

- Better definitions are needed in the plan in regards to:
  - Sub-divisions
  - Shared wells
  
- Please review the section for the new recommendations in regards to Shared Wells. According to Ken Schmidt, his five year old plan is out of date and the County has a new Well Ordinance. Please refer to the new Well Ordinance when discussing shared wells.
  
- There needs to be a recommendation (I know this is also in relation to the Climate Control section that will be there at some point) that discusses the need for or the "recommendation" for stock ponds, ponding basins, or recharge ponds on individual properties in the foothills.
  
- Please review the section in Chapter 9 page 18: 9.2.1.5 Water Supply. It suggests only "surface water" as a solution to the issue. This needs to be expanded on because that is not the only solution to review. There are many others to be looked into (though some may not be popular) such as: no more development in some areas, or make a proposed development smaller, or pull from other ground water sources, etc.

Respectfully Submitted,



Jeannie Habben  
Chowchilla/Fresno Watershed

**Philip R. Pierre**  
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**Date:** March 10, 2008

**To:** Greg Furley

**From:** Phil Pierre

**FAX:** 559-678-7639

**Subject:** Draft Madera County IRWMP

Greg, overall I am pleased with document. It is a good beginning in the planning process to ensure we have a reliable and safe water supply in the future. So far I have found a couple of inconsistencies.

- 1) Water Quality: Page ES-13, Arsenic is listed as a "contaminant of concern" for the Foothills and Mountains, however is not listed as one for the Valley Floor. Figure 6-1 identifies Arsenic as a "contaminant of concern" for the Valley Floor from data points provided in Table 6-2
- 2) Overdraft: Figure ES-6 shows SOUTHEAST UNDISTRICTED AREA 22,000AF/YR. Ken Schmidt's study identified 22,000 for Southeastern Madera County, including 3,400 within Root Creek Water District.

Thanks for your staff's hard work and for the opportunity to participate.



Cc: Ken Swanson 559-449-8233  
Ken Schmidt 559-221-2660

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Swanson, Ken

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From: Hemlock Green Government (DDG@sg.net)  
Sent: Wednesday, March 12, 2008 4:57 PM  
To: Greg Farley; Ken Swanson  
Cc: Rayburn Beach, Gerald C James  
Subject: IRWMP Comments

Greg

Please consider these my comments or at least the first of my comments

IRWMP Comment

Before the IRWMP endorses and vigorously supports the water bank system I think it would be prudent to at least know the rules that will apply, and if the water will be exported out of the County.

The IRWMP's statements about lot sizes are not based in any verifiable data and should be removed.

The water usage documentation makes no provision for water being returned to the ground via septic systems in foothill and mountain areas.

Even using the IRWMP numbers that do not take into account that most of the water used in the Mountains is returned directly to the ground. If all residential users were to have a 25% reduction in water use it would save less than one percent of the water being used in this county

There is little doubt that without a change in direction the valley aquifer is going to run out of water, yet agricultural conservation is barely addressed.

Decorative Landscaping and Lawns are also ignored.

Potential Water exports are not addressed.

The IRWMP is a study that is far from complete, that has come up with a scattering of recommendations that do not seem to be based on the study data and in no way resemble a plan for anything let alone water management.

What we have created is a "Integrated Regional justification for water regulations and future plans."

At every meeting there is talk of a living document yet there are no provisions or writing for anything but leaving it approved or adopted.

How about adding some kind of a plan for any annual updates or modifications. If it is to be a living document I want to know how often it will come up for air. Something more concrete that the ambiguous recommendations the General plan has for updates that are being ignored by this County

How about naming the County Water Advisory Commission to be the body to review and recommend changes in the Board of Supervisors

It has been said that the IRWMP was to become a part of the General Plan yet I can't find it in the wrong format to make the even a possibility.

3/5/2008



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esth. net  
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To: Greg Farley Madera County Engineering Dept.  
From: Dale Drozen  
Date: March 20, 2008  
Re: IRWMP Comments

Dear Mr. Farley:

Please include these comments with the completed document along with the comments I submitted to you via email last week.

IRWMP process:

The IRWMP in my opinion is not a water management plan.

It is a very cursory study with sporadic conclusions and assumptions that in many cases are not supported by facts assembled and discussed during the study. Shared wells were discussed and recommended by the hydrologist doing the study yet the "Plan" recommends not allowing shared wells.

During the last three comment meetings it became very clear that there was a disconnect / lack of communication between the citizen stakeholders that participated in the study, Ken Schmidt, and Boyle Engineering the firm that developed the plan / report.

Population increase numbers appear to have been inflated beyond those calculated by any government agency other than Madera County Planning itself.

Future water requirements projected to be needed by the inflated number of new residents are calculated without regard for (according the hydrologist) 70% of the water shown as used is actually being returned to the ground via septic systems in the mountain areas.

Each and every hard rock well drilled creates a connection between every fracture it passes through yet no further studies are recommended to learn what effect this will have on our fractured rock water system, or the increase in potential for wide spread contamination.

It is becoming obvious that Madera County intends to push the report / plan through without regard for the accuracy or completeness of the document. We the Stakeholder / participants have been assured many times that this will be a living document, continually being updated and improved. To that end I ask that a system of governance be created to serve that purpose. I suggest that The Madera County Water Advisory Commission be assigned that duty with instructions to gather public input and make recommendations to the Board of Supervisors as needed.

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### Terminology:

The report recommends actions and guidelines based on legal terminology that has no place in the determination. Example, The IRWMP uses the creation of a subdivision as a trigger point for certain requirements and/or tests.

A subdivision is the creation of five or more parcels. If I split a 500 acre parcel into 5 - 100 acre parcels I would have the same restrictions as a subdivision splitting 10 acres into 5 - 2.5 acre parcels that could have two dwellings on each one of them.

Trigger points should be based on density of development or spacing as it is developed without regard for legal parcel definitions or creations.

### Conservation / regulation:

Agriculture accounts for 97% of the water use yet the report glosses over issues of agricultural conservations or limitations.

There is very little doubt that the continuing and progressive overdraft of the Madera County aquifer is causing subsidence in areas of the valley.

Subsidence is the collapse and irreversible loss of portions of the San Joaquin Valley aquifer. Were this anybody other than the sacred cow of agriculture this practice would have been halted years ago.

The IRWMP should strongly recommend that an immediate regulation of groundwater pumping from the Madera County aquifer to a level that halts the overdraft and allows the aquifer to recharge to prevent further damage.

Southern Nevadans consumed 15 billion gallons less water in 2007 than in 2002, despite the addition of 400,000 residents during that span and more than 40 million annual visitors in 2007.

Rather than trying to reinventing the wheel it might be advantageous to look at other jurisdictions that have been successful.

The IRWMP recommends consolidations of water & sewer districts and in at least one instance acquisition of a privately operated district. If Madera County has shown us nothing else it is that special districts should not be operated by the government. The IRWMP should strongly recommend the privatization of all special districts within the county.



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## **IRWMP Comments – Elissa Brown, 2/26/08**

### **General Comments:**

In general, it would easier to read this if it had regular line spacing, not double or 1.5 spacing as it now has. It would also make it shorter.

The chapters dealing with specific studies areas (Flood Control Planning, etc.) need to be formatted so that it is clear which elements are descriptive, which identify problems, and which pose recommendations. This should be done for Chapters 3 through 8. One suggestion is to do descriptions in black ink, identify problems in red ink and make recommendations in blue ink. Another would be to reformat so that recommendations can be put in margins or otherwise identifiable by indentation. (If all of the recommendations in the earlier chapters were put into Chapter 9, with reference to their original discussion, this would not be necessary, however there are numerous minor recommendations that are not currently in Chapter 9.) This will be important for our ability to use the Plan to support future grant applications.

Specific Chapters (your existing text is in black, comments or corrections are in red.)

### **Chapter 7**

- Pg 7-2, next to the last line: Most project levees are maintained by local agencies such as reclamation and levee districts and the Madera County FCWCA.
- Pg. 7-7, Section 7.1.3.4 is not specific enough. You note that the FCWCA does not have sufficient funding and staff to adequately address flood control planning and maintenance requirements, but you don't say why. What are the current sources of funds? What are the planning and maintenance requirements? Later on in Chapter 8 you make recommendations about increasing the funding to the FCWCA. You should either repeat those here or refer to them.
- Page 7-12, 7.2.2.2, second sentence: Natural obstructions to flood flow include brush, reeds and other vegetation...
- Page 7-16, 3<sup>rd</sup> sentence - ...to implement flood control planning projects and would make the County ineligible for FEMA rehabilitation assistance under Public Law 84-99. This assistance includes disaster preparedness, advance measures, emergency operations (disaster response and post flood response), rehabilitation of flood control works threatened or destroyed by flood, emergency dredging, and flood related rescue operations. In addition, the flood hazard area adjacent to the levees may be re-zoned by FEMA to a higher risk category. This means that flood insurance rates will go up for property owners in that area.
- Page 7-16, 7.3.1, 3<sup>rd</sup> sentence - ...is considered to be a maintenance activity, though the County disputes this.
- Page 7-17 first line. Because the plant is so invasive...
- Page 7-17, 7.3.2 – In conjunction with the eradication of Arundo, the County has received a countywide permit.... This will allow the County to alter...
- Page 7-17, 7.3.3 – The first sentence – It is reported that some of the levees are in poor shape and badly in need of repair. – is too vague. We have good information on which levees are considered inadequate and why. This should be reported in the plan. The next



sentence – The County needs to restore these levees. – is also too vague. We have a specific list of actions that need to be taken in order to prevent desertification. That should be outlined in the Plan.

#### Chapter 8

- Pages 8-3 and 8-4, the numbers of the projects in Table 8-1 should correspond to the subsequent section describing them, or at least referenced. It should be possible to go right from the chart to the description.
- 8.1.1.3 – I'm not sure it is appropriate to include such detailed information about the Madera Water Bank in this document. It is way out of proportion with the amount of information provided about other projects. Perhaps you could make this part of Volume 2.
- 8.1.1.4 – Could you include the Downtown Fresno River Project in this section on joint Cities and Water Agency Recharge and Regulating Reservoirs? It is more appropriate here than in 8.1.3.2.2 since it is more of a recharge project than a flood control project.
- Page 8-41 – last paragraph – please indicate the elevation of the Eastman Reservoir so it is clear whether you will require pumping to pipe the water 5 miles to Raymond.
- Page 8-43, first bullet – What fuel break are you referring to? Where? When was it constructed?
- Page 8-45. What Aquifer project? Where was it constructed? When?
- Page 8-56, paragraph 2 ...is not considered in this estimation. In many cases the flow will be into existing rivers and streams which already have conveyance infrastructure associated with them, so costs may not be an issue or may only involve expansion of existing infrastructure. Costs components must be developed...
- Page 8-56, last bullet point. Insert the same sentence before Infrastructure will have to be...
- Page 8-58, first bullet: Implementation of the existing groundwater management plans? water quality protection elements. You need to be more specific here. Which groundwater management plans? What are their water quality protection elements? Even if you don't list them here, they should be somewhere in the plan, and you should refer to that section.
- Page 8-59 – 8.3.1.2...it is recommended that a feasibility study be conducted for sewerage these areas. You should identify the areas of high density and environmental sensitivity (i.e., near to streams and rivers) that would be the highest priority for this type of feasibility study. Ask Jill Yaeger, director of Environmental Health. She should be able to give them to you.
- Page 8-62. 8.4.1 The County could... "Could" is not a very good word to use in a plan. "Should" is better. If it would be appropriate to enact these policies only under certain circumstances, you should state the circumstances.
- Page 8-63. Next to last sentence: ...or by transfer of water into the County, or by reducing evapotranspiration through vegetation management.

General note on Vegetation Management – the original grant included funds for a Water Rights attorney to comment on the issues regarding the rights to water produced by vegetation management. This is not mentioned in your plan. What did you use the attorney funding for?

## Chapter 9:

- Page 9-21. The recommendation for the County to support the development of the Madera Water Bank is very enthusiastic, which concerns me because I know that Boyle is a consultant with MID. I think there may be a potential conflict of interest here. There is no recommendation, such as on Page 9-22, that the County should evaluate the benefits and costs of water from this supply, or perform any other analysis. It may be the case that all the analysis has been done, but I would rather hear a neutral party's opinion on this.
- There should be a specific recommendation that the County participate in the development of a Valley-wide recharge plan along with the other jurisdictions and water districts. This is in Section 9.2.2.5 as a Flood Control project, but it should be in the Water Supply section as well.
- Page 9-27, 9.2.2.5, first sentence...that deficiencies exist on the Chowehilla River, Ash and Berenda Sloughs.

## IRWM Comments: Elissa Brown, 3/5/08

### 1.1 Purpose of Plan

This report presents the Integrated Regional Water Management Plan (IRWMP or Plan) of the County of Mendocino (County). This is the work product of the AB 303 and Proposition 50 Study Grants received from the Department of Water Resources (DWR). Completion of a source plan will make the County eligible for Proposition 84 grants to implement projects and programs identified in the IRWMP, will assist the County in meeting the goals and objectives identified in the AB 3030 Groundwater Management Plan for Mendocino County (Todd Engwiler, 2002a), and will allow the County to better manage its water resources for the benefit of its residents, its environment, and the State of California. This Plan has been developed based on the water quantity and quality data gathered and through a collaborative process involving numerous stakeholders throughout the County.

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The County is located in the geographic center of California in the Central San Joaquin Valley as shown in Figure 1-1. It covers approximately 2,147 square miles (1.7 million acres). It is rich in natural resources with mountains, lakes and rivers, forests, grasslands, and rich valley soil that supports a variety of crops. It also has a rapidly growing population and an expanding economy.

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The County has historically relied heavily on groundwater to support its domestic water needs and a large portion of the agricultural water needs. This continued reliance has reduced usable groundwater supplies. DWR has identified the Mendocino and Chowchilla basins to be in a critical condition of overdraft. This situation is exacerbated by current water use and flood control practices in the County. With the increased pace of urban development in the County, the overdraft problem will worsen over time if not addressed. Consequently, there is a need to take comprehensive regional measures to ensure water supply reliability and quality. Flood prevention in the County is also an issue that needs to be addressed. Subsequent sections of this Plan document the collective approach of the County and its stakeholders to water management in the County through 2030.

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Comment: (b) (1) Why only through 2030? The plan will probably outlive 2030. It is possible that it will be necessary to create a corresponding future plan to deal with any other 2030 issues.

### 1.3.2 Evaluating and Increasing Water Supplies

The specific objectives of this task are to:

- Assess viable alternatives for obtaining and acquiring new sources of water for Mendocino County.
- Assess the hydrogeologic, economic, and demographic differences between the Valley Floor and Foothills and Mountains regions of Mendocino County as they relate to water supply and usage.
- Create a plan for water supply enhancement in parts of the County where needed.

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### 1.4.1 AB 303 and Proposition 50 Study Grants

The County received an AB 303 grant and a Proposition 50 grant in 2006. The AB 303 grant was for groundwater management planning in the entire County. The Proposition 50 grant covered water management planning for the foothill area mountains in the

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eastern part of the County. Because the study areas and scopes of work of the two grants overlapped, the County requested and obtained approval from DWR to combine the management and work product of the two grants for greater efficiency. These grants enabled the development of this RWMP for the entire County.

#### 1.4.4.2 Valley Floor Advisory Committee

One committee represented the Valley Floor and held approximately ten committee meetings. The primary focus of the Valley Floor advisory committee was to develop water management strategies that will help alleviate the overdraft in the Valley Floor. There was a particular focus on the nondistricted areas on the Valley Floor, where the estimated overdraft is the most severe because of an absence of surface water supplies so that groundwater is the sole source of water.

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## 2.1 General Description

The County is bordered on the south and west by Fresno County, on the north by Mariposa and Merced Counties, and on the east by Mono County. It is located approximately 20 miles from the Fresno metropolitan area, 166 miles from the Bay Area, 249 miles from Los Angeles, 88 miles from Yosemite, and 160 miles from the Pacific Ocean.

Comment (b)(7): Major portion of the 166 miles from Yosemite National Park. In fact, some of the Park is in Mariposa County. It wasn't only used to measure from the County seat to the nearest park entrance.

On page 1-10:

In examining recent irrigated acreage and crop water use numbers for Mariposa County (Table 4-1 and Figure 4-1), it can be seen that both the number of irrigated acres and agricultural water use have been trending upward. These trends may continue in the near future; however, because of agriculture's heavy reliance on groundwater and the continuing overdraft of the basin, the potential reductions in available surface water supplies due to reallocation of water for environmental uses, and conversion of agricultural land to urban uses, it is assumed that agricultural water use in Mariposa County will level off and be approximately 1.2 MAFY in 2050. This is approximately 2.5 percent greater than the estimated agricultural water use of 1.17 MAF in 2036. It is also assumed that continued technological advances in water use efficiencies will help offset cropping pattern changes to lighter water demand crops, such as trees and vines. Update 2005 assumptions for decreased crop unit water use (increased irrigation efficiency) ranged from 5 to 8 percent in 2036 due to technological advances.

Comment (b)(7): This is an interesting assumption. There is a lot of talk about it, but the thinking that it could be possible to offset the increased water use by increasing the efficiency of the irrigation system is not realistic. The amount of water used in the County is not going to decrease. The amount of water used in the County is not going to decrease. The amount of water used in the County is not going to decrease.

#### Section 5.3

as much as 15 to 20 percent of their CVP water supply due to potential increased releases to the San Joaquin River for restoration efforts. Any loss of CVP water will have to be replaced with additional groundwater pumping, increased capture and storage of existing surface water supplies, or through transfer of water into the County or reduced irrigation.

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## 5.4 Water Resource Impacts of Continued Groundwater Use

The following section concludes the chapter on water supply by describing the effect of

## 6.1 Groundwater Quality

Groundwater is usually clear, colorless, and has lower concentrations of organic matter and microorganisms than surface water due to the effects of natural filtration as the water penetrates through the soil. The mineral content, however, is usually higher in groundwater than in fresh surface water. Surface groundwater commonly has calcium and magnesium ions, which contribute to the hardness of the water.

Comment (c)4) - Surface water quality has been discussed. Do you have any concerns about groundwater quality?

Page 18 20

• Prior to implementation of specific vegetation management projects designed to increase water supply within Madera County, it is recommended that the legal issues, such as the right to any verified increase in water supply due to the project, be evaluated. If it is determined that there is a legal mechanism for acquiring the right to the water produced by the project, feasibility studies, including pilot tests, are needed.

Comment (c)5) - I think you are suggesting that the project should be evaluated for water supply quality. I think that is a good idea. I think you should also consider the legal mechanism for acquiring the right to the water produced by the project. I think you should also consider the feasibility of the project, including pilot tests.

March 21, 2008

## IRWMP Comments

i. There needs to be much more emphasis on water usage by agriculture. There is only one bullet point in the online IRWMP referring to improved farming practices. Agriculture uses about 97% of the total water usage in the County. Urban and rural uses amount to only 3% of total water usage. So even if you can reduce urban and rural usage by 25%, a tall order, you still have only reduced overall usage by less than 1%. Significant conservation and reduction in water usage will have to come from agriculture. It was stated in the Oakhurst meeting that 85-90% of farmers are practicing good watering techniques, crop selection needing less water, have the latest hardware to monitor and deliver the water, etc.

If the farmers are using close to 1.2M AFY, and even 10% are still wasting water, there is the potential for huge savings if those farmers change to water conservation practices. The IRWMP should outline specific methods to realize these changes over the next twenty years. A number of programs could be proposed, based on concrete data. At that Oakhurst meeting it was stated that various irrigation districts and perhaps other entities have data on who the farmers are that are not practicing water conservation techniques and equipment, and perhaps even data on how much water they are using and how much could be saved. If that is true then those reports should be compiled, analyzed and included in the IRWMP as Exhibits and referenced for recommendations. If those reports do not exist, or are not complete, or are not compiled regionally, that data should be gathered and put in regional format as an immediate first step in understanding the opportunities available for additional farm water conservation. Then a number of implementation methods could be recommended, including but not limited to:

- Develop a focused plan to bring all farming activities into compliance with set of standards defining methods, crops and equipment designed to conserve our water resources
- Education for those farmers still living in the 19<sup>th</sup> century
- Notices sent to water wasters promising some consequence, ranging from a stigma to fines for lack of compliance
- Incentives such as:
  - o Charge more for surface water if used uneconomically
  - o Charge a pumping fee if groundwater is used uneconomically
  - o Charge less for water during a crop transition phase to less water using crops
- At some point (20-30 years) phase in mandatory rules, that would force compliance or restrict the right to farm.

The farming community is politically and economically king in the valley, and will resist or oppose mandatory controls. Government, either County or as an irrigation district, telling you how to farm, has to be a last resort. But if we are fully running out of water, it has to be on the table.

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The IRWMP, to be truly relevant and a guide to water management, must address agriculture water uses and practices. To not do so in depth is misguided at best and deliberately misleading to the people and County Government at worst.

2. There needs to be more study done on the travel of groundwater in the foothills and mountain areas. If groundwater does indeed travel in those areas, it's critical to determine that distance to determine the area of benefits of vegetation reduction, the area that is actually replenishing the groundwater, and the possible effects between neighboring wells. If, as stated by Ken Schmidt, groundwater travels "downhill", then wells at lower elevations should have greater recharge than those wells on ridges or peaks. That has not been made clear by the information presented.

3. The references to mandatory septic tank pumping schedules need to be removed, at least for systems installed since the standards were changed, which I think was in 1981.

4. All references to requirements for "subdivisions" need to be removed or clarified as to the type of subdivision, the density of the subdivision, the type of water supply and delivery to be used, the location of the subdivision (mountain or valley) etc. There are too many legal ramifications to blanket recommendations for "subdivisions" in general, which range from parcel maps with a shared well, through 60 acres parcels with individual wells to small lot mega divisions.

5. The IRWMP should be heard and updated regularly, by the WAC if not the BOS, for updating and revisions.

6. A study should be recommended to identify additional sites for water recharge basins (lakes) in the valley to provide storage capacity for untopped surface water in winter and spring months. Some effort to gain additional water rights to that water from the BOR should be examined.

7. The County should identify all of its basins and opportunities vis a vis the proposed M/D water bank, any additional water banks, and other storage possibilities in the foothills and the valley (see #6 above) in one document that should be incorporated into the IRWMP. The development of that document (report) should be a recommendation of the report.

8. A Temperance Dam planning effort should begin immediately to protect and enhance the Counties interest and participation in the project should it become a reality. A standing committee should exist (maybe the WAC) to direct these efforts and monitor the project for the BOS.

John Reed  
559-669-7474  
[jreed@nysecommercial.com](mailto:jreed@nysecommercial.com)



# COMMUNITY DEVELOPMENT

March 20, 2008

Greg Farley  
 County Engineer  
 County of Madera  
 2037 W Cleveland Avenue  
 Madera Ca 93637

Dear Mr. Farley,

Thank you for the opportunity to review the Draft Madera County Integrated Regional Water Management Plan (the "Draft Plan"). I was pleased to see that the Draft Plan incorporated the various program strategies that had been discussed at the IRWMP Committee level as well as those discussed at the monthly coordination meetings between City, County, and MID representatives. I believe that the Draft Plan appropriately addresses the range of issues which were intended under the scope of the grants' authorizing legislation, and my comments on the document below should not substantively affect the content of Draft Plan.

1. General Comment: The document utilizes the term "County" or "Madera County" interchangeably as a political boundary (the unincorporated area) and as a geographic boundary (encompassing the incorporated and unincorporated areas). While probably not the intent in some instances the Draft Plan appears to suggest that a benefit of the Plan, or a program defined by the Plan is applicable to the unincorporated area. In the first several pages, for instance, such references occur on pages ES 15, 21, 22, 23 and 1-1. The City would like to see more clear ties between the Plan and the City of Madera. If it would be helpful, we would be happy to review the document with the preparer to further define instances where we believe a more clear definition would be appropriate.
2. Page 3-5. Madera Irrigation District. The discussion of MID should briefly note the relationship between the District and the City of Madera. Most of the City is within MID, and is assessed a monthly charge that is ostensibly related to the recharge benefit created by the district.
3. Section 2.2.2 Factors Causing Flooding. Should the role of Freeway 99 as it intersects Cottonwood Creek and Schmidt Creek, be included in this discussion?
4. Section 8.1.1.3.1. The potential benefit/relationship to the City of Madera from with the Water Bank project should be defined. While the City remains the only urban water supplier within MID's boundaries, and will likely continue to be the largest water purveyor in the County, the Draft Plan does not clearly define how the largest ground water enhancement project within the study boundary relates to the City.

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- 5. Section 5.1.1.5. The discussion of the Madera Lake Area Groundwater Storage project should establish the connection between the recharge potential at this location and the direct benefit to the City of Madera, as well as the potential for the City of Madera to be a partner in the project.
- 6. Page 8-35. The discussion regarding use of the Economic Development Reserve should include a recommendation that requires the creation of a definition for eligible projects and how local projects would differ from FCWCA projects, if such a distinction is intended.
- 7. Water Metering. Pages 8-30, 9-25, and others. The discussion refers primarily to the Cities' systems. Is there an assumption that urban development which may occur in the County will be metered?
- 8. Storm Water Basins – General. Discussion throughout the Draft Plan summarizes the potential benefits which may be achieved by utilizing storm water basins for recharge purposes. This can clearly be achieved and the affected agencies are already pursuing such a program. Alternatively, some preliminary discussion also occurred between the City of Madera and MID regarding the potential feasibility of modifying the storm drain system to put more storm water into canals and drainage facilities (after filtration) with the intent of getting that water into water bank, or other regional recharge facility. It is not apparent whether that concept has been rejected as infeasible potentially due to permanent capacity limitations in the canals/drainages, or whether the concept simply did not reach the ears of the Plan preparers.

Please let me know if you have any questions regarding these comments or if you would like to set up time to discuss the issue identified in Comment Number One in more detail.

Sincerely,



David J. Merchen  
Community Development Director

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March 20, 2008

Dear Mr. Farley:

I am a property owner in Raymond, CA, and I am writing to provide the following comments regarding the Integrated Regional Water Management Plan.

I request that my comments be included in the plan's public comment section.

- Retool the final recommendations sections in Chapter 9, to include a water-related requirements checklist that must be applied equally to all subdivisions as baseline criteria for approval of a subdivision. The use of "prose text" and terms such as "should" rather than "must" in the recommendation section of the draft allows for too much leeway and general interpretation around planning for growth, such as with subdivision and does not actually "require" any specific management of water issues by subdivisions. Many subdivisions have not been "required" to perform water-related studies because of the lack of clarity of language regarding the required elements for subdivisions. This should be corrected in this plan and the required elements must be stated as such.
- During the recent Raymond Water Meeting, Mr. Boyd said that the requirement for using certified hydrologists might be unnecessary and would most-likely be waived. I contend that we must require certified hydrologists to examine water conditions when determining viability at the preplanning for a subdivision as outlined in this report. The language of this must be framed as a requirement, not an option. I believe that it is critical to ensure water is available and sustainable for new subdivisions (5 lots or more) and that the costs for a certified hydrologist are outweighed by the need for conservative management of our natural resources. Without the hydrologists, we are not being prudent in this regard and the impact of new subdivisions without expert research as to the impact regarding water would be highly damaging to our water basin and future water infrastructure.
- Create stronger and more specific language about the required mitigation for subdivisions that might prove through EIRs to adversely impact water availability of surrounding properties. Ensure that it is a requirement, rather than a negotiated option that concurrent well testing and monitoring is used to determine water viability for a subdivision. This is critical for ensuring that there is viable and sustainable water for a subdivision and that it does not adversely impact neighboring wells. Currently, this is not a requirement, but rather a recommendation.
- Regarding Hillview and Broadway water systems: For public or private water systems serving multiple customers, such as Broadway or Hillview, requirements must be in place to ensure that where they find water to drill for new wells, that it is handled in the same way as a subdivision. More stringent requirements for drilling public wells on private land should be in place. When new public water sources are to be drilled by these private entities, require that they perform concurrent testing and monitoring of surrounding wells to fully understand the impact of drilling on properties that have neighboring wells. This is critical in Raymond and as far as we know, is not currently required, but Hillview Water Company has the potential to deplete the surrounding neighborhoods dry without actually having to submit to the same vetting process about their potential impact to surrounding areas while seeking out new water supplies. Require them to go through an open planning and vetting process for the creation of new water sources. This is currently not

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As our communities grow, the water sources become more critical to those who have properties that abut Hillview and Broadview water sources.

- Ensure that subdivisions are required to provide legal information regarding contaminant levels to potential buyers and how they will be mitigated. Ensure that this is a requirement, not a recommendation.
  
- Require that subdivisions are required to mitigate higher-than-allowed contaminants, with a viable plan, prior to gaining ok of the subdivision from the planning department and environmental health department. Currently there are only recommendations rather than requirements.
  
- Ensure that all water-related requirements for subdivisions are applied equally across the county and are not negotiable.
  
- Require pre-fact-up EIR requirements for subdivisions regarding water and deny subdivision developments that cannot prove sustainable water supplies.

Sincerely,

Susan Larsen  
21825 Olive Orchard Road  
Raymond, Ca. 93653

Email: [evanb@franch@stl.net](mailto:evanb@franch@stl.net)

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snaf

**LARRY E. BALLEW, ENVIRONMENTAL SCIENTIST**  
*Registered Professional Forester RPF #1346*  
*Vegetation Management Specialist QAL #35703*  
*Pesticide Advisor PCA #3485*  
**FOREST CONSULTING AND PLANNING SERVICES**

Madera County Board of Supervisors  
Mr. Ray Beach, Resource Management Agency  
AND

March 17, 2008

Mr. Greg Parley, County Engineer  
Madera County Resource Management Agency  
2037 W. Cleveland Avenue  
Madera, CA 93637

Refer: Public and Advisory Committee Members Comments on the Integrated Regional  
Water Management Plan Draft Dated February, 2008.

Dear Gentlemen:

These comments are submitted prior to the final due date of March 21, 2008 @ 5 p.m.  
This plan was not "open and transparent that sought the ideas of ALL of its citizens and  
all regions of the County" as stated on page 4. The public and Advisory Committees were  
perceived to be purposely limited or denied to access to this document in preparation  
from the original "Cross Root Concept" through Grant design, designation of personnel  
duties, miss-representation to the Stakeholders by Contractors and County Staff,  
purposely and continually miss-quoting scientific Engineers and experts (even after  
publicly corrected). Continued to employ individuals even after complaints of  
incompetence and potential breach of contract occurred.

The Stench of this document, leadership by both public and private officials, disregard to  
public involvement, and miss-representation of scientific statements and publications will  
linger for a life time with the responsible parties. Compensation for Public Degradation  
should not be confused with Public Service.

As publicly stated by a co-scientific firm on this document, that any word which  
resembles, means, or infers 'require, shall, will, at the discretion of, or endorsed by the  
people of this County SHALL be removed from the PLAN immediately.

The reported public involvement is a total 'falshood'. The reported number of public  
Stakeholders immediately declined once it was very clear all comments would fall on  
deaf ears. (Shared Wells are a perfect example of the false scientific statements against  
Stakeholder consensus.

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It was scientifically pointed out numerous times that the leadership and authors did not differentiate between individual homeowner wells, shared wells, small public wells systems in comparison to large community well systems.


There is no on-going governance, accountability, living document concepts, scientific change allowance or future voice of the people.

No landowner or private individuals shall be require to perform any of the following well activity which resembles (except in the case of large community developments):

1. Meter any well and pay a pumping fee to any public entity.
2. Prohibit from the use of shared wells or water storage on or between Parcels.
3. Conduct 'pot holes' surveys (remove from document)
4. Employ a certified or licensed engineer or hydrologist during planning or drilling of the well/wells.
5. No pumping test beyond the normal 'drillers blow test'. Hour/time designation prohibited.
6. Involuntarily water testing
7. Restricting any water conservation practice, including moisture impoundment of 'salvaged waters' from his or his predecessors' activities.
8. Prohibited from using historical and scientific practices of vegetation management of improving or conserving water supplies.
9. Requirement to consider or plan for off site water sources
10. Prohibition from developing ground water recharge practices

Segments of this document are above scientific reproach, and high resource and public benefit oriented. We respect those few true involved professionals and leaders.

Professionally yours,



Larry E. Ballow, Stakeholders Advisory Committee Partnerships, and Environmental Scientist, RPH, QAL, PCA

cc. Private legal council  
Undisclosed recipients

*"Serving the Oak Woodland, Range, and Forest of the West"*  
[559] 683-TREE, P.O. Box 10, AHWAHNEE, CA 93601  
[www.ballow@xti.net](http://www.ballow@xti.net)

**Kevin Ham**

---

**From:** Greg Farley  
**Sent:** Friday, March 21, 2008 5:29 PM  
**To:** Kevin Ham  
**Cc:** 'Ken Swanson'  
**Subject:** FW: IRWMP Questions

tyt

-Original Message-----

**From:** Bruce Gray [mailto:brucegray@xpanw.com]  
**Sent:** Thursday, March 20, 2008 2:00 PM  
**To:** Greg Farley  
**Subject:** IRWMP Questions

**To:** March 20, 2008  
**Mr. Greg Farley, County Engineer  
Madras County Resource Management Agency  
2957 H. Cleveland Ave, Madras, CA 97637  
539-874-7817**

**From:**  
**Bruce Gray  
40640 Millbrook Lane  
Madras, Ca. 97638**

Please add a recommendation assigning a committee the responsibility of overseeing this document and that the Board of Supervisors implementing the recommendations to ensure this document does not gather dust like many others.

RS 23/04 MTD to pump 5,600 BFD of water from under the City of Madras's Waste Water Treatment system and conveyed thru MTD distribution system.  
How will the quality of water and the contamination factor be monitored?  
What affect will these waters if contaminated have on the canal and waters being conveyed in the same distribution systems?

The greatest number of new housing starts will be happening in the Rio Mesa area and other than mentioning that the greatest average water level droping in Madras includes Madras Ranchos and Rolling Hills there is no real mention of this area. It looks like the area west of Hwy 47 was just forgotten.  
Where is the study of the Rio Mesa area?

There seems to be a push to get the Madras Water Bank going, much more so than any other project in this report.  
Where are the studies and reports that you base your recommendations on?

Please explain how the Water Bank which will use runoff and release water from Millerton Lake will be viable if Temperance Flat dam is built? How can they both be useful?

What will the cost of Temperance Flat dam be and what will the cost of the water to the farmers and the city?

There seems to be an incredible number of water testing that costs of amount in dollars for Madras (the one conducting the study).  
Why were all of water tests shown in this document done in Fresno and not in Madras?

3). Water makes up 97% of all water used but I do not see a proportionate number of recommendations suggested for this water, why is this?  
Why were the water consumption records used for eg water usage and not more study into the actual crops being grown?

Bruce Gray



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**MADERA IRRIGATION DISTRICT**

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March 21, 2008

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LEGAL COUNSEL

MICHAEL A. CAMPOS

MAR 21 2008

Mr. S. Greg Farley, P.E. County Engineer  
Resource Management Agency  
2037 W. Cleveland Ave.  
Madera, CA 95637

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RE: Integrated Regional Water Management Plan, Madera County Public Draft

Dear Mr. Farley:

This is in response to your notice of the review period for the Public draft of the Integrated Regional Water Management Plan for Madera County.

Once again we will reaffirm our position that there was an inadequate time period available for a detailed review of the Draft Plan, both from its importance to Madera County and the magnitude of the material. While this is supposed to be a "living" document, we all know once the die is cast it is not that simple to amend or even correct such a document. Please refer to our letter of March 17, 2008 (hand delivered to your office that date).

We would also note that the "hearing" on the IRWMP for the Valley was part of the agenda, and only (2) days before comments are required. It would seem, with such importance for this document, a single item meeting with more lead time would have been scheduled.

Due to the time constraints, comments will be limited

Page:	Comments:
ES-9	Second area of greatest water level declines are in the Madera Basin, east of the Santa Fe RR.
ES-10, 12 etc	We were previously unaware of the formation Progressive Water District. It is within the sphere of influence of Madera Irrigation District which was adopted by LAPCO in 1988.
ES-18	3rd Paragraph-Water balance should be required for new development. Need to define development.



- ES-19 The requirement for a chemical and radiological analysis for all private drinking wells (includes single family on live stock?)  
Would do what-prohibit use? Require treatment? Or be advisory?  
  
Well spacing-Should include spacing from septic tanks, leach fields and property lines.
- ES-20 Vegetation Management to acquire a water right. This has previously been granted by the State Water Rights Board, but they apparently don't do follow-up to assure the vegetation stays removed.
- ES-21 Conveyance of Section "215" water in Madera Canal. The canal capacity is allocated and conveyance of "County" water may require enlargement of the canal.
- ES-22 Madera Canal/Hidaca Dump pumps storage. The 6000 AFD of water would be available for use by MID as a redirection of an existing water supply.
- ES-24 The possible exchange of water between MID and the City has not reached any formal discussion level.
- ES-25 Define development-includes single family units?
- ES-27 County wide ground water monitoring. How would information be collected and shared.
- 3-5 Progressive Water District shown on maps-not referenced anywhere in text. Is it active or inactive?
- 3-6 Big Creek Sequoi  
10,000 should be 9400 9,700  
See 3-26
- 3-7 Madera Water District purchases surface water for lands that are within MID.
- 3-26 The City was excluded from the MID groundwater management plan at the City's request.  
  
MID does not measure wells within the City of Madera.

- 3-27 MTD no longer accepts any new storm water into its system because of water quality concerns and a lack of capacity within the MTD system.
- City storm water may be delivered to growers, but it requires MTD to cut back on its water supply at the system head which often results in unanticipated spilling of District supplies. There is usually a net loss to the MTD in water.
- 3-30 MTD Recharging Basins-The Pistorasi Pond and The Allende Pond are no longer available for use as recharge basins.
- 5-12 First paragraph-wording should agree with ES-9.
- 5-25 Paragraph 2-The sixth sentence should be deleted-not factual. The remainder of paragraph needs to be amended in that other riparian rights and appropriative rights can reach several thousand acre feet in some years. Also riparian rights quantities can change (increase) with a change in diversion capabilities and cropping patterns and could become more significant in even below normal water years.
- 5-26 Big Creek 9,400 AFY see 3-6  
Soquel Should read pre-19. Ave Yield not used.
- 5-27 GFWD has no water rights to the Hensley Lake Yield
- Section 215 water-The average yield of 114,000 AFY seems like an excessive amount. If this number is based on use, often because of pricing, the Class I and Class II uses are reduced accordingly. Also "215" water doesn't occur annually.
- 6-52 Would suggest that the code be revised to have a 50 foot distance from property line that way each adjoining property is impacted equally.
- 6-36 Table 6-11, our dictionary is old, but we couldn't find "analytes"
- 7-12 Last paragraph. We take exception to the statement "that MTD's diversion weir is a significant cause of flooding along the Fresno River" The weir is designed for a 10,000 cfs flow which matches the designated channel capacity, and flows up to and exceeding this amount have successfully passed the weir



Creek to Bass Lake depending on conditions. This water is not available for use without a contract.

- 8-64 Pump tax or land based assessments. The constraints of Prop 218 and Prop 13 should be noted.
- 9-18 Water Supply-It's our understanding that the Fresno River and San Joaquin River water has all been previously appropriated. Black Hawk Reservoir has a permit for livestock watering and recreation use only.
- 9-19 See previous applicable comments.
- 9-22 Currently MID has on an Agricultural Use Contract with Bureau of Reclamation and this may limit opportunities in this area.
- 9-24 Study to increase capacity of Madera Canal-This is a good idea.
- 9-26 9.2.2.3-Balance the development's water supply-This is a good concept.
- 9-28 Last paragraph-Should discuss or at least mention limitations imposed by Prop 218 & 13

#### Appendix F

- 10 The Fresno River is gauged at Road 16
- 23 Cost of these measuring structures and operations are expensive and should be a County cost

As noted above, due to the short time available, our comments are limited. Please feel free to contact me if you have any questions on this matter.

Sincerely,



Don Roberts  
District Engineer



# MADERA IRRIGATION DISTRICT

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March 24, 2008

Mr. S. Greg Farley, P.E. County Engineer  
Resource Management Agency  
2037 W. Cleveland Avenue  
Madera, CA 93637

Ref: Integrated Regional Water Management Plan, Madera County Public Draft

Dear Mr. Farley:

This is in follow up to our letter to you of March 21, 2008 with comments to the Public Draft IRWMP for Madera County.

As was noted in that correspondence, time was an issue in providing a comprehensive response. In our haste to meet your deadline, we found at least one significant response that was not previously provided.

Page 8 – 41

Comment:

The agreement between MID and the Tlan Group, Yosemite Lakes Park, for use of up to 2000 AFY in Yosemite Lakes Park was terminated by the owners of the Black Hawk Reservoir in the early 1990's. There is no agreement with MID for domestic water use from Black Hawk Reservoir.

We know this is after your deadline for comments, but the facts are as noted above.

Sincerely,



Don Roberts  
District Engineer  
Madera Irrigation District

cc: Jill Low  
Mike Cunningham  
Darren Garcia  
File





MAR 21 2008

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March 18, 2008

Mr. Greg Farley  
Madera County Resource Management Agency  
2037 W. Cleveland Avenue  
Madera, CA 93637

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Executive Director

RE: Integrated Regional Water Management Plan Draft Version [1], Madera County.

This letter is a collection of comments pertinent thereto. While the plan seems fairly complete, there are a few instances of missing information and ill informed writers making ill informed and/or impossible recommendations.

Also, some suggestions not found in the IRWMP are embedded within our responses, to the various pages, chapters and IRWP numbered sections.

Particularly, we would like to point out that overall this plan appears to presume further development in Madera County and appears to predict that all existing residents will have to give up water for the dual purposes of stabilizing groundwater levels AND addressing the needs of newcomers, i.e. development. In no place is preservation of quality of life for existing residents addressed. And little if any references toward maintaining a sound agricultural economy are mentioned. Some method of protecting the water rights of individuals and businesses already residing in Madera needs to be found in order to make this report complete.

There are many findings and recommendations within the report that may lead to further regulatory burdens on agriculture. It must be remembered that rangeland agriculture (grazing) and farming are economically fragile enterprises. The history of public policy working toward the maintenance of viable cattle ranches in Madera County is an abysmal failure, and that failure is now spilling over into the more intensive irrigated agriculture as well, as we witness countless small hobby farms replace self sufficient ranching and farming operations all over the county. Additional regulatory burdens regarding water will only serve to speed urbanization, not impede it, and then water demand will rise even further.

To clarify references, we begin each comment first with the Draft IRWMP page number used by Adobe Acrobat (the format of the IRWMP provided by Hoyle Engineering), then the document page number and finally, when applicable, the paragraph reference number.

**Madera County Farm Bureau**



The document is very large, so please forgive us for any occasions our immediate opinions on content of any chapter miss references to the same subject in other chapters.

- P.26 [ES-1] Regarding the comment: **Groundwater of suitable quality for public consumption has been demonstrated to be present in most of the area [Valley floor] at specific depths.** The problem with this statement is there is no mention of how long local water will last under the increasing rates of use and overdraft that are observed.
- P.28 [ES-15] Regarding the comments under: **Water Demand Reduction Measures [for agriculture].** For agriculture, this is ongoing due to economics and genetics. Most gains have already been achieved. Do not expect significant future gains of water from this source.
- P.21 [ES-18] **Other management measures that could be considered throughout the county include implementation of land use policies regarding water availability.** This is an extremely dangerous concept. Given the opportunity, it is likely that the county could regulate agriculture out of existence through the sheer imposition of limitations on cropping, forced cyclical fallowing and all kinds of vile and suspiciously untrived controls, and thus force agricultural land and even agricultural conservation reserve easement land out of production all for the obvious purpose of freeing up water for developers. Governments of the future can not be trusted to view the intent of every law in the same light as the makers. Regulatory overreach is not needed when self policing due to the dictates of economics is sufficient, i.e. cost and limitations of water availability in areas of potential agricultural development. Subdivisions already have to find and secure their water and are unlikely to be located where agricultural water isn't already being used: new development water should not come from existing agricultural accounts.
- P. 31 [ES-21] **Madera County should exercise its 10,000 shares in the water bank, but it should declare at the outset its plans for the use of waters it will be eligible to score.** And that use, if used to mitigate losses of any kind, should include agriculture in part of a balanced distribution formula.
- P. 38 [ES-25] Regarding the comment: **Setting limitations on new agricultural development if water supply is not sufficient to meet demand and/or requiring annexation into an irrigation as a prerequisite.**

Legally and ethically speaking, how can limits be placed on new agricultural development, either inside or outside irrigation districts, where commercial irrigation quantities of groundwater still exist. Is this to say that through use, those who started first to pump have an established right to take whatever is left of their neighbor water. That is just plain wrong. *The taking by all users, new and old, of reasonable amounts water*

*from the ground is more logical and may force some fallowing by some while allowing neighbors to irrigate a portion of their lands. A water use per acre limit would be more logical and probably less challengeable in court.*

Further, regulations emanating from this advisory should only apply to areas where the water table is declining significantly. In foothill and mountain areas where water tables are not declining appreciably or where water tables are 100% replenished annually or cyclically, any such regulatory oversight should be relaxed or suspended, particularly for agriculture.

P. 38 [ES-25] Regarding the comment: **Groundwater use or pump tax to fund future water supplies.** Simply saying that such taxes would go toward water development projects is insufficient. There is too much evidence in the history of funds raised by government only then to be lost through accounting deficiencies and/or depreciation of purchasing power between collection and project implementation. An example of that phenomenon is when Madera County's accumulated Road Tax funds recently lost over 50% of their road oil purchasing power because of being held too long by the county while road oil prices increased immensely. Regulations emanating from this recommendation should include the following: Such tax collections are limited to areas only where proposed projects have been identified and engineered, and should never go into the county general fund. If such projects have not broken ground within 5 years, collections should cease and the money should be returned to the taxpayers. While mentioned in Chapter 9, in the IRWMP summary/conclusion the idea that the proposed pump tax should be reserved for water development is not mentioned.

P. 67. (p. 214) Section 2.6 **This section declares timber as being part of the economy.** Timber has become a negligible part of the county's economy due to actions of environmental activists.

P.108 (p 4-8) Section 4.1.3 Regarding the comment: **The majority of the water use in the County is for agricultural purposes, with approximately 3% being used for urban and rural use.** Such a figure, (3%) implies that there is much water that can be diverted from agriculture for further urban, commercial and industrial development. However it seems clear that today's groundwater overdrafts are more proportionately due to urban use than agricultural use consider the cones of groundwater depression under all urban areas in the county. We question the 3% figure and believe its supporting information should be thoroughly reviewed. While agriculture has clearly become more and more efficient in its use of water on a per acre basis, the opposite is likely true for urban areas, where the population density per acre grows yearly.

More questions: Is the agricultural use of natural rainfall water on rangeland included in the 3% calculation for urban use, or not? What is the meaning of rural use in this

sentence? Does the term rural use include non-irrigated agriculture or not. What about runoff held in small dams in the foothills. As for the alarmist and fairness factors either written into or likely interpreted by some readers of the report, agriculture is not properly credited with mitigating un-recharged urban cones of groundwater depression. Does this 3% urban use include percolated agricultural water and irrigation district urban percolation ponds?

P. 110 (p. 4-10) Section 4.2 Regarding the statement: **In the California Water Plan Update (2005).....in all three scenarios, agricultural water use was projected to decline.**

This is acceptable if one considers that agricultural land is lost to local urban development of single family homes because such change in designation usually means no change in quantity used per acre and the supply is surface in origin. However, the retirement of agricultural land locally for the specific purpose of saving surface delivered water, only to have that water sent or displaced to distant places within or outside the county for the purposes of development of naturally, now parched lands is unacceptable and should be fought.

P. 114 (p. 5-9) Section 5.1.1.1 The sub-basins of lower foothills and Raymond areas do not appear to have been as rigorously studied as other, larger, basins, and thus no regulatory framework for this area should be emplaced prior to studies of equivalent caliber and paid for from the same sources. It would be grossly unfair to use public money to assess selected groundwater basins and then to impose the costs of studies on the owners of other lands not so subsidized.

The complexities of determining well yields in local basins and in hard rock wells is discussed in the Schmidt Appendix, but is glossed over in the text. The fact that the beginning sentence of a paragraph on the subject of aquifers (P. 115) (p.5-10) mentions clay layers on the east side of the valley, and is then that the subject is lost in the rest of the same paragraph and several more covering the east side of the valley is proof positive that little is known. With such comparatively little knowledge of a large area, no regulatory framework for this area should be emplaced prior to studies of equivalent caliber done for other areas.

P. 130 (p. 5-19) 5.1.2.4 Regarding the concluding sentence, **There is little stream flow that originates in the foothills because of low precipitation.** We argue this statement is at worst erroneous, at best misleading. Certainly, there is little stream flow sufficient to help the valley floor development and overdraft problems, but stream flow is a relative term and it is highly important to operation of the open space preserving institution of cattle ranching and to the ecology of the foothills and mountains.

In the foothills, there are areas containing soil types that in wetter years will at some point saturate, and that all subsequent rains will then produce huge runoff, while other areas,

that do not so easily saturate will then contribute to local groundwater and to natural springs that flow in creeks toward the valley and make for many riparian areas. The upper reaches of Hildreth Creek, Daulton Creek, and Berenda Creek and likely other creeks contain many areas where precipitation readily percolates into the ground with the foregoing effects.

The surface springs that were maintained by the American Indians for 13,000+ years (without a permitting system in place during any of that period), would seal up with growth and organic matter were it not for the maintenance performed by local ranchers, private land owners, and/or the actions of large animals. Regulatory overreach would cause many of these natural springs to seal up in short order, as few if any individual land owners would submit to an imposed regulatory morass of permitting and required engineering plans to clean up dilapidated and overgrowing springs. This would mean death of habitat to red winged black birds, tiger salamanders, bald eagles, golden eagles, doves, night hawks, bob cats, racoons, skunks, coyotes and burrowing owls: to name just a few newsworthy environmental dependents of the foothill and mountain springs that are maintained open and flowing by local ranchers.

Further, the reports assertions, that only about a 10<sup>th</sup> of foothill rainfall makes it into the ground water is probably not correct for all areas. That assertion may be true as an average, but it is inapplicable for some areas. These distinctions need to be made because the inevitable regulations that emanate from the county's adoption of this report will be based on its content. And these distinctions need to be made in order to keep from destroying the agricultural economy and other economies of the foothill areas with regulatory overreach that ignores local facts. If there is little or no science regarding percolation attributes of quartz-mica-schist soils and base rock found in the lower foothills (as distinct from granitic areas), then the report should call for applicable studies prior to identifying problematic subject areas and making recommendations leading to regulatory overreach.

P. 125 (p 5-25, and P 137 (p 5-27) Section 5.2.1.1 and Section 5.2.1.3 Spelling problem: While not certain of the author's intent, we suspect that it's meant to be the **Franchi Wier** and not the **Fanchi Wier** Franchi is an old Madera family name and John Franchi was once a member of the MID Board; he is in a group picture that hangs on the wall at the MID office.

P 143 (P. 6.1) Section 6.1 Regarding the text description: **The main source of [groundwater] chemical [pollutants] has been associated with agricultural and industrial uses.** This is not further expanded upon and needs textual clarification and further delineation of the specific contributors in the text. And it may not be complete, given recent revelations in the national press about the human drugs found in groundwater in the east coast. Relative

proportions of blame associated with each chemical pollutant need to be identified so that agriculture does not receive a disproportion of defamation.

- P. 159 (p 6-17) Section 6.2 **Surface Water Quality**. While partially applicable, the comments in paragraph 6.2. Surface Water Quality, Typically, surface water contains microorganisms such as bacteria, viruses, protozoans such as *Giardia* and *Cryptosporidium*....., and further down, in another negative context, animal.....activities, and finally watershed protection to minimize or *eliminate* [emphasis added] these sources of pollution is essential to public health protection. All three of the quotations are alarmist, misleading, and the concluding one is just plain irrational!

Indeed, animal activities have existed within, and at the entire periphery of all streams for billions of years. Squirrels have been identified as a primary source of cryptosporidium and cows have been proven to be minor and irregular contributors. These problems could only be *eliminated by killing off ALL animals* in the foothills and mountains; every last animal, in the zoological context, including every last insect, amoeba, planaria, slug and worm. Of course plant life would soon follow the death of all animals, and then all there would be left in the water would be silt a lot of it, as the mountains would soon wash to the valley without anything holding them in place. But the water would finally be free of organic pollution. What an unacceptable conclusion to a profoundly unacceptable premise.

The entire paragraph (6.2) is a terrible washover of a complex field. And what is profoundly glaring is: It fails to state so. The text and references completely ignore recent extensive research on *Cryptosporidium* and *Giardia* performed by U.C. Davis researchers performed right here in Madera (including local Ag extension farm advisor Neil McDougald, Dr. Rob Atwill and Dr. Ken Tate) at the 4,500 acre San Joaquin Experimental Range located between Friant and Coarsegold. What was learned in that research is that on rangeland, *Cryptosporidium* concentrations in water runoff dissipate at the rate of 90% to 99% per surface meter, horizontally, and in the first 8 inches, vertically, of soil profile during storms. All of which, taken together, proves an alarmist bias is built into the report at least with regards to these two organic pollutants.

Accuracy matters, particularly when compliance costs of existing regulatory overreach in the United States has already been one of the prime reasons for our horrific trade imbalance and the unprecedented decline in the average American's standard of living.

This IRWMP report, as mandated by the State of California, *will*, under that mandate, result in more regulations passed by county government. So the IRWMP's content, when known by its authors to be incomplete (which must be the case), must include commentary expressing those limitations and advising the readers that its necessary brevity must be expanded upon by farther study prior to the county passing of regulatory actions. To lead any reader to the conclusion that the report is an exhaustive and exclusive reference for future county legislative actions is unacceptable.

The incompleteness and/or alarmist bias of the report as evidenced by the impossible call to eliminate certain microorganisms from the environment and the need for further information to pass any sound legislation is an open invitation to political discord and possibly ineffective or profoundly bad public policy. And the incompleteness and or alarmist bias of the report should not result in premature introduction of local legislation and the placement of the burden of research onto the public.

In 2007, the East San Joaquin Water Quality Coalition found colli in some of the streams in Stanislaus, Merced and Madera Counties. Fearing that this may have been caused by manure applications as fertilizer on farmland, the Regional Water Quality Control Board required extensive testing to identify the DNA of the ecoli strains. It turned out to be originated from human DNA, surmised to be from leaky septic systems in the foothills. The fact that a few low lying, relatively shallow, manmade lakes downstream of thousands upon thousands of new houses with thousands upon thousands of septic tanks are proving to be polluted with organic matter is of little surprise. Agriculture should not have to pay the price of the county's former choices regarding settlement.

P. 192 (p. 7-12) Paragraph 7.2.2.2 Regarding commentary on debris during flooding: Certainly, practices by the County of Madera Road Department contribute a huge amount to debris, of which there is a growing body of documented evidence.

Pertinent to ordinary stream water quality, as well as during flood conditions, the County of Madera Road Department is a huge contributor to degraded water quality due to causation of unnecessary erosion. The county, for decades if not a hundred years, has been miserly in its sizing of culverts; and sloppy in its placement of them. Before County Initiated regulatory overreach raises its ugly head, the county itself should change its ways. Culverts need to be adequate in dimension so as not to cause erosion on the emitting end due to fire-hose forces of exiting water and roadway overflow due to inadequate sizing. Five known areas with these problems are: on Road 29 between Road 603 and Avenue 26; several places along Avenue 15; Road 603 East of Daulton; Avenue 26 for 2 miles, west of Road 29; and culverts on Road 23 near the municipal golf course. There must be many more such places. In the case of wet years, water gushes from the culverts, washes dirt into otherwise fairly clean runoff and causes water to flow over roads, cutting embankments, damaging roads, and adding silt, clay and road oil to the floodwaters.

Each of the two times that Brenda Creek overflowed its Road 26 dike (due to an inadequate culvert) and made a lake that went 2 miles upstream, a county road department employee stated: "this is a 1,000 year flood. Now there's an engineer with conviction if not myopia. What is the statistical likelihood of two 1,000 year floods within 20 years? That the county contributes to water quality degradation there is no

doubt. Whether its engineers were under educated or overly protective will forever be a subject of conjecture.

Further yet, the county of Madera appears to have bent over backward to allow a locally owned public utility to replace conduit along Road 435 and other foothill and mountain roads, with the effect of the ditching being to loosen formerly packed soil and then seeing that soil washed in great quantities down local creeks during minor storms.

And the County of Madera Road Department also has taken up the practice of moving alien soils into places like Road 603 and Avenue 26 for the apparent purpose of improving road shoulders but with the likely unintended consequences of having great quantities of these foreign soils and road oil debris washed into and down local depressions and creeks. The county of Madera needs to hire a soil expert for its own extensive operations prior to initiating regulation of private entities.

It should also be noted that animals have been eliminated from valley streams ecology. Due to the unnatural lack of browsing and grazing, huge and unnatural amounts of creek vegetation are accumulating in all valley creeks and sloughs.

Lastly, due to high dumping charges at the Madera County Landfill along with its distance from many areas needing more immediate access to dumping sites, huge amounts of trash is being illegally dumped on roadsides near culverts and into creeks wherever access is possible.

**Temperance Flat Dam:** Section 8.1.1.2 The commentary in this section is an excellent and commendable treatment on new water and is somewhat refreshing compared with the excessive gloom and doom found throughout most of the rest of the report. When the county adopts this plan, it is imperative that it actively pursue Temperance Flat Dam with vigor uncharacteristic of most government entities. The same can be said for the other water enhancement projects found in chapter 8.

**Species Recovery:** In section 8.1.1.3, 3 references are made to species recovery, with the implied obligatory corollaries of endangered and threatened, along with the other usual in context words: Critical Habitat. The sweeping statement about species recovery is a major gloss over of a huge and controversial subject. No mention is made that such designations may or may not be based on science but, rather, often on political declarations after harassment of controlling agencies by well funded environmental groups. No mention is made that, indeed, even applicable science is divided regarding the designations of some species. Also missing, is the fact that lack of water availability will preclude perpetual progressions of development of many parts of Madera County and that concerns for eventual complete loss of Habitat are thus not well founded. Such unbridled commentary on endangered and threatened species has lead to a body of law that makes ranchers the protectors of the environment and open space into felons for even

maintaining their fences and pursuing ongoing livestock operations. Such regulatory overreach will destroy open land far more rapidly than will the regulatory constructs emanating from quieter and more considered commentary within reports such as this.

The main point here is that: Caveats and disclaimers need to be added when mentioning Endangered and Threatened species.

8.1.2.1, p. 8-29 (water conservation) To paraphrase the paragraph: [**Adoption**] by agriculture of **modern drip and microsprinklers to conserve water [is recommended]**. Aside from being an untrue for most farmers in the county, this commentary is somewhat defamatory of commercial agriculture. Its inclusion leads the reader to assume that agriculture, as practiced, is still in the dark ages, that the education level of farmers is in the dark ages, that farmers can not be trusted to be stewards of the land or water, and that agriculture is somehow free of, and does not respond to the forces of supply and demand.

First of all, there can be no significant commercial irrigated agriculture left that does not use drip or microsprinkler irrigation where applicable. All you have to do to see this is to drive county roads. Further, most of the field crops, like alfalfa and corn, are not economically served by such technology and in fact apply new technology as it as soon as it is economically feasible. Field crops, some of which do use a little more water per acre, tend to percolate more water to the groundwater table. This brings forward the hypocrisy of any truth left in the reference to adopting new technology: that being that drip and microsprinkler irrigation has caused a considerable decline in groundwater recharge from surface delivered water due to more efficient water use. There is a larger hypocrisy too, that being other references made within the report as to how to find more places in the county to pump water for groundwater recharge while agriculture is simultaneously encouraged to percolate less. This section of the report requires practical, historical and current perspective, which the local Farm Bureau would be happy to provide through education on current water management practices.

It also must be kept in mind that the government's pricing of local irrigation surface water is not based on any market force, cost, or any other rational criteria, and that the hefty surcharge now applied to local agricultural surface water for an environmental account in fact goes into the general fund without being accounted for.

P. 236 (P. 8-35) Section 8.1.3.3 [Flooding] project selection on a **first come first served basis** is a questionable idea, when merit may be a far better method. However, merit based selection lends itself to politics and it is unfortunate that merit must be ignored due to fears of what amounts to political failure.

8.2.2.3 In the title of this section, Daalton is misspelled as Dalun, however it is spelled correctly in the text. The correct spelling is **Daalton**.



- P. 255 (p 8-54) section 8.2.3.2 Under: **Disadvantages of [mountain and foothill] vegetative management; Land ownership patterns in the watershed which may not be suitable for integrated [watershed] management.** This observation conveys the idea that an individual owner of several contiguous parcels is subject to greater government regulation than are owners of single parcels. A very interesting legal concept! Perhaps owners of several contiguous parcels should receive substantially lower tax rates due to potential discriminatorily applied regulatory costs associated with ownership of contiguous parcels (all of which would be a rancher's nightmare). Such a comment is also evidence that this report is government oriented and not citizen oriented a terrible precedent for the regulatory framework that may evolve from it.
- P. 262 (p 8-61) 8.4, under **Other Water Management Measures Measurement of all large capacity well pumpages in the valley.** Who will pay for this? It is unfair to charge or impose costs on agriculture for regulation of a problem that would be economically self regulating were it not for the increasing urban influx in the valley as encouraged through actions of Madera's former and present Boards of Supervisors along with pressure from developers.
- P. 262 (p 8-61) 8.4, Regarding the commentary under **Other Water Management Measures Controls on groundwater pumping.** Who will be the controlling authority? What considerations will be given to temporal priority?; Urban vs. agricultural priority?
- P. 263 (p 8-62) 8.4.1 Regarding the commentary under **Land Use Policies, Limitations on new development (agricultural and urban) if the water supply is not sufficient to meet demand.** This is an excellent idea based on a hard fact known for at least 60 years. **It should have been implemented as a temporary measure after the first IRWMP committee meeting** a meeting that was attended by county planning personnel and at least one supervisor. Instead, the county planner, subsequent to the initiation of the construction of the IRWMP seemed intent to approve and plan for as many developments as possible in every nook and cranny of the county in apparent anticipation of the obvious near future restraining impact of IRWMP. The proposed and absurdly named "String of Pearls" idea of making limited urban developments at every existing rural overpass on Highway 99 in Madera County is an excellent example of irresponsibility introduced after the initiation of the IRWMP study.
- P. 263 (p 8-62) 8.4.2 **Water Supply for New Development.** This section ignores the fact that the valley floor water table is likely going to be very difficult if not impossible to stabilize and that the stabilization of the valley floor water table should take precedence over all development until it is stabilized. This problem is likely the primary reason for DWR's demand for local action on groundwater, and ignoring it is likely to invite DWR's takeover of Madera County's water plan.

**Madera Irrigation District.** Much commentary throughout the plan refers to many projects to be handled by MID. However, a problem exists because MID is controlled by a subset of the proposed benefactors delineated in the IRWMP. MID, and perhaps CWD should consider expanding its/their boundaries to, perhaps, most of the county, and perhaps, in the case of MID, changing from an irrigation district to a water district, if anything approaching political representation is intended. There would not be sufficient checks and balances in the case that the County of Madera sought to take over waters of the county not controlled by Water Districts and Irrigation Districts.

Alternately a separate voted in water issues entity could be formed to first and foremost protect current citizens from political pressures for development and then allow for managed growth as constrained by water availability. Current citizens should not have to suffer diminished supplies of water due to ill conceived development actions by the Madera County.

Rainfall inconsistency: In Chapter 9 there is a comment that rainfall ranges from about 14 inches in the lowest foothill areas. This number, which is correct, is used elsewhere throughout the report. In one place in the report it is said that the lower foothills receive 13 inches which is the number of inches said by Ken Schmidt to be the evapo-transpiration use.

**\*\*\*Generally, other than shallow references to benefits from proposed projects (no attempts at cost benefit analyses), the report routinely ignores economics and particularly the business destroying economic impacts of new regulations that are the otherwise well intended consequences of the State of California's mandates behind the creation of this report.**

#### **Overall Assessment of the IRWMP:**

Clearly by its title, the mandate of the IRWMP is to delve into every conceivable detail relating to water. While it contains inconsistencies, abbreviated treatments of subjects and an alarmist bias, it nevertheless has done a fairly good job on the detail. But its mandate may have left out a serious opportunity, because there is little or no commentary regarding the current validity of all claims to San Joaquin River water. Larger issues should be addressed in the IRWMP too, like whether increasing amounts of the Kings, Kern, Kaweah, and Tule rivers are being displaced southward to foster ever more growth in Southern California and whether the original intent of the Friant Kern Canal to mitigate the loss of those waters to Southwest farming interests remains valid considering new agreements in counties to the south of Madera to export *their* waters even further south.

While mentioned in at least two Valley IRWMP committee meetings, mention of large scale meaning the whole State of California scale legal dynamics of water within the IRWMP was barely touched upon, that being on page 207 (page 8-6) (8.1.1.2) when the governor's announcement was referenced. The Boswell Farming Corporation and the

Metropolitan Water District of Southern California may be in the process of transferring Kings, Kaweah, Tule and Kern river water and/or associated groundwater to Southern California interests. It is pointed out in Mark Arax's book on Boswell, *King of California*, that while in the past, strangely conjured FBI investigations have been made into critics and challengers of the Boswell ownership of 4 California Rivers, that is probably no longer a threat. This is a new era and the old Madera County that received the short end of California's waters a particularly short end of the San Joaquin River's 50% of which originates within its borders should now stand up to claim what was politically stolen from it by Southern San Joaquin Valley and Southern California financial interests in the 1930s, 1940s and 1950s. Legally speaking, water is on the table, and Madera needs to take itself to that table; nobody, no entity, is going to save a chair for our county. So as it regards larger issues, the IRWMP report loses itself in detail at the expense of ignoring grand potential.

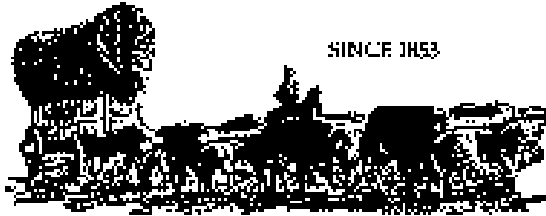
Regarding the Schmidt Report:

P.86. Regarding **proposed new well water test requirements**. Does this recommendation mean that a pump must be installed immediately in all new wells to obtain clear water samples, or is water blown from the wells by the pump rig at the time of drilling sufficient for the test? The difference between costs of the two methods could be thousands of dollars. This must be clarified. From a citizen's standpoint, something that government ought to keep in mind from time to time, just finding water for a particular purpose is a major hurdle. Wells are often very expensive ventures and plans for property use can be totally dependent on the degree of well success. People need breathing time between finding water, testing or confirming drill rig preliminary well yield results, and making final plans for use. For the county to add 20% to the cost of well by essentially requiring immediate pump placement would be just plain bad government. The answer to this question needs to be written in black and white.

This concludes our commentary.

Drafted by Clay Daulton, Chairman of the Madera County Farm Bureau (MCFB) Local Government Committee and submitted on behalf of MCFB Board of Directors.

cc: Members, MCFB Board of Directors



# DAULTON RANCH

H. CLAY DAULTON

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March 18, 2008

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**RECEIVED**

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200 West 4<sup>th</sup> Street  
Madera, CA 93637

MAR 21 2008

ENGINEERING &  
GENERAL SERVICES

RE: Integrated Regional Water Management Plan – Draft Version [1], Madera County.

As an invited participant on both the Valley and Raymond committees that met pursuant to constructing the 2007-2008 “Integrated Regional Water Management Plan” (IRWMP), this letter is a collection of my comments pertinent thereto. The plan, overall, seems fairly complete. However there are a few instances of missing information and ill informed writers making ill informed and/or impossible recommendations.

I also have made some suggestions not found in the IRWMP, which are embedded within my responses, to the various pages, chapters and IRWT numbered sections.

Particularly, I would like to point out that overall this plan appears to presume further development in Madera County and appears to predict that all existing residents will have to give up water for the dual purposes of stabilizing groundwater levels AND addressing the needs of newcomers, i.e. “development.” In no place is preservation of quality of life for existing residents addressed. And little if any references toward maintaining a sound agricultural economy are mentioned. I propose, on page 11 of this letter, that an entity be formed with the express purpose of protecting the water rights of individuals and businesses already residing in Madera.

There are many findings and recommendations within the report that will lead to further regulatory burdens regarding all facets of water. It must be remembered that rangeland agriculture (grazing) is an economically fragile enterprise. Indeed, all of agriculture can be said to be economically fragile. The history of maintaining viable cattle ranches in Madera County is an abysmal failure, and that failure is now spilling over into the more intensive irrigated agriculture as well, as we witness countless small hobby farms replace self sufficient ranching and farming operations all over the county. Additional regulatory burdens regarding water will only serve to speed urbanization, not impede it, and then water demand will rise even further.

To clarify my references, I begin each comment first with the Draft IRWMP page number used by Adobe Acrobat (the format of the IRWMP provided to me by Boyle Engineering), then the document page number and finally, when applicable, the paragraph reference number.

Page.26 [ES-1] Regarding the comment: “Groundwater of suitable quality for public consumption has been demonstrated to be present in most of the area [valley floor]

at specific depths." The problem with this statement is there is no mention of how long local water will last under the increasing rates of use and overdraft that are observed.

P.28 [ES-15] Regarding the comments under: **"Water Demand Reduction Measures"** [for agriculture]. For agriculture, this is ongoing due to economics and genetics. Most gains have already been achieved. Do not expect significant future gains of water from this source.

P.31 [ES-18] **"Other management measures that could be considered throughout the county include implementation of land use policies regarding water availability"** This is an extremely dangerous concept. Given the opportunity, it is likely that the county could regulate agriculture out of existence through the sheer imposition of limitations on cropping, forced cyclical fallowing and all kinds of vile and suspiciously contrived controls, and thus force agricultural land and even agricultural conservation reserve easement land out of production – all for the obvious purpose of freeing up water for well-heeled developers. Governments of the future can not be trusted to view the intent of every law in the same light as the makers. Regulatory overreach is not needed when self policing due to the dictates of economics is sufficient, i.e. cost and limitations of water availability in areas of potential agricultural development. Subdivisions already have to find their water and are unlikely to be located where agricultural water isn't already being used; new developments' water should not come from existing agricultural accounts.

P. 31 [ES-21] **Madera County should exercise its 10,000 shares in the water bank, but it should declare at the outset its plans for the use of waters it will be eligible to store.** And that use, if used to mitigate losses of any kind, should include agriculture in part of a balanced distribution formula .

P. 38 [ES-25] Regarding the comment: **"Setting limitations on new agricultural development if water supply is not sufficient to meet demand and/or requiring annexation into an irrigation as a prerequisite."**

Legally and ethically speaking, how can limits be placed on new agricultural development, either inside or outside irrigation districts, where commercial irrigation quantities of groundwater still exist. Is this to say that through use, those who started first to pump have an established right to take whatever is left of their neighbors' water. That is just plain wrong. *The taking by all users, new and old, of reasonable amounts water from the ground is more logical and may force some fallowing by some while allowing neighbors to irrigate a portion of their lands.* A water use per acre limit would be more logical and probably less challengeable in court.

Further, regulations emanating from this advisory should only apply to areas where the water table is declining significantly. In foothill and mountain areas where water tables are not declining appreciably, or where water tables are 100% replenished annually or cyclically, any such regulatory oversight should be relaxed or suspended, particularly for agriculture.

P. 38 [ES-25] Regarding the comment: "Groundwater use or pump tax to fund future water supplies." Simply saying that such taxes would go toward water development projects is insufficient. There is too much evidence in the history of funds raised by government only then to be lost through accounting deficiencies and/or depreciation of purchasing power between collection and project implementation. An example of that phenomenon is when Madera County's accumulated Road Tax funds recently lost over 50% of their road oil purchasing power because of being held too long by the county while road oil prices increased immensely. Regulations emanating from this recommendation should include the following: Such tax collections are limited to areas only where proposed projects have been identified and engineered, and should never go into the county general fund. If such projects have not broken ground within 5 years, collections should cease and the money should be returned to the taxpayers. While mentioned in Chapter 9, in the IRWMP summary/conclusion the idea that the proposed pump tax should be reserved for water development is not mentioned.

P. 67, (p. 2-14) Section 2.6 – **This section declares timber as being part of the economy.** Timber has become a negligible part of the county's economy due to actions of environmental activists.

P.108 (p 4-8) Section 4.1.3 – Regarding the comment: **"The majority of the water use in the County is for agricultural purposes, with approximately 3% being used for urban and rural use."** Such a figure, (3%) implies that there is much water that can be diverted from agriculture for further urban, commercial and industrial development. However it seems clear that today's groundwater overdrafts are more proportionately due to urban use than agricultural use – consider the cones of groundwater depression under all urban areas in the county. I question the 3% figure and believe its supporting information should be thoroughly reviewed. While agriculture has clearly become more and more efficient in its use of water on a per acre basis, the opposite is likely true for urban areas, where the population density per acre grows yearly.

More questions: Is the agricultural use of natural rainfall water on rangeland included in the 3% calculation for urban use, or not? What is the meaning of "rural use" in this sentence? Does the term "rural use" include non-irrigated agriculture or not. What about runoff held in small dams in the foothills. As for the alarmist and "fairness" factors either written into, or likely interpreted by some readers of the report, agriculture is not properly credited with mitigating un-recharged urban cones of groundwater depression. Does this

3% urban use include percolated agricultural water and irrigation district urban percolation ponds?

P.110 (p. 4-10) Section 4.2 - Regarding the statement: **"In the California Water Plan Update (2005).....in all three scenarios, agricultural water use was projected to decline."**

This is acceptable if one considers that agricultural land is lost to local urban development of single family homes because such change in designation usually means no change in quantity used per acre and the supply is surface in origin. However, the retirement of agricultural land locally for the specific purpose of saving surface delivered water, only to have that water sent or displaced to distant places within or outside the county for the purposes of development of naturally, now parched lands is unacceptable and should be laugh.

P 114 (p. 5-3) Section 5.1.1.1 - The "sub basins" of lowlands of the Daulton ranch and Raymond areas do not appear to have been as rigorously studied as other, larger, basins, and thus no regulatory framework for this area should be emplaced prior to studies of equivalent caliber and paid for from the same sources. It would be grossly unfair to use public money to assess selected groundwater basins and then to impose the costs of studies on the owners of other lands not so subsidized.

For years, a United States Bureau of Reclamation representative drove through parts of Daulton Ranch and measured two wells. That ceased when I caught him drunk after he had smashed a fence post and dented a side panel on the USBR pickup truck, and I told him to stay out. The gates were locked after that. Nevertheless, USBR did keep well level data at one time. It is not clear that those records are used.

The complexities of determining well yields in local basins and in hard rock wells is discussed in the Schmidt Appendix, but is glossed over in the text. The fact that the beginning sentence of a paragraph on the subject of aquifers (P. 115) (p.5-10) mentions clay layers on the east side of the valley, and is then lost in the rest of the same paragraph and several more covering the east side of the valley is proof positive that little is known. With such comparatively little knowledge of a large area, no regulatory framework for this area should be emplaced prior to studies of equivalent caliber done for other areas.

P. 130 (p. 5-19) 5.1.2.4 - Regarding the concluding sentence, **"There is little stream flow that originates in the foothills because of low precipitation."** I argue this statement is at worst erroneous, at best misleading. Certainly, there is little stream flow sufficient to help the valley floor development and overdraft problems, but stream flow is a relative term and it is highly important to operation of the open space preserving institution of cattle ranching and to the ecology of the foothills and mountains.

On Daulton Ranch there are areas containing soil types that in wetter years will at some point saturate, and that all subsequent rains will then produce huge runoff, while other areas, that do not so easily saturate will then contribute to local groundwater and to natural springs that flow in creeks toward the valley and make for many riparian areas. The upper reaches of Eldredh Creek, Daulton Creek, and Berenda Creek and likely other creeks contain many areas where precipitation readily percolates into the ground with the foregoing effects.

The surface springs that were maintained by the American Indians for 13,000+ years (without a permitting system in place during any of that period), would seal up with growth and organic matter were it not for the maintenance performed by local ranchers and private land owners. Regulatory overreach would cause many of these natural springs to seal up in short order, as few if any individual land owners would submit to an imposed regulatory morass of permitting and required engineering plans to clean up dilapidated and overgrowing springs. This would mean death of habitat to red winged black birds, tiger salamanders, bald eagles, golden eagles, doves, night hawks, bob cats, raccoons, skunks, coyotes and burrowing owls: to name just a few newsworthy environmental dependents of the foothill and mountain springs that are maintained open and flowing by local ranchers.

Further, the report's assertions, that 'only about a 10<sup>th</sup> of foothill rainfall makes it into the ground water' is probably not correct for all areas. That assertion may be true as an average, but it is inapplicable for some areas. These distinctions need to be made because the inevitable regulations that emanate from the county's adoption of this report will be based on its content. And these distinctions need to be made in order to keep from destroying the agricultural economy and other economies of the foothill areas with regulatory overreach that ignores local facts. And if there is little or no science regarding percolation attributes of the quartz-mica-schist soils and base rock found in the lower foothills (as distinct from granitic areas), then the report should call for applicable studies prior to identifying problematic subject areas and making recommendations leading to regulatory overreach.

P. 135 (p 5-25, and P 137 (p 5-27) – Section 5.2.1.1 and Section 5.2.1.3 – Spelling problem: I believe, but am not certain of the author's intent, that it's meant to be the "Frauchi Wier" and not the "Fanchi Wier" - "Franchi" is an old Madera family name and John Franchi was once a member of the MID Board; he is in a group picture that hangs on the wall at the MID office.

P 143 (P. 6.1) Section 6.1 – Regarding the text description: "The main source of [groundwater] chemical [pollutants] has been associated with agricultural and industrial uses." This is not further expanded upon and needs textual clarification and further delineation of the specific contributors in the text! And it may not be complete,



given recent revelations in the national press about the human drugs found in groundwater in the east coast. Relative proportions of blame associated with each chemical pollutant need to be identified so that agriculture does not receive a disproportionate of defamation.

- P. 159 (p 6-17) Section 6.2 – “Surface Water Quality.” While partially applicable, the comments in paragraph 6.2, Surface Water Quality, “Typically, surface water contains microorganisms such as bacteria, viruses, protozoans such as *Giardia* and *Cryptosporidium*.....,” and further down, in another negative context, “animal.....activities,” and finally “watershed protection to minimize or *eliminate* [emphasis added] these sources of pollution is essential to public health protection.” All three of the quotations are alarmist, misleading, and the concluding one is just plain irrational!

Indeed, “animal activities” have existed within, and at the entire periphery of all streams for billions of years. Squirrels have been identified as a primary source of cryptosporidium and cows have been proven to be minor and irregular contributors. These “problems” could only be “*eliminated*” by killing off ALL animals in the foothills and mountains – all of them, every last animal! And remember, animal in the zoological context, includes every last insect, amoeba, planaria, slug and worm. Of course plant life would soon follow the death of all animals, and then all there would be left in the water would be silt – one hell of a lot of it, as the mountains would soon wash to the valley without anything holding them in place. But the water would finally be free of organic pollution and the author of this section would be, presumably, happy! .... What a profoundly stupid conclusion to a profoundly stupid premise – and the only possible conclusion given what is written in this paragraph about minimizing or eliminating these sources of “pollution.”

Or perhaps the goal of the environmental emotionalist groups behind this claptrap idea is to return the land to its formerly “pure, pre-human state.” Perhaps one would like to close and return to the environment the formerly local dwelling and now extinct – due human hunting 13,000 years ago – mammoths, giant sloths, peccaries and a few other creek fouling animals to replace the local cows that mostly stay out of creeks except when drinking. And don't forget to resurrect the free roaming grizzly bears, carmelis and wild horses.

More lunacy!

The entire paragraph (6.2) is a terrible washover of a complex field. And what is profoundly glaring is: It fails to state so. The text completely ignores recent extensive research on *Cryptosporidium* and *Giardia* performed by U.C. Davis researchers performed right here in Madera (including local Ag extension farm advisor Neil

McDougal, Dr. Rob Atwill and Dr. Ken Tate) at the 4,500 acre San Joaquin Experimental Range located between Friant and Coarsegold. What was learned in that research is that on rangeland, *Cryptosporidium* concentrations in water runoff dissipate at the rate of 90% to 99% per surface meter, horizontally, and in the first 8 inches, vertically, of soil profile during storms. All of which, taken together, proves an alarmist bias is built into the report – at least with regards to these two organic pollutants and by inference then, every other alarmist comment regarding pollution in the entire report.

Accuracy matters, particularly when compliance costs of existing regulatory overreach in the United States has already been one of the prime reasons for our horrific trade imbalance and the unprecedented decline in the average American's standard of living. This IRWMP report, as mandated by the State of California, *will*, under that mandate, result in more regulations passed by county government. So the IRWMP's content, when known by its authors to be incomplete (which must be the case), must include commentary expressing those limitations and advising the readers that its necessary brevity must be expanded upon by further study prior to the county passing of regulatory actions. To lead any reader to the conclusion that the report is an exhaustive and exclusive reference for future county legislative actions seems almost criminal.

The incompleteness and/or alarmist bias of the report – as evidenced by the impossible call to eliminate certain microorganisms from the environment – and the need for further information to pass any sound legislation is an open invitation to political discord and possibly ineffective or profoundly bad public policy. And the incompleteness and or alarmist bias of the report should not result in premature introduction of local legislation and the placement of the burden of research onto the public as an off the books tax on county residents.

The fact that a few low-lying, relatively shallow, man-made lakes downstream of thousands upon thousands of new houses with septic tanks are proving to be polluted with organic matter is of little surprise. Rangeland agriculture should not have to pay the price of the county's former choices.

P. 192 (p. 7-12) Paragraph 7.2.2.2 - Regarding commentary on **debris during flooding:**

Certainly, practices by the County of Madera Road Department contribute a huge amount to debris, of which this writer has a growing body of documented evidence.

Pertinent to ordinary stream water quality, as well as during flood conditions, the County of Madera Road Department is a huge contributor to degraded water quality due to causation of unnecessary erosion. The county, for decades if not a hundred years, has been miserly in its sizing of culverts; and sloppy in its placement of them. Before County-initiated regulatory overreach raises its ugly head, the county itself should change its ways. Culverts need to be adequate in dimension so as not to cause erosion on the

emitting end due to fire-hose forces of exiting water and roadway overflow due to inadequate sizing. Five known areas with these problems are: on Road 29 between Road 603 and Avenue 26; several places along Avenue 15; Road 603 East of Daulton; Avenue 26 for 2 miles, west of Road 29; and culverts on Road 25 near the municipal golf course. There must be many more such places. In the case of wet years, water gushes from the culverts, washes dirt into otherwise fairly clean runoff and causes water to flow over roads, cutting embankments, damaging roads, and adding silt, clay and road oil to the floodwaters.

Each of the two times that Brenda Creek overflowed its Road 26 dike (due to an inadequate culvert) and made a lake that went 2 miles up-stream, a county road department employee told me that "this is a 1,000 year flood." Now there's an engineer with conviction - if not myopia. What is the statistical likelihood of two 1,000 year floods within 20 years? That the county contributes to water quality degradation there is no doubt.

Further yet, the county of Madera bends over backward to allow a locally owned public utility to emplace conduit along Raymond road, along Road 415 and other foothill and mountain roads, with the effect of the ditching being to loosen formerly packed soil and then seeing that soil washed in great quantities down local creeks during minor storms.

And the County of Madera Road Department also has taken up the practice of moving alien soils into places like Road 603 for the apparent purpose of improving road shoulders but with the likely unintended consequences of having great quantities of these foreign soils washed into and down local depressions and creeks. The county of Madera needs to hire a soil expert for its own extensive operations prior to initiating regulation of private entities.

It should be noted that animals have been eliminated from the valley streams. Due to the unnatural lack of browsing and grazing, huge and unnatural amounts of creek vegetation are accumulating in all valley creeks and sloughs.

Lastly, due to high dumping charges at the Madera County Landfill along with its distance from many areas needing more immediate access to dumping sites, huge amounts of trash is being illegally dumped on roadsides near culverts and into creeks wherever access is possible.

**Temperance Flat Dam Section 8.1.1.2 - The commentary in this section is an excellent and commendable treatment on new water and is somewhat refreshing compared with the excessive gloom and doom found throughout most of the rest of the report. When the county adopts this "plan," it is imperative that it actively pursue**

**Temperance Flat Dam with a vigor uncharacteristic of most government entities. The same can be said for the other water enhancement projects found in chapter 8.**

**"Species Recovery:"** In section 8.1.1.3.1 references are made to "species recovery," with the implied obligatory corollaries of "endangered" and "threatened," along with the other usual in-context words: "Critical Habitat." The sweeping statement about species recovery is a major gloss-over of a huge and controversial subject. No mention is made that such designations may or may not be based on science but, rather, often on political declarations after harassment of controlling agencies by well funded environmental groups. No mention is made that, indeed, even applicable science is divided regarding the designations of some species. Also missing, is the fact that lack of water availability will preclude perpetual progressions of development of many parts of Madera County and that concerns for eventual complete loss of "habitat" are thus not well founded. Such unbridled commentary on "endangered" and "threatened" species has lead to a body of law that makes ranchers – the protectors of the environment and open space -- into felons for even maintaining their fences and pursuing ongoing livestock operations. Such regulatory overreach will destroy open land far more rapidly than will the regulatory constructs emanating from quieter and more considered commentary within reports such as this.

The main point here is that: Caveats and disclaimers need to be added when mentioning "endangered" and "threatened" species.

8.1.2.1, p. 8-29 (water conservation) – To paraphrase the paragraph: '[Adoption] by agriculture of modern drip and microsprinklers to conserve water [is recommended].'

Obviously the writing firm had no agricultural consultants under the age of 100. Aside from being an insult to every farmer in the county, this commentary is profoundly shallow, insipid and just plain defamatory of commercial agriculture. Its inclusion leads the reader to assume that agriculture, as practiced, is still in the dark ages, that the education level of farmers is in the dark ages, that farmers can not be trusted to be stewards of the land or water, and that agriculture is somehow free of, and does not respond to the forces of supply and demand.

First of all, there can be no significant commercial irrigated agriculture left that does not use drip or microsprinkler irrigation where applicable. All you have to do to see this is to drive county roads. Further, most of the 'field crops,' like alfalfa and corn, are not economically served by such technology and in fact apply new technology as it as soon as it is economically feasible. Field crops, some of which do use a little more water per acre, tend to percolate more water to the groundwater table. This brings forward the hypocrisy of any truth left in the reference to 'adopting new technology:' that being that drip and microsprinkler irrigation has caused a considerable decline in groundwater recharge from surface delivered water due to more efficient water use. There is a larger

hypocrisy too, that being other references made within the report as to how to find more places in the county to pond water for groundwater recharge while agriculture is simultaneously encouraged to percolate less. When one adds a little practical, historical and current perspective, some of the report's commentary sounds like a bunch of make-work gibberish. It's way past time to move beyond the use of the standard agriculturally defamatory boilerplate written by the drug altered flowerchildren of the 1960's!

It also must be kept in mind that the government's pricing of local irrigation surface water is not based on any market force, cost, or any other rational criteria, and that the hefty surcharge now applied to local agricultural surface water for an 'environmental account' in fact goes into the general fund without being accounted for.

P. 236 (P. 8-35) Section 8.1.3.3 [Flooding] project selection "**on a first come first served basis**" is a questionable idea, when merit may be a far better method. However, merit based selection lends itself to politics and it is unfortunate that merit must be ignored due to fears of what amounts to political failure.

8.2.2.3 – In the title of this section, "Daulton" is misspelled as "Dalton," however it is spelled correctly in the text. Curious. **The correct spelling is "Daulton."**

P. 255 (p 8-54) section 8.2.3.2 – Under: "**Disadvantages of [mountain and foothill] vegetative management:**" "**Land ownership patterns in the watershed which may not be suitable for integrated [watershed] management.**" This observation conveys the idea that an individual owner of several contiguous parcels is subject to greater government regulation than are owners of single parcels." — A very interesting legal concept! Perhaps owners of several contiguous parcels should receive substantially lower tax rates do to potential discriminatorily applied regulatory costs associated with ownership of contiguous parcels (all of which would be a rancher's nightmare). Such a comment is also evidence that this report is government oriented and not citizen oriented – a terrible precedent for the regulatory framework that may evolve from it.

P. 262 (p 8-61) 8.4, under "**Other Water Management Measures**" – "**Measurement of all large-capacity well pumpages in the valley.**" Who will pay for this? It is unfair to charge or impose costs on agriculture for regulation of a problem that would be self regulating were it not for the increasing urban influx in the valley as encouraged through actions of Madera's former and present Boards of Supervisors along with pressure from developers.

P. 262 (p 8-61) 8.4, Regarding the commentary under "**Other Water Management Measures**" – "**Controls on groundwater pumping.**" Who will be the controlling authority? What considerations will be given to temporal priority? Urban vs. agricultural priority?

P. 261 (p 8-62) 8.4.1 -- Regarding the commentary under "Land Use Policies,"... "Limitations on new development (agricultural and urban) if the water supply is not sufficient to meet demand." This is an excellent idea based on a hard fact known for over 60 years. It should have been implemented as a temporary measure after the first IRWMP committee meeting – a meeting that was attended by county planning personnel and at least one supervisor. Instead, the county planner, subsequent to the initiation of the construction of the IRWMP seemed hell-bent to approve and plan for as many developments as possible in every nook and cranny of the county in apparent anticipation of the obvious near future restraining impact of IRWMP. The proposed, and absurdly named "String of Pearls" idea of making "limited" urban developments at every existing rural overpass on Highway 99 in Madera County is an excellent example of irresponsibility introduced after the initiation of the IRWMP study.

P. 263 (p 8-62) 8.4.2 "Water Supply for New Development." Sounds nice, but ignores the fact that the valley floor water table is likely going to be very difficult if not impossible to stabilize and that the stabilization of the valley floor water table should take precedence over all development until it is in fact stabilized. This problem is likely the primary reason for DWR's demand for local action on groundwater, and ignoring it is likely to, and should, invite DWR's takeover of Madera County's water plan.

Madera Irrigation District. Much commentary throughout the plan refers to many projects to be handled by MID. However, a problem exists because MID is controlled by a subset of the proposed benefactors delineated in the IRWMP. MID, and perhaps CWD should consider expanding its/their boundaries to, perhaps, most of the county, and perhaps, in the case of MID, changing from an irrigation district to a water district, if anything approaching political representation is intended. There would not be sufficient checks and balances in the case that the County of Madera sought to take over waters of the county not controlled by Water Districts and Irrigation Districts.

Alternately a separate voted-in water issues entity could be formed to first and foremost protect current citizens from political pressures for development and then allow for managed growth as constrained by water availability. Current citizens should not have to suffer diminished supplies of water due to ill conceived development actions by the Madera County.

Rainfall inconsistency: In Chapter 9 there is a comment that rainfall ranges from "about 14 inches in the lowest foothill areas." This number, which is correct, is used elsewhere throughout the report. In one place in the report it is said that the lower foothills receive 13 inches – which is the number of inches said by Ken Schmidt to be the evapo-transpiration use.

**\*\*\*Generally, other than shallow references to benefits from proposed projects (no attempts at cost – benefit analyses), the report routinely ignores economics and particularly the business destroying economic impacts of new regulations that are the otherwise well intended consequences of the State of California's mandates behind the creation of this report.**

**Overall Assessment of the IRWMP:**

Clearly by its title, the mandate of the IRWMP is to delve into every conceivable detail relating to water. While it contains inconsistencies, abbreviated treatments of subjects and an alarmist bias, it nevertheless has done a fairly good job on the detail. But its mandate may have left out a serious opportunity, because there is little or no commentary regarding the current validity of all claims to San Joaquin River water. Larger issues should be addressed in the IRWMP too, like whether increasing amounts of the Kings, Kern, Kaweah, and Tule rivers are being displaced southward to foster ever more growth in Southern California and whether the original intent of the Friant Kern Canal to mitigate the loss of those waters to Southwest farming interests remains valid considering new agreements in counties to the south of Madera to export *their* waters even further south.

While mentioned in at least two Valley IRWMP committee meetings, mention of large scale – meaning the whole State of California scale – legal dynamics of water within the IRWMP was barely touched upon, that being on page 207 (page 8-6) (8.1.1.2) when the governor's announcement was referenced. The Boswell Farming Corporation and the Metropolitan Water District of Southern California may be in the process of transferring Kings, Kaweah, Tule and Kern river water and/or associated groundwater to Southern California interests. Of course it was pointed out in Mark Arax's book on Boswell, *King of the Valley*, that while in the past, strangely conjured FBI investigations have been made into critics and challengers of the Boswell ownership of 4 California Rivers, that is probably no longer a threat. This is a new era and the old Madera County that received the short end of California's waters – a particularly short end of the San Joaquin River's 50% of which originates within its borders – should now stand up to claim what was politically stolen from it by Southern California financial interests in the 1930s, 1940s and 1950s. Legally speaking, water is on the table, and Madera needs to take itself to that table; nobody, no entity, is going to save a chair for our county. So as it regards larger issues, the IRWMP report loses itself in detail at the expense of ignoring grand potential.

**Regarding the Schmidt Report:**

**P.86.** Proposed new well water test requirements. Does this recommendation mean that a pump must be installed immediately in all new wells to obtain clear water samples, or is water blown from the wells by the pump rig at the time of drilling sufficient for the test. The difference between costs of the two methods could be thousands of dollars. This must be clarified. From a citizens standpoint, something that government ought to keep in mind

from time to time, just finding water for a particular purpose is a major hurdle. Wells are often very expensive ventures and plans for property use can be totally dependent on the degree of well success. People need "breathing" time between finding water, testing or confirming drill rig preliminary well yield results, and making final plans for use. For the county to add 20% to the cost of well by essentially requiring immediate pump placement would be just plain bad government. The answer to this question needs to be written in black and white.

This concludes my commentary.

Sincerely,



H. Clay Daulton

cc: to many





# GRISWOLD, LASALLE, COBB, DOWD & GIN, L.L.P.

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2037 W. Cleveland Ave.  
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Re: Madera County Integrated Regional Water Management Plan  
Public Review Draft February 2008

Dear Mr. Farley:

The following comments on the Madera County Integrated Regional Water Management Plan Public Review Draft dated February 2008 are submitted on behalf of the Taxpayers Association of Madera County.

Due to Madera Irrigation District's legal action against the County of Madera in implementing its general plan, the Water Supply Enhancement Project now has legal issues that will delay its operation and increase its planned cost in storing water. MID has two federal water service contracts that are the only means by which MID receives water from the San Joaquin and Fresno Rivers. Those contracts are identified as No. 175r-2591 LTR1 (San Joaquin River) and No. 14-06-200-402A-LTR1 (Fresno River). Neither contract gives MID the right to divert San Joaquin or Fresno river water to underground storage at Madera Ranch.

The United States cannot grant any water right to MID, as such rights are creatures of state law. MID agrees that a contract with the United States does not create water rights, as explained in a brief it filed in the case of Madera County Farm Bureau, Chowchilla Water District, Dennis Meisner, Jr., and Madera Irrigation District v. County of Madera et al., Central Green Company, et al., Real Parties in Interest, Stanislaus County Superior Court Case No. 350927 (consolidated with case nos. 350926, 351002, and 351033).

The water rights of the United States to the San Joaquin and Fresno Rivers are defined by California State Water Right Decisions D 935 (San Joaquin River) and D 1407 (Fresno River). None of the water rights permits or licenses approved under these water right decisions authorize the United States to divert waters of the San Joaquin or Fresno Rivers to underground storage at Madera Ranch or anywhere else, or to allow anyone else to do so.

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In addition, most of the land area of the Madera Ranch site is outside the present boundaries of MID. Contract Nos. 175r-2891 LTR1 (San Joaquin River) and 14-06-200-4020A-LTR1 (Fresno River) do not allow MID to deliver water to lands outside its boundaries without Bureau approval and without compliance with applicable law, which includes state water rights law.

On May 24, 1939, the United States and MID entered into a contract entitled "Contract for Purchase of Property and Water Rights No. H-1126" (1939 Contract, MID, among other matters, granted and conveyed to the United States all of MID's right, titles and interest of every kind and character in and to any of the waters of, and its right to store, any of the waters of the San Joaquin River, including its tributaries, channels and sloughs, other than those which drain to the San Joaquin River below Mendota Dam. Therefore, MID has no rights of its own to divert San Joaquin River water to, or to store water underground, at the Madera Ranch water bank.

Another important issue is whether, and how much, water is available for banking. In its Environmental Impact Report (EIR) for the water bank, MID represents that its diversion of water to underground storage will not increase the amount of water MID receives under its contracts with the United States. "MID is not proposing to increase the amount of water it diverts, reduce deliveries to farmers, or reduce deliveries to existing recharge basins." EIR at p. 2-2.

MID also represents that all of the water it receives is already put to reasonable beneficial use within MID, by MID and by farmers in MID. "MID receives an average of 173,165 af/year (1985-2004) of surface water. Of that amount, an average of 101,224 af/year (1985-2004), is delivered for agricultural use. The remaining average, 71,938 af/year (1985-2004), has been recharged (with a small amount lost to evapotranspiration) through MID conveyances, recharged at eight existing percolation facilities, and occasionally recharged as a result of unavoidable operational spills." EIR at p. 2-2. If MID already makes use of all of its water, where will it get water for the water bank?

According to these statements in MID's EIR, there would be no water available for banking if all the water MID receives is already put to use. If historically MID received water it did not put to reasonable beneficial use, then that water was improperly diverted and delivered to MID by the United States, is not properly attributable to the water rights of the United States, and would be water available for uses by others including newly initiated appropriations.

MID's water bank project, as currently proposed, violates California water law, and will result in violation of the state law water rights held by the United States for the Buchanan Unit and the Friant Division of the CVP. The United States, MID or both need to apply to the California State Water Resources Control Board for post-1914 appropriative water rights required for diversion of those waters to underground storage at Madera Ranch. Otherwise no water attributable to the water rights of the United States on the Fresno or San Joaquin Rivers may be delivered for diversion to the

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MID water bank. In addition there needs to be a water accounting showing that MID water is indeed available for banking.

**Paragraph 1.2, Chapter 1, Introduction  
Regional Goals**

**The specific goals for the Valley Floor are to enable the County to:** (add) Create an agreement with MID so that MID cannot sell Madera County water outside Madera County or to districts that sell water outside the San Joaquin Valley without Madera County's approval and not to sell water under long term contracts to Madera County developers to be used for commercial, residential and industrial use without County approval.

**Paragraph 3.1.1.6 and 3.3.4.5 Root Creek Water District**

(add) Castle and Cooke, a land owner of Root Creek Water District, was approved for development to commercial, residential and industrial use by Madera County with the understanding that they had an option to purchase new water from outside Madera County. This new water would have a significantly positive impact on the Madera County water supply.

**Paragraph 5.2.1.3 Other Water Rights** (add) In Bank v. Krug the trial court found that there was significant water percolation from the San Joaquin River to properties in Madera County that had significant value to those properties. The court also found that there were properties that were riparian to the San Joaquin River as well as properties that had appropriative rights to the San Joaquin River. The water subject to those rights has significant value to Madera County and should be protected.

**In Chapter 7**

**Flood Control Planning**

A paragraph should be added about flows created by Freeway 41 that flow into the San Joaquin River. This storm water is a source of potential water pollution.

**Paragraph 8.1.1.3.3** (add) The Water Supply Enhancement Project FIR, by its terms, only prevents MID from selling, transporting or exporting "native ground water" outside the County. FIR at 2-3. Since artificially percolated water is not "native ground water," this restriction begs the question, and in fact would not prevent MID from selling water to other water districts or water entities that are selling water to the Metropolitan Water District of Southern California (MWD). These sales would have the same affect as selling water directly to MWD and would affect water availability to Madera County.

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The total amount of groundwater overdraft in the Valley Floor, based on historical water-level declines for the past 30 years, is estimated to be about 100,000 AFY. The overdraft is continuing to increase.

The average annual amount of surface water delivered in the County is approximately 300,000 AFY. The availability of surface water can vary tremendously from year to year, depending on hydrologic conditions. In addition, increased pressure to allocate additional water to San Joaquin River restoration plans will reduce supplies available to CVP contractors which will cause increased groundwater pumping and an increase in County overdraft if the same level of agricultural production is maintained. Current projections indicate that the overdraft will double by 2030 if no mitigation measures are implemented.

The Water Bank EIR makes no allowance for water "lost" to the San Joaquin River restoration settlement agreement with the Natural Resources Defense Council and other environmental groups behind the NRDC v. Rogers lawsuit. These same groups sued under the Endangered Species Act and obtained a ruling from the Federal District Court in Fresno that imposes additional restrictions on pumping from the Delta. Therefore, it is highly unlikely that any of the San Joaquin River water used for the settlement will ever be diverted back out of the Delta and made available for irrigation or other uses to benefit people.

**Paragraph 9.2.2.1 Water Supply (Second bullet point)**

(Add) The County should investigate the following issues prior to purchasing 10,000 shares of the bank's capacity.

1. Demonstrate availability of Madera Canal capacity for Madera County to carry water that is to be stored in the Water Supply Enhancement Project. During much of the irrigation season, the canal is operated at or near capacity, which is problematic for transferring water to the Water Supply Enhancement Project.
2. Demonstrate availability of water to be purchased for storage. The CVP Friant Unit water supply will diminish due to potential increased releases to the San Joaquin River for restoration efforts. Also as quoted above, MUD claims in its BTR that it has always used all of the water it receives from its CVP contracts and therefore, if this claim is true, where would the water for the water bank come from? The BTR claims it will be the same water MUD has historically fully used. The EIR does not overcome this circularity and fails to disclose the true source of the water that MUD plans to store in the water bank. The water bank EIR contains the fundamental defect that it fails to include any operations studies to show how much water will be available for banking in different types of water years given

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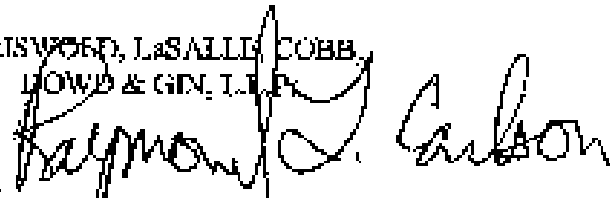
various scenarios of regulatory restrictions including the NRDC v. Rogers driven water supply reductions to provide water for the San Joaquin River settlement agreement.

(add) new bullet Due to the current direction of groundwater migration to the southwest and the goal of serving more MID constituents, MID should consider placing the 10% water bank reserve from the Water Supply Enhancement Project in the Fresno River for percolation. This will assist more MID members while serving the needs of the City of Madera. The Madera Ranch site is down gradient from MID and is down gradient from the lands served by MID. Percolating water at the Madera Ranch site makes no sense. Normally, water is percolated up gradient from where it is extracted and used, such as with the City of Fresno's Leaky Acres site. MID's plan, as disclosed in its EIR, percolates water down gradient from the place of use of water percolated into underground storage, necessitating a cumbersome internal exchange process to credit up gradient farmers with water extracted from the water bank. The water accounting for this process is not laid out in the EIR.

Very truly yours,

GRISWOLD, LASALLE, COBB,  
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March 21, 2008

Mr. Greg Farley, County Engineer  
Madera County Resource Management Agency  
Madera, CA 93637

The Integrated Regional Water Management Plan provides a valuable baseline for continued studies that will add data for implementing water management in Madera County. Like any study, there are areas of questions and omissions.

In the case of EMC, the private wells in the study were by willing participants. To provide a better population of data, the study needs to include problem wells and historic areas of concern. Point of interest would be the Lori Lane yearly water problems with Madera County corrective action including the subdivision hook up to Dillon Estates wells.

Historically, one must look at the surrounding wells when River Creek Golf Course started up. Many of the neighboring wells had to be deepened. Although this phenomena is alluded to in the IGWMP, the history should be included to emphasize the total impacts and needs for hydrogeologic investigation prior to approval of large water usage project. This should be correlated to usage demands.

Again, the cumulated data and analysis for the foothill area is valuable for future land use decisions. The snapshot in time with 10 points of measurement is limited in relation to the long term cyclical changes in precipitation. Most of the data provided in Volume 2 is related to the foothill area but the public presentations and recommendations have been primarily related to the Western County. In the unincorporated area of the valley, conversion of grazing land to crops and/or use of native land for agriculture must be controlled the same as dairies. A CUP will provide the mechanization to examine water impacts and the ability to assure water supplies are available through water agencies.

The proposed Plan reveals the county's reliance on MID to assume leadership in developing a Water Master Plan. Their planned projects will control the storage and movement of water to the flat lands while they historically control various levels of water rights from the two primary source of surface water, both the Fresno and San Joaquin Rivers. Madera County has not stepped forward and developed a water agency with a water master infrastructure plan. The proposed plan infers the need for such oversight, but does not require the initiation of Integrated Water Management Plan.

The two areas needing a comprehensive master infrastructure water plan is Rio Mesa and the Sierra Foothill area.

Having said that, there is enough empirical data to accept many of the recommendations. The greatest area of concern is the ambiguous use of "shall" in the recommendations. Given the continuation of studies and data to substantiate the findings, the



recommendations and communities would be better served by addressing each significant control with "the County will be required".

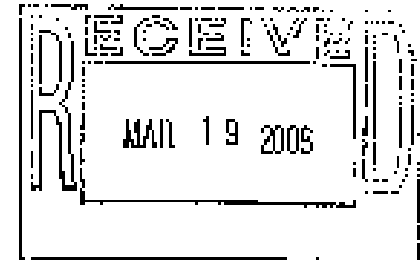
The use of "shall" has little to no importance in justifying controlling ordinances. If the County is to implement a Water Management Plan, it must be supported by legal ordinances. Without the intent to establish ordinances, the proposed plan will be a good academic effort equal to a Masters Project and it will ultimately be used as a reference plan only.



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Mr. Greg Farley, County Engineer  
Madera County Resource Management Agency  
2037 W. Cleveland Avenue  
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Dear Mr. Farley,

I am writing in response to your Integrated Regional Water Management Plan.

The draft plan does not acknowledge or reference the Water Cycle (hydrological cycle). The Water Cycle is the basic fundamental foundation of all water resources. Any plan that deals with water resources must not only acknowledge the Water Cycle but also understand the fundamentals of the Water Cycle and address the weak links associated with our current water challenges.

The Scientific Community has recently announced the apparently inexplicable rising of ocean levels 4 inches. Their calculations of the effects of the melting polar caps and glaciers and the expansion of water due to rising ocean temperatures are far insufficient to account for this total rise. Although the scientific community is at a loss to explain this surplus of water, it's only logical that this water is that which is absent from our groundwater and surface water due to our failing Water Cycle's ability to recharge.

We are witnessing this here in Madera County. Historic year round springs in Eastern Madera County are no longer producing water. Springs feed creeks, creeks feed streams and streams feed rivers that provide the water behind our dams. Wells too are drying up or dropping in production, well depths are often times deeper and deeper and the water table is dropping precipitously in the valley due to lack of recharge.

80% of the water consumed in the State of California originates in the Sierra Nevada. The draft plan also fails to recognize Eastern Madera County as a water resource and that the effectiveness of the Water Cycle in Eastern Madera County has direct relevance to these issues.

The Water Cycle can be seen as a chain of whole system. In our current Water Cycle, dysfunctional living biological systems are the weak links in the chain. Current policy, which has dictated "management/non-management", has increased runoff from Eastern Madera County exacerbating the ineffectiveness of our local Water Cycle. On the subject of brushing, removing brush creates runoff; not removing brush leads to capped soils which definitely increases runoff (I see more acreage of land in Eastern Madera County most likely than anyone else because of my line of work). Is either the production of water? Do we want to be increasing runoff or do we want to keep the water on the land longer?

We are increasing runoff when what we actually want is to keep the water "on the land" longer. This lack accounts for the inexplicably rising sea levels mentioned above. Brushing in and of itself is not sufficient to *manage toward a more effective Water Cycle*. Vegetation management must be implemented with a whole system approach and appropriate tools.

Among other things, this would lead to improved soil quality and its inherent superior infiltration and retention of water contributing to groundwater recharge in fractured rock and the net increase in water behind Friant Dam. Soil quality could provide twice the acre-feet of water stored behind our dams without raising the heights of our dams.

A block of ground three feet by one foot by six inch depth weighing one hundred pounds dry weight with 1.5 to 2.5 percent organic matter retains 35 to 45 pounds of water with an infiltration rate of  $\frac{1}{2}$  to  $1\frac{1}{2}$  inches per hour. The same soil with 4 to 5 percent organic matter retains 165 to 195 pounds of water with an infiltration rate of 4 to 6 inches per hour. This is what gives us recharge. Any questions?

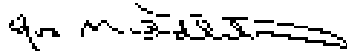
The USDA National Resource Conservation Service (NRCS) lists water quantity and water quality as soil quality issues. In addition to water quantity and water quality the NRCS also lists infiltration (flood control), erosion, plant production, reproduction and mortality, wildlife habitat, carbon sequestration, vegetation changes, establishment and growth of invasive plants and rangeland health as directly affected by soil health. The BLM, USFS, USDA, NRCS booklet entitled

Keeping Water on the Land .Longer support this further. The State of California Department of Water Resources, Resources Agency publishes a pamphlet series called Water Facts one issue entitled Ground Water in Fractured Hard Rock addresses soil as a factor in groundwater recharge in fractured hard rock.

Failing to address the entire Water Cycle as it relates to precipitation and taking precipitation for granted is the same as turning on the tap without a thought for the water's source.

This draft plan abysmally fails to address any of the Water Cycle Issues we face and as such will be completely ineffectual and will lead us down the road to a dry barren landscape in the watershed that is hoped to supply Millerton Lake, the proposed Temperance Flat and our other water resources.

Sincerely;



Joe Middleton

Cc  
Madera County Water Advisory Commission



3/20/09

Dear Mr. Farley,

I was disturbed to see that the IRWMP report didn't address the issue of water conservation by agriculture. The authors seemed perfectly happy to put the responsibility for conservation completely on residential users — to the point of restricting property rights.

I did the math and, since 97% of the water in the county is used by ag, the water saved with a 25% conservation of residential water would require less than a 1% conservation with ag water. I don't buy the argument that farmers have done everything possible to keep their use and therefore their cost of their water to an absolute minimum.

I'm sure the authors would feel that a 25% residential savings would be a great accomplishment. Do they really believe that there is not less than 1% that could be conserved in ag use?

--Larry Wright

Coarsegold

3/26/08

TO: Mr. Greg Farley  
RE: IRWMP

Mr. Farley

I attended the water meeting and came away with some concerns.

- 1) When this plan is passed by the state it must be recognized as a living document. The Water Advisory Board should accept comments from the public on a regular basis and pass those concerns along to the Board for action/amendment to the plan.
- 2) The county needs to be responsible for creating guidelines—not the state.
- 3) Shared water systems must be allowed. Let's recognize the benefit to property owners and not arbitrarily deny them their rights.
- 4) Chemical testing should not be mandatory for the sale of a property—the buyer or seller should make the decision, not the government.
- 5) Mandate no water is sold outside the the county- <create the water bank and use the water in Madera County.
- 6) Recognize that Eastern Madera County has different water needs and conditions than the Valley—don't lump us all together. Ag water issues affect the Valley not the mountains.

Thank you

Rosemarie Wright  
Coarsegold

*Harmstead*  
3-20-08

**Sandra D. Connolly**  
**P.O. BOX 207**  
**Raymond, Ca. 93653**

March 19, 2008

Madera County  
2037 W. Cleveland Ave.  
Madera, Ca 93637

ATT: Emma Mirelez % [scott.harmstead@madera-county.com](mailto:scott.harmstead@madera-county.com)

RE: **Water Study Comments**

Having reviewed the water study Draft and attended the meeting in Raymond, I would like to have you consider the following points to be a part of the final water study.

I concur with the Recommendations of the Draft Section 9.2 and in particular the Foothills and Mountains Section 9.2.1 regarding New Wells and 9.2.1.5 Water Supply.

The issues to be managed must be:

- The language of the report must have more definitive wording as the draft form is too vague and leaves most of the document up for interpretation.
- Require certified hydrologists prior to approval on all subdivisions.
- Examine adequacy of water by conducting concurrent testing peripherally to determine effect on existing wells. Which current County protocol requires.
- Mandate metered wells in all subdivisions this will introduce the process and create more conservative approaches to water usage.
- provide criteria for any exceptions.
- Require a complete EIR on all subdivisions to insure all aspects have been conducted- NO modified EIR's to provide consistent development for all projects.
- Well depth clarified for all new projects.
- Legality of impact of subdivisions on existing homeowners.

Concerns:

Stated in the Conclusion Section of the Draft that over the long term there is not sustainable water resulting in higher pumping costs and deepening of wells.



*Concerns continued:*

*It is my opinion that new development should not infringe upon existing household wells. If a certified hydrologist cannot ascertain sufficient water for a new project, having done draw down and monitoring of the neighboring wells within the .05 mile radius as currently in the County protocol, then that project would not be appropriate as recommended.*

*Also, there appears to be NO constraints on the Hillview water system sucking Raymond dry by taking over existing wells, enhancing them or drilling new wells. They should be no different than a subdivision and should be held to the same standards. Otherwise, surrounding wells will cease to function and/or require being drilled deeper.*

*Conclusion:*

*We must not have growth at any cost. The County must do their due diligence and not waiver. We already have a proposed sub-division that has not been held to the protocol of the county and it has caused unnecessary expense to the developer (had it been done right the first time) and a watch dog mentality from the community requiring evidence to the Planning Commission and the Board of Supervisors to get it done right.*

*Developers must be held to a higher standard than an individual homeowner building their personal residence. A subdivision must be modified if there is proof that water is not sustainable and will create a hardship to those homes already in existence.*

*Thank you for giving me this opportunity.*

*Respectfully submitted,*



*Sandra D. Connolly*

# ***Chowchilla Water District***

Post Office Box 907 • 327 S. Chowchilla Blvd • Chowchilla, CA 93610  
Phone (559) 939-3777 • Fax (559) 960-3240 • Email [info@chowchilla.com](mailto:info@chowchilla.com)

## **Board of Directors**

***Dan Mandelbaum • Michael Mandala • Vince Taylor • Kole Ed. Olson • Mark Wolfhornell***

March 18, 2008

Greg Farley, County Engineer  
Madera County Resource Management Agency  
2037 W. Cleveland Avenue  
Madera, CA 93637

Dear Mr. Farley:

Thank you for the opportunity to comment on the draft Madera County Integrated Regional Water Management Plan. The plan is a critical step towards integration of efforts in the County to better manage our water supplies. Following are Chowchilla Water District's comments:

Agricultural water use in Madera County varies substantially from year to year due to climatic conditions, crop acres and the types of crops grown. Figure 4-1 shows a very short time period and implies that water use in the county is increasing. The simple extrapolation of water use made for the period 2004 through 2006 in Figure 4-1 is misleading. Unless the irrigated crop area increased substantially or crops that use more water increased during these years, water use could not have increased in all three years. Both 2005 and 2006 were above average precipitation years which would have caused a reduction in water use in both of those years. The water use reported in Table 4-1 for 1998 is roughly one-half of the water use reported for 2002. This is because precipitation in 1998 was very high and in 2002 it was very low. Why was the data for 1998 excluded from Figure 4-1? Agricultural water use may in fact be increasing, but the data to show that trend have not been used in this plan. Data for the last 30 years should be used in the plan to show the annual variance in water use and any trend if it exists.

The maximum controlled flood release from Buchanan Dam is 7,000 cfs. The design capacity of the Ash Slough and Berenda Slough downstream of Highway 99 is 5,000 cfs and 2,000 cfs respectively. The capacity of the Chowchilla River downstream of Highway 99 is less than 50 cfs. No flood

Craig Farley  
March 18, 2008  
Page 2

releases from Buchanan Dam are diverted into the Chowchilla River downstream of Highway 99. The capacity of Berenda Slough near Avenue 22 has been reduced to less than 500 cfs due to vegetative growth in the channel. In 2006, all the board guides at the Ash-Berenda Bifurcation Structure were lowered to allow flood releases from Buchanan Dam to be diverted into the Ash Slough and Berenda Slough as designed by the U.S. Army Corps of Engineers. When all of the board guides have been lowered, the Ash-Berenda Bifurcation Structure diverts 70 percent of the flows into the Ash Slough and 30 percent into the Berenda Slough. No attempt was made during the 2006 flood to divert more water into the Berenda Slough to reduce flows in the Ash Slough.

If you have any questions in regards to these comments, I would be happy to discuss them with you.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas Welch". The signature is fluid and cursive, with a large initial "D" and "W".

Douglas Welch  
General Manager

**Notes from Public Meetings  
to Present Draft IRWMP**

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**Madera County Staff Notes from Public Meetings Held to  
Present Draft Integrated Regional Water Management Plan  
and to Receive Public Comments**

**Water Advisory Commission Meeting in Oakhurst (3/8/08)**

Is part of Chowchilla's excessive usage due to landscaping? Answer: Yes. In urban areas there is typically more extensive landscaping and, therefore, more water used for irrigation.

The point was made that in recent years a lot of idle land has been converted to productive agricultural land where there is no available surface water, thus using more groundwater.

If the groundwater is lowering by 5 feet per year, when is it used up? Answer: We can't really say because it depends on many factors and will vary according to area.

When referring to water rights, did you take into account individuals' water rights throughout the County? Answer: The figures we use are an estimate. For this study we did not identify every individual water right but did include all the major water rights holders and many of the smaller contracts held for water rights.

The possibilities of water banking was discussed: how it would benefit all of the County, how the County is thinking about having its own water bank. That particular plan is not mentioned in the IRWMP because it is just recently beginning to be discussed.

The question of any provisions made to expand this Plan to include such things as the County's water bank, etc., was asked. The point was made that applications for more grants have already been submitted for the implementation of this Plan's recommendations. Also, completing this Plan will enhance the County's opportunities to receive other grants.

Comment: If I pull 150 gallons out of the groundwater and then put it back through my septic system, the only real usage I have is the evaporation from my clothes as they dry. It seems we wouldn't have a water problem if we addressed the ground ornamental watering etc. I don't see that addressed in this plan. All we can go by is the groundwater levels. Obviously, if the water goes back into the ground it is not wasted or totally lost, but the groundwater levels are declining. Also demand was mentioned. The water is not immediately available as it seeps into the ground. The recharge is not instant. So the demand is there and the groundwater doesn't keep up with it at all times. However, the valley, with less precipitation has more to be concerned about.

The point was made that at times drilling a second well can help the production of other wells in the area.

Shared wells – if it's in the IRWMP recommendations to NOT allow shared wells, will that be "law"? Most seemed to want to be able to share wells.

Comment: The recommendation to make the Oakhurst basin have 5-acre minimum lots seems wrong to name just Oakhurst. And or perhaps it should read increasing minimum lot sizes above the 500-foot elevation level to 5-acre minimum.

The point made during this meeting by public that this document needs to be a “living document” meaning that it is one that can be reviewed and updated as time passes and needs change.

The question was asked how much weight one comment had versus the same comment being made several times by several different people. The answer was that so far Boyle has responded to every comment made, and they will continue to do so. County staff will take the comments and determine what to recommend to the BOS. It was advised that if you have a concern, make a comment on it, even if you know someone else has also made the same comment on the subject.

It was noted that this document makes no provision for a governing body to update it, so it should.

### **Public Meeting in Raymond (3/13/08)**

Question: What are the proposed developments for the Raymond area? The presentation showed two: Rifle Ranch of about 7 lots and John Reed’s development with 24 lots.

How is the treatment of the water with regard to uranium working? It is running and doing well, nearly eliminating it to only trace levels.

On estimated population growth, the number you use is 355,000 versus DOF number of 270,000. How did you come to your number? Also, what amount is expected to be in the valley versus the mountain area? There is a table in the document showing the breakdown by area/city. The 355,000 is the projected number provided by our Planning Department based on area-specific plans.

Why is the city of Chowchilla’s usage higher than the rest? Uncertain, perhaps due to high industrial use and/or older systems with losses or unaccounted-for use. This city is not metered, so flat-rate users tend to use more water.

Are these figures for water used or water out of the tap? They are water production numbers. The amount that goes back into the ground through septic systems, etc. has not been subtracted from this number. Countywide averages 190 gallons per person per day.

Isn’t it about 1/3 usage is indoor, and 2/3 outdoor? Yes, per a study by UC Davis.

Is commercial / industrial production included in those figures? Only if they are on the City’s water system. A lot of them have their own water systems.

EIRs I've seen show uses of 1 acre-foot per single-family home. Response: Those were old numbers which are actually less now, due to lot sizes being smaller now than previously, as well as water-saving appliances, such as low-flow toilets.

Is there any idea as to when the County of Madera is going to bite the bullet and require metering of the water? Answer: There are very few valley cities on metered water. It probably won't happen

until the State mandates it. For newer subdivisions meters are required. Even though not used at this time, this makes them available when it is required.

The comment was made that it appears that the projected agricultural use should be more than the numbers in the document. Response: The number used assumes that agricultural water use continues to grow in the near future and then levels off at about 1.2 MAF average use. There are many factors that can affect this number such as the San Joaquin River Restoration Program and the potential loss of 15 to 20 percent in CVP supplies. However, current settlement legislation includes language requiring any lost water to be replaced through development of new supplies.

Have there been any provisions for selling water out of the County? Response: No additional sales since 1999, when a County ordinance prohibiting export of groundwater was enacted. So there is some that was contracted and agreed to previous to that date that continues to be routed out of the County.

Shouldn't you subtract the amount which goes back into the ground from the amount pumped out for projected use? Answer: You still have to provide the initial amount to meet demands. When preparing a water balance and projecting overdraft, the amount of water returned to the basins is included in the calculations.

How far does water travel underground? Is it any significant distance? Response: We know it moves generally toward low areas and streams/rivers, but how far and how fast it moves is unknown.

The point was made that often when a new builder goes into what seems to be a water-poor area and drills a deeper well than those already there, when they find water it actually improves the production of the other wells rather than robbing them as the established homeowners would think would happen with more wells being drilled.

Have you done any studies to know water recharge benefits will be obtained from running water down the now-empty Fresno River bed in the city of Madera? Response: No. This study did not analyze this issue.

The point was made that definitions need to be made of terms like "subdivision." The answer was that this will be clarified in the final Plan. The shared wells issue was again mentioned. The monitoring of all wells was mentioned. Again it was noted that this document does not implement any of the recommendations. That will require future action. The analogy was made that if you want to do something with your cattle herd, the first step is to gather them in before you start studying your possibilities and taking action. This is what this document is, just the gathering of information. At this time we need to see that the information is as correct as possible to begin making plans based on it. There is still concern of legal terms being used in the document that, if accepted by BOS, will be used against future development. It was stated that the language in the report would be clarified regarding subdivisions, development, etc.

Where did the recommendation for no shared wells come from? Answer: It was from the Oakhurst report. It will be reviewed. There was strong opposition to not allowing shared wells. The point was made that sharing a well works much like flat-rate billing versus metered billing, in that people monitor themselves and use less when they know they are sharing.

The question of this document being a part of the General Plan and the governing body to update it regularly was brought up, and the fact that this is not mentioned anywhere in the document.

Response: A governance section will be added.

The Boyle Engineering representative stated that does not matter to them what stays in or is removed from the document. What they will put into it is what the County wants. What's in the report is what has been gathered from previous and current studies along with recommendations. The reason for these meetings is to present the draft Plan and to discuss it with the County's residents.

### **Water Advisory Commission Meeting in Madera (3/19/08)**

Where did your population estimates come from? Answer: County Planning Department. Why did you elect to use the County numbers rather than the State's Department of Finance? Did you feel the County's numbers were more accurate than the State's. Answer: Yes. The fact was made that the growth rate in the Plan is higher than has ever happened. For example, for the past 20 years the explosion of growth in the 41 corridor has been predicted to happen every year, and it hasn't yet. Answer: That number can be revisited. It is the County's Plan, and they will tell us what to put into it. Question: How would the change of that number affect the Plan? Answer: All water use numbers would be adjusted accordingly.

Where do you get your numbers for the rural water use? Answer: The numbers are taken from previous studies.

Do your figures for Chowchilla include the State prisons? Answer: No. It is based on the water production divided by number of residents. The prisons are on their own water systems.

Your Plan does not appear to take into account the land being taken out of agricultural use for urban use in the future. Answer: There is also a significant amount of land being put into ag use. There are many factors involved in estimating future ag water use besides the amount of acres in production.

Comment: Average surface water use of 300,000 acre-feet does not include direct diversions out of the San Joaquin River. Answer: That is correct. The information was requested from the USBR but was told it was unavailable. However, this water use does not affect the calculation of the additional water required in the future. It was noted and agreed upon to add language in the report that states the importance of this water to the County and the need to protect it.

The question was asked if the changes that would be made to this document before it goes to BOS would be noted at least in a list of page numbers where changes are could be done so that it would be easier to review them. Answer: Yes, we'll do a "redline" or list or something to help everyone find the changes more quickly.

The point was made that more than poorly-maintained septic tanks, the problem with them is older septic tanks that do not meet the standards of the newer ones. The older systems actually just break down.



It was requested to highlight recommendations that are mentioned in earlier chapters, but not in the recommendation chapter, so that at some future time they can be referred to by grant writers.

It was suggested that when prioritization of the recommendations is done, that Arundo removal be placed more closely to the top of the list.