



CITY OF OCEANSIDE
WATER UTILITIES DEPARTMENT

January 7, 2022

VIA E-MAIL – GSA@YUIMAMWD.COM

Amy Reeh, General Manager
Yuima Municipal Water District
P.O. Box 177
Pauma Valley, CA 92061-0177

RE: Draft Upper San Luis Rey Valley Groundwater Sustainability Plan

Dear Ms. Reeh:

The City of Oceanside (“City”) offers these comments on the administrative draft of the Upper San Luis Rey Valley Groundwater Sustainability Plan (“GSP”) dated November 22, 2021. The City’s technical review of the GSP is still pending and the City reserves the right to offer further comments on the GSP, as it may be modified over time, to the Pauma Valley Groundwater Sustainability Agency (“GSA”), its member agencies, and the California Department of Water Resources (“DWR”). Please include this letter in the record of proceedings for the GSP.

As a preliminary matter, the City greatly appreciates the difficult work the GSA staff and consultant team has undertaken to implement the Sustainable Groundwater Management Act (“SGMA”) for the Upper San Luis Rey Valley Subbasin (“Upper Basin”), including its time-consuming but beneficial engagement with all stakeholders.

I. THE GSP AND ITS FUTURE IMPLEMENTATION MUST TAKE INTO ACCOUNT IMPACTS TO THE LOWER SAN LUIS REY VALLEY GROUNDWATER BASIN

SGMA’s goal is to provide for the sustainable management of priority groundwater basins throughout the State.¹ “Sustainable management” is defined as the “management and use of groundwater in a manner that can be maintained during the planning and implementation horizon without causing undesirable results”—e.g., chronic lowering of groundwater levels, significant and unreasonable reduction of groundwater storage, significant and unreasonable seawater intrusion, and depletions of interconnected surface water that have significant and unreasonable adverse impacts on beneficial uses of the surface water.²

Pursuant to SGMA and its implementing regulations, a GSP must take into account impacts on an adjacent basin.³ In particular, a GSP cannot adversely affect the “ability of an adjacent basin to implement their

¹ Wat. Code, § 10720.1.

² Wat. Code, § 10721(v), (x).

³ See e.g., Wat. Code, § 10727.6; GSP Regs., § 354.28(b) (“The description of minimum thresholds shall include the following: . . . (3) How minimum thresholds have been selected to avoid causing undesirable results in adjacent basins or affecting the ability of adjacent basins to achieve sustainability goals.”); see also id. at §§ 350.4(b), 354.28(b), 354.34(i), 354.38(e), 354.44(b)(6)-(7), 357.2; Department of Water Resources (DWR) Sustainable Management Criteria BMP, pp. 12-17 (Considerations when establishing

groundwater sustainability plan or impede[] achievement of sustainability goals in an adjacent basin.”⁴ Any GSP that cannot meet this standard will not satisfy SGMA.⁵

The City appreciates the GSP’s acknowledgment of a significant hydrologic and hydraulic connection with the Lower San Luis Rey Valley Subbasin (“Lower Basin”).⁶ Groundwater management in the Upper Basin impacts the availability of San Luis Rey River underflow in the Lower Basin. There is a direct link between groundwater in the Upper Basin and surface water in the San Luis Rey River downgradient of the Upper Basin.

II. THE GSP AND FUTURE IMPLEMENTATION MUST AVOID ADVERSE IMPACTS TO THE CITY’S WATER RIGHTS

The City holds a senior priority pre-1914 appropriative right to divert up to 7,250 afy from the San Luis Rey River. Additionally, the City holds a permit from the State Water Resources Control Board (Permit 5229) to appropriate 1,250 acre-feet per year (afy) from the San Luis Rey River. The City’s interest is ensuring that groundwater management in the Upper Basin does not adversely impact the City’s ability to make full beneficial use of its water rights to the San Luis Rey River. SGMA does not “determine[] or alter[] surface water rights or groundwater rights under common law or any provision of law that determines or grants surface water rights.”⁷ Accordingly, implementation of the GSP, including management of pumping in the Upper Basin, should avoid any adverse impacts to the City’s senior priority water rights.

III. THE CITY SUPPORTS AND ENCOURAGES ROBUST MONITORING OF INTERBASIN FLOWS

The GSP describes the existence of stream gaging stations at the bottom of the Pala Subbasin which provide information about the outflows from the Upper Basin.⁸ The GSP also indicates that the monitoring network to be implemented pursuant to SGMA “will include collection of surface flow and water level data” and that at a minimum, “such data should be collected at the downstream end of the Pala Subbasin, possibly from an existing gauging station.”⁹ The City urges the GSA to ensure the implementation of an adequate monitoring plan, including the installation and maintenance of necessary monitoring infrastructure to measure interbasin flows to the Lower Basin. Further, such data should be made available to Lower Basin stakeholders such as the City to ensure the avoidance of adverse impacts to San Luis Rey River water right holders downstream of the Upper Basin.

IV. CONCLUSION

The City appreciates the opportunity to provide these comments on the draft GSP and the GSA’s consideration of potential impacts on the Lower Basin. The City looks forward to future dialogue and communication regarding efforts to monitor interbasin flows and the avoidance of impacts to downstream San Luis Rey River water right holders.

minimum thresholds for each sustainability indicator includes the adjacent basin’s minimum thresholds); DWR Modeling BMP, pp. 21-22; DWR Water Budget BMP, pp. 12, 16, 17, 36.

⁴ Wat. Code, § 10733(c).

⁵ Ibid.; GSP Regs., §§ 350.4, 354.8(d), 354.14, 354.18, 354.28(b)(3), 354.44(b)(6), 354.44(c), 355.4(b), 356.4(j), 357.2(b)(3); DWR Monitoring Networks and Identification of Data Gaps BMP, pp. 6, 8, 27; DWR Water Budget BMP, pp. 7, 12, 16, 17, 36; DWR Modeling BMP, pp. 21-22; DWR Sustainable Management Criteria BMP, pp. 9, 31.

⁶ GSP at pp. 0-3, 2-3 & 2-4.

⁷ Wat. Code, § 10720.5(b); see also Wat. Code, § 10720.1(a) and (b).

⁸ GSP, p. 3-13.

⁹ GSP, p. 5-3.

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Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Cari Dale", with a large loop at the end.

Cari Dale
Water Utilities Director

cc: Lori Rigby, Compliance Officer, City of Oceanside (LRigby@oceansideca.org)
Stephanie Hastings, Brownstein Hyatt Farber Schreck, LLP

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