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Stanislaus and Tuolumne Rivers Groundwater Basin Association (STRGBA)

1231 11th Street, Modesto, CA 95361

Email: strgba@mid.org

Mr. Paul Gosselin

California Department of Water Resources (DWR)

Email: sgmps@water.ca.gov

Re: Comments on STRGBA Modesto Sub-Basin Groundwater Sustainability Plan (GSP) and Management Actions

Dear STRGBA and DWR:

Thank you for allowing me to provide comments on the STRGBA Modesto Sub-Basin Groundwater Sustainability Plan (GSP) and Management Actions. I represent landowners within the basin as well as in other areas of the state who are interested in the development and application of Groundwater Sustainability Plans throughout California.

Pursuant to the Sustainable Groundwater Management Act (SGMA), California Water Code §§10720 et seq., we submit the following comments on STRGBA's Modesto Sub-Basin GSP Management Action Plan and Well Mitigation proposals. These comments are intended to ensure compliance with SGMA's requirements for sustainable management and to highlight significant legal and policy deficiencies that, if uncorrected, may render the GSP inadequate under Water Code §10733.2.

A. Legal and Policy Concerns

1. Out-of-Basin Water Transfers Contributing to Overdraft

- The Oakdale Irrigation District (OID) and South San Joaquin Irrigation District (SSJID) have engaged in significant out-of-basin water sales, including the recently proposed March 4, 2025, approval of 100,000 acre-feet of water to the San Luis & Delta-Mendota Water Authority (SLDMWA).

- These types of water abandonments and transfers have contributed to documented 62–110-foot groundwater level declines in the Oakdale Management Area and are inconsistent with SGMA’s mandate to manage basins sustainably (Water Code §10721(v)).
- Continued reliance on OID’s outdated 2004 Water Resource Plan—developed prior to SGMA—fails to meet the statutory requirement to use the best available science (§10733.2(b)(4)).

2. Unregulated Pumping and Exclusion of the Oakdale Management Area

- The GSP’s failure to impose pumping restrictions in the Oakdale Management Area contradicts documented overdraft conditions and violates the requirement to consider all significant and unreasonable groundwater level declines (§10721(w)(1)).
- STRGBA can no longer ignore or omit overdraft data of private agricultural pumping by corporate and foreign farming interests, which has caused severe water table declines in the eastern portion of OID and the Oakdale Management Area.

3. Potential Conflict of Interest Concerns

- OID’s pricing practices arguably subsidize in-district private orchards, including those owned by STRGBA and OID officials. STRGBA representatives who benefit from out-of-basin water sales would appear to have a possible financial conflict. If potential financial conflicts influence STRGBA’s management decisions, this then raises concerns under the California Political Reform Act (Gov. Code §87100). We strongly recommend STRGBA seek review and input from the Fair Political Practices Commission and make the results of such review available to the public.

4. Failure to Evaluate Alternative Surface Water Infrastructure

- SGMA encourages conjunctive use projects (§10721(x)), yet STRGBA has not adequately analyzed feasible surface water treatment infrastructure, such as connecting Waterford, Riverbank, and Oakdale to treated surface water supplies or constructing new regulating and off stream storage reservoirs.

5. Non-Compliance with Area of Origin and Water Rights Protections

- The ongoing transfer of Stanislaus River surface water outside the basin appears

inconsistent with California’s Area of Origin laws (Wat. Code §§10505, 11460 et seq.) and may violate Place of Use restrictions on appropriative water rights.

B. Recommendations

We strongly urge STRGBA to:

1. Impose a moratorium on all out-of-basin surface and groundwater transfers until sustainability targets are achieved.
2. Implement uniform groundwater extraction fees to fund sustainability projects (at least \$50/acre-foot) basin-wide under Water Code §10730.
3. Revise pricing structures to reflect the full cost of delivery for in-district water and 125% of the cost of delivery for recharge programs, consistent with public agency fiduciary duties.
4. Apply Management Actions Equally Across the Basin
 - After the GSP’s initial adoption (January 30, 2022) and its revision (responding to DWR feedback in July 2024), STRGBA obligated all member entities—including Oakdale—to implement well mitigation plans, thresholds, and management actions uniformly if overdraft impacts are found.
 - These obligations are legal requirements, not optional. If overdraft or adverse effects are identified anywhere in the basin, the plan triggers uniform response mechanisms basin-wide.
5. Ensure STRGBA Consultants are compliant with BPC §17200
 - Under BPC §17200, any practice that unfairly harms the public or competitors may be enjoined.
 - If STRGBA consultants knowingly omit Oakdale’s overdraft conditions or fail to extend management actions to that area while imposing them elsewhere, they could face two potential claims:
 - a. Misrepresentation or deceptive practices in a public-sector contract;
 - b. Unfair business practices in violation of BPC §17200, potentially exposing STRGBA or its consultants to public injunctive relief.
6. Re-evaluate management actions to include surface water infrastructure and conjunctive use projects.
7. Reassess and include the OID and the Oakdale Management Area in equal pumping restrictions.
8. The GSP’s failure to impose pumping restrictions in the Oakdale Management Area contradicts documented overdraft conditions and violates the requirement to consider all significant and unreasonable groundwater level declines (§10721(w)(1)).

9. Electromagnetic flow meters should be the primary means for measuring applied water due to their accuracy of $\pm 0.25-2$ compared to ET accuracy of $\pm 10-15$ %.

10. If STRGBA cannot implement an equitable plan, DWR should declare the Sub-Basin inadequate, triggering State Water Resources Control Board (SWRCB) intervention (§10735.2).

C. Conclusion

Thank you for the opportunity to provide these comments. Failure to address the above deficiencies may subject the GSP to an adequacy determination of “incomplete” or “inadequate” under Water Code §10733.2 and potential administrative or judicial challenge.

Respectfully submitted,

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