

DEPARTMENT OF WATER RESOURCES

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SENT VIA ELECTRONIC MAIL

7/16/2021

TO: Distribution List

Indian Wells Valley Basin Groundwater Management

Dear Indian Wells Valley Interested Parties:

The Department of Water Resources (DWR) writes with respect to ongoing local efforts to manage groundwater in the Indian Wells Valley Basin, which efforts include the development of a groundwater sustainability plan (GSP) by the Indian Wells Valley Groundwater Authority and the more recent adjudication effort commenced by the Indian Wells Valley Water District.

The enactment of the Sustainable Groundwater Management Act (SGMA) reflects the paramount importance of sustainable groundwater management in California. A core component of SGMA is that of local control, including through the formation of local groundwater sustainability agencies, implicit in which is the principle that local governance will better engage the local community. The collaborative development of GSPs that avoid or mitigate the harms sought to be avoided by SGMA and which are based on observed conditions, appropriate hydrologic data, and realistic expectations of future water supplies, is critical to the successful implementation of this landmark law. And while SGMA itself contemplates that achieving sustainability will take some time, prudent water management in California additionally requires efforts to prevent more immediate harms as well as equitably managing impacts necessarily associated with achieving sustainability through SGMA implementation.

DWR recognizes that SGMA implementation is not without challenges. Management of groundwater in the Indian Wells Valley presents extraordinary challenges due to the Basin's very low annual rainfall, decades of substantial overdraft, complex groundwater rights issues, and geographical isolation that limits water transfer opportunities. The GSP and rights to groundwater in the Basin are significant matters and are the subject of several pending lawsuits. DWR also recognizes the role of agriculture in the local economy, and that impacts to that industry may impact the broader regional economy.

In recognition that local agencies would be faced with challenges such as these, SGMA provides a support role for DWR, and the Newsom Administration has provided DWR with the resources to offer technical, planning, and financial assistance to support local agencies with SGMA implementation. DWR is mindful of and committed to local control and implementation of SGMA. However, achieving the goals of SGMA is critical and where this does not occur, serious consequences could result. DWR is eager to assist with local efforts whenever possible, especially if there is a risk of failure to ensure a sustainable water supply for this region.

To: Distribution List

7/16/2021

Page 2

DWR's SGMA team continues its review of the GSP submitted by the Indian Wells Valley Groundwater Authority through a separate process based on the contents of the GSP and the legal requirements of SGMA and DWR's implementing regulations. In the meantime, however, and in light of the adjudication commenced by the Indian Wells Valley Water District, DWR encourages the litigating parties and other major interested stakeholders to instead focus their efforts on developing a collaborative solution to the issues that are currently being litigated and which may soon lead to additional litigation. DWR has the resources and stands ready to assist in such a collaborative process.

Interested parties in the Indian Wells Valley Basin should re-engage with one another to collaboratively develop solutions to the region's groundwater challenges. DWR believes such an effort will focus time and resources where they are needed most and will avoid the uncertain result that would result from continued litigation. Should you have further questions or concerns, please do not hesitate to reach out to Paul Gosselin, Deputy Director of Sustainable Groundwater Management, at (916) 873-4921 or Paul.Gosselin@water.ca.gov.

Sincerely,



Karla A. Nemeth
Director

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