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## Comments on the DRAFT Scott Valley Groundwater Sustainability Plan

Mr. Parker,

### DATA CONCERNS

- The GSP lacks information (specifically wells, location, and area of use) delineating adjudicated from non-adjudicated groundwater use.

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Choropleth maps are insufficient. Why is this important? SGMA specifically excludes the GW adjudicated area from the requirements. This lack of accurate information will incur the following significant challenges for GSA/GSP implementation and support:

- True water balance and impacts from implementing certain PMAs cannot be accurately calculated.
- Permitting of wells will be difficult for Environmental Health if there is a question of adjudicated vs. non-adjudicated use. A parcel layer that corresponds to the adjudication map should be an incorporated GIS layer.
- The county cannot accurately annually report for the adjudicated area (as required by water code) without accurate data.
- The GSP does incorporate the gw basin in form but not from a legal perspective. The reality of addressing use and assessment of PMAs will require accurate data to measure compliance and effectiveness of both the adjudicated and non-adjudicated areas as delineated by SGMA and the adjudication itself. Lack of accurate data inevitably puts the entire adjudication at risk of being challenged by a third party.

- Accurate data for the gw adjudicated area would allow the users that are legally separate from GSA oversight to better utilize the GSP as an accurate information tool in the event of a third-party legal challenge or grant/water trust actions that may become useful in the future.
- Since the GSP plans on using a “step up approach” as per incorporating PMAs that actually differentiate the adjudicated and non-adjudicated areas this data inclusion is relevant now and cannot be pushed to the five year evaluation/revision.
- Recent curtailments by the SWRCB should demonstrate to all water users in Scott Valley and the GSA the use of both surface and groundwater is intertwined both figuratively and regulatorily. Incorporating surface water data with diversions and use into the GSP will permit better modeling and successful recharge projects. WF-002
- Both gw and surface water use GIS layers could have been easily developed as described in comments submitted over two years ago. The same process will work today. Eventually the GSA and adjudicated users will recognize why this data is needed. The GSP can be a tool for proactive problem solving rather than reactive if sufficient data is available.
- In this day and age data is going to be developed with or without you. At least if you do it a better degree of accuracy can be maintained.

## FINANCIAL CONCERNS

- From the start no economic analysis has ever been done by the county for acceptance of GSA responsibilities. This has resulted in no truth in cost of implementation of the GSP and potential incurred financial responsibilities for groundwater users. This oversight deafened the GSP development outreach process since the beginning. The county recognized the potential legal and financial risk posed by becoming a GSA and implementation of the GSP thus has separated the Flood Control District (essentially the GSA) from financial support from the general fund by resolution. This severance puts the operation of the GSA grant dependent and/or fee supported. Reliance on grant funding for the operational support of the GSA is risky financial WF-003

planning which will inevitably result in fee development. This financial separation and lack of financial planning will result in problems:

- In the event the GSA needs to charge fees for operational support the fees will be easily subject to a legal challenge due to a lack of direct correlation between fees and performed services.
- How does the county justify potentially incurring GSA operational cost to a small number of water users for programs/actions that are not directly connected or wholly responsible of the rate payer? For example: The county moved the CASGEM program to the GSA from Environmental Health. This action is fine, but the CASGEM legislation prevented the charging of fees for implementation. Without general fund support an inequity exists if this cost will be passed on to a handful of water users via a fee through the GSP implementation process.
- How is the county going to justify the GSA reporting water use for the adjudicated area (which is a service) at no cost? The continued reporting for the adjudicated area is fine if funding is not fee supported.
- No Flood Control District bylaws or policies have been developed that separates or incorporates financial responsibility between groundwater basins. For example, if a legal suit challenged the Tulelake GSP, who is responsible? Tulelake water users? TID? Modoc County? As written or lack of, maybe all water users regulated by the responsible GSAs will be responsible? Siskiyou County has a great amount of experience with the cost of litigation revolving around water. There is no way a small number of water users in an entirely different GW basin under the same GSA could cover those cost. Financial structure and responsibility needs addressed at the county and GSA level. Looking ahead, locally in the Scott Valley, how is any challenge to the adjudication going to be covered? The GSP describes the lack of authority of the adjudicated gw area to great extent. Is this really the best approach for the entire adjudication and the basin as a whole? The future adjudicated gw area may regret not getting a legislation amendment for coverage of the GSP.

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- The financial challenges are real and not easy to predict but some form of financial planning should have taken place and still needs to be addressed prior to submittal to the State. Good financial policies/bylaws should be determined for future guidance and risk aversion to potential litigation. This also creates a platform for transparency in the event fees are required.

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## MONITORING

- Groundwater water quality data should have the option for field instrumentation for nitrate and specific conductivity rather than lab use every time. A simple threshold could require lab testing. Otherwise, field instrumentation is adequate and cost effective. Nothing in SGMA prevents this option for water quality monitoring.
- Concern that the GSA will be required to compile multiple water quality results from many different entities. This is duplicative, costly, and inefficient. A solution would be to ask entities that take water samples forward them to the GSA upon exceedance of an MCL from an identified constituent of concern. Too much data from too many locations, from different times, will be noisy data and provide little useful information as relevance to the GSP. It is important to note that a handful of users should not bear the burden of excessive data collection to satisfy other water quality programs.
- The plan identifies areas such as “livestock unloading” for potential monitoring areas. Where is the correlation from groundwater extractor (thus fee payer) and livestock land use correlating to water quality? The data desire is there, but don’t mix program requirements to the extent it becomes cost prohibitive or lacks other funding presenting a Prop 218 issue.
- The GSP doesn’t explain well enough how gw elevation data is not useful as a tool for stream interaction from gw extraction. Further explanation is needed. Chapter three rather jumps to PMAs and pumping curtailments outside the adjudicated zone from surface flow measurements a great distance away (miles in most cases). A previous presentation to the Board of Supervisors surrounding the Public Trust Doctrine issue and well permitting talked about a model (developed by Larry Walker and Associates and Laura Foglia) that augmented an integrated hydrologic model of the

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Scott River area and created a Stream Depletion Function Map of the Scott Valley. This model is not perfect but why is this not utilized in chapter three? Chapter three is quick to penalize non-adjudication zone pumpers that are miles from the point of a surface water measure in the river. The stream depletion methodology will at least allow a decision matrix based on distance thus potentially achieving a measurable result from a required curtailment. In fact, this should be a tool that should be utilized by the SWRCB for the current late season curtailments that will have NO measurable impact to down river instream flows that are miles away. This plan should not emulate the SWRCB decision making tree and create a one size fits all standard based on a single downstream measurement that most do not significantly impact.

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contd.

#### OPERATION

- The GSP lacks an operational component. It appears to be set in a fashion that will continuously require hired consultation to update and operate. No mention of training, GIS requirements, or staff qualifications.
- Does the GSA have the capability to use, update, and modify the SVIHM? In other words, is it an open GIS platform?

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Sincerely,



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