

1-1-2017

Clalifornai Groundwater Management, Presented by: Alison Divine, Community Legal Information Center, California State University, Chico.

Matthew Kilby

Follow this and additional works at: <https://digitalcommons.du.edu/wlr>



Part of the [Law Commons](#)

Custom Citation

Matthew Kilby, Conference Report, Clalifornai Groundwater Management, Presented by: Alison Divine, Community Legal Information Center, California State University, Chico., 20 U. Denv. Water L. Rev. 435 (2017).

This Conference Report is brought to you for free and open access by the University of Denver Sturm College of Law at Digital Commons @ DU. It has been accepted for inclusion in Water Law Review by an authorized editor of Digital Commons @ DU. For more information, please contact jennifer.cox@du.edu, dig-commons@du.edu.

Clalifornai Groundwater Management, Presented by: Alison Divine, Community
Legal Information Center, California State University, Chico.

WESTERN WATER AND LIVESTOCK PRODUCTION: A DESTRUCTIVE PAST AND UNSUSTAINABLE FUTURE, PRESENTED BY: JOSH OSHER, WESTERN WATERSHEDS PROJECT; GEORGE WUERTHNER, PUBLIC LANDS MEDIA; JULIA DEGRAW, FOOD & WATER WATCH.

This panel discussed the destructive impacts of large-scale cattle operations on landscapes and ecosystems. The panel focused on cattle grazing and industrial farming as some of the lead causes of environmental destruction in the American West.

Josh Osher spoke about the widespread damages cattle grazing. Not only does cattle grazing affect more than two hundred million acres of land in the American West, but it has also damaged eighty percent of streams and riparian areas in the region. Osher contended that the only way to prevent further degradation of western ecosystems through cattle grazing is to remove the cattle from the land. Once cattle are removed, he argued, lands have shown a surprising resilience and ability to rebound from substantial degradation.

George Wuerthner discussed how legislators and government agencies have failed to combat the cattle industry. Wuerthner highlighted this failure by exploring the Clean Water Act's exception that allows industrial agricultural producers to operate without obtaining discharge permits, despite the fact that cattle in Montana produce waste equivalent to a human population of 100 million. Wuerthner also discussed the disproportionate access the industry has to water. In Nevada for example, the cattle industry only provides some 25,000 jobs but it may take up to eighty-five percent of the state's water. Wuerthner concluded his segment by imploring the attendees to fight this inequity by eating more fruit and vegetables.

Last, Julia DeGraw presented on how important it is for society to shift how we use water. To highlight this importance, DeGraw explored two mega-dairy farms, one in operation and the other slated for future operation, near Boardman, Oregon. The groundwater underneath Boardman has long been in decline, yet the combined dairy farms could withdraw an estimated 1.4 million gallons of water a day to support 100,000 cattle. This would not only severely affect local hydrologic conditions, but it would also reduce local air and water quality. DeGraw argued that the cost of beef does not internalize its environmental destruction.

CALIFORNIA GROUNDWATER MANAGEMENT, PRESENTED BY: ALISON DIVINE, COMMUNITY LEGAL INFORMATION CENTER, CALIFORNIA STATE UNIVERSITY, CHICO.

Alison Divine discussed how the California Sustainable Groundwater Management Act of 2014 ("SGMA") has impacted the state. Divine first discussed the history of groundwater management in California, then the general functions of SGMA, and finally how SGMA has developed during its infancy.

California's groundwater system is expansive. Seventy-five percent of Californians depend on groundwater, in some part, for their primary water supply. The state recognizes two types of groundwater: subterranean streams, which consist of groundwater flowing in a known and definite channel; and percolating groundwater, which a California court once eloquently described as "vagrant wandering drops [of water] moving by gravity in any and every direction along

the line of least resistance.” From 1850 until 1903, California landowners possessed absolute ownership of the groundwater under their land. After 1903, California adopted a correlative rights system for groundwater use. Until 2014, California only regulated its groundwater through local agencies, groundwater ordinances, and basin adjudications.

SGMA is California’s first statewide groundwater management act, and it provides a long-term framework for sustainable management in California by requiring the establishment of Groundwater Sustainability Agencies (“GSAs”) in each county by June 30, 2017. GSAs may be formed in a variety of ways, including: (1) as local public agencies; (2) as a public water agency, county, or municipality; and (3) through a Joint Powers Agreement (“JPA”) or Memorandum of Agreement (“MOA”) between multiple agencies. Each GSA has wide authority to manage the sub-basin(s) on which it sits. GSAs may regulate groundwater well registration, measurements of groundwater extraction and metering, filing of annual reports, well spacing, and basin boundaries. GSAs may also establish sub-basins, limit groundwater extraction, and establish recharge, conjunctive management, or pumping reduction programs. However, to manage sub-basins and basins, GSAs must submit a Groundwater Sustainability Plan (“GSP”), which must include a description of the aquifer, historical data, a discussion of historical and projected water demand and supplies, a detailed map of the basin’s boundaries, and a map identifying existing and potential recharge areas.

Divine discussed how eleven counties in the Sacramento River Hydrologic Region had adapted to SGMA’s requirements by March 2017. For several of these counties, jurisdictional challenges have inhibited progress. With so many applications, it may be hard for these counties to come to a consensus on which GSAs to select. At the same time, however, two counties have received no GSA applications, and another has only received one. Without having a defined GSA before June 30, 2017, several counties will not be able to submit a GSP. Yet, other counties in the region have had more progress. Butte County, Tehama County, and Colusa County have all experienced higher levels of success in preparing for SGMA’s early deadlines. These counties provide an example of what effective, long-term, and local management of groundwater may look like in California.

THE CITIZENS OF ROCKAWAY BEACH, OREGON—HOW ONE
COMMUNITY STARTED TO FIGHT FOR THEIR DRINKING WATER, AND
ENDED UP FIGHTING FOR US ALL, PRESENTED BY: NANCY WEBSTER,
CITIZENS FOR ROCKAWAY BEACH WATERSHED PROTECTION; KATE
TAYLOR, FRIGATE ADVENTURE TRAVEL; STEVE PERRY, CITIZENS FOR
ROCKAWAY BEACH WATERSHED PROTECTION; JASON GONZALES,
OREGON WILD.

This panel featured citizens of Rockaway Beach, Oregon who experienced the destruction of their local watersheds by clearcutting. The panelists spoke about their experiences throughout the clearcutting process, including their frustrations with inaction from both local and state governments.

Rockaway Beach, a small town on the northern Oregon coast, relies on Jetty Creek for its freshwater supply. One panelist described the creek as “a