

Tulare County judge orders landowner to stop pumping, exporting groundwater

<http://www.fresnobee.com/2014/03/25/3843116/irrigation-district-says-landowner.html?sp=/99/217/&ihp=1>

By Lewis Griswold

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A Tulare County judge has ordered a landowner to stop pumping groundwater in the southern San Joaquin Valley and moving it off the property, to the relief of an irrigation district that wants to keep water available for landowners fighting the drought.

The [preliminary injunction](#) will stay in effect until a trial determines whether the pumping and movement of water violates state water law, visiting Judge Harry N. Papadakis ruled last week.

Last year, Lower Tule River Irrigation District based in Tipton sued Sandridge Partners, LP, alleging that the partnership pumped thousands of acre-feet of water from wells on an unfarmed parcel it owns and moved it 25 miles through pipes and canals to an almond farm on the west side of Kings County.

When groundwater is pumped out faster than it can be replenished -- a condition called overdrafting -- by law it can't be pumped out and used elsewhere, said Alex Peltzer, the Visalia water lawyer representing Lower Tule River Irrigation District.

"Lower Tule River is tired of having water taken out the back door," Peltzer said. "This is an important case for this area ... you can't export groundwater like this."

Water consulting engineer Dennis Keller of Visalia said it's unusual for an individual landowner to pump and export: "I can't think of an instance where that's an every year type of thing."

But Sandridge Partners said in court papers that the water was not moved across the Valley floor but rather was used by an adjoining landowner.

The pumping did not exceed historical use for the property and Lower Tule lacks data showing that the area is in overdraft, court papers said.

But Dan Vink, general manager for Lower Tule, said there's no question "the basin is in overdraft," and removing groundwater from the area could permanently worsen the problem.

"If you stick straws in the ground and you are not farming the overlying lands, that only further contributes to the overdraft," because a portion of the water used on farmland in the district seeps back underground, Vink said.

Furthermore, the district's purpose is to benefit farmers in the district, not outside it, he said.

Sandridge pumped water and exported it to an almond farm in Dudley Water District south of Kettleman City, Vink said. He said Sandridge is controlled by developer John Vidovich of Los Altos Hills and others.

Four years ago, Dudley sold several thousand acre-feet of its annual State Water Project contract to Mojave, leaving the district especially short of water in drought years, he said.

In late 2012, Sandridge bought 920 acres inside and outside of Lower Tule River Irrigation District on the east side of the Valley, improved wells, laid pipes and started pumping the groundwater, according to court papers.

"Their intent is to mine it for the trees in Dudley Ridge," Peltzer said.

Attempts to reach Vidovich for comment Tuesday were unsuccessful.

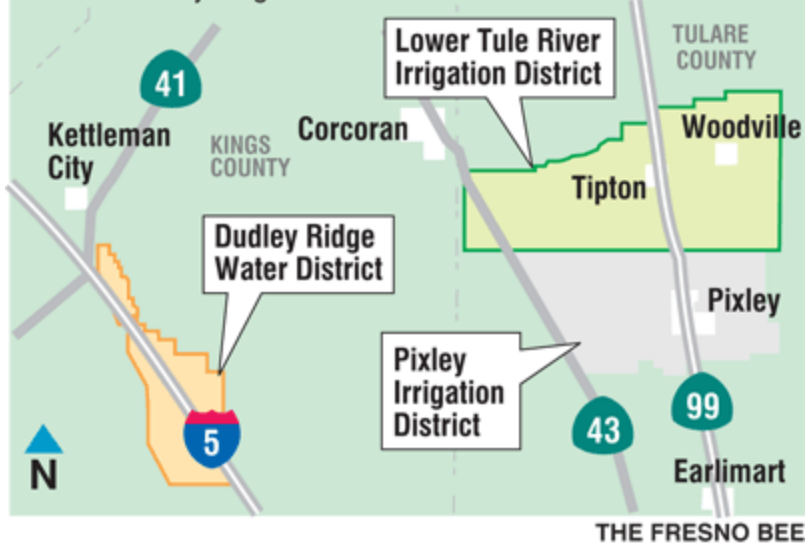
Lawyer Matthew J. Durket of Folsom, representing Sandridge Partners, also did not return a call seeking comment.

Lower Tule has fought the groundwater export issue before.

Last year, a similar dispute erupted about groundwater pumping involving nearby Angiola Water District, which owns a well field inside Lower Tule that pre-dates the district. But the issue was settled before going to court under an agreement that Angiola would limit pumping and provide money so Lower Tule River could buy Friant-Kern Canal water for groundwater recharge in years when water supplies are more abundant, Peltzer said.

Groundwater fight

A judge has ordered Sandridge Partners to stop pumping groundwater in Lower Tule River Irrigation District for use elsewhere. The irrigation district said Sandridge is exporting water to Dudley Ridge Water District.



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