

IRWD GROUNDWATER MANAGEMENT POLICY PRINCIPLES

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ISSUE SUMMARY:

The loss of reliable deliveries from the State Water Project and the Central Valley Project, as a result of environmental restrictions and the drought, are driving an increased dependence on local groundwater within California, particularly in the Central Valley. This increased dependence has resulted in significant depletions of groundwater supplies and historically low water levels, creating problems with meeting demands for water, land subsidence, reduced streamflows, degradation of water quality and impacts to fish and wildlife resources.

While many groundwater basins in the state are managed by local and regional agencies, many others have no management structure or plans in place. This has left some regions faced with tackling the complex social and economic issues associated with conflicts between overlying rights to extract groundwater and the finite groundwater resources that are available.

In September 2014, Governor Brown signed three bills into law which comprise the Sustainable Groundwater Management Act (SGMA). This package of bills creates a framework for sustainable and local groundwater management of the State's groundwater resources. SGMA requires the formation of a Groundwater Sustainability Agency (GSA) and the development of a Groundwater Sustainability Plan (GSP) for each groundwater basin that is designated by the State as high and medium priority. SGMA does not provide for establishing rights and priorities to the use of groundwater. Legislation is currently pending that would streamline adjudication processes for establishing rights and priorities to the use of groundwater.

BACKGROUND:

SGMA lays out a process and a timeline for local authorities to achieve sustainable management of high and medium priority groundwater basins. It also provides tools, authorities and deadlines to take the necessary steps to achieve sustainable management. The identification of high and medium priority groundwater basins and sub-basins is published in the California Department of Water Resources (DWR) Bulletin 118 titled *California's Groundwater*. This document was updated in 2003 and presents the results of groundwater basin evaluations and defines the boundaries of California's 515 alluvial groundwater basins.

The formation of a GSA and the implementation of the requirements of SGMA can be expected to take numerous years to accomplish. Local entities must form a GSA within two years and a GSP must be adopted within five years. Once a plan is in place, the GSA has 20 years to fully implement the plan and to achieve its sustainability goals. The State Water Resources Control Board (SWRCB) may intervene if local entities do not form a GSA or fail to adopt and implement a GSP.

Prior to SGMA, disputes over the use of groundwater were resolved through groundwater adjudications which are usually tried in County Superior Court. Legislation is currently pending that will seek to streamline adjudications, make the process more cost effective and

establish how such litigation would intersect with SGMA. This legislation could result in a streamlined adjudication that would affect IRWD's groundwater banking interests in Kern County.

In the state of California, each land owner in a groundwater basin that has not been adjudicated has an overlying right to extract groundwater and to put it to beneficial use. In these situations no discretionary governmental permission is required to produce groundwater. The extraction of groundwater based on these rights results in significant economic benefits to land owners, the local communities and to the state. The rights of land owners to initiate an adjudication to establish groundwater rights and priorities to the use of groundwater should be preserved.

As a leader in state and federal water resources public policy and governance, Irvine Ranch Water District (IRWD) has worked to promote policy initiatives that allow the District, along with other water purveyors in California, to enhance the quality and reliability of water supplies throughout the state. As a means of providing input into the legislative discussions surrounding the streamlining of groundwater adjudications and the implementation of SGMA, and in order to guide the District's advocacy efforts related to these discussions, the following policy principles have been adopted by the IRWD Board of Directors.

POLICY PRINCIPLES:

- Legislation should not interfere with the ability of land owners to establish through groundwater adjudications their rights and priorities to use groundwater;
- The right to file a complaint initiating an adjudication to establish and define water rights and their associated priorities should exist independent of the requirements of SGMA;
- Flexibility needs to be provided for in the adjudication process to allow for the adjudication of a portion of a basin or sub-basin, as defined in Bulletin 118, where a clear sub-area boundary can be determined and where hydrogeologic studies indicate that the area can be independently managed;
- Any complaint in a groundwater adjudication action should name as defendants all landowners with active groundwater wells as documented in existing county permit records; all operators of public water systems that use groundwater from the basin as a supply source; and all entities facilitating the management or replenishment of groundwater resources;
- Any landowner, person or entity that has an interest in the area of adjudication should be allowed to intervene in an adjudication;
- The process of adjudication should be fair to all parties and not unfairly empower parties that represent the majority of the pumping in the area of adjudication;

- A GSA should manage a basin pursuant to SGMA consistent with the rights, priorities and physical solutions resulting from a groundwater basin adjudication;
- In the implementation of SGMA, GSA's should not take actions that hinder or place burdens on agencies already providing positive benefits to the groundwater basin and its effective management;
- In the development of GSPs, the recharge of water and use of unused storage capacity in areas that are currently unmanaged should be encouraged;
- GSPs should ensure that stormwater capture and recharge are maximized to the extent possible taking into consideration existing rights and priorities to the use of water and water quality considerations;
- Actions should be taken that facilitate exchanges of water through consolidated places of use. Such actions would support GSPs by providing water banking storage capabilities to entities with excess water during wet periods. This additional storage would regulate supplies for use during dry years and would reduce dependency on mining of groundwater;
- DWR should provide examples of locally controlled governance structures that have been successful in the management of groundwater resources that local entities can consider in the formation of GSAs. Examples of successful adjudications and management methods should be provided and best practices should be published;
- Incentives should be provided to encourage local and regional management of groundwater basins in the form of grant funding for establishing monitoring well networks, modeling tools and other actions that will facilitate the implementation of GSPs; and
- The State should be an active participant in establishing a funding source from bond proceeds for cleanup of contaminated groundwater sites in high and medium priority basins where responsible parties are unavailable, unable or unwilling to pay for cleanup.