

Dave Van Gronigen
GKGSA Draft Rules & Regulations Comments
August 5, 2022 via email

Comments concerning Greater Kaweah Rules and Regulations;

Below are some of my concerns concerning the major changes in this “final draft” of the Rules and Regulations. Following these specific concerns, I have some general comments about the process and lack of representation for those ground water pumping family farms. Thank you for taking the time to consider these concerns in your decision processes for all of Greater Kaweah.

Page 6; I understand the legal reason for defining “operator” and “owner”, but limiting a “water account” to only the same “fee title owner” is way to restrictive. In the past, it has always been discussed that a “farm unit” was going to be in place where the farmer (or “operator”) of parcels were going to be able to move their allocations within that “farm unit”, not triggering a “transfer” which there are leave behind consequences. In some cases, the same irrigation deep well is irrigating multiple different “owners”. The rules and regulations need to be changed to; “operator” has the right to set up their “water account”, so they can transfer their allocations throughout their farming operation, which includes land that is proven to be in a lease or cash rented. This is not how the updated draft is written. This change will cause more harm to smaller family producers than the large producers. Many smaller farmers lease or rent ground to make their operation more efficient and it’s the only way that many families survive in the food production business. Many elderly, retired growers now lease their ground to their family members or neighboring farmers so they can one day pass this property on. If this rule stays in place, it will be impossible for many smaller family farmers to stay in business and gives the large land owners an unfair advantage to move their water over the smaller operations.

Page 10; In Section 3.03, Precipitation needs to be added as a category of water. This will make things more clear when water users are planning and using their water allocations. In the “Priority of Use” (section 3.04) precipitation is separated out and would just make sense to have precipitation as it’s own category.

In the same section, all the categories of water need to be able to be transferred within one operation, by the “operator” (as I have mentioned commenting on page 6). This restriction has major in-equalities that harms the smaller family operation.

Page 13 and 14; In Section 4.03 it talks about the GKGSA technical group shall establish a use allocation for the Sustainable Yield. I am requesting that this SY number is completely investigated and dug into more deeply before another year's allocation is given. More data is required and must be acquired before any more harm is done. The ground water pumping only producers (especially those with capital intense permanent plantings), which is approximately 40% of greater Kaweah acreage, will be hurt more than needed once this number is scientifically investigated and most likely increased. Years 2020-2025 was the time period that was laid out for this "investigative" work on how to properly implement SGMA. This needs to be addressed before any un-needed negative outcomes occur.

Page 15; In the middle of the page there is a chart showing the ramp-down of tier 1 and tier 2 pumping. How were these numbers come up with? There is no logic to having this chart here because with no data provided how SY was come up with and the GKGSA admitting that "the allocations are not currently based on the aquifer from which the water is pumped, due to lack of data" (page 14 of these Rules and Regs). This chart should be completely taken out. This will be addressed in my "general comments" section below.

Page 18; I think I will need my own in-house farm water lawyer to navigate through this. I request that there is some public discussion about this. Hopefully the board can explain how these numbers were come up with. These percentages, distances and management zone idea is not clear to follow. Example; If I want to trade my tier 2 water to another grower and he's in the same "zone" as me, I'm thinking I can transfer only 60% of that water if in the same zone or within 3 miles? Both are listed on page 18. At the last "rural communities and stakeholder committee" meeting, none of this was discussed or whatever was discussed, was dismissed and changed completely.

Page 18; If any transfers occur a flowmeter has to be used for groundwater consumptive use. To get flowmeters purchased, installed and certified by the GSA all takes time and I am requesting that this mandate gets pushed at least till 2025. If the ET model of consumptive use is a good tool for allocation and sending a bill to growers for their use, than it is good enough for transfers between different "operators".

General comments;

I am very concerned with the divide of the "haves vs have nots" getting wider and wider as more decisions are being made, and many times behind closed doors. Yes we have committees that make recommendations and the public is allowed to ask questions and make comments,

but it feels like a formality. I completely understand that there is going to be pain in this process and understand that the ground water pumping only producers are going to feel the most pain and have the greatest cost, but I am asking that there is a “vehicle” in place that allows flexibility for those of us who want to “pay to play” (continue to farm) to do so. Many of the changes in these Rules and Regs hurt the smaller family farmer. These are the producers that have to lease or rent ground to have the acreage to be efficient and make a living for their employees and themselves. One way for this divide of the “haves vs have nots” to not continue to grow is the following; all money collected from water allocation fees that goes to help fund, help get grants for additional flood release storage, bring in new and more water is that all that water goes directly to the SY so 100% of the acreage gets the benefits. I am requesting that this is stated in the Rules and Regs, or at least that there is an understanding of all stakeholders that this is going to happen. If the two water source producers (those in water districts) are the only beneficiaries, than the white land producers are just paying for the “haves” to become “king of the water”. I have many friends that have a lot of water shares from various water districts and they are not worried about SGMA at all. They know that they “hold the cards”. I am asking on behalf of 40% of the acreage in GKGSA to be fair and re-look at the science of how the “3 buckets” were created. I’m asking that the specific items addressed in this letter are discussed and not just pushed forward for a vote. I ask that due to all the major changes in this new edition of the rules and regs, changes are made and an additional comment time is given for the public. The stakeholder committee needs to get another chance to review these changes. I understand that you folks have been very busy getting the GSP finalized, but getting these Rules and regs fair for 100% of the GKGSA and off to the correct start is important.

As someone who farms in mostly ground water pumping only area, I’m very concerned with the representation (for the 40% whiteland growers) that is on the GKGSA board. I ask the board members to do what is right and fair for 100% of the people within the GKGSA.

Thanks for your time,

Sincerely, Dave Van Groningen