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A legal battle could determine fate of groundwater regulation in rural San Joaquin Valley

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KINGS COUNTY, Calif. – In May, the Kings County Farm Bureau sued the California State Water Resources Control Board, arguing the agency’s decision to place the region on groundwater probation was unconstitutional.

The State Water Board handed down the probationary order after a marathon April 16 hearing in which growers revolted against the agency, complaining pumping fees attached to the probation could spell disaster – especially for smaller farms. Under probation, growers will have to pay fees based on the number of wells owned and the volume of water pumped.

“The stakes are high, extremely high,” Dusty Ference, who leads the farm bureau, told KVPR.

The conflict is playing out under the Sustainable Groundwater Management Act, also known as SGMA, which was enacted a decade ago in 2014. The Tulare Lake subbasin, which covers almost the entirety of Kings County, was the first to be placed on probation under the law.

If local groundwater agencies can’t agree on a plan to rein in pumping voluntarily, the state could impose stricter measures.

“Our concern is that they will limit pumping so much that it doesn't allow growers to grow anything if they have to use groundwater. The ramifications of that are not just to the grower. That negatively impacts the entire county of Kings,” Ference said.

Deep wells, deeper costs

One in four jobs countywide are tied to the agricultural industry, according to Ference. But the consequences of not scaling back water use are starting to hit everyone.

A [state report](#) says land has permanently sunk more than six feet and damaged critical infrastructure, such as levees and canals. Hundreds of drinking water wells within the subbasin could also go dry over the next decade due to rapidly declining groundwater levels.

“If you're going to live in the country, you've got to understand that you might have to drill a well, and you might have to lower a pump,” Ference said. “That's the unfortunate reality of it.”

But the thing is, many rural Californians aren't in a position to dig deeper.

Eddie Ocampo works for the nonprofit Self Help Enterprises, which provides emergency services to domestic well users. He says the situation has grown increasingly bleak for residents in recent years.

“Water wells had an expectancy of 25-plus years in the past, and now we're seeing water wells fail after seven, five, in some cases even three years because of dropping water levels,” Ocampo said.

The cost to drill deeper can range from \$35,000 up to \$70,000 depending on the depth required.

“That's the price of a new car,” Ocampo points out, and an expense not easily borne by many.

One problem, as Ocampo sees it, is that agencies tasked with drafting sustainable groundwater plans rarely have community members as voting members. That means the needs of regular residents – as opposed to farmers and larger municipalities – are harder to be heard

Self Help Enterprises has recommended a minimum of two community members on each board, with stipends and other incentives to encourage participation.

Future of land in question

But as the clock ticks to implement groundwater plans and achieve balance by 2040, some say time is running out.

The Department of Water Resources has already rejected six other groundwater plans covering most of the San Joaquin Valley.

Two other basins in the southern San Joaquin Valley – which covers some of the nation's most productive farmland – will have their own probationary hearings later this year.

“The state has been taking its role as a backstop seriously,” said Ellen Hanak, a senior fellow with the Public Policy Institute of California. “Many of these basins have been using too much water for a long time now.”

The nonpartisan institute's Water Policy Center has been studying the impacts of SGMA since its approval in 2014. A report from the center found that up to a half-million acres of Valley farmland will have to be fallowed under the law. That's a process of removing crops and freeing the land from water consumption.

Hanak says, through the uncertainty of water use in the Valley, there are some silver linings. Irrigation districts have increased the volume of water stored in underground banks, a process known as recharge. And finding new uses for farmland that is no longer in production can also ensure communities don't lose everything.

"Options include solar energy, [groundwater] recharge areas that can also serve as habitat or recreation," she said, as well as planting crops that use less water. "They won't be as profitable, but it might be a better use of land than doing nothing with it," she said.

The Kings County Farm Bureau knows pumping needs to be reduced locally.

But Ference says he wants to make sure the solution to get there doesn't cause more harm than what he's already seeing in his small county.

"Without agriculture in Kings County, there is nothing else," he said.