



December 17, 2013

State Water Resources Control Board

Attn: Eric Oppenheimer via email at eric.oppenheimer@waterboards.ca.gov

Re: COMMENTS ON DRAFT GROUNDWATER WORK PLAN CONCEPT PAPER

Dear Mr. Oppenheimer,

The Main San Gabriel Basin Watermaster (Watermaster) is a nine-person board appointed by the Los Angeles County Superior Court, which, since 1973, administers and enforces the provisions of the Judgment which established water rights and the responsibility for efficient management of the quantity and quality of the Basin's groundwater. Thank you for the opportunity to comment on the Draft Groundwater Work Plan Concept Paper (Draft Paper). Watermaster staff has reviewed the draft and offer the following general comments. We have also encouraged our producer members to provide individual comments specific to each agency's position.

Watermaster's main concern is maintaining local control and local management of Groundwater Basins. While we see some improvement over past State Water Resources Board (State Board) perspectives on the importance of this approach as opposed to centralized, state regulation, we still feel that the Draft Paper presents a somewhat negative connotation on this subject (e.g., page two, paragraph 1: "groundwater management has largely evolved on an as needed basis in a *decentralized* manner across the State. *In spite of this...*"). The Draft Paper should be revised to be very clear on the core perspective (as we understand it) that different actions are needed in areas where groundwater is not being managed and protected. The fact that there are many Groundwater Basins currently being managed effectively cannot be stressed enough in such a widely distributed document. As you know, we strongly believe that comprehensive, effective management of groundwater is not only possible; it is most effective through local control wherever possible.

Additionally, it may be helpful to define what you mean by "local" and "regional" management. Clearly defining what is meant by "local" versus "regional" management will help avoid misinterpretation during implementation. There should be a short discussion of the different forms of groundwater management included that describes management through adjudication, special act agencies, etc. To be fair, the Draft Paper does highlight the fact that local conditions are unique and that is one of the reasons why a "one-size-fits-all" approach to groundwater management or regulation will not work. Our members unanimously felt that the Draft Paper should include a discussion of water rights and how that subject ties into other key issues from a regulatory and public trust perspective. Also, it is not clear if the concepts discussed in the Draft Paper are intended to expand the State Board's existing jurisdiction. We feel strongly that

this and the other issues mentioned above should be further expanded upon and better explained.

We also recommend noting that groundwater, historically, has not received the same level of state funding that has been made available for export facilities. Indeed, one of the reasons that groundwater hasn't been developed or managed in some areas is because imported water has been used rather than investing long-term in groundwater infrastructure for transport, storage and treatment. More emphasis on this might help legislators understand why it is so important to support groundwater in new bond measures. We think it is also important to emphasize that water customers/ratepayers pay the costs associated with groundwater management. It is important that those investments and the burden they place on ratepayers be acknowledged. We are concerned increasing costs to already well managed Groundwater Basins will adversely impact local storage and clean-up activities currently underway.

Watermaster is also concerned with reliable sources of imported water. This matter is not addressed in the Draft Paper. While, ideally, we can use stormwater to blend recycled water and prevent degradation of the groundwater basin, storm water is increasingly unreliable. With climate change, the variability and volume of stormwater is less predictable; therefore, sizing potential recycled water projects to help replenish the groundwater basin has become more complex. This also increases the cost of stormwater collection systems. Combined with the lack of predictability in the volume of imported water available for groundwater replenishment purposes, the work plan and Draft Paper fail to define a path for creating an overall efficient system in California that enjoys stable groundwater sources in various parts of the state, and increases its overall flexibility of the system.

The State Board must clearly distinguish approaches and actions it feels may be appropriate, even site specific cases where current management and control efforts both are, and are not protecting groundwater resources. Such an approach might serve to create an incentive for recalcitrant parties by setting a clear level of expected management. The main purpose of State involvement should be to provide tools for areas not being managed correctly while allowing properly managed Basins to continue protecting and enhancing this resource.

Additionally, with respect to legislative matters, Watermaster is of the opinion that that any legislation enacted that establishes a framework for statutory authority for the water boards, should not only include coordination with other state and local agencies, but with court appointed bodies such as Watermaster. Moreover, the statutory authority of the State Board should not supersede or intervene in any manner with court ordered mandates in the management of a basin including the judicial allocation of water rights. We feel that any ambiguity in this area will instigate legal uncertainties and claims which will run contrary to the overall objectives of the State Board's work plan and concept paper. This includes, for example, legislative reforms suggested in the concept paper requiring sampling of private domestic wells

prior to the transfer of property title or sale. Where adjudicated basins are concerned, this information should first reside with such bodies.

Lastly, we believe that the State Board should consider creating an oversight group to help guide the process of developing and implementing a worthwhile Groundwater Work Plan. Our members welcome the opportunity to work with you further to refine the development of implementation, planning and strategy development.

Sincerely,

A handwritten signature in black ink, appearing to read 'AZ', is written over the word 'Sincerely,'.

Anthony C. Zampello
Executive Officer

cc: