



Corning Sub-basin GSA Committee
September 8, 2021

Item 6.a
Correspondence Received

1. Jaime Lely on behalf of group of landowners/tenants
2. Jaime Lely for Dennis Barkley
3. Jaime Lely for Michael Barkley

Lisa Hunter

From: Jaime Lely <jllely@sbcglobal.net>
Sent: Monday, August 30, 2021 3:46 PM
To: Lisa Hunter
Subject: Correct letter - regarding GSA funding from West Side Landowners and Tenants in the Corning GSA
Attachments: GSA Letter from West Side Dry Land Members.doc

Lisa,

I have attached a letter from the group of landowners and tenants from the West side dry land farmers I have been representing in attending the meetings over the past year and a half.

Thank you,

Jaime Lely

530.865.4171

Thursday, August 26, 2021

Corning GSA (both Glenn and Tehama) TAC and Board,

We appreciate the dialog, the acknowledgement that the Corning Sub Basin has different dynamics than that of the Glenn and Colusa Sub Basins, and for the opportunity to discuss this with the TAC Committee and Board to work together to come to an equitable decision.

Foothill non irrigated lands do not have usable water in any sort of quantity to sustain long term crops such as orchards. When water is found, it's quality is often unusable. Currently, West side dry land owners pump very little, if any, from our groundwater basin. There are a handful of domestic wells, as well as a minimal number of small-diameter wells for livestock and wildlife watering only. As the Legislative definition explains below, how can we charge thousands of acres for small wells that are de minimis only? For the few wells that do supply water to livestock for sale, the amount is still so few acre feet per year that it is negligible. Maybe an option of a meter to prove this would suffice to allow these landowners a way out of a per acre fee.

WATER CODE - DIVISION 6. CONSERVATION, DEVELOPMENT, AND UTILIZATION OF STATE WATER RESOURCES [10000 - 12999]

PART 2.74. Sustainable Groundwater Management [10720 - 10737.8]

CHAPTER 2. Definitions [10721- 10721.]

(e) "De minimis extractor" means a person who extracts, for domestic purposes, two acre-feet or less per year

We do not consider the currently proposed per acre fee to be a viable option. The primary source of income on these West side dry land areas comes from livestock grazing leases; the proposed \$2.90/acre fee represents greater than 32% of the current income on average. The cattle industry can not sustain that sort of increase, especially when there is no tangible benefit to such an assessment in our area. West side dry land owners would be forced to pump whatever little water they do have to help pay the unsustainable costs imposed on them. This additional pumping over all does not work toward the goals of the GSA's in the long run.

We do not feel that allowing West side non-irrigated landowners to sell or transfer their water rights is a viable solution to the problem, though it has been brought up as an option to help them recoup the proposed fees. Encouraging sales or transfers of the water in our basin does not help to fulfill the desired end results of the GSA. This concept is already addressed in Tehama County, under Ordinance #2006 Section 3. We anticipate that similar guidance may come about in Glenn County.

Tehama County's ordinance #2006 Section 3 states:

9.40.030 It shall be unlawful to extract groundwater of any nature or description, or for a property owner to allow such extraction on his land, or for any person to knowingly cause, permit, aid, abet, suffer, or furnish equipment or labor for such extraction, for the purpose of using the water or selling the water for use on other than the parcel of land upon which the extraction occurs, or contiguous parcels of

land under the same ownership as the parcel from which the extraction occurs, without first obtaining a permit as provided in this chapter. It shall be unlawful to knowingly use water extracted in violation of this section on other than the parcel of land upon which the extraction occurs, or contiguous parcels of land under the same ownership as the parcel from which the extraction occurs, or for a property owner to knowingly allow such use on their land, or for any person to knowingly cause, permit, aid, abet, suffer, or furnish equipment or labor for such use, without first obtaining a permit as provided in this chapter. This provision does not apply to the extraction of water for the purposes of supplying a “public water system”, a “community water system,” a “non-community water system,” or “state water system”

In addition, we are concerned about the costs to be incurred by surface water users only that do not pump. Will considerations be given for the groundwater recharge that they are providing to the basin? Will there be any options for surface water only users to be excluded from the SGMA requirements of the basin? Possibly an incentive program for these non pumpers?

Some proposed solutions to these challenges we present are as follows:

- We acknowledge that a basin boundary modification is probably not a realistic step in the immediate future. We also know that there will be some administration costs that must be absorbed by the West side dry land parcels. Maybe a shared administration fee for basic/minimum reporting that is spread out equally, but the rest of the fees fall on only those that are pumping the water? However, with the high proportion of non-irrigated acres in the basin, we are concerned that this fee may still be exorbitantly high vs. the actual value of the land and the income potential.
- A fee per well option, maybe based off of size or well type? According to a slide presented during the August 4th meeting, this cost estimate was \$139.63/well. This seems like a good option to keep the fees off of those that do not even have a well on their property and are not pumping at all.
 - Do we understand correctly that if the state intervenes, i.e. we are allowed out of the basin, the state charges \$100/well for de minimis users?
- A defined line, which is fairly easy to see from Google Earth maps/satellite imagery, distinguishes lands that have reasonable groundwater and opportunities for development from those lands that are dry in nature and are not suitable for developing permanent irrigated crops. Landowner's can have the option to sign an agreement to not pump over de minimis user amounts in these dry areas. It might be feasible to establish a defined line based on a technical evaluation of well logs and other relevant data to justify the position of the line. Landowners

sign a contract agreeing to not pump groundwater or plant permanent irrigated crops, with an option for those who somehow miraculously find water and decide to pump more, pay a back fee/fine for getting out of the agreement. Something along the lines of the stipulations stated in the Williamson Act. This could possibly also include those lands/acres that only have access to/or irrigate with surface water. This option offers flexibility - those who choose to pump in the future can do so, but discourages additional groundwater use thus helping the GSP goals overall.

- Another possibility is to have pump owners show a log verifying that the well does not yield, and is not used for, anything more than de minimis use to allow it to be treated as such.
- We realize that meters are not a popular idea, but might that be something that, if per acre foot charges were enacted, people opting out of the per acre fee could use, as an alternate fee structure, so that they are only charged for what they pump?

Furthermore, we are concerned about the West side / dry land landowners being inadequately represented on the GSA Boards. Currently, there is nobody representing the westside / dryland landowners, even though a local landowner offered to represent at the beginning of this process. Over 50% of the Glenn County acreage in the Corning Sub-basin is non-irrigated (source: 8/4 slideshow, slide #17, see chart below). In addition, over 70% of the Tehama County acreage is non-irrigated, without adequate representation. Is this taxation without representation?

Water Use Type	Tehama, Acres (% total)	Glenn, Acres (% total)	Total, Acres (% total)
Surface Water, Access	9,416 (5%)	5,650 (3%)	15,066 (7%)
Groundwater, Exclusive	31,580 (15%)	15,897 (8%)	47,477 (23%)
Irrigated, All	40,997 (20%)	21,548 (10%)	62,544 (30%)
Urban & Rural Residential	~6,000 (~3%)	~1,200 (<1%)	~7,200 (~3%)
Non-Irrigated	114,308 (55%)	22,968 (11%)	137,276 (66%)
Total Acreage	161,305 (78%)	45,715 (12%)	207,020 (100%)

In closing, we (landowners representing 30,000 +/- acres) are not asking anything unreasonable, just proposing a more equitable cost breakdown for irrigated vs. non-irrigated lands. This particular sub-basin is distinctly different from the neighboring sub-basins, since the majority of acres are non-irrigated, and non-irrigable. A one size fits all plan does not work here. Thank you for your consideration of our situation and possible solutions.

Jaime Lely for the West Side Landowners and Tenants group in the Corning GSA

Lisa Hunter

From: Jaime Lely <jllely@sbcglobal.net>
Sent: Monday, August 30, 2021 3:52 PM
To: Lisa Hunter
Subject: Letter from Dennis Barkley - concerned Corning GSA West side dry land owner.
Attachments: Corning GSA TAC letter 8-30-21 from Dennis Barkley.pdf

Lisa,

I have been asked to pass this on from Dennis Barkley. He owns approximately 2200 acres on the West side of the Corning GSA. He has specific details that he has added to his letter that I think the group will appreciate and be of interest and help to those gathering information.

Thank you,

Jaime Lely

530.865.4171

Thursday, August 26, 2021

Corning GSA (both Glenn and Tehama) TAC and Board,

I appreciate the dialog, the acknowledgement that the Corning Sub Basin has different dynamics than that of the Glenn and Colusa Sub Basins, and for the opportunity to discuss this with the TAC Committee and Board to work together to come to an equitable decision.

Currently, West side dry land owners pump very little from our groundwater basin. There are a handful of domestic wells, as well as a minimal number of small-diameter wells for livestock watering. As the Legislative definition explains below, how can we charge thousands of acres for small wells that are de minimis only? For the few wells that do supply water to livestock for sale, the amount is still so few acre feet per year that it is negligible. Maybe an option of a meter to prove this would suffice to allow these landowners a way out of a per acre fee.

WATER CODE - DIVISION 6. CONSERVATION, DEVELOPMENT, AND UTILIZATION OF STATE WATER RESOURCES [10000 - 12999]

PART 2.74. Sustainable Groundwater Management [10720 - 10737.8]

CHAPTER 2. Definitions [10721- 10721.]

(e) "De minimis extractor" means a person who extracts, for domestic purposes, two acre-feet or less per year

I do not consider the currently proposed per acre fee to be a viable option. The primary source of income on these West side dry land areas comes from livestock grazing leases; the proposed \$2.90/acre fee represents approximately 48% of the current income on my property. The cattle industry can not sustain that sort of increase, especially when there is no tangible benefit to such an assessment in our area. West side dry land owners would be forced to pump whatever little water they do have to help pay the unsustainable costs imposed on them. This additional pumping over all does not work toward the goals of the GSA's in the long run.

I do not feel that allowing West side non-irrigated landowners to sell or transfer their water rights is a viable solution to the problem, though it has been brought up as an option to help them recoup the proposed fees. Encouraging sales or transfers of the water in our basin does not help to fulfill the desired end results of the GSA. This concept is already addressed in Tehama County, under Ordinance #2006 Section 3. We anticipate that similar guidance may come about in Glenn County.

Tehama County's ordinance #2006 Section 3 states:

9.40.030 It shall be unlawful to extract groundwater of any nature or description, or for a property owner to allow such extraction on his land, or for any person to knowingly cause, permit, aid, abet, suffer, or furnish equipment or labor for such extraction, for the purpose of using the water or selling the water for use on other than the parcel of land upon which the extraction occurs, or contiguous parcels of land under the same ownership as the parcel from which the extraction occurs, without first obtaining a permit as provided in this chapter. It shall be unlawful to knowingly use water extracted in violation of this section on other than the parcel of land upon which the extraction occurs, or contiguous parcels of land under the same ownership as the parcel from which the extraction occurs, or for

a property owner to knowingly allow such use on their land, or for any person to knowingly cause, permit, aid, abet, suffer, or furnish equipment or labor for such use, without first obtaining a permit as provided in this chapter. This provision does not apply to the extraction of water for the purposes of supplying a “public water system”, a “community water system,” a “non-community water system,” or “state water system”

In addition, I am concerned about the costs to be incurred by surface water users only that do not pump. Will considerations be given for the groundwater recharge that they are providing to the basin? Will there be any options for surface water only users to be excluded from the SGMA requirements of the basin? Possibly an incentive program for these non pumpers?

Some proposed solutions to these challenges we present are as follows:

- We acknowledge that a basin boundary modification is probably not a realistic step in the immediate future. We also know that there will be some administration costs that must be absorbed by the West side dry land parcels. Maybe a shared administration fee for basic/minimum reporting that is spread out equally, but the rest of the fees fall on only those that are pumping the water? However, with the high proportion of non-irrigated acres in the basin, we are concerned that this fee may still be exorbitantly high vs. the actual value of the land and the income potential.
- A one time fee per well option, maybe based off of size or well type? According to a slide presented during the August 4th meeting, this cost estimate was \$139.63/well. This seems like a good option to keep the fees off of those that do not even have a well on their property and are not pumping at all.
 - Do we understand correctly that if the state intervenes, i.e. we are allowed out of the basin, the state charges \$100/well for de minimis users?
- A defined line, which is fairly easy to see from Google Earth maps/satellite imagery, distinguishes lands that have reasonable groundwater and opportunities for development from those lands that are dry in nature and are not suitable for developing permanent irrigated crops. Landowner's can have the option to sign an agreement to not pump over de minimis user amounts in these dry areas. It might be feasible to establish a defined line based on a technical evaluation of well logs and other relevant data to justify the position of the line. Landowners sign a contract agreeing to not pump groundwater or plant permanent irrigated crops, with an option for those who somehow miraculously find water and decide to pump more, pay a back fee/fine for getting out of the agreement. Something along the lines of the stipulations stated in the Williamson Act. This could possibly also include those lands/acres that only have access to/or irrigate with surface water. This option offers flexibility - those who choose to pump in the future can do so, but discourages additional groundwater use thus helping the GSP goals overall.

- Another possibility is to have pump owners show a log verifying that the well does not yield, and is not used for, anything more than de minimis use to allow it to be treated as such.
- I realize that meters are not a popular idea, but might that be something that, if per acre foot charges were enacted, people opting out of the per acre fee could use, as an alternate fee structure, so that they are only charged for what they pump?

Furthermore, we are concerned about the West side / dry land landowners being inadequately represented on the GSA Boards. Currently, there is nobody representing the westside / dry land landowners, even though a local landowner offered to represent at the beginning of this process. Over 50% of the Glenn County acreage in the Corning Sub-basin is non-irrigated (source: 8/4 slideshow, slide #17, see chart below). In addition, over 70% of the Tehama County acreage is non-irrigated, without adequate representation. Is this taxation without representation and therefore opening up the possibility for legal challenges?

Water Use Type	Tehama, Acres (% total)	Glenn, Acres (% total)	Total, Acres (% total)
Surface Water, Access	9,416 (5%)	5,650 (3%)	15,066 (7%)
Groundwater, Exclusive	31,580 (15%)	15,897 (8%)	47,477 (23%)
Irrigated, All	40,997 (20%)	21,548 (10%)	62,544 (30%)
Urban & Rural Residential	~6,000 (~3%)	~1,200 (<1%)	~7,200 (~3%)
Non-Irrigated	114,308 (55%)	22,968 (11%)	137,276 (66%)
Total Acreage	161,305 (78%)	45,715 (22%)	207,020 (100%)

In closing, representing 2200 +/- acres, I am not asking anything unreasonable, just proposing a more equitable cost breakdown for irrigated vs. non-irrigated lands. This particular sub-basin is distinctly different from the neighboring sub basins, since the majority of acres are non-irrigated, and non-irrigable. A one size fits all plan does not work here. Thank you for your consideration of this situation and possible solutions.

I am able to supply proof from metered wells as to the yearly less than de minimis usage of water on my property over the last 7 to 15 years.



 Dennis Barkley

Lisa Hunter

From: Jaime Lely <jllely@sbcglobal.net>
Sent: Tuesday, August 31, 2021 1:43 PM
To: Lisa Hunter
Subject: Letter from Mickael Barkley regarding Corning GSA

I have been asked to pass the following on from a local West Side landowner.

Jaime Lely

530.865.4171

From: [Michael J Barkley](#)
Sent: Monday, August 30, 2021 7:26 PM
To: [D Barkley](#)
Subject: Re: SGMA GSA Letter to present to the Board

Another property tax violating Prop. 13?

On top of the increasingly onerous taxes and reporting burdens imposed by the SWRCB on stock ponds?

Our range land ranch barely supports the existing property taxes and you impose more? What tillable we have was relegated to dry farming by the predatory attacks of Reclamation and OUWUA in the Angle Decree which took virtually all water from the 700 square mile basin upstream of Black Butte despite Orland sitting on 25 million acre-feet in the Stony Creek Fan, 6 maf of which is fresh water.

Fairness does not seem to be a factor in land and water behavior by governments in these two counties.

--Michael Barkley, 167 N. Sheridan Ave., Manteca, CA 95336 209/823-4817
mjbarl@inreach.com SBN 122433