

Diana Zegarra

From: Bo Champlin <bochamplinfarms@yahoo.com>
Sent: Thursday, April 21, 2022 4:13 PM
To: Diana Zegarra
Subject: Re: Bo Champlin Public comments / Please use this one. Found a typo Thanks

April 19, 2022

Eric Osterling
General Manager
Greater Kaweah GSA
2975 North Farmersville Blvd
Farmersville, CA 93223

Re: GKGSA Draft Rules and Regulations – Groundwater Pumping Cap

Mr. Osterling:

My name is Bo Champlin and I own and farm land within the boundaries of the Greater Kaweah GSA (GKGSA) and more specifically, my land is entirely within a white area. I am writing to provide my comments on GKGSA's draft Rules and Regulations that seek to allocate groundwater and place pumping caps on water rights holders.

My first comment relates to the 10% annual loss factor imposed on the carryover of Sustainable Yield and Tier 1 and Tier 2 Allocations (Sections 4.03(c)(i)(1) and 4.03(c)(ii)(1)). While reviewing the Rules and Regulations and other technical information prepared by GKGSA relating to this loss factor I do not find any sound technical basis for the imposition of an annual 10% loss factor. Many banking operations of which I am aware impose a loss factor or "leave behind" requirement, but typically the loss factor is only imposed one time (i.e., not annually) and is supported by a reasonable technical basis. Of course, groundwater banking operations involve one party voluntarily using the storage space of another party (rather than the direct regulation of groundwater rights by one party) and thus involve more discretion for the parties to agree to a loss factor. However, GKGSA's reduction of the groundwater allocations of vested water rights holders pursuant to a loss factor requires additional technical justification. Further, the loss factor as proposed will discourage us from conserving water because a significant amount of any saved water will be "lost" through application of the annual 10% loss factor; the loss factor will incentivize overproduction and export of groundwater. While I believe some accounting for basin losses may be appropriate, it must be supported by a sound technical basis and should not discourage efficient water use practices and water savings.

My second comment relates to the 3-mile limitation on "transfers" of Sustainable Yield and Tier 1 and Tier 2 Allocations (Sections 4.03(c)(i)(2) and 4.03(c)(ii)(2)). Initially, the Rules and Regulations should be clarified to make it clear that the limitations on "transfers" (an undefined term) do not apply to the water management

practices of a single landowner. For example, the transfer rules should not apply to a single landowner who conserves water or fallows acreage on one ranch for use on other lands in the subbasin. The current language and use of the terms “transferor” and “transferee,” as well as the statement that “[a]n owner may transfer . . . to another owner,” suggest that the provisions only apply to “transfers” between different landowners, but language needs to be added to make this point clear if that is what is meant. “However, if GKGSA also intends the 3-mile limitation to apply to the water management practices of a single landowner, (which I understand is your intent) then the current language of the Rules and Regulations does not cover that situation and I believe such a limitation would improperly interfere with my water rights. Additionally, I am not aware of any information in the available technical record to support the three-mile limitation. If such legitimate information exists, it needs to be provided to the stakeholders.

Imposing the 3-mile limitation would be devastating to my operation in that the open ground I have is beyond the three-mile limit from my orchards and therefore I wouldn’t have enough water available to sustain these blocks of trees. It has been suggested to me that all I need to do is purchase some water from a neighbor, which is a ludicrous statement to make given that every neighbor will be using every last drop of water they have to irrigate their own crops.

My final comment is connected to the Rules and Regulations but focuses more on general board practice. During discussions regarding the Rules and Regulations, the Chairman of your board has repeatedly suggested that certain issues raised by public commenters would be better discussed in closed session. I do not understand why these issues were being made closed session items when they seemed more appropriate for public discussion with stakeholders. When the board is making decisions which will affect landowners and water users, it is the Chairmans duty to make every effort to be transparent and discuss all issues in public with stakeholder involvement. Not only is this practically important to ensure that all issues are thoroughly discussed, and stakeholders are involved, but the law requires it except in very limited circumstances under specified conditions.

Thank you for your consideration of these comments.

Sincerely,

Bo Champlin

Bo Champlin Farms