

County groundwater ordinance on agenda; farmers rally agency to halt sale

By Ramona Giwargis
rgiwargis@mercedsunstar.com

An ordinance regulating groundwater transfers outside Merced County basins will have its first hearing Tuesday, while a group of concerned farmers turns the spotlight on a federal agency responsible for authorizing a large groundwater sale that's depleting the precious supply.

The long-awaited groundwater ordinance will have its first reading at 10 a.m. at the Board of Supervisors meeting. A second reading and possible adoption is scheduled for March 17. Comments from the public will be accepted at both meetings. Ordinances require two readings before they can be adopted and go into effect 30 days later.

Merced County has been working on regulating its groundwater [through a permitting process](#) for nearly a year. The push to monitor groundwater came after two Los Banos landowners initiated a large sale of the water in May.

The two landowners, Steve Sloan and Steve Smith, proposed selling up to 26,000 acre-feet of groundwater to the Del Puerto Water District and the Patterson Irrigation District – both in Stanislaus County – for two years. Sloan and Smith could pump their wells 24 hours a day and pocket an estimated \$11.5 million from the groundwater sale.

The project was approved in July by the [Bureau of Reclamation](#), the largest wholesaler of water in the country, because it uses the federally owned Delta-Mendota Canal for the water transfer. However, 250 Merced County growers have banded together to appeal to the [bureau's](#) parent agency, the [U.S. Department of the Interior](#).

The group, called the Merced Groundwater Sub-basin Coalition, wrote two letters to the agency to try to stop the Sloan and Smith groundwater transfer, but neither has gotten a response. The first letter was sent in December, but after learning it was not received, the coalition sent a second letter Feb. 24.

Bob Weimer, a longtime farmer and advocate, said the goal of the letters was to convey two points: the bureau failed to properly address the environmental impacts of the groundwater transfer, and that Sloan and Smith are moving water off land protected by federal easements.

"We believe the environmental assessment was not a good one, and we believe they are violating the contract that's on these easement lands," Weimer said.

The lands owned by Sloan and Smith are under waterfowl habitat conservation easements, according to the letter. The easements protect against certain activities that might disturb the land in an effort to protect the habitat.

"The unregulated pumping of this groundwater is a direct threat to our ecosystems," the Dec. 5 letter said. "The waterfowl habitat easements established many years ago by the Department of Interior to protect migratory birds will be in jeopardy if farmers are permitted to pump the groundwater below the land protected by these easements, and to export it to other areas in the Central Valley."

The letter requested the agency rescind the project's Warren Act contract, which authorizes the water to go through a federal canal system. A contact at the U.S. Department of the Interior could not be reached for comment Monday.

In most cases, taxpayers have footed the bill for these easements, which prohibit disturbing the soil by drilling or installing pipelines without authorization. If the coalition is successful in stopping the Sloan and Smith transfers because of an easement, Weimer said the group would effectively stop all the wells on easement lands from being

exported.

Sloan and Smith aren't the only landowners pumping water off land protected by easements. [A Merced Sun-Star report](#) found water is being transferred from at least four wells on unfarmed land owned by Wolfsen Land & Cattle.

The Wolfsen property on Dan McNamara Road is also under U.S. Fish and Wildlife easements, records show, raising questions about whether the owners received authorization to install pipelines.

Sun-Star staff writer Ramona Giwargis can be reached at (209) 385-2477 or rgiwargis@mercedsunstar.com. Follow her on Twitter [@RamonaGiwargis](#).