Westlands Water District
3130 N. Fresno Street, P.O. Box 6056, Fresno, California 93703-6056, (559) 224-1523, FAX: (559) 241-6277

May 1, 2023

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 activity described below is similar to the activities previously described to you and for which you determined were eligible to be conducted by the District under the Paragraph 5 Suspension.

As you are aware, 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. On July 19, 2022, the District's Board of Directors authorized the District to solicit from landowners offers to sell lands overlying the Westside Subbasin to the District. Consistent with its GSP[1] and the objectives of avoiding undesirable results and supporting

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

sustainable management, on April 18, 2023, the District's Board of Directors conditionally authorized the District to acquire 843.52 acres. The coordinates for the property are: W½ of the NW¼ and SW¼, Section 18, T.15S., R.14E., M.D.B.&M., W ½ Section, 31, T.15S., R.14E., M.D.B.&M., NW¼ and SE¼ Quarter Sections, 8, T.16S., R.14E., M.D.B.&M., as shown on the attached map and collectively referred to herein as the "Coburn Property". Of the 843.52 acres, approximately 626.58 acres are planted to almonds and 216.94 acres are planted to wine grapes. The land is in Fresno County, within the area the District has defined as subsidence prone (Subsidence Prone Area or SPA). Lands located in Section, 18, T.15S., R.14E., M.D.B.&M., are drainage impaired. There is a 350-horsepower groundwater well in the SW¼ Section 18, T.15S., R.14E., M.D.B.&M., and a 500-horsepower groundwater well in the NW¼ 31, T.15S., R.14E., M.D.B.&M. A condition precedent to the acquisition of the Coburn Property is you determining the acquisition is eligible to be conducted under the Paragraph 5 Suspension. If that condition is not met, the District will need to comply with CEQA prior to deciding whether to move forward with the acquisition.

Upon acquisition, if that were to occur, the District intends to permanently fallow the Coburn Property. 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 (wells would no longer be available to irrigate the Coburn Property). The District does not presently have any plan to resell the Coburn Property. Consistent with that intent, subject in part to your determination that the activities described in this letter are eligible to proceed under paragraph 5 of Executive Order N-7-22, the authorization and direction provided by the District's Board of Directors is to acquire the lands:

1. Including: (a) the right to apply for and receive an allocation of Central Valley Project and supplemental surface water from the District, and (b) the overlying right to pump groundwater, and

2. To remove the almond trees and grape vines and permanently fallow all of the lands.

The action authorized by the Board of Directors was approved specifically to reduce demands for surface and groundwater, and thus supporting efficient use of water, preserving water supplies, and addressing impacts of the recent drought. It is for these reasons the District respectively

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> 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.

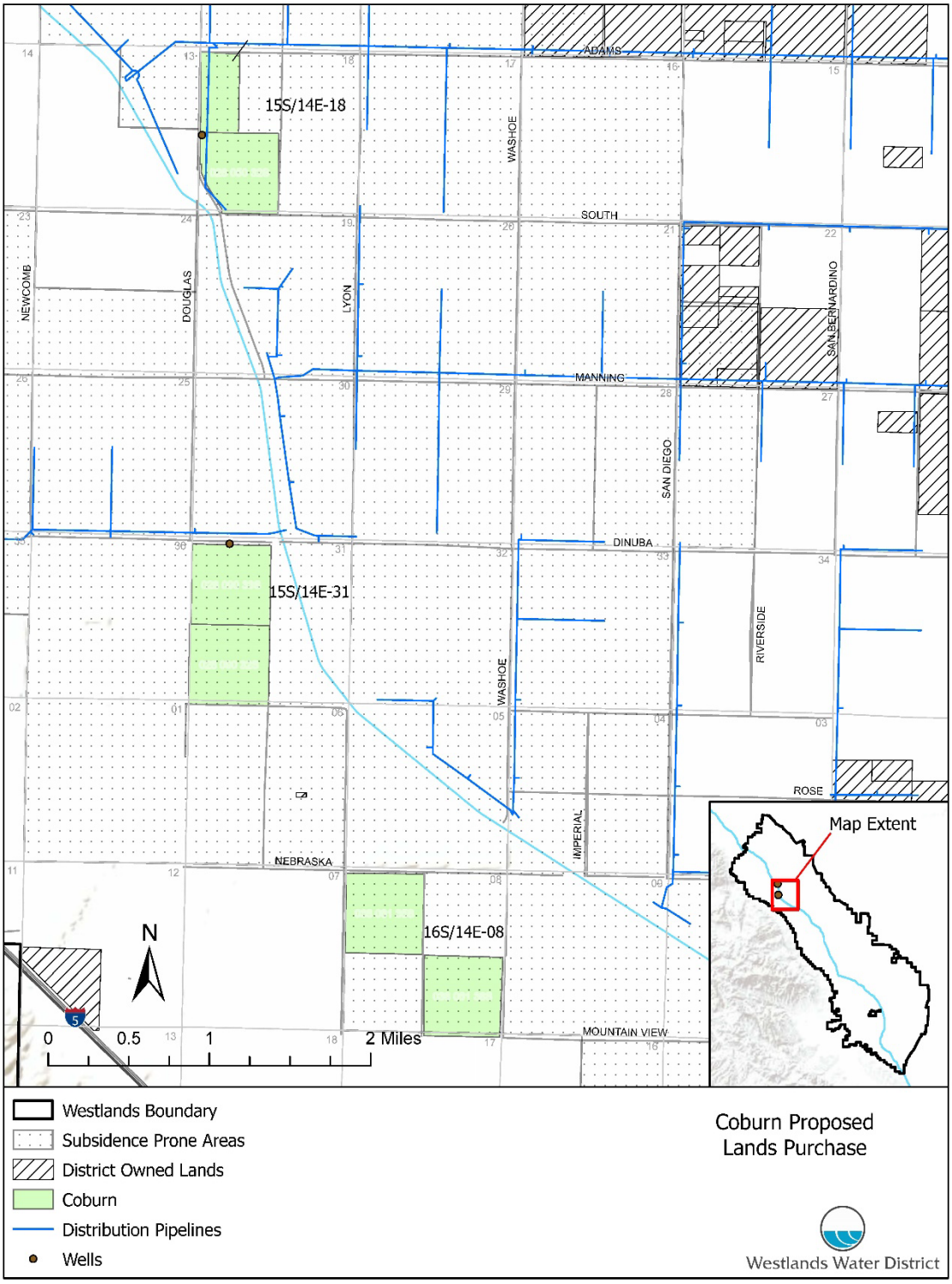
GSP, at p. 4-23. The Coburn Property is near Checks 16 and 17.

requests that you determine the acquisition of the Coburn 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)

Map of the Coburn Property