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Local Agency Formation Commission
Santa Barbara County

August 3, 2016

Dear LAFCO members,

I oppose the formation of the Cuyama Water District as it is currently proposed. Based on the principle that only landowners vote, and in proportion to their acreage (“one acre, one vote”), this water district would be fundamentally anti-democratic, and based in an antiquated and utterly indefensible notion that only property owners may participate in governance issues about a commonly held and public resource: water. I am not a landowner or overlying resident in the proposed jurisdiction of the Water District, but I am an expert on water governance and the SGMA process in California, a resident of Santa Barbara County, and an active participant in the Cuyama Valley Community Association.

In the past, agricultural water districts have been formed to build, maintain and operate infrastructure, and deliver surface water, not groundwater. The one acre, one vote model for agricultural water districts makes some sense if accompanied by a similarly proportional division of the costs of the traditional surface water district: everyone pays by the acre for their water service, and has a similar proportion of political responsibility for it. But even in the case of these traditional water districts, the one-acre, one-vote scheme turns some overlayers into “minority shareholders”, whose votes are irrelevant.

However, the Cuyama groundwater district will not be a traditional water district, as can be seen in the text of the proposal itself. It is being formed to ensure that overlying property owners in the Cuyama groundwater basin are directly involved in the negotiation of how, when and why groundwater extraction will be cut in half (to sustainable levels mandated by SGMA) over the next 20 years. It is being formed to ensure that the two biggest water users – Grimmway and Bolthouse – get to regulate themselves. But if we have all known for 50 years that the groundwater basin is being unsustainably mined for agriculture, and that knowledge has not changed their practices of overextraction, why should it now?

In the case of this Cuyama Water District, the affront to democracy is even worse. The petition to bring the proposed water district to LAFCO was based on the support of owners of 70% of the acreage of the district: a small handful of very big owners. If LAFCO approves the proposal, the five biggest entities will have the power to vote the water district into existence, vote themselves in as the Board of Directors, and vote to create assessment powers to allow them to tax the remaining unrepresented majority.

If passed, the five biggest landowners would have the power to elect themselves or their representatives to the Board of Directors, which would not reflect the diversity of the Cuyama Groundwater Basin or the Water District overlies in terms of parcel size, well depth, crops, subbasin geology, and many more environmental and social factors.

Doesn't chronic overextraction point to the need for a wider cross-section of people to be involved in groundwater regulation in Cuyama? Does it make sense to have a one-acre, one-vote (or one-dollar) form of representation for a water district that has only the costs of regulating groundwater extraction?

The proposed water district will be part of a Groundwater Sustainability Agency (GSA) that must be formed as part of the process of implementing the Sustainable Groundwater Management Act (SGMA) in the Cuyama Groundwater Basin. The GSA will be responsible, in concrete terms, for creating a Groundwater Sustainability Plan (GSP) to reduce the extraction of groundwater in the basin by 50% over the next twenty years. The only other agencies that are eligible for direct participation in the GSA and the creation of the GSP are the Cuyama Community Services District (CCSD) and the Santa Barbara county government (acting as lead for the 4 county governments with territory in the Cuyama Groundwater Basin).

Checks and balances are at the heart of democratic politics. It is healthy, therefore, to have more agencies forming the GSA, with more people represented. In this sense a water district would be good. But a water district dominated by five people or companies (one acre, one vote) is not good for democracy, and is not good for the sustainability of the Cuyama groundwater basin, which is the reason that the water district is being formed in the first place.

LAFCO should reject this Water District as proposed, and charge the proponents with developing, in conjunction with all the overlies, a more democratic voting process that ensures the representativity of the district's Board of Directors, and their representation on that Board.

Sincerely,

A handwritten signature in black ink, appearing to read "Casey Walsh", with a horizontal line drawn through the bottom of the signature.

Casey Walsh