

Jackson|DeMarco|Tidus Peckenpaugh

A L A W C O R P O R A T I O N

October 12, 2015

Direct Dial: 949.851.7638
Email: pgosney@jdtplaw.com
Reply to: Irvine Office
File No: 5181-120048

VIA E-MAIL & U.S. MAIL

Paula Landis, Executive Officer
California Water Commission
P.O. Box 942836
Sacramento, California 94236-0001

**Re: Sustainable Groundwater Management Act: Draft Basin Boundary
Regulations (October 21, 2015, California Water Commission Meeting;
Agenda Item No. 7)**

Dear Ms. Landis:

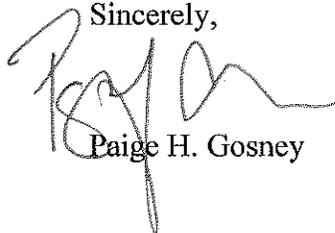
This letter comments on the Draft Basin Boundary Emergency Regulations (“Regulations”) proposed by the California Department of Water Resources (“Department”) under the Sustainable Groundwater Management Act (Water Code, §§10270, et seq. (“SGMA”)). As discussed in the enclosed comment letter dated September 4, 2015, we request that the Regulations be revised to include a mechanism for the Department to reassess a groundwater basin’s prioritization and critical overdraft designation in connection with a basin boundary modification, upon the request of an overlying Groundwater Sustainability Agency or county.

The revisions are requested in order to ensure consistency between SGMA (specifically, Water Code, § 10722.4(c)) and the Regulations.

We respectfully request that this letter and the enclosed September 4, 2015, comment letter to the Department be included as part of the administrative record for this matter.

Thank you for the opportunity to further comment on the Regulations.

Sincerely,



Paige H. Gosney

Enclosure

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A L A W C O R P O R A T I O N

September 4, 2015

Direct Dial: 949.851.7409
Email: mstaples@jdtplaw.com
Reply to: Irvine Office
File No: 5181-120048

VIA E-MAIL & U.S. MAIL

California Department of Water Resources
Attn: Sustainable Groundwater Management Section
P.O. Box 942836
Sacramento, CA 94236

Re: Comments on Draft Basin Boundary Modification Regulations

To Whom It May Concern:

We appreciate the opportunity to comment on the Draft Basin Boundary Emergency Regulations issued on July 17, 2015 (the "Draft Regulations"), by the California Department of Water Resources ("Department").

The Draft Regulations provide a comprehensive set of criteria and procedures for use by local agencies and the Department in processing and approving groundwater basin boundary modifications consistent with their joint interest in the ongoing sustainable management of groundwater basins set forth in the Sustainable Groundwater Management Act (Water Code, §§ 10720, et seq.) ("SGMA").

The Draft Regulations require a boundary modification applicant to include as part of its request extensive information about the proposed subbasin that would assist the Department in reevaluating, upon request by the designated Groundwater Sustainability Agency ("GSA") or county with management jurisdiction over the newly-created subbasin(s), whether the new subbasin should be reclassified under a different CASGEM priority level. This information includes, among other things, a summary of historical groundwater levels in the subbasin (§ 344.6), maps and GIS files showing the lateral boundaries of the alluvial aquifer and definable bottom of the basin (§ 344.10), hydrogeologic conceptual model describing relevant geologic features and aquifer characteristics that impede or impact groundwater flow (§ 344.12), technical studies demonstrating the areal and vertical extent of the aquifer(s) underlying the basin (§§ 344.14, 344.16) and information necessary for the Department to evaluate the boundary modification as a responsible agency under the California Environmental Quality Act (Pub. Resources Code, §§ 21000, et seq.) ("CEQA") (§ 344.18).

Because the Sustainable Groundwater Management Act is focused on High- and Medium-Priority Basins, the priority level of any new basin or subbasin and the remainder basin resulting from the boundary modification process should be reevaluated by the Department upon

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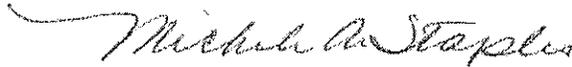
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request by the GSA with groundwater management and oversight responsibilities for the affected basin(s), or by the county overlying all or part of the affected basin(s).

We request that the Department revise the Draft Regulations to incorporate a process for the designated GSA or overlying county to petition the Department to reevaluate the prioritization level for the newly-established basin or subbasin and the remainder basin resulting from a boundary modification under SGMA.

We thank the Department for its consideration of these comments.

Sincerely,

A handwritten signature in cursive script that reads "Michele A. Staples". The signature is written in black ink and is positioned above the printed name.

Michele A. Staples

MAS/lj