



March 20, 2023

The Honorable Rebecca Bauer-Kahan, chair  
Assembly Committee on Water Parks and Wildlife  
1020 N Street, Room 160  
Sacramento, CA 95814

**RE: AB 779 (Wilson) – SGMA Ajudication -- SUPPORT**

Dear Chair Bauer-Kahan and Members:

The Community Alliance with Family Farmers (CAFF) has represented small and mid-scale family farmers in California for over 40 years, seeking to preserve family-scale agriculture, promote local food systems, and advance environmental sustainability.

CAFF is pleased to support AB 779, which would require: (1) DWR to post adjudication legal documents after a court decision; (2) the court to hear from a DWR or SWRCB representative during the proceedings; (3) the court to take into account the needs of small farmers and disadvantaged communities; (4) a GSA covering the area under adjudication to monitor groundwater pumping for the court and to hold a public meeting about adjudication; and (5) groundwater pumpers to not exceed pumping allocations from the local GSP without permission from the court.

We have several comments on the bill:

- Why have the plaintiffs and defendants submit documents to DWR after the proceeding? Why not have the court forward documents to DWR during the proceeding?
- We strongly support including small farms and disadvantaged communities to the list of what the court shall consider in making a judgment and we support using the definition of small farm from the CDFA CA Underserved Producer program. However, we believe that some formulation of the “environment” should also be added to this list, perhaps groundwater dependent ecosystems.
- Requiring the GSA to hold a public workshop on adjudication seems insufficient. The GSA should be required to regularly inform the local population as the process proceeds.

Though this bill will not address the inequities in the adjudication process, nevertheless bringing the state into the court proceedings and requiring the court to consider the needs of small farms and disadvantaged communities will inject more of SGMA into the adjudication proceedings. Since neither small farms nor disadvantaged communities—nor the environment—have fared well in the history of adjudication, this would be a beneficial reform.

The small farms and rural residents that CAFF represents are at such a disadvantage in the adjudication proceedings that it is unfortunate that this legal proceeding is an option to circumvent the SGMA process. As we have seen in Cuyama, where the largest agricultural pumpers—Grimmway and Bolthouse, both now owned by hedge funds—decided they could get a better deal from the court than from the GSA process and forced everyone into court, the costs of legal representation are too high for the small pumpers. Similarly, a large pistachio grower from Kern County filed for adjudication in Indian Wells when he decided the SGMA process wasn't going his way.

Unless the Legislature intervenes and limits the ability of the largest groundwater pumpers to circumvent the GSAs by going to court, we will see this scenario play out over and over. The idea of SGMA—that all stakeholders would be represented and their interests considered, and that there would be local community processes to achieve sustainability—will mean nothing if all these overdrafted basins end up in court. Reforming the adjudication process to be fairer and more related to the SGMA process might discourage a rash of adjudications.

CAFF urges an aye vote on this and any other bill that seeks to reform the adjudication process to make it better align with the SGMA process.

Sincerely,



David Runsten  
Water Policy Director  
CAFF

CC: Assemblymember Lori Wilson