

**GARBERVILLE SANITARY DISTRICT
COMMENTS ON DRAFT PROPOSED ORDER**

Petition to change water-right License 3404 and Permit 20789
(Applications A009686 and A029981), which authorize diversions of water
from the South Fork Eel River in Humboldt County

Alan B. Lilly, Presiding Hearing Officer

The Garberville Sanitary District (“GSD”) submits the following as comments or additional information to the Draft Proposed Order:

On page 28 of the order in the second paragraph that begins “As discussed in section 2.4,” towards the middle of the paragraph it states, “during 2021 - 2020,” which I believe is meant to read “during 2010-2020” to be consistent with the date range in footnote 18.

The discussion on pages 27 and 28 which contains the response to Garberville SD’s third argument should clearly state that the maximum amount diverted during the development period for the permit was 80 million gallons, not just that GSD’s letter to the SWRCB stated that fact. The SWRCB records clearly show that the Garberville Water Company (GWC) diverted 80 million gallons in 1999 according to the submitted annual report.

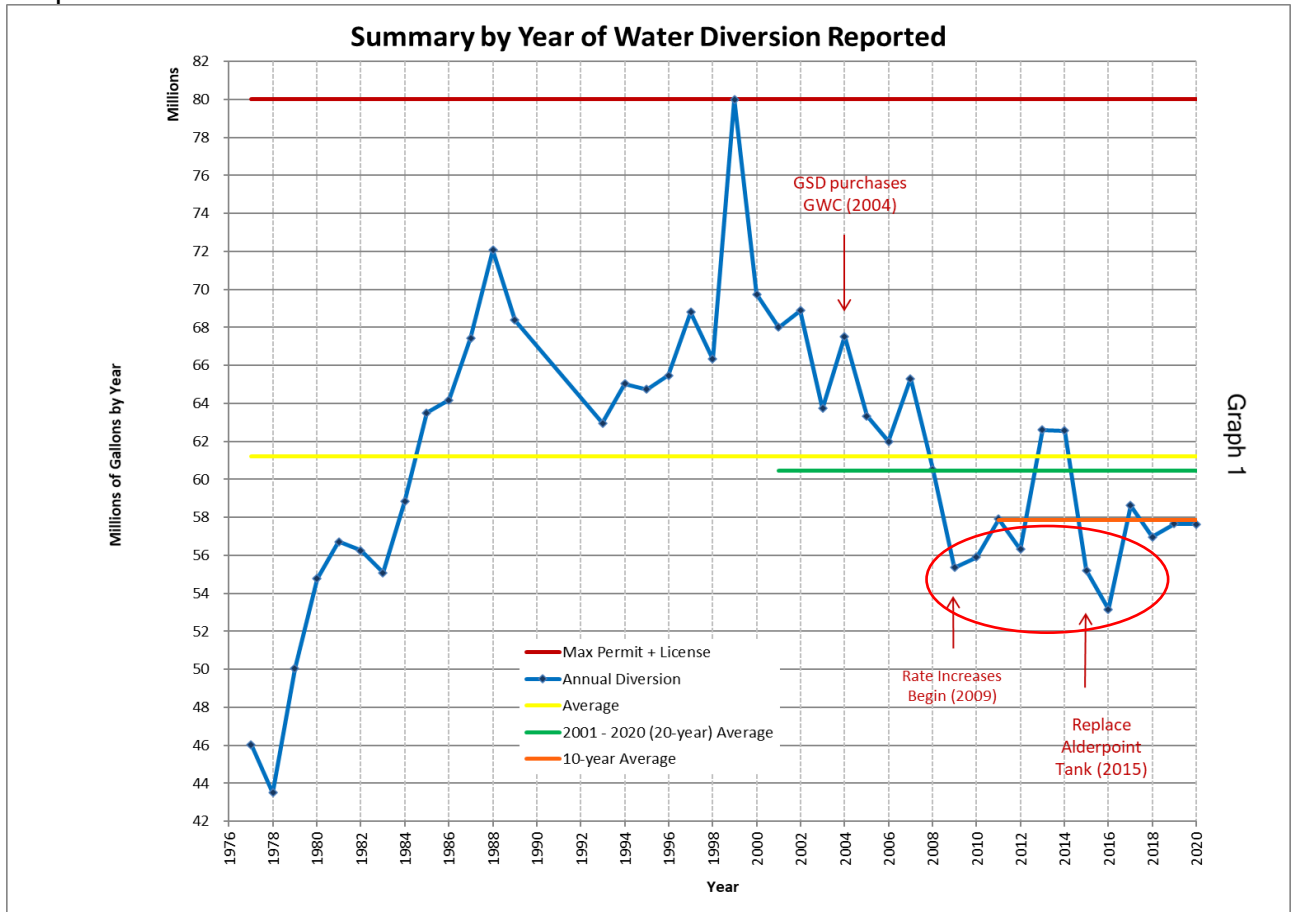
GSD purchased the GWC in 2004, and began investing tens of millions of dollars in infrastructure improvements to lessen the amount of water that was leaking from old pipes, tanks, and the surface water treatment plant. GSD has carefully managed the resource of diversion of up to 80 million gallons of water per year (245.51 af/yr) from the SF Eel River and we continue to operate with the expectation that the projected total diversion will not exceed 245.51 acre feet per year.

That being said, the proposed order cites only diversions over the past 10 years in footnote 18 - which consist of mainly drought years during which GSD had implemented conservation efforts and customer education to enhance their ability to conserve water and therefore divert less from the river than the customers actually needed. Success in conservation efforts should not be used to lessen the amount allowed when a permit is converted to a license. During those arbitrary ten years the AHO selected, the District also adopted two different 5-year long rate increase programs that encouraged residential customers to keep their water use within national averages or pay higher rates for excessive use. From GSD’s rate study, page 13:

“Water useage charges will continue to be tiered, but instead of only two tiers (0-5 units and 6 units and over) there will now be three tiers. “To improve water conservation and drought planning the California legislature and governor passed Senate Bill 606 (Hertzberg) and Assembly Bill 1668 (Friedman) into law in 2018. Collectively, these efforts provide a road map for all Californians to work together to ensure that we will have enough water now and in the future, as described in the Primer of 2018 Legislation of Water Conservation and Drought Planning”. This document is still in the process of being finalized and is not yet available as a final draft, but even though the District is not an urban water supplier, it is proposing three tiers to be more closely in compliance with these upcoming water conservation laws. The first tier will be for essential consumption for indoor residential uses, the second tier for efficient consumption including outdoor residential consumption, and tier 3 for excessive residential consumption.”

As can be seen clearly in the graph below from the 2020 Water Source Capacity Analysis, the overall diversion trends and maximums over the past 43 years is a more accurate metric to cite in the proposed order. Even the difference between the 20-year average (green line) and the 10-year average (orange line) is significant! Choosing to only cite the 10-year average (168.23af/yr) and 10-year maximum (180.19 af) in the order is quite misleading. More than half of the years from 1977 - 2020 have diversion amounts in excess of the 43-year average (yellow line) and ALL BUT A FEW YEARS in the past 35 years have diversions in excess of the 10-year average. Those years in the red ellipse on Graph 1 are the only years that were below that 10-year average.

Graph 1.



The amount of water diverted each year varies significantly with the weather of a given year, the amount of tourism experienced by the community, and maybe most significant is the condition of the infrastructure at that time. When we replaced the Alderpoint Rd Tank, we saw a significant decrease in the amount of water diverted. Over the past year the one-hundred-year-old concrete Robertson Tank has experienced a major crack that is causing more water to leak from that tank. GSD applied for funding as a small severely disadvantaged community to replace the tank, along with two other very old leaking tanks. As we proactively replace old infrastructure to decrease the water lost to leaks, less water is diverted from the river resulting in more water available for use by the customers from the allowable diversion limit.

GSD again requests that SWRCB move forward with converting our permit to a license with a total limit of 245.5 af/year. It has been ten years since we made this same request. Our permit will now have been changed twice in that time period, and yet taking this next step to close out the permit and issue the associated license has not been completed.