



# WHEELER RIDGE-MARICOPA WATER STORAGE DISTRICT

12109 Highway 166, Bakersfield, CA 93313-9630  
Telephone: 661.858.2281 ♦ Fax: 661.858.2643 ♦ Water Orders: 661.858.2296  
www.wrmwsd.com

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SENT VIA EMAIL TO: [Commentletters@waterboards.ca.gov](mailto:Commentletters@waterboards.ca.gov)

Ms. Jeanine Townsend  
Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor [95814]  
P.O. Box 100  
Sacramento, CA 95812-0100



ROBERT J. KUNDE  
ENGINEER-MANAGER  
  
SHERIDAN NICHOLAS  
ASSIST. ENGINEER-MANAGER  
  
JAMES D. SMITH  
CONTROLLER  
  
THOMAS R. SUGGS  
STAFF ENGINEER  
  
STEPHEN L. DUNN  
O&M SUPERINTENDENT

**Subject: “Comments to A-2239(a)-(c)”**  
– State Water Board Review of WDRs General Order [No. R5-2012-0116] for Growers within the Eastern San Joaquin River Watershed that Are Members of the Third-Party Group (the Eastern San Joaquin Water Quality Coalition)

Ms. Townsend and State Water Board Members:

The Wheeler Ridge-Maricopa Water Storage District (“Wheeler Ridge” or “District”) appreciates this opportunity to provide comments to the State Water Resources Control Board (“State Board”) on the East San Joaquin River Watershed (“ESJ”) General Order and the State Board proposed regulations. These regulations would revise requirements for various General Orders under the Irrigated Lands Regulatory Program (“ILRP”).

**Introduction.** Wheeler Ridge is a public agency that delivers irrigation water about 60 farms south of Bakersfield in Kern County. The District encompasses 147,400 acres (230 square miles). About 111,000 acres is cultivated to grow food to feed residents of California, the United States and the world. Founded in 1959, Wheeler Ridge commenced surface water deliveries from the State Water Project in 1971. The District’s accomplishments include delivery of over 7.4 million acre-feet of water to farmers to grow food and fiber, and correction of groundwater overdraft within its boundaries.

**Summary Recommendation.** As a public agency and on behalf of its farming customers, the District is interested in the effectiveness, risk management, and efficiency of the proposed regulations. Will the regulations be effective in addressing a known problem or problems? Do the regulations properly consider the problem risk and its variability? Will the regulations achieve efficiency i.e. achieving desired results while minimizing regulatory burdens?

Unfortunately, the answer to these questions is NO on all three counts as further explained below. The proposed regulations add substantial regulatory burdens to farmers while producing no significant public benefit. Therefore, the proposed regulations should NOT BE ADOPTED by the State Board.

In its request for public comments, the State Board requested comments on Alternatives 1, 2 and 3 as described in said request. While Wheeler Ridge recommends the proposed regulations should NOT BE ADOPTED by the State Board, it is noted for the record that Alternate 3 would be the least harmful of the three Alternatives.

**Support for Comments by Others.** Wheeler Ridge provided oral comments at the May 17 State Board Hearing in Fresno. The District supports the virtually unanimous judgements of the expert panel and farmers at this Hearing that the proposed regulations would be counterproductive and harmful to both the viability of agriculture (particularly for smaller farmers) and the successful implementation of the Irrigated Lands Regulatory Program in the San Joaquin Valley.

The District notes the May 17 public comments from members of disadvantaged communities impacted by nitrate contamination of groundwater. It would be desirable for the Irrigated Lands Regulatory Program to actually implement measures to fix these problems. Unfortunately, the existing ILRP, and certainly the proposed regulations, do and will do nothing to address the issues identified by these commenters. The proposed regulations will not result in improved groundwater quality, or any cleanup or treatment of contaminated groundwater, but simply add to existing regulatory burdens on farmers that reduce farming viability that, among other things, provides jobs to workers in San Joaquin Valley disadvantaged communities.

The District has actively participated in the Kern River Watershed Coalition Authority and supports the comments of the Authority regarding the proposed regulations.

**Precedential Nature of the Proposed Regulations.** Irrigated lands and groundwater conditions within Wheeler Ridge are dramatically different than said lands and conditions within the East San Joaquin Watershed (ESJ) as follows:

1. Average depth to groundwater (static water levels in 2015) is 345 feet within the District. Deep water levels represent a lower risk of groundwater contamination from irrigated lands. This value is much shallower in ESJ.
2. There are no perennial streams within the District. While average annual precipitation is 7.8-inches, it was 4.8-inches from 2012 to 2015. ESJ has significantly higher rainfall and perennial streams.
3. Runoff to local streams within the District occurs primarily from the Tehachapi and San Emigdio mountain ranges. When runoff occurs, is infrequent and is often “flash flood” in nature - typical for the District’s semi-arid desert topography . The sloping alluvial fan topography is results in quick passage of such runoff that does occur. Riparian vegetation is sparse to non-existent. In ESJ, conditions are wetter than semi-arid and the topography is not of a desert nature.
4. There are no significant populated areas within the District. Farmstead housing exists but not on most parcels. There are no disadvantaged communities. There are populated areas and disadvantaged communities in ESJ.
5. The District’s primary water supply is expensive State Water Project water. This provides market incentives for farmers to efficiently apply both water and fertilizer. Low volume irrigation has been widely adopted for decades. Irrigation efficiencies are high. The crop mix is about 65,000 acres of permanent crops (59%), 24,000 acres of fallow land (22%), and 22,000 acres of row and field crops (19%) for a total of about 111,000 cultivated acres. All of these

factors represent a lower risk of groundwater contamination from irrigated lands. ESJ has higher percentages of less efficient irrigation types and lower cost water for irrigation.

6. The District has monitored groundwater quality for decades. Most ground water quality samples show stable constituent levels i.e. no increasing or decreasing trends. This indicates a lower risk of groundwater contamination from irrigated lands. Water quality trends in ESJ are not known to the District.

The point is that conditions in Wheeler Ridge (and most of Kern County) are much different than for ESJ. In particular, due to deep groundwater levels, crop mix, irrigation practices, water quality history, and lack of communities impacted by nitrate or other contaminants in groundwater, the risk to groundwater of farming practices is substantially lower in Wheeler Ridge than in ESJ. Furthermore, the effectiveness of future changes in management practices to protect groundwater quality will be nearly impossible to determine due to the multiple decades of transit time from surface to groundwater.

Given these conditions, it can be stated with confidence the proposed regulations will result in no tangible groundwater quality benefit within Wheeler Ridge. ONE SIZE DOES NOT FIT ALL. It may be the burdens and consequences of the proposed regulations in ESJ do not justify their approval, but AT A MINIMUM, the regulations, if approved, should NOT BE PRECEDENTIAL for areas subject to different General Orders such as the District and Kern County.

**Response to Comment from State Board Member Steven Moore.** At the May 17 Hearing, Mr. Moore described his concern that a lack of uniformity in ILRP requirements for all General Orders would create inconsistencies among General Orders and difficulties in Regional Board administration of the ILRP General Orders. In other words, he is inclined to support the precedential nature of the proposed regulations. The District disagrees. It is inefficient to require the same burdensome reporting requirements of all growers when the risks and local circumstances differ so dramatically. It makes no sense for “low vulnerability areas” (i.e. low contamination risk areas) to implement non-productive reporting requirements that are the same as reporting requirements for high vulnerability areas simply for the sake of consistency. Instead, the State Board should embrace the role of the Water Quality Coalitions provided under the ILRP by providing the flexibility for local Coalitions to differentiate reporting and management practices according to the actual risk involved. This would be an efficient way to manage the ILRP without placing additional undue burdens on Regional Board staff.

Thank you for holding the May 17 Public Hearing in Fresno and for the opportunity to comment on the proposed regulations.

Sincerely,

Robert J. Kunde, P.E.  
Engineer-Manager

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