

# CALMATTERS

---

## San Joaquin Valley growers may face probation for failing to protect groundwater

October 12, 2023

By: Rachel Becker



California water officials today recommended putting several San Joaquin Valley groundwater agencies on probation for failing to develop an adequate plan to stop over pumping their severely overdrafted aquifers.

The Tulare Lake groundwater basin — which provides well water to residents and hundreds of square miles of dairies and farms, including land owned by agricultural giant J.G. Boswell Company — is designated as critically overdrafted, which dries up wells and causes land to subside.

The State Water Resources Control Board staff's recommendation is the first time that state officials have moved to crack down on inadequate local plans for groundwater pumping in California. Thousands of wells in the Central Valley have already gone dry. The 2014 Sustainable Groundwater Management Act, prompted by well outages during a long drought, requires each basin to develop plans to curb overdrafting of the basins.

The staff recommendation isn't the final word for this largely agricultural region in Kings County, which is home to 146,000 people and the cities of Corcoran, Hanford and Lemoore. The State Water Resources Control Board will collect public comment and hold workshops leading up to a hearing and vote next April on the recommendation, released in the draft staff report today.

The five local groundwater agencies — controlled largely by landowners and agricultural interests — were required to submit their plan in 2020, and the state Department of Water Resources warned them in late 2021 that it was not sufficient to protect the basin.

Paul Stiglich, general manager of the South Fork Kings groundwater sustainability agency, said he hopes that it will have worked out issues identified in their groundwater plan before the public hearing and that the state board will give them the breathing room to comply.

“Allow us to succeed, and don’t hamper us. That’s what probation would do — probation would throw a cold bucket of water on the whole issue,” said Stiglich, who noted he was speaking on behalf of his own agency, and not the entire basin.

The other agencies — the El Rico, Tri-County Water Authority, Mid-Kings River, and Southwest Kings groundwater sustainability agencies — did not immediately respond to requests for comment.

“We need these basins back on track by 2040, not to be at the starting line four or five years late,” said Natalie Stork, the water board’s program manager for the Sustainable Groundwater Management Act.

The current plan “will allow substantial impacts to people who rely on domestic wells for drinking, bathing, food preparation, and cleaning, as well as impacts to critical infrastructure such as canals, levees, and the aquifer itself within the subbasin,” the staff wrote.

Last winter, floodwaters that filled the once-dry Tulare Lake bed submerged homes, chicken farms and crops. But they are unlikely to make a dent in the vastly depleted groundwater stores.

“The wet year has helped with the status of the wells, but there are still wells going dry,” said Jasmine Rivera, a community development specialist with Self-Help Enterprises, which provides emergency water supplies in the San Joaquin Valley. “A lot of people see all of this rain, and they think, ‘Oh, we’re in the clear, at least for a little while,’ when that’s not really the case.”

Twenty-seven wells in the Tulare Lake subbasin went dry in 2022, and nearly 700 are now considered at risk of going dry under the plan amended last year, according to state officials. Groundwater pumping also caused land under Corcoran to sink so much that local flood control districts were forced to raise nearby levees twice in the last 10 years.

If put on probation, groundwater pumpers could be required to report their usage and face fees of \$300 a year plus \$40 per acre-foot of water pumped. Households are exempt, but larger groundwater users pumping more than 500 acre-feet per year — mostly farms — may have to install meters to measure pumping if the board decides to follow staff recommendations.

Today’s announcement comes nearly 10 years after California lawmakers acted to protect the state’s precious and rapidly declining underground stores of water from the effects of agricultural overpumping.

Under the state’s landmark Sustainable Groundwater Management Act, local agencies made up of irrigation districts and local governments, growers, and others have until 2040 to bring critically overdrafted aquifers into balance and stop the impacts of over pumping from worsening. That includes the Tulare Lake subbasin. Other medium and high-priority basins have until 2042.

Agencies had to submit plans to the state’s Department of Water Resources for two years of vetting. The water department deemed the plans for six critically overdrafted basins inadequate, including the Tulare Lake plan, and passed them along to the State Water Board to weigh whether to intervene.

Board staff said the Tulare Lake subbasin is the first to receive a hearing because of its severe degree of groundwater overdraft and the impacts on local residents and infrastructure, including the California Aqueduct and flood control levees. It was also the first to be deemed inadequate by the state's Department of Water Resources, Stork said.

"We recognize that we should start where problems are most urgent and solutions appear to be further away," Stork said.

There is no schedule yet for the other basins deemed inadequate — the Chowchilla, Delta-Mendota, Kaweah, Tule and Kern County subbasins, all in the San Joaquin Valley. Board staff said in an April hearing that the six plans did not address deficiencies related to groundwater levels, sinking land and water quality.

The probationary period is mostly about fact-finding for the water board, Stork said. State Water Board staff said in today's draft report that putting the Tulare Lake subbasin on probation "is critical for getting the subbasin back on track to achieve sustainability by 2040."

After at least a year of collecting data and charging fees to fund their efforts, if there's still no viable plan, the board can extend probation or put that data to use in developing and adopting its own interim plan for managing groundwater in the basin. That's the point where "board management would be most involved and where pumping restrictions could be implemented by the board," Stork said.

When the groundwater agencies think they've addressed the deficiencies, the board can consider ending its intervention and the local agencies can resubmit plans for another chance at approval.

Stiglich said that the Tulare Lake basin presents unique challenges for management because of varied geography, groundwater, flood plains and water quality. He expects the groundwater act to strike a major economic blow to the entire San Joaquin Valley.

"We're doing our best to comply," he said. "I think it's prudent that we allow the process to proceed, and it will all be aired in public at the state board hearing."

But environmental justice organizations told the board at a hearing in April that this process has taken far too long, and that residents — especially in communities of color — continue to suffer.

"As we continue to wait for (the groundwater agencies) to do better, and now wait for the state to make decisions about intervention, wells will continue to go dry, we'll see further degradation of groundwater quality, land will subside and critical groundwater storage will continue to be lost," Nataly Escobedo Garcia, policy coordinator for the nonprofit group Leadership Counsel for Justice and Accountability, told the board six months ago.

A team of scientists with universities and environmental organizations analyzed 108 groundwater sustainability plans — more than 162,000 pages of text — and reported that the plans "do not protect 60% of agricultural wells, 63% of domestic wells, and 91% of ecosystems."

Another analysis, published in September, warned that thousands of wells in the Central Valley are likely to fail despite the state's groundwater law.

"Locally-proposed sustainability criteria are consistent with business as usual groundwater level decline, and if reached, could impact over 9000 domestic wells and around 1000 public supply wells."