

CALMATTERS

California farmers depleted groundwater in this county. Now a state crackdown could rein them in

April 15, 2024

By: Rachel Becker



For the first time in California history, state officials are poised to crack down on overpumping of groundwater in the agricultural heartland.

The State Water Resources Control Board on Tuesday will weigh whether to put Kings County groundwater agencies on probation for failing to rein in growers' overdrafting of the underground water supply.

Probation — which would levy state fees that could total millions of dollars — is the first step that could allow California regulators to eventually take over management of the region's groundwater.

State officials have issued multiple warnings to Kings County growers, irrigation districts and local officials that their groundwater plan has serious deficiencies and won't stem the region's dried-up wells, water contamination and sinking land, all caused by overpumping.

Located in the southern end of the San Joaquin Valley, the Tulare Lake underground basin is the main source of drinking and irrigation water for 146,000 residents and hundreds of square miles of farms. Agriculture is king here — producing nearly \$2.6 billion in dairy, pistachios, cotton, tomatoes and other crops and livestock in 2022.

Powerful agricultural interests shape the region's groundwater policy, led by tomato-and-cotton giant J.G. Boswell Co. and Sandridge Partners, controlled by Bay Area developer John Vidovich. The two

massive landowners have representatives on at least three boards managing vast swaths of the groundwater basin.

If the state puts the local water agencies on probation, it'll be the first time that California imposes penalties under the landmark Sustainable Groundwater Management Act, which was enacted 10 years ago during a prolonged, severe drought when growers ramped up pumping and thousands of household wells in the San Joaquin Valley went dry.

The law gave local groundwater agencies in critically overdrafted basins until 2040 to reach sustainable levels of pumping. In the meantime, the local agencies must have plans in place to halt overuse.

Tuesday's decision could foreshadow how the state will handle five other overdrafted San Joaquin Valley basins that also may face probation. In all, 21 basins in California are considered critically overdrafted.

"This is the first time you really see the state play such an explicit role in groundwater management," said Tien Tran, a policy advocate with the Community Water Center.

If the state doesn't order improvements to protect household and community supplies, disadvantaged communities in the San Joaquin Valley will suffer, said Jasmine Rivera, a community development specialist with Self-Help Enterprises, which provides emergency water to households.

"The stakes are extremely high," Rivera said. "And the risk is extremely high."

Small farmers in Kings County worry that the state's crackdown on groundwater pumping and steep fees will force them out of business. Growers still reeling from the 2023 floods that swamped their homes, orchards and crops would be forced to reckon with the decades-long decline of the water that is the lifeblood of the region's biggest industry.

"In Kings County, there is no other economy," said Dusty Ference, executive director of the Kings County Farm Bureau. "We do not have a tourism industry. We do not have an oil and gas industry. We do not have a manufacturing industry. Everything in this county relies on a successful agriculture industry."

Since the groundwater act was enacted 10 years ago, fruit and nut acreage has grown in Kings County, although field crop acreage has shrunk. Groundwater extraction has not decreased — varying from year to year, but roughly the same amounts were pumped in 2022 as in 2015. New irrigation wells have been drilled. Communities still grapple with contaminants worsened by pumping. And, although well outages have slowed after flooding last year, some household wells are still going dry.

State officials warn that the local agencies' plan could cause about 700 additional household wells and a dozen community wells to dry up. Contamination also would increase as the water table drops, wells reach deeper into layers containing more toxic substances and overpumping squeezes contaminants like arsenic from the clay.

Land would also continue to sink, endangering canals, major aqueducts and flood control levees. Some land in the western side of the basin, near Hanford and Corcoran, subsided about six feet between 2015 and 2023 alone.

Kings County Supervisor Doug Verboon, a fourth generation corn and walnut farmer, said he's been warning for years that the groundwater law could upend life in the county, especially for small farmers.

Now, with local agencies scrambling, “It seems like it’s a little too much, too late,” Verboon said. “We’re fighting against ourselves at this point.”

Even after months of research and debate, the agency boards and managers still hadn’t reached an agreement on the final plan with just days to go before Tuesday’s hearing, said Kings County Supervisor Joe Neves, who chairs one of the groundwater agencies. Now, he said, he fears “the state water board has probation as the only recourse.”

Probation would begin a period of extra state fees and extraction reports from growers while local agencies address the state’s concerns. If the local efforts last longer than a year and continue to fail, the state can initiate the process of taking control of the groundwater.

The state’s pumping fees of \$20 per acre foot alone could reach almost \$10 million a year, according to a CalMatters analysis based on average groundwater use reported between 2015 and 2022. Growers and communities pumped almost half a million acre feet a year on average, enough to serve about 1.5 million households.

Growers also would be required to pay an additional fee of \$300 per well every year.

The new state fees would come at a time of higher interest rates and plummeting prices for once-lucrative commodities like almonds and walnuts.

“Everybody thought that we had time to adapt,” said FERENCE of the Kings County Farm Bureau. “The law is written that we have to achieve sustainability by 2040, not by 2024.”

FERENCE said he worries about the effects on the local economy. “If we drastically cut groundwater pumping this year to next, everybody here suffers. Kings County becomes a ghost town,” he said.

Deanna Jackson, executive director of one of the Tri-County Water Authority, one of the local groundwater agencies, said they will meet the law’s requirements.

“But in 2040, what are we really going to look like?” she said. “That’s the thing that keeps me up at night. We’re trying to protect disadvantaged communities, but the people that work there aren’t going to have a job...are we really benefiting the people that live there?”

“Nothing is easy about this or pretty,” she added. “It’s all kind of ugly right now.”

Neither the Boswell company nor Vidovich responded to CalMatters’ interview requests. Attorney Nathan Metcalf wrote to the state water board on behalf of J.G. Boswell Co. in December, arguing that the probationary fees — which at the time included a \$40 per acre foot pumping fee that has now been reduced to \$20 — were excessive and that the water board doesn’t have the authority to impose them. Metcalf declined to answer CalMatters’ questions.

Michael Nordstrom, representing the Southwest Kings Groundwater Sustainability Agency, which is chaired by land baron Vidovich, told the state board that water in the part of the basin his agency manages, which includes Kettleman City, was sustainable. Many of the deficiencies in the basin’s plan that the state noted, he wrote, “do not apply to us.”

Towns struggling with no water

For communities in Kings County, water troubles are a fact of life.

Thirty families in the basin now rely on trucked water, a blow to home values and to residents who can no longer use water for gardens or livestock, according to Self-Help Enterprises.

Since 2014, at least 5,800 California wells have reported water outages

In Kings County, residents reported at least 156 household and irrigation wells with shortage issues, including some going dry. Statewide reports totaled about 5,800 as of April 11. Neighboring Tulare County had about 1,858 reports, and Fresno County had 756.

A total of 156 household and irrigation well outages have been reported in the county; nine were reported in the past year. And this is likely only a small portion of the dry wells as residents rarely report outages.

Residents in the small, unincorporated communities of Hardwick and Stratford have struggled in the past with well outages. In Stratford, with no water to flush toilets, the local school temporarily set up porta potties for students during an outage in 2018. Even after water was restored, Stratford residents were left with a permanent sense of unease, said Robert Isquierdo Jr., founder of the nonprofit Reestablishing Stratford.

“They went without water not in a third world country, but in Stratford, California, the United States,” he said. “There was a real, big psychological effect.”

Arsenic, too, is pervasive and can be worsened by overpumping. The state water board reported that more than half of the water supply wells tested in the basin exceeded legal limits for the contaminant, which has been linked to cancer and other serious health problems. Kettleman City off Interstate 5 switched to imported water supplies to avoid arsenic, requiring an \$11 million treatment facility funded by state and federal agencies.

In the small, largely Latino town of Armona, about 33 miles northeast of Stratford Jim Maciel, president of the local water board, said until recent years no one was allowed to build new homes due to elevated levels of arsenic. Arsenic is a natural ingredient of soil in the area, but overpumping worsens the levels found in well water.

It took more than a decade and \$9 million cobbled together from a grant, a zero-percent interest loan and cash on hand to drill a new well more than 1,200 feet into the earth and install treatment to scrub away the arsenic and other contaminants.

“There’s no doubt that not only Kings County but the whole valley — everybody — has been overpumping,” Maciel said. Not just farms, he added, but cities, too. “It’s going to change, for sure. They can’t keep doing this forever.”

But change could also upend life in the community, where up to a third of residents are farmworkers, he estimates. In time, he said, “there just won’t be any farm work for them to do.”

The Tachi Yokut Tribe is also facing these dueling pressures at the Santa Rosa Rancheria, home to nearly 1,200 people near Lemoore. The Tribe was once sustained by Tulare Lake, before agricultural diversions drained it.

Now, the closest water is an irrigation ditch. The artesian wells that once bubbled through the valley are long gone. And the Tachi Yokuts have been forced to drill deeper and deeper — chasing groundwater so contaminated with arsenic that the nearby elementary school doesn’t serve it to children. The tribe sends treated water to the school, instead.

“As it’s going right now, I’m pretty sure we’re going to need water transported to us in like 20 to 30 years if they don’t stop doing what they’re doing,” said tribal member and cultural liaison Kenny Barrios.

Though the tribe has its own agricultural lands and runs a casino employing nearly 1,500 people, it has no official presence on the local groundwater agency boards, Hank Brenard, the tribe's environmental protection director, said. "They don't even really talk to us," he said.

While farmers can cash out and leave, Barrios said, the tribe will remain, living with the consequences. "It'll just be us uncivilized Native Americans again," he said. "Adapting to the land again, of what they left us."

Big costs for small growers

Jacky Lowe, 80, a small farmer, worries about the impact if new limits are placed on groundwater. She still lives on the land her great-grandfather settled in the 1880s, between Hanford and the Kings River. Now she leases the 40 acres that remain of the family property to a tenant who grows walnuts.

Over the past 10 years, groundwater depletion has forced her to drill one new agricultural well, and replace two household wells — at an estimated cost of about \$150,000.

"I can remember back when I was a child my father talking about the use of water, and if we (farmers) were not good custodians of the land... eventually this was going to catch up with us," Lowe said. "And unfortunately, I think it has now caught up with us."

On the other hand, she sees the latest groundwater plans as hastily thrown together to meet state deadlines with little input from small local growers, and major costs to their livelihoods.

"The water situation in the Central Valley has been ignored for far too long," Lowe said. "Now we are faced with draconian proposals with catastrophic consequences. I am most fearful that the family farm will not survive."

Under proposals from the Mid-Kings River Groundwater Sustainability Agency, which manages the groundwater beneath Lowe's farm, Lowe would face caps on groundwater pumping and fees that she calculates could reach \$12,400 a year. And that's as long as she doesn't run into penalties of up to \$500 per acre foot.

The proposal is slated for a local vote after the probation hearing, but is facing significant pushback from growers.

The fees, General Manager Dennis Mills said at a March workshop, are aimed at funding the agency's groundwater monitoring efforts, restoring dry wells and paying for projects to tackle subsidence and increase groundwater recharge.

The alternative, he said, is state officials taking over and managing the basin themselves.

Lowe said she's hopeful — but not optimistic — that they'll find a strategy that doesn't harm smaller growers.

"It is political. It is economical. It is social, it's emotional, it covers the gamut. And right now, because we have waited so long to address the problem, we're now under the gun to come up with a plan," Lowe said.

"This is not the first valley to go through a cycle of being extremely productive, and then become absolutely unfarmable."