

Attachment A

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COUNTY OF SANTA BARBARA

July 11, 2023

Re: AB 779 (Wilson) – Groundwater: Adjudication

Dear Assembly Member Wilson:

On behalf of the Santa Barbara County Board of Supervisors, I write in support of Assembly Bill 779 (Wilson) which would require the court to appoint one party to forward all case management orders, judgments, and interlocutory orders to the Department of Water Resources within 10 business days of issuance.

Santa Barbara County supports AB 779—with one critical change noted below—as it seeks to make California’s water adjudication process more transparent, equitable, and in line with the Sustainable Groundwater Management Act (SGMA). Requested change: We request removal of the following phrase which is currently included in the bill’s text: “The bill would apply these provisions only to basins in which a comprehensive adjudication has not been commenced by January 1, 2024.” The adjudication process in the Cuyama Basin commenced in August 2021, yet is still in an early phase of the litigation. Our hope is that critically over drafted basins like Cuyama, that are at the beginning of the adjudication process, will benefit from this legislation, and thus we request removal of the language regarding the January 1, 2024 provision.

The Cuyama Valley is located at the intersection of four counties: Santa Barbara, San Luis Obispo, Kern, and Ventura Counties in a remote high-desert valley about half-way between Santa Maria and Bakersfield. The entire Cuyama Valley is identified as a “disadvantaged community” by the DWR (<https://gis.water.ca.gov/app/dacs/>) (ACS 2016-2020). The Cuyama Groundwater Basin is designated as one of 21 critically over drafted high-priority basins by the Department of Water Resources (DWR), and groundwater is the only source of water in the Cuyama Valley for all water uses. As a critically over drafted basin, the Cuyama Basin Groundwater Sustainability Agency (CBGSA) has been developing its Groundwater Sustainability Plan (GSP) since 2017. The GSP was recently approved by DWR with several required corrective actions.

The two largest pumpers in the Cuyama Valley, Bolthouse Farms and Grimmway Farms, filed for adjudication in August 2021. Both entities also hold seats on the CBGSA. The cost of adjudication can be extremely onerous—particularly financially—to small farmers and de minimis water users who may feel that they have no choice but to participate in the

adjudication process or risk permanently losing their water rights, the lifeblood of existence in the Cuyama Valley. The CBGSA is not a party to the adjudication. Thus, the CBGSA and the adjudication are operating on parallel tracks causing great expense and confusion to local stakeholders.

We support AB 779 as it would increase transparency and equity in the adjudication process, particularly as it “would require the court to consider the water use of small farmers and disadvantaged communities...before entering a judgment.” Further, the bill would require a local GSA governing a basin in adjudication “to arrange for the department to present an information update at a public meeting to explain the adjudication process and the status of the adjudication to water users within the basin and the public.” This provision would be essential in the Cuyama Basin, as the GSA is a public forum where the Cuyama community can learn about, discuss and understand what adjudication might mean for those who actually live and farm here.

As the Committee analysis states, some of this bill’s components are critical to SGMA’s success – particularly in the Cuyama Valley. These provisions are reasonable and necessary and will help to support a transparent and equitable adjudication process, particularly in the Cuyama Valley where the adjudication process is still in an early phase.

We urge you to pass AB 779 with Amendment 2, striking the language that would have the bill only apply to adjudications begun after January 1, 2024 to ensure these provisions have an opportunity to support the Cuyama Basin. For these reasons, the County of Santa Barbara supports AB 779 and urges your ‘aye’ vote on this important measure. Please do not hesitate to reach out with any questions.

Sincerely,

Das Williams
Chair, County Board of Supervisors