

Attachment E



June 26, 2023

Members of the Senate Natural Resources and Water Committee:

The Cuyama Valley Community Association (CVCA) would like to register its support for Assembly Bill 779 (Wilson). The CVCA is a community-led entity that supports education and advocacy on issues concerning the residents and stakeholders in the disadvantaged, low-resourced Cuyama Valley.

We support 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 only just beginning to move through the courts. The process is already proving to have a significant long-term negative effect on the low-income Cuyama Valley community. Our hope is that critically overdrafted 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 overdrafted 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 overdrafted 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. Pumping data reveals that just 3% of pumpers—led by the two entities that have brought the adjudication suit—pump 92% of Cuyama’s groundwater, which has led to the basin’s current overdrafted condition. The remaining 97% of pumpers include 200+ small farmers and de minimis water

users. The cost of adjudication is extremely onerous—particularly financially—to the majority of these small farmers and de minimis water users who 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 Cuyama Basin GSA is not a party to the adjudication as it is a Joint Powers Authority composed of four county jurisdictions, the Cuyama Basin Water District, and the Cuyama Community Services District. 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 the only 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 has barely begun and many landowners have still not been served as defendants nearly two years since the process began.

We urge you to pass AB 779 from the Senate Natural Resources and Water Committee 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.

Sincerely,

CVCA Board

Brenton Kelly, Chair (brenton@quailsprings.org)

Meg Brown, Vice Chair (megbrown44@gmail.com)

Pam Baczuk, Secretary (pambaczuk@fastmail.fm)

Nicole Furstenfeld, Member (nicoletatyay@hotmail.com)

CVCA Adjudication Committee

Roberta Jaffe, Co-Chair (robbiejaffe@gmail.com)

Jake Furstenfeld, Co-Chair (jakefurst@gmail.com)

Lynn Carlisle, Member (lynn@cvfrc.org)



July 5, 2023

Members of the Senate Judiciary Committee:

The Cuyama Valley Community Association (CVCA) would like to register its support for Assembly Bill 560 (Bennett) including the additional amendments submitted by Assemblymember Bennett's office. The CVCA is a community-led organization that supports education and advocacy on issues concerning residents and stakeholders in the disadvantaged, low-resourced Cuyama Valley. The CVCA has been an active partner in the development in the local Cuyama Valley Groundwater Sustainability Plan (CBGSP). Assemblymember Bennett represents the Ventura County portion of the Cuyama Valley.

We support AB 560 as it seeks to make California's water adjudication process more transparent, equitable, and in line with the goals of the Sustainable Groundwater Management Act (SGMA). The adjudication process in the Cuyama Basin commenced in August 2021, yet is only just beginning to move through the courts. The process is already proving to have a significant long-term negative effect on the low-income Cuyama Valley community, especially on small farmers and de minimis users. Even the small local school district is having to commit scarce funds to secure representation in the adjudication suit, or risk losing its water rights. Our hope is that overdrafted basins that are at the beginning of the adjudication process, like Cuyama, will benefit from this legislation, particularly those where the income disparity is significant and low-income residents find themselves in court against well-funded corporate entities. We feel the bill will provide clarity and engagement from experts at DWR and the State Water Resources Board so that outcomes from the dual processes of creating a Groundwater Sustainability Plan through SGMA and adjudication by the courts can provide overall benefit for the groundwater supply and all groundwater users in the Basin.

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 overdrafted 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. 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 after the Cuyama Basin GSP had been submitted to DWR. Both entities also hold seats on the CBGSA. Pumping data reveals that just 3% of pumpers—led by the two entities that have brought the adjudication suit—pump 92% of Cuyama's groundwater, which has led to the basin's current overdrafted condition. The remaining 97% of pumpers include 200+ small farmers, de minimis water users, the three severely disadvantaged Cuyama communities and the local small school district. The cost of adjudication is extremely onerous to the majority of these small farmers and de minimis water users who 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 opposition to this bill states that most GSAs in the state are a party to adjudications, however that is not the case in the Cuyama Valley. The Cuyama Basin GSA does not have groundwater rights since it is a Joint Powers Authority composed of four county jurisdictions, the Cuyama Basin Water District, and the Cuyama Community Services District. Thus, the CBGSA and the adjudication are operating on parallel tracks causing great expense and confusion to local stakeholders. The Cuyama adjudication itself is an effort by the two largest pumpers in the Valley to undermine the SGMA process because they are unhappy with the approved GSP that was developed through a public process in accordance with SGMA. In our experience, in order for SGMA to actually work and for the public to have any faith in the SGMA and adjudication processes, it is critical to include the two State agencies that oversee the SGMA process in reviewing the adjudication judgement, even if it is as a non-binding advisory review.

We believe the bill will provide guidance to the Court on how to align future rulings with the work of local GSAs, work which has cost millions of taxpayer dollars in each basin. In the Cuyama Basin alone, the GSA has incurred more than \$10.4 million in expenses over the past 6 years, with no appreciable reduction in groundwater use to date. This bill makes clear the process of engaging the expertise of SWRCB and DWR in the adjudication process informing the Court of how the GSP and adjudication can provide support to landowners in the Basin. These provisions are reasonable and necessary and will help to support a transparent and equitable adjudication process.

We believe this legislation will benefit the Cuyama Valley community and other—particularly disadvantaged—communities that have diligently created or will create a local GSP, yet subsequently find themselves drawn into an expensive parallel adjudication process initiated by corporations headquartered outside the Basin, an inequitable process that is challenging the capacity of local residents, ranchers and farmers to maintain their constitutionally guaranteed water rights. With respect to the Cuyama Valley, the DWR has been actively engaged with the CBGSA and the community in reviewing our technical data and plans. Their accumulated knowledge will greatly supplement the Court's ability to make decisions that truly benefit the groundwater on which we all depend and protect the water rights of Cuyama Basin landowners.

We urge you to pass AB 560 from the Senate Judiciary Committee with the additional amendments as proposed by Assemblymember Bennett's office.

Sincerely,

CVCA Board

Brenton Kelly, Chair (brenton@quailsprings.org)
Meg Brown, Vice Chair (megbrown44@gmail.com)
Pam Baczuk, Secretary (pambaczuk@fastmail.fm)
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