

August 15, 2025

Via Electronic Mail Only

STRGBA
1231 Eleventh Street
P.O. Box 4060
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Re: Groundwater Management Program Allocation Framework

Dear STRGBA Member Agencies:

I write on behalf of clients located within the Non-District West Management Area (NDW) regarding STRBGA's Groundwater Management Program Allocation Framework (Framework). The NDW is appreciative of STRGBA's efforts to pull together this much needed program in such a limited amount of time. Unfortunately, given the moderate success of Oakdale (OID) and Modesto (MID) Irrigation District's In-Lieu Recharge Projects, and the lack of progress with regard to the other projects identified in the STRGBA Groundwater Sustainability Plan (GSP), STRGBA has no choice but to make the shift to management actions as the primary tool to guarantee sustainability.

We commend STRGBA's efforts to recognize the varied conditions in the subbasin and that such conditions do not lend themselves to a "one subbasin" approach. We are also appreciative of STRGBA's acknowledgement that the responsibility for addressing overdraft should be borne by those causing it and not those, like the NDW, who are already doing their part to ensure the Modesto subbasin is sustainable.

As an initial matter, we support the use of overlying area as opposed to developed area for allocating groundwater resources. This recognizes the fact that there are those in the subbasin who may not currently be exercising their groundwater right and preserves their ability to do so in the future.

The Framework proposes that each management area will be provided with an overall allocation of the sustainable yield that the management area is then responsible for administering. It was explained that "stewards" of the various management areas will be responsible for determining how that allocation is then utilized and/or distributed. We

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understand that Stanislaus County and the City of Riverbank will be the stewards for the NDW.

This approach has promise, but the devil will be in the details. Who at the County and Riverbank will be charged with making decisions about the allocation? How will those decisions be made? Will efforts be made to include NDW landowners and other members of the public in those decisions? What, if any, oversight of the stewards will STRBGA provide?

Public participation in decisions regarding an NDW allocation is crucial, especially given the Framework's proposal regarding "optimization." While we understand that this approach seeks to "mitigate" the reductions required in overdrafted areas, it does not appear to recognize the efforts of those making deposits into the groundwater basin bank account, and rewards those that continue to overdraft the account. Moreover, it is unclear whether allocation trading or "optimization" between management areas would actually assist with the recovery of groundwater levels in overdrafted areas. The Framework is conflicting on this point stating that trading "will only be allowed within management areas" but later using optimization to reallocate the NDW and OID excess allocations to the Non-District East and MID. More information on this is needed.

Thank you for the opportunity to provide these comments and for your continued work on behalf of the Modesto subbasin.

Sincerely,



Alexis K. Stevens
Attorney

cc: TODD Groundwater, c/o Liz Elliott (LElliott@toddengineers.com)
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