

Troubled basins are concentrated in San Joaquin Valley

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In California, 30 percent of total water usage is provided by groundwater, making the Golden State the biggest user of groundwater in the nation, and 43 percent of the state's residents obtain drinking water from aquifers, state water officials say.

In January, the state Department of Water Resources identified 21 groundwater basins and sub-basins from which excessive pumping has resulted in significant overdraft, causing impacts such as seawater intrusion and land subsidence — sinking — as well as chronically lower groundwater levels.

The troubled basins are concentrated in the San Joaquin Valley, stretching from Stockton to south of Bakersfield, although coastal areas near Ventura and Salinas and several other inland areas are also impacted.

The designations follow a National Aeronautics and Space Administration study last summer showing land in the valley sinking by nearly 2 inches per month in some places. A "great majority" of the subsidence is caused by agriculture, DWR director Mark Cowin said at the time.

As the drought gripping California forced more than 2.8 million acres statewide to go without surface water again last year, some water tables didn't hold up against the resulting increased reliance on groundwater pumping. In the Porterville area in the heart of the valley's citrus country, about 1,100 wells went dry last spring, forcing state officials to truck in water for public shower facilities and other domestic uses.

In a videotaped workshop, University of California Cooperative Extension specialist Thomas Harter compared the state's Central Valley to a giant bathtub, with its walls being the Sierra Nevada and coast mountain ranges. Clay, silt, sand and gravel washed into the bathtub over millennia and fresh water from streams, rivers and rainfall soaked into pores and cracks in rocks and accumulated underneath.

In the 1920s and '30s, farmers began pumping groundwater to grow summer crops and it wasn't long before the land started to sink, particularly on the west side of the valley and in the Tulare Lake Basin, he said.

"Land surface levels declined as much as 30 feet during the 20th century," Harter said in the presentation.

As the state and federal water projects made water from rivers available to farmers, underground water began to recover. But in the last 10 years, as surface supplies have declined, farmers have dug deeper wells, causing the surface to begin to subside again, he said.



Courtesy of Calif. Dept. of Water Resources

The Medina well in La Grange, Calif. will be connected to the Lake Don Pedro Community Services District, which requested an emergency water supply grant in early 2015. The grant would allow quick completion of emergency groundwater wells to serve the community of approximately 3,500 in the Coulterville and La Grange areas of Mariposa and Tuolumne counties in the event Lake McClure continues to dry up.

Over the past 20 years, the dominant crops in the valley have changed from annual plantings such as alfalfa to permanent crops, causing more reliance on groundwater, said Pat Minturn, who is on the Northern California Water Association's groundwater committee that's working with state officials on solutions.

"There are a lot more orchards," Minturn said. "When you look at it over 20 years, it's been huge. Most of it has been out of the bottom of the valley. ... Groundwater pumping is really extreme down there."

State intervention

As the crisis intensified, environmentalists lamented that California was the only state in the country not to regulate use of groundwater. The state water board could regulate the waste and unreasonable use of water, including groundwater, but management mostly consisted of voluntary local plans that existed in some watersheds but not others.

At the height of the drought, the Sustainable Groundwater Management Act was passed by the Legislature and signed by Gov. Jerry Brown in the fall of 2014.

Companion bills by Assemblyman Roger Dickinson, D-Sacramento, and Sen. Fran Pavley, D-Agoura Hills, give the State Water Resources Control Board sweeping oversight over groundwater use and empowered local

agencies to regulate extraction from aquifers through "groundwater sustainability plans" while charging fees to implement the new rules.

The three bills require local groundwater management agencies to be set up by mid-2017. Sustainability plans for the 21 critically overdrafted basins must be in place by 2020, while plans for other high- and medium-priority basins must be established by 2022 and sustainability in all high- and medium-priority basins must be achieved by 2040.

In addition, the legislation identifies objectives and milestones for achieving sustainability and enables the state to intervene when local agencies are unable or unwilling to adopt management plans, according to Brown's office.

According to the DWR's maps, the state has designated 127 of California's 515 groundwater basins and sub-basins as high or medium priority. These basins account for 96 percent of the state's annual groundwater pumping and supply 88 percent of the population that resides over groundwater basins.

Implementing the regulations at the local level hasn't been without its political headaches. Some counties throughout the Central Valley sought to be their areas' groundwater agencies but received push-back from local water districts that didn't want to be told what to do.

"It was very controversial," said Minturn, who is also Shasta County's public



Tim Hearnden/Capital Press

works director. "The water agencies have been uneasy with it."

One problem, Minturn said, is that groundwater basins don't align with political boundaries. For instance, Shasta County shares the Fall River Basin — which has been stable for the last 100 years but includes a world famous trout stream — with Lassen County, he said.

What may end up happening, he said, is that multiple groundwater management agencies will be formed in a given basin and they'll come up with one plan.

Such an idea wouldn't run afoul of the regulations, said Lauren Bisnett, a DWR spokeswoman.

"I know there's a handful of proposals for how a groundwater sustainability plan could come together," Bisnett said. "Instead of saying one entity could have its own plan and another could have theirs, they could marry it to make a larger plan."

Ag's concerns

The groundwater regulations were passed despite opposition from some farm groups, including the California Farm Bureau Federation, which complained the bills were developed too hastily and could lead to uncertainties and litigation.

Among the chief concerns is cost, said Jack Rice, a CFBF attorney specializing in water issues.

"This is one of the things that's very interesting for many growers," Rice said. "There has been no water district or no charge for groundwater pumping, other than ... the energy used to pump the water. Groundwater doesn't belong to anyone. There's no district that's bringing it to you."

In many areas, the regulations will cause a new bill to be sent to growers, and it's unclear how much the growers will be charged, Rice said.

Farmers also fear that they'll have to start monitoring their wells and metering their diversions, purchasing devices that in some cases



Tim Hearnden/Capital Press

California Farm Bureau Federation attorney Jack Rice is among agricultural experts and leaders who have expressed concerns about the potential impacts from California's new groundwater regulations, which could force growers to measure or cut back on their well water use.

could cost thousands of dollars, and that forced reductions in pumping will result in production losses, he said.

Rice encourages growers to stay engaged as their local water districts or counties put together plans.

"The concept of ensuring there's groundwater available to farmers is obviously important to agriculture," he said. "Meaning it's available, though, both means it's physically there and also making sure it's legally available and nobody has interfered with your property rights. ... Farm Bureau has taken the position that those both need to be achieved."

Not every agricultural group is complaining, however. The Community Alliance with Family Farmers has contended that better controls will help growers know how much water is in the ground and how it is recharged.

Part of the solution

But while farm groups such as the CFBF, the California Cattlemen's Association and California Citrus Mutual are worried about the regulations' broad scope and specific impacts, some growers are seeking to be part of the solution to the state's water woes.

In Siskiyou County, customers of the Scott Valley Irrigation Permit obtained a permit to divert high winter flows and apply them to alfalfa fields to help with groundwater recharge.

"That's a pretty cool project related to groundwater," Rice said. "I think it's representative of what we need to be doing as part of the groundwater solution."

Meanwhile, the Almond Board of California and the environmental group Sustainable Conservation have teamed to fund new orchard-flooding research on test plots in Merced, Stanislaus and Fresno counties. UC-Davis researchers will determine whether groundwater recharge can take place without negatively impacting orchard health and crop yields.

The almond board has also been recruiting growers to take part in the trials, as

Sustainable Conservation will compile information from growers who are using excess floodwater for groundwater recharge.

The projects follow similar research by the California Water Foundation, which said last fall that flooding the most porous soils could curb groundwater overdraft on the San Joaquin Valley's east side by between 12 and 20 percent each year.

Separately, researchers Anthony O'Geen and Helen Dahlke of the UC's Division of Agriculture and Natural Resources have proposed using some of the state's 3.6 million acres of farms and ranches with suitable topography and soil conditions to recharge aquifers during the winter.

As part of Proposition 1, the \$7.5 billion water bond voters passed in 2014, about \$6.7 million in grants will be made available for groundwater sustainability projects in stressed basins, Bisnett, the DWR's spokeswoman, said.

Cameron, the Helm grower, started flooding his fields in the wet winter of 2011. He applied the water to his pistachio, wine grapes and alfalfa fields as well as some open ground before it went into tomatoes, and he saw no decreases in yields from the crops the following season, he said.

Cameron has since obtained a DWR flood water corridor grant to take excess water from the Kings River, which will prevent flooding of communities and farms downstream. He is building a conveyance system that will eventually carry 500 cubic feet per second to his farm, he said.

He said he's almost finished with the environmental documents needed for the project.

"It's been a long, steady process," he said. "It really does take time, especially when you have different grants involved. Everything has to be documented and done in the order that it needs to be done."

But finding a long-term groundwater solution is worth the effort, considering the farm's water table has declined more than 2 feet a year since 1986, he said.

"We've known for a long time we were using water that wasn't being replaced," Cameron said. "In the long term, we want to continue to farm, and to farm you need water."

"I think if you do it in the right place at the right time, I think you can put a heck of a lot of water underground," he said. "We've got this huge reservoir under our feet that we need to take advantage of. It's right there. It's something we can access fairly easily, and now you've got the motivation of SGMA to correct the groundwater situation. I just don't see how we can pass up an opportunity like this."

'Farmers ... have no ability to recoup those higher labor costs'

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In rural areas, the minimum will increase to \$12.50. Those areas include Malheur, Lake, Harney, Wheeler, Sherman, Gilliam, Wallowa, Grant, Jefferson, Baker, Union, Crook, Klamath, Douglas, Coos, Curry, Umatilla and Morrow counties.

Jenny Dresler, state public policy director for the Oregon Farm Bureau, said the increased minimum wage will cause some farmers to mechanize while others will probably go out of business because they can't compete against growers in other states.

"Farmers are price takers. They have no ability to recoup those higher labor costs,"

Dresler said.

The three-tiered county wage schedule is a "bizarre choice" since many farms operate across county lines, she said. Growers in some areas will now be less competitive than those in their neighboring counties, Dresler said.

Malheur County onion growers say the plan will have a major impact on local packers.

But the 46 farmers, onion processors and small business owners who traveled 400 miles by charter bus to Salem last month to oppose proposals to raise the state's minimum wage prevented the outcome from being worse, participants said.

"As bad as it was, it could have been worse," said Nyssa

farmer Paul Skeen, president of the Malheur County Onion Growers Association, which helped finance the trip along with the Malheur County Potato Growers Association.

Bus trip participants told lawmakers that raising the state's minimum wage would result in agricultural and other businesses moving to neighboring Idaho, which has a \$7.25-an-hour minimum wage.

The governor's original two-tier proposal would have raised the minimum wage to \$15.52 in the Portland area and to \$13.50 in the rest of the state, so the noise made by the Malheur County crew clearly made a difference in the final outcome, said Rep. Cliff

Bentz, R-Ontario, who helped organize the bus trip.

The change to a three-tier system was made as a result "of the loud noise made by the people of Eastern Oregon," he said. "I think it's extremely important that people understand they did have an impact."

The increase in the state's minimum wage will still have a negative effect on Malheur County's agricultural industry, which competes against Idaho farmers and processors just across the border, Skeen said.

While Oregon's final minimum wage plan is somewhat better than the original, "It's just a slower death," he said.

Faced with a much higher minimum wage than their competitors a few hundred

yards away in Idaho, onion processors in Malheur County will do one of two things that will result in fewer Oregon jobs, Skeen said: "They will mechanize or move to Idaho or both. They won't have a choice."

The bus trip did some good, said MCPGA President Rob Wagstaff. But based on the ultimate outcome, "I feel like (legislators are) telling us they don't really care a lot about small businesses here. I'm just frustrated they didn't hear us a little bit better."

The minimum wage increase will also have a major impact on Oregon fruit growers, said Jean Godfrey, executive director of the Columbia Gorge Fruit Growers Associ-

ation, which represents 440 cherry, apple and pear growers.

The group's producers are in an area that will experience the \$13.50 minimum wage rate by 2022.

One fruit grower who penciled out the impact of a \$13.50 minimum wage on his 150-acre orchard calculated it would cost him an additional \$150,000 a year in wages, Godfrey said.

"If you're in retail, you can pass the increased cost on to consumers," Godfrey said. "But we can't do that. We don't set our prices. It seems to me the people in Salem don't understand agriculture and the impact (the increase) has on our industry."

Attorney general has requested a large volume of records from WAFLA

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growers on a state Employment Security Department wage survey will not impact WAFLA's 2016 operations.

The ESD survey is used by DOL to set the adverse

effect wage rate for H-2A workers for the coming year.

At issue is whether WAFLA violated state or federal laws regarding unfair business practices or restraint of trade by advising growers how to answer the survey

that resulted in artificially depressing worker wages. The Washington State Labor Council has said it believes that happened.

In a Feb. 2 briefing paper, ESD says its analysis shows 9 to 12.9 percent of apple

growers, 2.5 to 4.9 percent of pear growers, 1.4 to 3.2 percent of cherry growers and 2.1 to 4.3 percent of grape growers were influenced by WAFLA guidance.

In his letter to members, Fazio says he is confident

the guidance was legal and that WAFLA has retained the Seattle law firm of former state Supreme Court Justice Phil Talmadge and a top anti-trust and agricultural law firm in Wenatchee to represent it.

The attorney general has requested a large volume of records from WAFLA and negotiations over the scope, providing records and analyzing data will last well into the 2016 harvest season, Fazio wrote in the letter.