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

December 12, 2013

Re: Groundwater Workplan – Need to address surface water impacts.

Dear Mr. Oppenheimer & Members of the State Water Board:

Thank you for the opportunity to comment on the California Water Board's *Groundwater Workplan*. While we applaud this effort to improve California's groundwater management, we respectfully request that you revise the *Workplan* to adequately address impacts of groundwater pumping on instream flows and related public trust resources.

Surface Flows Impacted by Drawdown, not just Overdraft

We request that throughout the document, you address not just groundwater overdraft, but seasonal drawdown of groundwater tables that reduce surface water flows. As a recent study has demonstrated on the Scott River, groundwater drawdown reduces seasonal surface water flows even if the aquifer recharges every winter.¹

Five Key Elements of Effective Groundwater Management

We request that you revise the five "key elements" of effective groundwater management so they address the need to protect instream flows from excessive groundwater withdrawals.

Potential Water Board Actions

The Water Board should establish sustainable thresholds, which, if enforced, would limit groundwater withdrawals as necessary to protect surface water flows.

The Water Board should exercise its existing legal authorities to limit groundwater withdrawals where local groundwater management entities fail to protect surface water flows or prevent waste or overdraft. To limit groundwater withdrawals where necessary, the Water Board should: (1) support the adjudication of groundwater basins pursuant to Water Code Section 2100; (2) take enforcement action to prevent waste and unreasonable use of groundwater pursuant to Article X, Section 2 of the California Constitution and Water Code Section 275; and (3) take enforcement action, pursuant to the Public Trust Doctrine, to prevent impacts to surface water flows caused by groundwater withdrawals.

¹ S.S. Papadopoulos & Associates Inc., Groundwater Conditions in Scott Valley, California, Report prepared for the Karuk Tribe, Happy Camp, California (2012).

Potential Actions for Others

One of the fundamental problems with groundwater management is that state and local entities lack adequate authority to gather information about, and regulate, the quantity of groundwater withdrawal. We propose the following amendments to the *Workplan* to address this problem:

Section 3.1.2 reads: "The Legislature should require local groundwater management entities to establish thresholds for sustainable groundwater management in their local groundwater management plans and to report their progress." The legislature should stipulate that the definition of "sustainable groundwater management" precludes groundwater pumping that adversely impacts instream flows. Moreover, the legislature should require local groundwater management entities to enforce their own thresholds.

Section 3.2.2 reads: "The Legislature could expand the State Water Board's Groundwater Recordation Program, which requires reporting of groundwater pumping to basins subject to critical overdraft." We recommend expanding this language so it includes all basins where groundwater pumping impacts instream flows, not just basins that are subject to overdraft.

Section 3.3.2 reads: "Enact legislation that would allow for the establishment of Active Management Areas with specific requirements governing the management of groundwater including withdrawal, use, storage and monitoring/reporting." The legislature should enact legislation that would "require," not "allow for" the establishment of Active Management Areas with requirements that groundwater pumping be curbed before it adversely impacts instream flows.

Finally, we urge you to recommend that the legislature enact legislation that establishes a framework of statutory authority for the Water Board to limit the quantity of groundwater withdrawals where local groundwater management entities fail to protect surface water flows and public trust resources or to prevent waste and overdraft.

Thank you again for the opportunity to comment on the *Groundwater Workplan*. If you have any questions or concerns, please contact me at **530.627.3311**.

Sincerely,



Konrad Fisher, Executive Director
Klamath Riverkeeper