



August 16, 2011

The Honorable Fran Pavley
California State Senate
State Capitol, Room 4035
Sacramento, CA 95814

Dear Senator Pavley:

The Kings River Water Association (KRWA) and the Kings River Conservation District (KRC D) oppose SB 263, which would require the Department of Water Resources to make well log reports available to the public. For the reasons summarized below, we believe SB 263 would complicate rather than facilitate effective local groundwater management, create unnecessary expenses without any significant countervailing benefit, and needlessly infringe on private property rights.

KRWA and KRC D are regional agencies that manage water and related resources on the Kings River in the San Joaquin Valley of California. KRWA is an association comprised of the 28 public and private agencies with rights to water from the Kings River. The organization manages those water rights and the associated water supplies, and is engaged in various environmental enhancement and water quality-related projects. KRC D is a public agency responsible for flood control, power, on-farm water management, environmental programs and groundwater management.

Both of our agencies have developed exemplary local and regional resource management programs to address groundwater conditions within our service area. With KRC D support, over 50 public agencies and non-governmental organizations have joined together to form the Kings Basin Integrated Regional Water Management Program. Critical to the success of management programs is cooperation from the local landowners, which we promote and value. We take groundwater management seriously.

Our organizations believe that, given the vast differences in groundwater conditions and other relevant factors from region to region, effective groundwater management is best conducted locally by agencies like ours. In many areas of the State, this is already occurring. We are deeply concerned that the provisions of SB 263 would undermine local and regional management of groundwater resources by allowing public access to information that is best managed by experts at the local level. Given the high disparity in quality and accuracy found in well log reports, public access to well log reports would have minimal benefit to the public and can lead to confusion and misunderstanding. In turn, that will cause unnecessary expense and dedication of resources by those of us managing groundwater and at the Department of Water Resources when members of the public misinterpret that information, while potentially exposing private landowners to unfounded claims.

Moreover, SB 263 is unnecessary. Many local groundwater management agencies must already provide information regarding groundwater conditions, management objectives and monitoring results as provided in the Water Code and the Integrated Regional Water

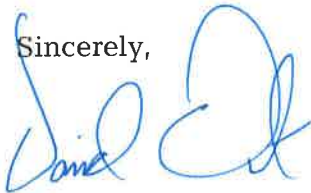
Management Planning Act. Local agencies managing groundwater already have access to well reports. Local agencies therefore have, or can already easily acquire, the information they need to engage in groundwater management. There is no reason to invade the private property rights of well owners as proposed by SB 263.

Furthermore, there is a significant difference between a well owned by a public water supplier that is paid for with public funds (and is thus a public asset) and a privately owned well serving just the landowner that paid for that well. A privately owned well is private property, and there is no public interest in privately owned well construction data. SB 263 would directly attack private property rights relative to privately funded and operated wells.

SB 263 also creates other unnecessary expenses. Up to 750,000 well log reports are maintained in DWR records. The administrative and financial burden required to manage public requests for well log information relative to a specific area or groundwater basin/sub basin will be significant and must not be understated or underestimated, especially when there is no material benefit to be gained.

Please contact us or our government relations representatives Jackson R. Gualco or Kendra Daijogo of The Gualco Group, Inc. at (916) 441-1392 if you have any questions or comments regarding this correspondence.

Sincerely,



David Orth, General Manager
Kings River Conservation District



Steve Haugen, Watermaster
Kings River Water Association

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cc: Honorable Chair and Members, Assembly Committee on Appropriations
Mr. Dennis O'Connor
Mr. Pete Price
Ms. Mary Kaems
Mr. Jay Dickenson
Mr. Chris Holtz
The Gualco Group, Inc.
Mr. Bob Reeb
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