

Eric Osterling

From: Rochelle De Groot <degrootdairies@gmail.com>
Sent: Friday, August 5, 2022 12:37 PM
To: Eric Osterling
Subject: Public Comment From the De Groot Family

Thank you for the opportunity to comment on the Rules & Regulations. Please refer to the following comments.

- At what point if the aquifer level maintains or raises will these allocations reflect these proposed % changes? We see all these stipulations if the water table continues to drop, but what provisions are being spelled out if the drought ends, rains come more regularly, and the water table begins to rise again? This should be the hope, and therefore should be planned ahead for.
- These rules and regulations require further clarification on the % proposed tier reduction numbers over the years. Is the Total Allowable Overdraft % reduction based on the current allotments? Or will it compound based off of the previous Water-Year's period? For example, is the Tier reduction from 2031-2035 - 20% of the previous 30%, of the previous 40%? Or are those numbers based on the current baseline allotment? If it is the former, those numbers seem unsustainable allowing for total Tier 1 & 2 inches less than what is possible to farm almost any crop at all by the year 2035.
- In regards to new wells requiring flowmeters after the GKGSA Rules & regulations are adopted, while flowmeters do generally seem to be a more trustworthy means of measuring, they are also not infallible, and provide yet another opportunity for data to become convoluted & cumbersome, as well as yet another moving piece to be tracked. How will this technology be seamlessly blended with landIQ data? What about irrigation lines that are interconnected from field to field or across a whole ranch? For example: Field X has a new well and a new/registered flowmeter, but that same pump may be used to irrigate a field along with other older pumps without flow meters located 2 miles away on the same ranch. It's not as simple as Field X has pump/well X, and is only used for that.
- We are opposed to the definition of "landowner" as defined in the draft as it is written as well. Many families may go through elaborate estate planning for various reasons and may have subdivided portions of the same business. Many families even have separate, but contiguous parcels under the legal ownership of a wife and husband, or a father and son. There is no reason to trigger the "transfer provisions" and "leave behinds" in this situation. There must be a simpler, and more fair way to avoid these situations. We have already set up our "farm units" in the water dashboard. Wouldn't this be a better solution? And if not, why not? Business entities, and families have made their plans, and set up their businesses for specific purposes in the past, and should not be penalized for having done so now that SGMA is going into effect.
- Surface water rechargers also should not be able to transfer credits anywhere within the GKGSA without penalty. While this provision may seem like a great incentive to encourage recharging surface water, those entities with existing water rights will have even more of an advantage over groundwater-only farmers in their ability to capture and recharge surface water. This will only serve to widen the divide between those who have access and those who don't within the GKGSA. If anything, those with surface water should be penalized at a higher rate since they are the ones who can afford to pump groundwater less.
- With these rules, white area farmers are being put at an even further deficit compared to those who have surface water as proposed in the final draft. Furthermore, there is a lack of representation on the board for those who are fully reliant on groundwater. The whole board is composed solely of

those who have access to surface water, and therefore these rules and regulations are clearly being written in their favor to the detriment of those in white areas.

- If the research which claims to say that water travels so slowly from aquifer to aquifer laterally, then surface water rechargers should not be able to transfer credits without penalty. They should follow the same penalties as those in the white areas. There is no logic in this provision, simply profits at stake and furthering the gap between those who have access to surface water, and those who do not.
- The draft Rules stipulate that the water invoices will be due 30 days from the invoice date. Having the due date codified in the Rules and regulations will restrict the GSA from allowing flexibility in collecting fees in a way that gives the farmer a choice in which tax year to pay the bill. This is simply unnecessary, and should be decided at the GSA level, not in these rules and regulation.
- According to these Rules/Regulations, owners must elect in which order to use the categories of water 30 day prior to the end of each quarter, or default to the order of the Rules and Regulations. How can it be required for owners to designate a water categories usage 30 days prior to the end of each quarter when the Land IQ data is not even current more recently than the same time period? This means you would have to remember 4 times a year to elect to use your categories of water in a different order than the default to have the sustainable yield left over to transfer. This, yet again, is far too cumbersome and impossible to know that far in advance. This is being micromanaged and unnecessarily complicated. Why?
- Additionally, precipitation is not being included in the Categories of Water to be accounted for in the Online Dashboard. Where is it? Why don't we have these results? We have that data from last year for example. There's no reason this should not be accessible for us currently. This accounting of precipitation must be open, and transparent for all users.
- Lastly, where is the work being done to fight for more water from the Delta? Why aren't we expending equal energy on getting those pumps turned back on? The original task of this Board was to advocate for the farmer, and to help us get more water. Unfortunately, now SGMA, and legislating its effects has become the sole focus, while the reality is this problem is multifaceted, and solutions are also multifaceted. We must be actively seeking to get more water from these other sources with just as much energy, resources, and determination.

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