

Donna Thomas

From: Nick Panzer <nicholascpanzer@yahoo.com>
Sent: Saturday, August 18, 2018 6:58 AM
To: Donna Thomas
Cc: Tom Mulvihill; Peggy Breeden; Steve Johnson
Subject: PAC Meeting on September 6, 2018
Attachments: Questions for Jim Markman.docx

Donna

This is a reminder that I will miss the September 6 meeting due to a firm, out-of-town commitment that predates the adoption of our 2018 PAC meeting schedule. Tom Mulvihill will provisionally sit in for me—the provision being that Mr. Markman is able to address “allocation” as scheduled. Tom knows that he will have no vote, nor count toward a quorum, but may otherwise fully participate in the proceedings on my behalf.

Concerning Mr. Markman's presentation (facilitate discussion?) on “allocation,” I do not know what to expect from him given that we have not received an outline of his topic. Therefore, I have prepared the attached document, “Provisional Questions for Mr. Markman.” I label my questions “provisional” because I anticipate that Mr. Markman will answer them in the course of his direction. However, in the event that he does not so answer them, I wrote them out in case any PAC member or Tom wishes to address them to Mr. Markman. Please include the attached item in the advance agenda packet for our 9/6 meeting, along with this email explanation. Also, feel free to send these questions in advance to Mr. Markman (or any others, such as TAC) as you may deem appropriate.

Nick

Cc Breeden, Mulvihill, Johnson

Provisional Questions for Mr. Markman
September 6, 2018 PAC Meeting
by

Nick Panzer, PAC Member Representing Residential Customers of Public Water Agencies

In light of the following California Water Code (C), Regulation (R), and SB/AB Sections:

C106 General State Policy. It is hereby declared to be the established policy of this State that the use of water for domestic purposes is the highest use of water and that the next highest use is for irrigation.

C106.3.(a) General State Policy. It is hereby declared to be the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.

C10720.1.(b) General Provisions. In enacting [SGMA], it is the intent of the Legislature to do all of the following:To enhance local management of groundwater consistent with rights to use or store groundwater.....It is the intent of the Legislature to preserve the security of water rights in the state to the greatest extent possible consistent with the sustainable management of groundwater.

R350.4(g) General Principles. The department shall consider the state policy regarding the human right to water when implementing these regulations.

SB 1168 Chapter 346, SECTION 1.(b)(4) and (5) and corresponding section of AB 1739. It is the intent of the Legislature to do all of the following:....To respect overlying and other proprietary rights to groundwater....To recognize and preserve the authority of cities and counties to manage groundwater pursuant to their police powers.

How much leeway does the GA have to prioritize groundwater uses (excepting federal uses) and implement GSP management actions (e.g., pumping allocations or progressive extraction fees) to enforce such priorities? For example:

1. May the GSP prioritize health and safety uses of groundwater at home and work (C106.3.(a) and R350.4(g) above) over "irrigation" uses of groundwater by **any** irrigation use sector such as residential, agricultural, governmental, and commercial (C106 above)?
2. How does "preserving the security of water rights in the state to the greatest extent possible consistent with sustainable management of groundwater" (C10720.1.(b) above) **square with** California's "human right to water" policies (C106, C106.3.(a), and R350.4(g) above)?
3. Do "city and county police powers" such as health and safety (SB1168 above) override "overlying and other proprietary rights to groundwater" (SB 1168 above)?