

May 4, 2019

To: County of San Diego Planning & Development Services
c/o: Jim Bennett

PDS.LUEGGroundWater@sdcountry.ca.gov

Subject: Comment to the Borrego Valley Groundwater Sustainability Plan (GSP)

Dear Mr. Jim Bennett,

We are owners of a house at the Borrego Air Ranch. We have two concerns. The first is that we believe the definition of "*de minimis* user" is too narrow and should be revised. The Borrego Air Ranch should be designated as a *de minimis* user by a text change in the GSP allowing those who have a *de minimis effect* on the aquifer to be included regardless if they meet the acre feet definition.

The dictionary definition of *de minimis* is "inconsequential, insignificant, trivial, of minor importance." The proposed GSP uses an acre foot usage definition for *de minimis* to identify those users who have an insignificant, as opposed to a significant, effect on the aquifer. The Borrego Air Ranch's water level has historically been very stable. Therefore the effect of our use of water is *de minimis* and insignificant *in fact*, if not as defined by the acre foot test. Given the extraordinary inaccuracies likely in attempting to map out the details of how water flows underground in this great valley, it is overconfident and inaccurate to designate a small user that has had a stable well water level for half a century as non-*de minimis* and lump it in with the agricultural and recreational over drafters who have caused this dilemma. The Borrego Air Ranch is a small community that has not contributed to the overdraft and is not affected by it. We have stable water levels and we really have little effect on the rest of the aquifer and truly are "inconsequential, insignificant, trivial, of minor importance."

114-1

A text change could be made to the GSP that excludes any of the four small users that would otherwise be in the "Other" non-*de minimis* category from that category if that user has stable water levels. Stable water levels proving this *de minimis effect* should be considered. The acre foot requirement of the *de minimis* category was created to *try to identify a de minimis effect*. Stable water levels *show a de minimis effect*. A text change could allow a user with a demonstrably *de minimus effect* to be included in the *de minimus* category rather than be excluded by the overly broad acre feet definition. It would seem facts should win out over theory. The Borrego Air Ranch stands apart from the problem in both its stable water level and in physical distance from the overdraft areas.

The Borrego Air Ranch is one of only four users who use very little water and yet are defined as non-*de minimis*. The drafters did not want the four included with the big three categories because they called us "Other." It is evident the drafters of the GSP thought putting the Borrego Air Ranch into the same non-*de minimis* category as the agriculture and recreational industries whose excessive use has placed the entire Borrego community at risk is not logical, equitable or fair. But with only an acre foot criteria for *de minimis* use they had tied their own hands. But they probably didn't realize that *de minimis effect* could be shown another way than acre feet and probably would have welcomed the idea. These comments give us an opportunity to correct that.

114-2

Our second concern is that reducing the usage to 24% across all users creates serious problems.

The proposed GSP reduction of everyone's water usage to 24% of their prior use *sounds* reasonable but it would result in massive damage to the domestic water usage community and an unrecognized benefit for the agriculture community. Let me explain.

The GSP provides for an equal percentage reduction of use based on prior use. The reduction *percentage* is equal but the *impact* greatly favors those who have drained the aquifer and destroys those who have not. Agricultural users of historically massive amounts of water would retain ¼ of their huge use and switch to other profitable uses of their still plentiful allocation. Domestic users would retain ¼ of their minimal use and because it would be insufficient to support dwellings their properties would be abandoned and lost to tax sales.

The proposed plan would allow the users of the most water who drained the aquifer to still use plenty of water for many useful purposes, including residential homes while the previously minimal users will have no options.

I14-2
(contd)

According to the University of Arizona Cooperative Extension mature citrus trees use about 60 inches [5 ft] of water per year. That is 5 acre feet per acre of trees.

<https://extension.arizona.edu/sites/extension.arizona.edu/files/pubs/az1151.pdf>.

After the proposed reduction of 76% you have an allocation of 1.2 acre feet left which is enough to supply domestic water to 3 houses per acre. So as far as water supply available, the farmers can just build and sell up to 3 houses per acre on their hundreds of acres while current house owners will be unable to live here and abandon their houses. Essentially current housing could be abandoned as new houses could appear in the agricultural sector. The effect would be that the agricultural users who have massively drained the aquifer would be left with the right to most of the water once again and just change their business to building and selling houses, which may be more profitable anyway. It is entirely possible that under this GSP homeowners like those at the Borrego Air Ranch would have to abandon their current homes and buy new houses built by the farmers on their former grapefruit groves since they would still retain enough water allocation. Or the farmers could just switch to growing crops that need less water while the homeowners leave the valley.

We need to view the aquifer as a shared community resource and recognize that users of massive amounts of water should not be left very usable allocations while homeowners are left with insufficient water to survive here. When water is endangered domestic use should take priority over farming. Possibly a base minimum but reasonable allocation for all current houses and building lots would be better and then any other reductions necessary could be made against any other properties.

I14-3

As the first community to have a GSP, Borrego Springs will be the template for GSP's for other communities. If we do not replace unworkable notions of across the board reductions with a more realistic model allowing for adequate domestic allocations then the damage this GSP causes here will spread to many other communities as unforeseen consequences finally become apparent down the road as allocations are reduced to critical levels over 20 years. We have to have the courage to get this one right no matter what.

Respectfully submitted,

Terry and Pam Rhodes