Re: Comments on Draft Rules and Regulations

Dear Mr. Osterling and GKGSA Board of Directors,

AC Foods appreciates the opportunity to relay our comments and questions of the proposed Draft Rules and Regulations for the Greater Kaweah Groundwater Sustainability Agency (GKGSA). As a grower within the GKGSA, we aim our comments to be helpful to the area while still allowing farming operations to be conducted. We all too well understand the difficulties facing the area and applaud the Board for taking the necessary steps to reach sustainability.

Article I
Section 1.07 – Rights of Access
1. AC Foods encourages the GKGSA to give landowners a notice and request of entry of at least 24 hours prior to entry.

Article II
Section 2.01 – Well Registration
1. AC Foods encourages the GKGSA to remove all requirements for well registration. We are unaware of the legal basis to require landowners to register their wells under the Sustainable Groundwater Management Act.

Section 2.02 – Groundwater Use Measurement
1. To better coordinate with the other GSAs within the Kaweah Subbasin, ET data (currently provided by Land IQ) should be the main method for the crop demand calculation. AC Foods has concerns with use of flowmeters due to the many variables that can be inconsistent throughout the basin.
2. If a landowner would like to elect to use flowmeters, what type of communication is required? Formal letter, GKGSA form, email, etc?
3. AC Foods recommends that the GKGSA allows the use of ET data (provided by Land IQ) to be able to transfer groundwater credits. It does not make sense to govern landowners with two different methodologies (charge landowners based on Land IQ, but only allow transfers based on meter readings).

510 N. Kaweah Ave, Exeter CA 93221
Article III
Section 3.02 – Online Water Accounting Dashboard
1. AC Foods encourages the GKGSA to work in conjunction with the other GSAs within the subbasin on one online water accounting dashboard so that it is the same for the whole subbasin. Also, we encourage landowner participation in the creation of the dashboard.

Section 3.03 – Categories of Water
1. AC Foods encourages the GKGSA to work with the other GSAs within the subbasin to align the breakdown of water so that the types of water are similar. This will help minimize confusion within the subbasin between the different GSAs.

Section 3.04 – Priority of Use
1. When must the priority be set?
2. How often can the priority be changed?
3. AC Foods encourages the GKGSA to provide more details on the process for landowners to appeal groundwater use data. Specific information about process and requirements would be helpful.
4. As drafted, Section 3.05(b) has an appeal process for net consumed groundwater use while Article IV Section 4.05(b) has an appeal process for extraction allocations/limits. We request clarification on these processes.

Section 3.06 – Surface Water Reporting
1. AC Foods encourages the GKGSA to provide more clarification on the reporting requirements of the surface water entity in regard to “diversion of surface water to direct irrigation.”

Section 3.07 – Recharge and Banking Reporting
1. If there is no recharge or banking policy in place in an area, does the GKGSA have a policy that will be applicable? We would encourage GKGSA to establish a banking policy which could govern those parts of the Suboasins which may not have an overlying District or other water use authority.

Article IV
Section 4.03 – Greater Kaweah Agricultural Management Area
1. As previously stated, AC Foods encourages the GKGSA to work with the other GSAs within the subbasin to align the breakdown of water so that the types of water are similar. This will help minimize confusion within the subbasin between the different GSAs.
2. AC Foods requests the GKGSA revise the last sentence in section 4.03(a) to “Sustainable Yield allocations shall be made prior to the start of the Water Year”.
3. AC Foods requests the GKGSA to add language detailing timelines and/or dates of Tier 1 and Tier 2 allocations.
   a. Will these be set annually by the board prior to the start of the Water Year?
4. AC Foods encourages the GKGSA to work with the other GSAs within the subbasin to align the carryover and transfer rules for all water types throughout the subbasin. Our areas of concern are:
   a. Transfer radius limitations
   b. Reduction rates of carryover credits
   c. Flowmeter vs. Land IQ consumptive use values

**Article VI**

**Section 6.01 – Groundwater Recharge**

1. Is this only applicable to areas that do not currently have a policy in place?
2. AC Foods encourages the GKGSA to honor recharge projects that have already been in operation from the start of SGMA.

Separate of the list above, AC Foods encourages the GKGSA to do the following:

1. Work closely and coordinate with the other GSAs within the subbasin on all phases of SGMA moving forward.
   a. Responding to DWR’s comments
   b. Coordination on an online water dashboard
   c. Promoting recharge and banking operations, as well as on-farm efficiency
   d. Creating flexible water market throughout the subbasin
2. Recognize that common management should be treated the same as common ownership for the purpose of managing allocations and stakeholder input.

Thank you for your time and consideration of the comments and questions provided. If you have any questions or need more clarification on any comment or question, please do not hesitate to reach out. Thank you for your efforts to achieve sustainability.

Sincerely,

James Jordan
VP of Citrus Farming
AC Foods