



Westlands Water District

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October 20, 2022

SENT BY ELECTRONIC MAIL

Wade Crowfoot, Secretary
Natural Resources Agency
1416 9th Street
Sacramento, CA 95814
Wade.Crowfoot@Resources.Ca.Gov

Re: Executive Order N-7-22: Request for Proposed Activities to be Conducted Under Suspension

Dear Secretary Crowfoot,

On behalf of Westlands Water District (“District”), I write to respectfully request that you determine, pursuant to paragraph 5 of Executive Order N-7-22 (March 28, 2022), the activities described below are eligible to be conducted by the District under the suspension of Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division (“CEQA”), and Chapter 3 (commencing with section 85225) of Part 3 of Division 35 of the Water Code and regulations adopted pursuant thereto (“Paragraph 5 Suspension”). The activities described below are similar to those activities previously described to you in an April 14, 2022, letter and which you determined on April 19, 2022, were eligible to be conducted by the District under the Paragraph 5 Suspension.

The District serves as the Groundwater Sustainability Agency (“GSA”) for the Westside Subbasin of the San Joaquin Valley Groundwater Basin (Subbasin No. 5-22.09) (“Westside Subbasin”), which, on July 19, 2016, the California Department of Water Resources designated as a high-priority basin experiencing critical overdraft. Since adopting the Westside Subbasin Groundwater Sustainability Plan (“GSP”) on January 8, 2020, the District has been taking actions to avoid undesirable results and to support sustainable management of the Westside Subbasin by 2040. Consistent with its GSP¹ and those objectives, on September 20, 2022, the District’s Board of

¹ Specifically, the acquisition is intended to further the GSP, Project and Management Actions, Project No. 4. As explained in the GSP:

Directors authorized the District to acquire approximately 158 acres of land owned by the Emily Jane Rosenberg Trust – see attached map (“Rosenberg Property”). Upon acquisition of the 158 acres, the District intends to permanently fallow the subject lands. Consistent with its prior acquisition of lands in the District, as long as the lands are owned by District, the lands would not be irrigated, and, if the lands are subsequently sold, the District would: (1) impose a non-irrigation covenant, and (2) sever from the lands the right to an allocation of District water supplies and overlying groundwater rights. The District does not presently have any plan to resell the 158 acres. A condition precedent to the acquisition of Rosenberg Property is either: (a) you determining the acquisition is eligible to be conducted under the Paragraph 5 Suspension, or (b) compliance with CEQA.

Of the 158 acres of lands that comprise the Rosenberg Property, approximately 148 acres are planted in almond trees. The Rosenberg Property has been irrigated with water pumped by one deep well, 2,000 feet deep with a 700 horse-power electric motor that is capable of pumping 2,200 gallons of water per minute, pursuant to a lease with Brooks Farms, the acquisition of which was the subject of the District’s April 14, 2022, request. During years in which the District receives a low allocation of Central Valley Project water, groundwater pumped by this well is a primary source of water to irrigate these lands, all of which overlie the Westside Subbasin and are either in or immediately adjacent to an area considered “subsidence prone”. Following acquisition, the District will suspend all pumping from this well.

Subject to the condition precedent referenced above, the authorization and direction provided by the District’s Board of Directors is to acquire the Rosenberg Property:

1. Including: (a) the right to apply for and receive an allocation of Central Valley Project surface water from the District, and (b) the overlying right to pump groundwater, and,
2. To remove the almond trees and permanently fallow the lands.

The action authorized by the Board of Directors was approved specifically to reduce demands for surface and groundwater, with the intended results of providing “in-lieu recharge” of the Westside Subbasin, and thus supporting efficient use of water, preserving water supplies, and addressing impacts of drought. Without the Paragraph 5 Suspension, the District would have to ensure CEQA compliance (estimated at a minimum of 6 months) prior to deciding whether to acquire Rosenberg Property. A determination that the acquisition falls within the Paragraph 5 Suspension should facilitate the District’s acquisition of the Rosenberg Property before significant investment is made

Land subsidence near Checks 16, 17 and 20 of the San Luis Canal/California Aqueduct during the 2013-2016 drought highlighted the necessity to develop a mechanism for the GSA to reduce groundwater pumping to avoid or mitigate undesirable results. With respect to the San Luis Canal at Checks 16, 17, and 20, any amount of additional land subsidence, according to DWR operations staff (DWR personal communication, 2018), will significantly and adversely impact the ability for the USBR and DWR to convey water without implementing new design and construction measures to mitigate the impacts to aqueduct operations from subsidence. Accordingly, the GSA has developed a process to require groundwater pumping reductions in portions of the Subbasin and when necessary to immediately and directly relieve the groundwater pumping stress when continued pumping would produce significant undesirable results.

for next year's planting season. It is for these reasons the District respectfully requests that you determine the acquisition of Rosenberg Property is eligible to be conducted under the Paragraph 5 Suspension.

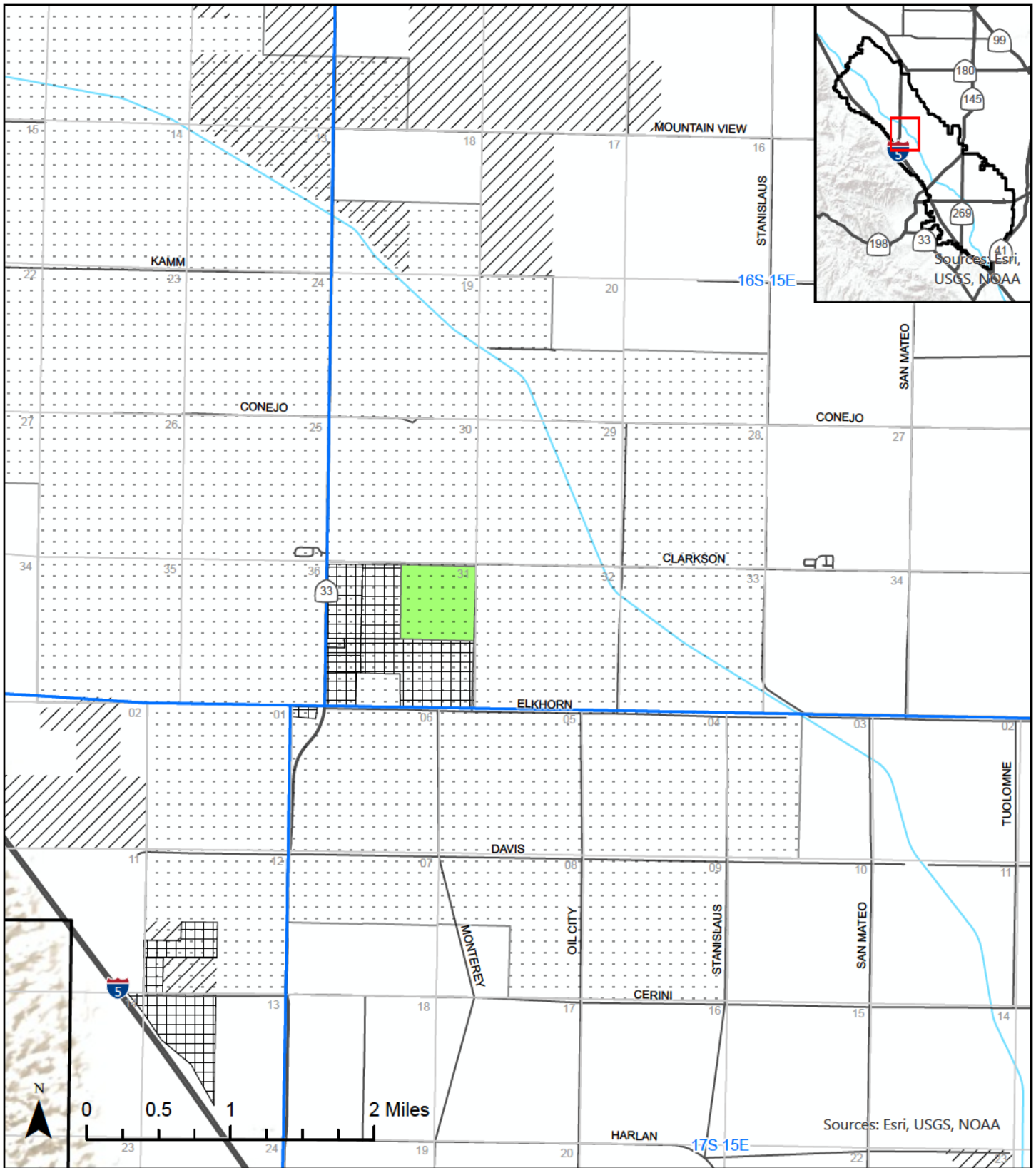
Thank you for your consideration of this request.






Sincerely,



Jon D. Rubin
Assistant General Manager & General Counsel

cc: Karla Namath (by electronic mail)
Nancy Vogel (by electronic mail)
Tom Gibson (by electronic mail)



-  Westlands Boundary
-  Subsidence Prone Areas
-  District Owned Lands
-  Proposed Land Purchase (APN 032-221-02)
-  National Resource Agency Reviewed/Approved (Brooks)

Rosenburg Proposed Land Purchase



WESTLANDS WATER DISTRICT
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