability Plan (GSP)
- Basic components of a GSP are similar to an existing Groundwater Management Plan (AB 3030 Plan).
- Deadlines
 - January 31, 2020, for basins in critical overdraft
 - January 31, 2022, for all other high and medium priority basins
- There is a process for developing local plans, including, public hearings.
- There are many unanswered questions of exactly how the new law will be implemented and interpreted! DWR is to develop regulations for evaluating GSP by June 1, 2016.

Powers and Authorities of a Groundwater Sustainability Agency

These are authorities available to the local GSA to implement a Groundwater Sustainability Plan—they need not all be used. These are the new “tools” available to a GSA to achieve “sustainability” within 20 years of adopting a plan:

- Fee authorities
 - Registration of extraction facilities
 - Water measurement device (meters) paid for by user of groundwater
 - Annual statement of diversion filed with GSA
 - Extractions as a basis for fees; may include tiered pricing (may increase based on volume pumped or year pumping commenced)
- Control groundwater extractions—but pumping allocations not a final determination of pumping rights; can provide for transfers of pumping allocations and carry over; and
- Impose spacing requirements on new groundwater well construction;

Powers and Authorities of a Groundwater Sustainability Agency (continued)

- Transport, reclaim, purify, treat or otherwise manage polluted water, wastewater
- Request that the County forward permit requests for new well construction prior to action being taken, but counties remain primarily responsible for well construction;
- Monitor, Compliance and Enforcement, including fines for non-compliance;
- Appropriate and acquire surface water or groundwater;
- The Act does not change water rights or priorities; any prescriptive claims are tolled from 1/1/15 until a Plan is adopted.

The “Hammer” -- If Locals Do Not Timely Act-Then Designation of “Probationary Basin”

- **Basis for “Probationary” designation:**
 - (1) No designation of groundwater sustainability agency (GSA) on or before June 30, 2017
 - (2) No groundwater sustainability plan (GSP) submitted by January 31, 2020/22
 - (3) After January 31, 2020/22, DWR in consultation with the State Board determines that the groundwater sustainability plan is inadequate or not being implemented
- **If “probationary” the State Board would (i) implement an “interim” plan to meet the sustainability goal and (ii) additional reporting is required of all pumpers to the State Board- may continue indefinitely**
- The State Board may exclude areas or portion of a basin that demonstrate compliance.

The Bottom Line

- The SGMA is probably the most significant change in groundwater law and management in over 100 years.
- Heretofore, absent special legislation applicable in a few areas of the State and in a few counties with county ordinances, the only way to “regulate” groundwater extractions was through an adjudication which quantifies the rights of all pumpers in a basin.
 - There are 26 adjudicated basins in the State, none in the Central Valley.
 - Much of the San Joaquin Valley is in a state of groundwater overdraft or chronically declining water levels at least in part caused by:
 - (i) Reduced surface water supplies because of new regulations of Federal and State agencies; and
 - (ii) Changing cropping patterns and urban growth “hardening” demand.

- And in some areas there is significant land subsidence caused by increased groundwater pumping.
- It is eneviable that in many areas of the San Joaquin Valley groundwater pumping will have to be reduced to achieve “sustainability” within 25 years. 5+20 (2040)
- The SGMA may be analogues to land use regulations down zoning- you don’t necessary “loose” your groundwater right but a GSA may regulate the manner you exercise it!

In much of the San Joaquin Valley,

- Landowners and municipalities will ultimately have a choice – either
 - (A) Develop a GSP which has sufficient support to be politically acceptable and can legally be defended, or
 - (B) Allow the Courts to determine all pumpers rights through an adjudication, which will be very time consuming, expensive and create no new water supplies.

- We expect legislation to be pursued this year to supplement the SGMA to change the manner adjudications are administered to some degree by:
 - (A) Coordinating with the SGMA, by for instance allowing Courts to stay adjudications for an interim period while attempts are made to develop a GSP; and
 - (B) Streamline and simplify the process for adjudications



FRESNO STATE

California Water Institute

Impacts of SGMA 2014

How Blue is Your Valley Conference 4-24-2015

Sarge Green



The 2014 SGMA

- Will require participation by all groundwater users except small domestic wells (< 2 acre-feet/year)
- Brings together the entire water system in CA – surface water and groundwater
- Mimics what happened to surface water in 1914 (exactly 100 years ago)



Impacts to Agriculture

- Two kinds of agricultural users; those within the scope of an existing groundwater plan agency and those with no coverage
- Those with no coverage will need the most information on what options they have
- Consultants will likely be an important initial contact for many who have no idea how to proceed



Impacts to Agriculture, cont'd

- If the groundwater user does not have a local agency to join, their county may be a choice
- Stanislaus and Merced Counties have developed ordinance strategies to take on the responsibility



Impacts to Cities

- Cities often appropriate groundwater, they often use more than the overlying land entitles them to
- As a matter of public safety drinking water is the highest beneficial use



Impacts, cont'd

- If counties don't step up to cover users, the state can step in
- Groundwater plans and implementation will add new costs to properly manage the resource
- For agriculture the water quality program known as ILRP is a useful comparison in terms of how costs may be shared



Impacts, cont'd

- In order to obtain sustainability, new investments will need to be made in conservation and conveyance
- These new costs will be a source of consternation for areas without past experience and participation with water management agencies



Impacts, cont'd

- The most difficult challenge will be if sustainability requires re-allocation of groundwater supplies and diminished uses
- Many users do not understand the concept of the correlative right, shared rights, based on the reasonably available volume of supplies



Valley County Efforts

- Counties in the Valley have seen subsidence, proposed exports and numerous wells losing water
- Stanislaus and Merced Counties took on the challenge of developing ordinances to manage these impacts



Valley County Efforts, cont'd

- Stanislaus started in early 2013, adopted in October 2013, pre-SGMA
- Previous efforts were discarded
- New structure based on concerns of stakeholders
- Structure simplified



Valley Efforts, cont'd

- Structure: Unsustainable extraction or export prohibited unless exempted
- Three exemption categories: a “permit” exemption, institutional exemption or technical exemption



Valley Efforts, cont'd

- Permit exemption requires technical report subject to examination
- Institutional exemption is for ratepayers in existing groundwater plan areas
- Technical is for specific legal or required activities such as “banked” water or remediation discharges



Valley Efforts, cont'd

- Merced is similar with local nuance and changes to adapt to local conditions and stakeholder advice
- Adopted in March 2015, included parallel application process



Valley Efforts, cont'd

- Key element of both is that well permits are no longer ministerial, now discretionary
- Both counties hired outside experts to evaluate applications for new wells
- Lack of data may flummox some applications



Opportunities

- The law will bring and add together a much larger water community that can share costs and integrate water management strategies
- Too often, wet year supplies are lost because of lack of infrastructure, mostly conveyance, and the high costs for existing agencies



Recommendation

- Whoever has contact with groundwater users should familiarize themselves with the law and the local activities to get them joined with a likely successful organization as soon as possible
- If no agency is readily available, contact your county to make sure they are the backstop



LEADERSHIP COUNSEL

FOR

JUSTICE & ACCOUNTABILITY

SUSTAINABLE GROUNDWATER MANAGEMENT
AND ITS IMPACT ON DISADVANTAGED
COMMUNITIES

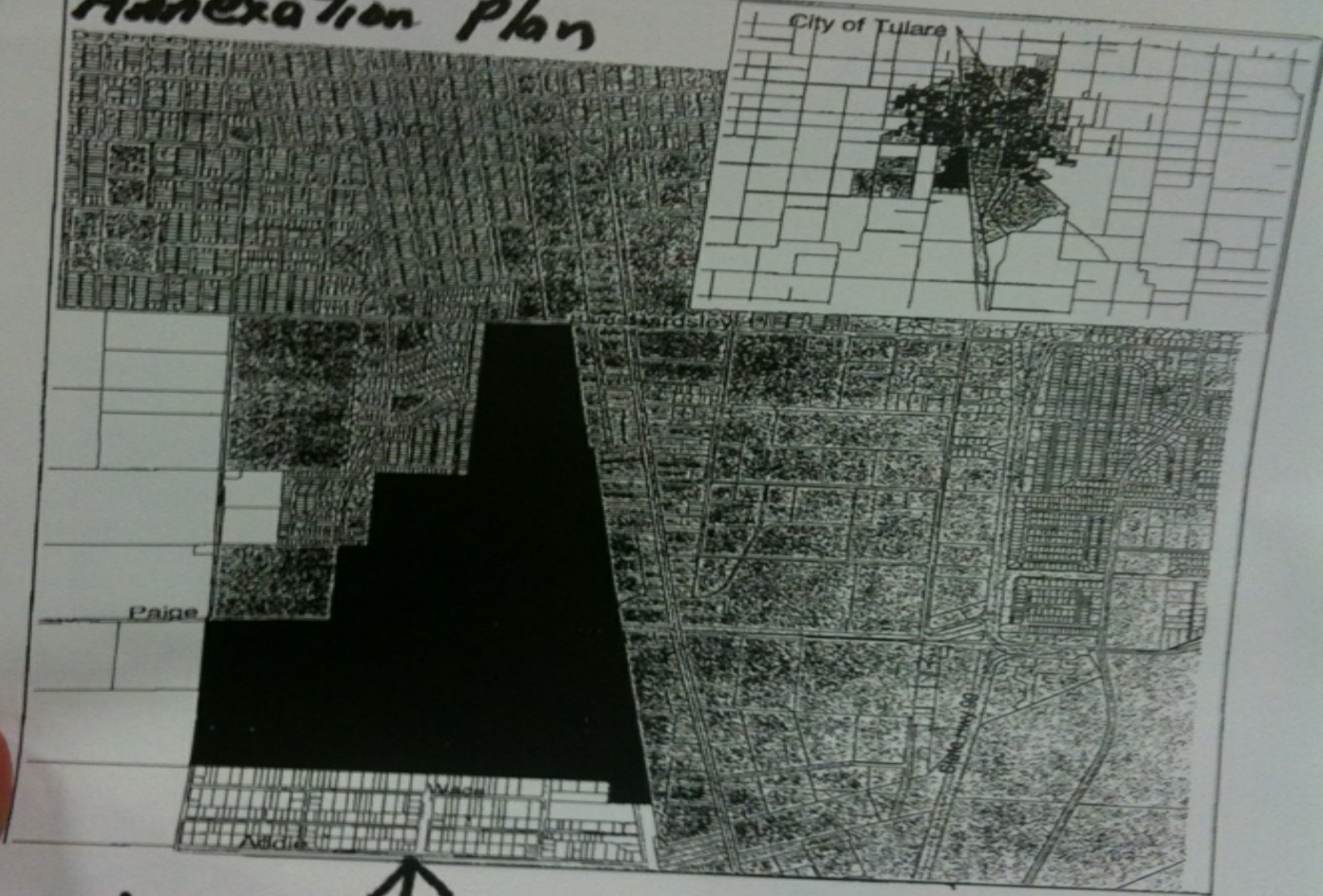
HOW BLUE IS YOUR VALLEY
FRESNO, CALIFORNIA 2015



RELIANCE ON GROUNDWATER AS A SOURCE OF DRINKING WATER

- Most small drinking water systems in the San Joaquin Valley are primarily or exclusively reliant on groundwater as drinking water source
- Hundreds of thousands of San Joaquin Valley residents rely on “state smalls” or domestic wells for drinking water supply
- About 500 public water systems in the state do not provide drinking water that complies with maximum contaminant levels and scope of the problem is more severe for state smalls and domestic wells

Annexation Plan



What about Me? ☹️

THE MOST IMPACTED

- Shallow community and domestic wells are the first and hardest hit by groundwater depletion
 - Approximately 1000 domestic wells went dry in Tulare County alone last year
- Disadvantaged communities are often granted last seat at the table – if a seat remains
 - Matheny Tract's connection to City of Tulare was put at risk and is delayed due to groundwater depletion
 - Exeter City Council members reluctant to allow the neighboring community of Tooleville to share in their groundwater resources
- Small systems lack resources / economies of scale to address contaminated water sources
- Residents reliant on state smalls and domestic wells have limited access to public funds to address contaminated sources

OPPORTUNITIES PRESENTED BY SGMA

- Requirement that residents reliant on groundwater for drinking water, and in particular disadvantaged communities be engaged in Groundwater Sustainability Plans
- Inclusion of Water Quality in definitions of sustainability
- The requirement, the promise, that we have to do things differently

REMAINING GAPS IN SGMA'S EARLY DAYS

- Lack of transparent data regarding groundwater use
- Groundwater sustainability activities in many areas remain opaque and impacted residents are not yet involved
- Local governments continue to make decisions that undermine responsible water management

MAKING THE PROMISE OF A NEW WAY OF WATER MANAGEMENT A REALITY

- Ensure early and robust inclusion of impacted residents into GSA and GSP development
 - Interested residents should contact *Leadership Counsel for Justice and Accountability* or *Community Water Center* for information on how to get involved
- Ensure transparency of GSAs in decision-making and transparency of data that GSAs rely on to develop and implement GSPs
- Ensure accountability and responsibility of all players – residents, farmers, cities, counties, GSAs and state agencies – to effectively and fairly implement SGMA



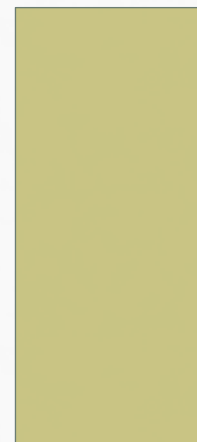
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HOW BLUE IS YOUR VALLEY
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ERNEST A. CONANT

Ernest A. Conant received his undergraduate degree from California Polytechnic State University in Agricultural Management and juris doctorate from Pepperdine Law School, and was admitted to the California Bar in 1979. Since then, he has been associated with the law firm of Young Wooldridge LLP in Bakersfield. Ernest is a partner in that Firm and chairs its Water and Special Districts practice group. He represents various water districts and agencies, principally in Kern County. Their clients include districts and agencies which have contracted for supplies from the State Water Project and the Central Valley Project, along with Kern and Kings Rivers water right holders.

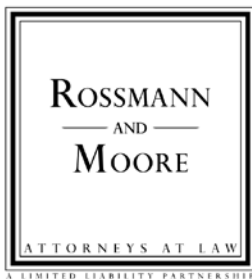
Some of the more recent activities which Ernest participated in include: Development of the Semitropic and Arvin Edison Water Banking Programs with various urban agencies; Implementation of the Monterey Amendments among State Water Project Contractors; Formation of the Kern Water Bank Authority and development of its Project; Special Counsel for the Friant Water User Authority in negotiating the San Joaquin River Settlement and pursuing the congressional legislation necessary for its implementation; development of various AB 3030 Groundwater Management Plans; and participating in an ACWA drafting committee assisting with development of the Sustainable Groundwater Management Act of 2014.

Sarge Green

Sarge Green is a water management specialist at the California Water Institute at California State University, Fresno. His focus is on integrated water management planning in the San Joaquin Valley. Recently he has been assisting two San Joaquin Valley counties with groundwater ordinances designed to assure availability of groundwater for County users while also comporting with the goals of this year's new State groundwater law. Green was General Manager of Tranquility Irrigation District in western Fresno County for 18 years, and worked 13 years at the Central Valley Regional Water Quality Control Board in Fresno. He's currently a member of the California Water Quality Monitoring Council and serves as the Chair of the "Clean Water Subcommittee" for the Association of California Water Agencies. He is also member of the California Roundtable for Water and Food Security and the PPIC Water Policy Center research network.

Dane A. Mathis

Dane Mathis, Senior Engineering Geologist with the Department of Water Resources (DWR), Division of Integrated Regional Water Management. Dane has a B.S. in Geology from California State University Fresno, and is a Registered Professional Geologist, Certified Engineering Geologist, and a Certified Hydrogeologist. He has been with DWR since 2008 and prior worked on water quality programs for the Central Valley Regional Water Quality Control Board. At DWR, Dane manages a staff of Geologists and Engineers which provide support for major statewide programs such as the California Water Plan, the Integrated Regional Water Management Program, the California Statewide Groundwater Elevation Monitoring Program, and the Sustainable Groundwater Management Program.



ROGER B. MOORE

Admitted in California

RBM@LANDWATER.COM

Roger B. Moore is a partner at Rossmann and Moore, LLP in Berkeley. He has practiced land use, water, natural resources, constitutional, environmental and administrative law at the firm for more than two decades. As a litigator, negotiator, and advisor, Mr. Moore is a veteran of major disputes involving the consequences of water projects, water transfers and development decisions. His projects often seek to ensure public accountability and informed decision-making, on issues ranging from dam relicensing and freeway corridors to the condition and operation of California's major water projects. His cases have included successful challenges to radiation standards for the proposed Yucca Mountain nuclear waste repository and the environmental review of the State Water Project's Monterey Amendments. He has extensive experience in the integration of groundwater management and law, including the drafting and defense of groundwater ordinances.

Mr. Moore, who graduated with highest honors from Swarthmore College and cum laude from Harvard Law School, has expertise in the enforcement of environmental, transportation, energy and election laws, and in the interface of climate change, water supply, water quality, and land use planning. On issues of neighborhood and national concern, he advises public and community clients seeking lawful, productive and environmentally sustainable solutions. He is co-author of *Cry Me a Reservoir: Water Management and Climate Change Adaptation*, published in the Summer 2013 issue of *Environmental Law News* (Vol. 22, No. 1), which arose from the panel he moderated at the Environmental Law Section's 2012 Yosemite conference. He is an advisor to the Executive Committee of the California State Bar's Environmental Law Section, and has also served the Committee as Secretary, as Co-Chair of the Section's educational programs, and as Planning Committee Chair for the 2014 Environmental Law Conference at Yosemite.

A slow but stubborn runner and a percussionist of great enthusiasm and dubious quality, Mr. Moore is a native Chicagoan who has written music reviews since his college years. He lives with his wife and two children in Oakland, where he coaches teams of students at Glenview Elementary School participating in Odyssey of the Mind, a creative problem-solving competition.

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Bio for Phoebe Seaton

Phoebe Seaton co-founded and co-directs Leadership Counsel for Justice and Accountability. Leadership Counsel, a not-for profit advocacy organization, represents lower income communities in the San Joaquin Valley and Coachella Valley on matters related to land use, natural resources, transportation and investment through local and state-wide policy advocacy, legal representation, and community organizing and education. Key areas of focus include ensuring inclusion of rural communities and rural regions in statewide land use and investment strategies aimed at mitigating and adapting to climate change; reducing the concentration of unhealthy land uses in lower income communities; promoting land use and investment decisions that secure basic services and amenities—drinking water, wastewater, transit, parks – in disadvantaged communities; protecting drinking water quality and supply; promoting affordable housing opportunities; and ensuring government accountability to lower income constituents.

Prior to launching Leadership Counsel for Justice and Accountability with co-director Veronica Garibay Gonzalez, Phoebe directed the Community Equity Initiative (CEI) at California Rural Legal Assistance, Inc. and was the Policy Coordinator for issues related to water and land use with California Rural Legal Assistance Foundation. At CRLA, Seaton also directed the organization's Delano office and represented clients in housing and employment claims. She received her JD from UCLA and her BA in History from UC Berkeley. Prior to and during law school, Phoebe worked in Guatemala, addressing human rights violations and baking bread at orphanages.