



May 14, 2014

Via E-Mail

Mr. Keith Wallace
California Department of Water Resources
Division of Integrated Regional Water Management
Financial Assistance Branch
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SUBJECT: COMMENT LETTER ON DRAFT 2014 INTEGRATED REGIONAL
WATER MANAGEMENT DROUGHT GRANT PROGRAM GUIDELINES
AND PROPOSAL SOLICITATION PACKAGE

Dear Mr. Wallace:

This comment letter is provided in response to the California Department of Water Resources (DWR) draft Proposal Solicitation Package (PSP) and draft Guidelines for the 2014 Integrated Regional Water Management (IRWM) Drought Solicitation Implementation Grant Program funded by Proposition 84. Specifically, we would like clarification on the added requirements on the California Statewide Groundwater Elevation Monitoring (CASGEM) program and corrections of the referenced Water Code sections.

The draft PSP and Guidelines released in April 2014 reference CASGEM compliance for high and medium priority groundwater basins as an eligibility requirement for drought grant funding.

It appears that DWR has inaccurately represented California Water Code (CWC) in its summary of CWC Section 10927 and CWC 10933.7 in the solicitation.

The CWC 10933.7(a) text is inserted below:

10933.7. (a) If the department is required to perform groundwater monitoring functions pursuant to Section 10933.5, the county and the entities described in subdivisions (a) to (d), inclusive, of Section 10927 shall not be eligible for a water grant or loan awarded or administered by the state.

CWC 10927 (a) through (d) text is inserted below:

10927. Any of the following entities may assume responsibility for monitoring and reporting groundwater elevations in all or a part of a basin or subbasin in accordance with this part:

(a) A watermaster or water management engineer appointed by a court or pursuant to statute to administer a final judgment determining rights to groundwater.

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(b) (1) A groundwater management agency with statutory authority to manage groundwater pursuant to its principal act that is monitoring groundwater elevations in all or a part of a groundwater basin or subbasin on or before January 1, 2010.

(2) A water replenishment district established pursuant to Division 18 (commencing with Section 60000). This part does not expand or otherwise affect the authority of a water replenishment district relating to monitoring groundwater elevations.

(c) A local agency that is managing all or part of a groundwater basin or subbasin pursuant to Part 2.75 (commencing with Section 10750) and that was monitoring groundwater elevations in all or a part of a groundwater basin or subbasin on or before January 1, 2010, or a local agency or county that is managing all or part of a groundwater basin or subbasin pursuant to any other legally enforceable groundwater management plan with provisions that are substantively similar to those described in that part and that was monitoring groundwater elevations in all or a part of a groundwater basin or subbasin on or before January 1, 2010.

(d) A local agency that is managing all or part of a groundwater basin or subbasin pursuant to an integrated regional water management plan prepared pursuant to Part 2.2 (commencing with Section 10530) that includes a groundwater management component that complies with the requirements of Section 10753.7.

In contrast, the PSP states the following with regard to CASGEM requirements and grant eligibility:

For the high and medium priority basins that do not have a CASGEM monitoring entity, the grant applicant and project proponent that match the list of potential monitoring entities identified in CWC §10927, along with the counties whose jurisdictions include unmonitored high and medium priority basins, will not be eligible to receive 2014 IRWM Drought grant funding (CWC §10933.7(a)).

The PSP expands the list of entities that can be excluded from state grant funds to those listed in 10927 (a) through (g), versus the reference in CWC 10933.7(a) which includes the county and entities listed in (a) through (d), inclusive. We are requesting this discrepancy be corrected and clarified, as we are not one of the entities listed in 10927 (a) through (d).

When asked during our region meeting, DWR staff declined to confirm our eligibility for these grant funds.

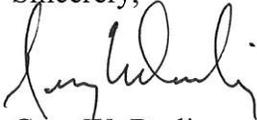
In addition, CWC 10933.7(a) makes eligibility for water grants or loans conditioned upon DWR determining that it must perform groundwater monitoring pursuant to Section 10933.5 and notifying the entities listed under 10933.5 (b) (1)-(2) that it is forming the groundwater monitoring district. We are not aware of any such notification occurring in Contra Costa County to either the County or well owners in the affected area(s).

We understand the importance of groundwater elevation monitoring for entities who withdraw water from or manage these groundwater sources, but we disagree with any expansion of California Water Code to potentially exclude eligible entities from pursuing or receiving state grant funds under this drought solicitation. Please revise this reference in both the PSP (page 18) and Guidelines (page 14) to accurately reflect the CWC.

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Addressing the significant impacts of California's drought will require the cooperation and collaboration of state and local agencies, businesses, farmers, and other members of the public. Providing grant funds to help drought relief projects move forward is a critical part of this collaboration. We request that DWR incorporate these comment and revise the PSP and Guidelines to accurately reflect the applicable codes, and to create an expedited solicitation round to help local agencies immediately implement necessary drought relief projects. Thank you for considering these comments.

Sincerely,



Gary W. Darling
General Manager

JS/GWD:dcj

cc: District File CORP.01-CORRES
Chron File