



CALIFORNIA FARM BUREAU FEDERATION

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Via U.S. Mail and Electronic Mail
(eric.oppenheimer@waterboards.ca.gov)

November 12, 2013

Eric Oppenheimer
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Re: Groundwater Workplan – Preliminary Comments

Dear Mr. Oppenheimer:

The California Farm Bureau Federation (“Farm Bureau”) appreciates the opportunity to provide introductory comments on the State Water Resources Control Board’s (“SWRCB’s”) recent release of a Groundwater Workplan (the “Workplan”).

Farm Bureau Federation is a non-governmental, non-profit, voluntary membership California corporation whose purpose is to protect and promote agricultural interests throughout the state of California and to find solutions to the problems of the farm, the farm home and the rural community. Farm Bureau is California's largest farm organization, comprised of 53 county Farm Bureaus currently representing more than 77,988 agricultural, associate and collegiate members in 56 counties. Farm Bureau strives to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California's resources.

In the first instance, Farm Bureau believes that groundwater should belong to the overlying landowner, and that policy formulated with respect to groundwater management must protect the existing vested rights of users. As such, Farm Bureau advocates for local or regional groundwater management, with the express consent and participation of overlying landowners. Physically, groundwater is usually a localized resource, and remains most amenable to local management which is particularly tailored to the hydrogeological realities of the resources and its competing uses. Through this lens, Farm Bureau approaches the Workplan.

As a preliminary matter, we are concerned that the Workplan presents “mission creep” for the SWRCB from its known statutory authorities over groundwater *quality* to

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questions of *quantity and rights*. Those questions are committed by the policy and law of the State of California to an existing schema of local and regional groundwater management devices, as well as a framework of common law. We note that the Workplan, as written, either betrays a mindset or begs the question insofar as it states (negatively) that California “lacks” a comprehensive state regulatory regime for groundwater – and “in spite of this” that local and regional groundwater management efforts have produced impressive results. We would phrase the proposition quite differently.

Our view is that the SWRCB should not attempt to expand its authorities into the area of groundwater regulation as to quantity issues, for as the draft Workplan rightly points out, there have been notable successes in local and regional management of groundwater. And, as the draft Workplan acknowledges, the challenges in managing the groundwater resource do not lend themselves to a “one size fits all” solution. Rather, California should expand upon existing success stories in local and regional groundwater management, as were recently highlighted in the Association of California Water Agencies’ recent report, *Sustainability From The Ground Up: Groundwater Management In California*. These include basin adjudications, AB 3030 plans, and the formation of general-act or special-act districts to manage local groundwater problems. Those mechanisms present the best point of departure for expanding sustainable groundwater management into necessary basins with stakeholder buy-in.

Farm Bureau intends to engage substantively and productively in the Workplan process, as it goes forward. First, Farm Bureau intends to provide the SWRCB with detailed, written comments on the Workplan in the coming weeks. Second, Farm Bureau hopes the SWRCB will engage it in any stakeholder-related input processes with respect to further work on the Workplan. Our intent is to assist the SWRCB in developing a final Workplan that is appropriate to the resource and SWRCB’s authorities, and to protect groundwater use as a critical underpinning of the California agricultural economy.

Please inform us of every opportunity for comment or participation that presents itself.

Very truly yours,



Christian C. Scheuring
Managing Counsel

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