



Board  
Tony deGroot Chairman  
Jacob teVelde Secretary  
Dino Giacomazzi Treasurer  
Rolland Rosa  
Jared Silveira  
Frank Zonneveld

## **Delta View Water Association Final Comments on GKGSA Rules and Regulations**

5/12/2022

To: Eric Osterling and the GKGSA Board and Committee members,

Thank you for allowing more time to comment on the Rules and Regulations. In reviewing the Draft Rules and Regs, we have several areas of concern that we feel need revision, clarification or deletion to create a framework that will be both flexible and effective to achieve our goals to bring the Kaweah Basin into balance.

1. In Section 1.04 Definitions, we feel that there is a need to define what a Farm Unit is. Without this definition, an example farm with a single field covering 2 APN parcels and one well would technically trigger a transfer provision and therefore a 10% leave behind when the second parcel is irrigated. Another reason to define this is so that growers farming non-contiguous parcels can know what the rules are for grouping these parcels into Farm units that would share an allocation accounting without triggering transfer provisions and limitations.
2. Section 2.01 Well Registration seems to be overly broad as most measurement will be done via LandIQ. This section should only apply to users whose usage cannot be accurately measured by satellite, and users who are exporting water out of the Basin which should be addressed separately in these Rules.
3. In Section 2.02, the last paragraph states that transfers of allocation will require flowmeters as the method to measure groundwater use. It seems that if LandIQ ET is being used for charging landowners for usage of allocation, it should be sufficient for measuring transfers. Using flowmeters brings in a host of other variables including irrigation efficiency, return flows, flowmeter accuracy and others that would unnecessarily complicate the transaction.
4. Section 3.03 defines categories of water and should include a category for Effective Precipitation. This will clarify the allocation accounting since the LandIQ ET numbers include ET whose source is Effective Precipitation. We also propose a reordering of the default priority of use so that growers who are more hands off on management do not inadvertently trigger pumping fees if they have a Groundwater Credit from the year before. Our proposed order for categories of water are:
  - a. Effective Precipitation Credits
  - b. Surface Water Credits and Debits for direct delivery
  - c. Groundwater Credits
  - d. Recharge and Banking Debits and Credits
  - e. Temporary Tier 1 Allocation
  - f. Temporary Tier 2 Allocation
  - g. Prohibited Tier 3 Pumping

5. Section 4.03 (c.) (i) 1) Carryover of Sustainable Yield should not result in any reduction or leave behind. The sustainable yield is the landowner's overlying right and should not be diminished if a landowner does not use it all in the current year. Isn't the point of all of this to encourage reduced usage of groundwater? How does punishing someone by 10% for leaving it in the ground accomplish that goal?
6. Section 4.03 (c.) (i) 2) Transfer of Sustainable Yield should be allowed throughout the GSA for at least the first year of operations as growers are learning the system. The 3 mile limitation is extremely restrictive and is not in line with the other GSA's in our Basin. I believe that DWR is encouraging the GSA's to create policies that are coordinated. East Kaweah GSA is proposing no distance limitation and Mid Kaweah has approved a 5 mile limitation. I will also note that surface water recharged under section 6.01 may be transferred anywhere in the GSA. Once again different rules for "haves" vs. "have nots". Another item to note is " An owner may transfer all or a portion of the Sustainable Yield which has been carried over from a previous year and thereby converted to groundwater credits..." Does this imply that in the 1st year no water may be transferred as it has not yet been carried over? Also we recommend that clause 4, "Owner has elected to use flowmeters to calculate groundwater consumptive use", be deleted. Transfers should be allowed using LandIQ ET data.
7. Section 4.03 (c.) (ii) Temporary Tier 1 and Tier 2 Allocations. Our same comments in (6) apply here as well.

Because of the nature of the LandIQ reporting timing, at a minimum of 30-60 days after the fact plus processing time for input into the Dashboard, we recommend that transfers be allowed retroactively.

Unless all groundwater export out of the Kaweah Basin is stopped by the Effective date of these rules and regulations, it should be addressed in the rules and regulations. If exports are allowed, there should be a greater than a 1:1 required replacement of that water by the exporter to account for flowmeter and reporting error.

We would lastly ask that a full rewrite of the Rules and Regulations with the Board recommended changes be made available for 30 day public comment when it is completed.

Thank you,

A handwritten signature in blue ink that reads "Johnny Gailey". The signature is fluid and cursive, with a long horizontal stroke at the end.

Johnny Gailey  
Delta View Water Association  
[greenacresag@gmail.com](mailto:greenacresag@gmail.com)  
559-906-6229