

Notes from the CEO

By John Krist

When California's Sustainable Groundwater Management Act was enacted in 2014, only 22 of the 515 groundwater basins in California had been adjudicated. One of those, the Santa Paula Basin, is in Ventura County, putting us in very select company.

Pumping restrictions enforced during the recent drought applied to all well owners regardless of the nature of their water rights, and that's the approach the [Fox Canyon Groundwater Management Agency] is taking The Las Posas lawsuit directly challenges that ...

Now we're even more special.

Since SGMA took effect, only two new adjudication actions have been filed in California courts. And both of them – you guessed it – involve basins here in Ventura County.

The first was filed March 27, 2018, seeking adjudication of the Las Posas Basin, which generally lies beneath the Las Posas Valley between Moorpark and the northern edge of the Oxnard Plain near Saticoy. The second was filed Sept. 24, 2018, and seeks adjudication of all water

rights – to both surface water and groundwater – in the entire Ventura River watershed.

Adjudication is the process by which a court defines and determines water rights for all groundwater pumpers. The court also supervises management of an adjudicated basin, typically by appointing a watermaster to ensure that it is managed in accordance with the court's decree. Generally the court also determines the safe yield of the basin – the amount that can be pumped each year, on average, without depleting it and chronically lowering groundwater levels. It then determines how much of that yield is allocated to each pumper. Prior to adjudication, users of the groundwater in a basin may negotiate their own proposed management plan; the court can then accept it in whole or in part, or reject it and craft a different solution.

Of the two new adjudication lawsuits, the one involving the Las Posas Basin is the more traditional, although it has some quirks. The Ventura River case, however, is quite unusual.

The Las Posas litigation was filed on behalf of several property owners, and initially named as defendant only the Fox Canyon Groundwater Management Agency (FCGMA). A later amended filing added other defendants, including mutual water companies, the cities of Moorpark and Simi Valley, Calleguas Municipal Water District,

United Water Conservation District and farming companies.

The case was filed in Ventura County Superior Court, but transferred to Santa Barbara Superior Court and assigned to Judge Thomas Anderle (who presided over the case brought in 2011 by the city of Ventura against United over its differential pumping fees for municipal and agricultural well owners). On Nov. 1, Judge Anderle authorized the plaintiffs to serve all landowners in the Las Posas Basin notice of the adjudication litigation, and to provide them a form to file with the court to join the pool of defendants and defend their water rights.

So, if you pump out of the Las Posas Basin and have not yet heard from the plaintiffs' attorneys, you probably will soon. But either way, it would be a good idea to seek the advice of legal counsel. (The case number is VENC100509700, Santa Barbara Superior Court, Civil Division, Department No. 3.)

Some of the lawsuit's allegations against the FCGMA veer off into areas that have little or nothing to do with traditional adjudication issues – that the surcharges levied on pumpers who exceed their groundwater allocation are an unconstitutional "tax" and are being used to amass an "illegal slush fund" to pay the GMA's legal bills; that four of the five GMA directors are attempting to "seize water senior water rights" from agricultural landowners to hand them over to the agencies that appointed them. But the plaintiffs do raise one interesting legal question that's on point.

California water law draws a distinction between the rights of overlying property owners, and those of "appropriators" – typically public agencies, such as cities, that have sunk wells into basins where they own no property. Appropriative rights are junior to overlying rights, and when a basin is in a condition of shortage or overdraft, adjudication agreements (and California water law) generally require the appropriators to reduce or even cease their groundwater use before property owners holding senior overlying rights have to reduce theirs.

That's not how the FCGMA is approaching conditions in the Las Posas Basin, or any of the other basins it manages. Pumping restrictions enforced during the recent drought applied to all well owners regardless of the nature of their water rights, and that's the approach the agency is taking as it develops the groundwater sustainability plans (GSP) required by SGMA for the basins under its jurisdiction. The Las Posas lawsuit directly challenges that, and seeks to force public agencies with appropriative rights in the basin to cease pumping before any of the overlying property owners have to reduce their extractions.

The Ventura River case is a different beast *(continued on page 3)*

What's Inside?

- Ag Commissioner's 2019 Work Plan
- Grant Programs
- Member Benefits: Tickets & Discounts

Agricultural commissioner unveils 2019 work plan

By Ed Williams

There is exciting news from the Agricultural Commissioner's Office, as several new programs are proposed for the current and the coming fiscal year.

Honeybees

In recent years there have been increased concerns over losses of honeybees throughout the United States due to mortality from certain pesticides, diseases, pests (primarily mites) that attack honeybees, and probably other unknown causes. Losses in honeybee vitality have been increasing over the past 15 years. A new funding source at the state level will authorize \$1.5 million dollars to be distributed to county agricultural commissioners to be spent protecting pollinators and the beekeeping industry from theft, pests, diseases, lack of adequate forage and avoidable exposures to pesticides. Ventura County will be receiving \$96,400 for the next fiscal year to carry out what is being called the Bee Safe Program.

Hemp

The 2014 U.S. Farm Bill included provisions for states to allow institutions to grow industrial hemp for research, and to conduct pilot programs for seed or commercial hemp production. The 2018 U.S. Farm Bill took hemp off of the U.S. Schedule One narcotics list, defining it as Cannabis sativa plants with a tetrahydrocannabinols (THC) concentration not more than 0.3 percent. The Food and Agricultural Code of California (FAC) charges the CDFW and county agricultural commissioners with administering the new program.

The California Department of Food and Agriculture is developing regulations, which are expected to become effective this spring or summer, to facilitate registration for seed and commercial crop production. The Agricultural Commissioner's Office will be responsible for collecting a \$900 registration fee for the state and county to use for managing the new program.

Hemp is a promising, versatile crop for California, producing food, fuel, feed, fiber for textiles, oils for industrial and cosmetic uses, pharmaceuticals, and even building materials. Hemp is drought-tolerant, grows quickly, and provides high yields with low pesticide use.

Abandoned citrus groves

Newly introduced invasive species such as the Asian citrus psyllid (ACP), light brown apple moth (LBAM), invasive shot hole borers

(ISHB), peach fruit flies and guava fruit flies, first detected in neighboring counties, have recently been detected in Ventura County.

These pests can be transported by intentional or inadvertent movement of plant materials from infested areas. The grower-initiated ACP area-wide management program has resulted in a strong preventative program to control this serious vector of the industry-destroying Huanglongbing disease. It has also resulted in complaints from concerned growers and informed residents about orchards that are abandoned without managing pests, which can allow a pest reservoir to build up. These neighboring growers, residents, the Farm Bureau of Ventura County, California Citrus Mutual, and the state's Citrus Pest and Disease Prevention Program staff have expressed concerns and their desire for the commissioner to initiate an abandoned orchards abatement program.

The Commissioner's Office has initiated this program, which has begun by identifying and notifying owners of abandoned or neglected citrus plantings. Most property owners recognize the importance of keeping pests from building up and will voluntarily remove these plantings when notified of the problem. If not, the Commissioner's Office will eventually be required to abate nuisance orchards and compel their removal, at the expense of the property owner, to protect agriculture in the county.

Green waste monitoring

More than 4.6 million tons of green waste was generated in Los Angeles, Orange, Riverside, and San Bernardino counties in 2012. Much of this is hauled into Ventura County for use on farms. Improperly composted green waste may carry some of the invasive pests found recently in Southern California, along with other quarantine diseases such as Phytophthora ramorum, a.k.a. sudden oak death, and insects such as ISHB. Our new monitoring program will start with outreach and education, with the goal of achieving hauler compliance with regulations regarding the cleanliness of the green waste hauled into Ventura County.

Weeds

Invasive weed species are an issue of statewide concern, affecting urban forests, agricultural land, coastal wetlands and mountain watersheds, impacting farmers, homeowners, parks, water infrastructure, groundwater, timber, and recreation. We intend to tap funds the Legislature has allocated for collaborative

invasive weed management programs. These funds will support noxious and invasive weed surveying, detection, mapping, control and eradication activities, as well as outreach and training.

Our staff will be trained to identify target weeds and to use the Calflora online mapping system. The program will conduct outreach and education to potential partners and the public to prioritize and conduct cooperative projects. Once a plan is developed, the Ventura County program will begin to perform mechanical control and/or eradication work with staff and partners.

The mission of the Agricultural Commissioner's Office is to protect and promote agriculture while ensuring the welfare of the public, the industry and the environment through regulatory oversight of pest management programs, pest prevention strategies, quality control for consumer protection, and data processing for crop and disaster reporting.

— EdWilliams is the Ventura County agricultural commissioner. Contact him at ed.williams@ventura.org.

Grant programs will help build resilience

By Allison Rowe

Southern California is a region with extreme variability in weather, temperature and climate. Often known for its microclimates, it offers a range in topography, soils, and precipitation, allowing for diverse and fruitful agricultural production. However, with this variability comes uncertainty as we look to a future of longer, hotter drought periods coupled with high-intensity rainfall and localized flooding.

Fortunately, the California Department of Food and Agriculture's Healthy Soils Program (HSP) and State Water Efficiency & Enhancement Program (SWEEP) provide unique resources for farmers and ranchers to implement transformative practices that build resilient soils, improve rangelands, enhance water efficiency and increase profitability.

For 2019, California has appropriated \$15 million for Healthy Soils projects. There are two types of grant opportunities available for growers: 1) the Incentive Program, which funds up to \$75,000 to implement new practices and 2) the Demonstration Program, which funds up to \$250,000 (continued on page 3)

Grant Programs

(Continued from page 2)

to implement practices and share them with the agricultural community.

Practices include (but are not limited to) cover cropping, mulching, residue and tillage management, compost applications, nutrient management plan development, windbreaks and barriers, hedgerows, silvopasture, range planting, prescribed grazing management plans, tree/shrub establishment and buffer strip establishment.

The SWEEP program provides funding of up to \$100,000 to increase water use efficiency and reduce energy use around water on California agricultural operations. Eligible system practices include (but are not limited to) soil moisture monitoring, low-pressure irrigation system conversion and modification, pump

retrofits, and installation of renewable energy to reduce on-farm water and energy use. All irrigation system improvements can ultimately lead to improved plant health.

As the UC Cooperative Extension specialist working on these programs, my role is to assist farmers and ranchers in navigating the application paperwork. I'm also available to help with monitoring and implementation efforts, and to answer questions that arise.

Applications for these programs are due March 8. Application materials for the programs may be found at <https://www.cdfa.ca.gov/oeffi/healthsoils/IncentivesProgram.html> and <https://www.cdfa.ca.gov/oeffi/sweep/>.

— Allison Rowe is the UC Cooperative Extension specialist for the HSP and SWEEP grant program, and has a background in agriculture, land use and grant management. Contact her at amrowe@ucdavis.edu.

Notes from the CEO

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entirely. In fact, it didn't even start out as an adjudication action.

In September 2014, Santa Barbara Channelkeeper sued the city of Ventura, alleging that its withdrawals of water from the Ventura River reduce summer flows to such a degree that it imperils the endangered southern steelhead. (The city operates a subsurface diversion dam and groundwater wells in the Foster Park area.) The environmental group sought to halt what it argues is an "unreasonable" use of water.

The city responded by denying that its diversions are unreasonable, and filed a cross complaint against pretty much every other entity pumping or diverting water in the Ventura River watershed. It argued that all withdrawals contribute to the low summer flow levels and should be considered in determining a remedy. It also asserted that the city's claim to the river is superior to those of all other users, dating to the pueblo water right established by Mission San Buenaventura in the 18th century.

Channelkeeper asked that the cross-complaint be dismissed, and the court did so. Ventura appealed, and in a decision issued Jan. 31, 2018, the Second District Court of Appeal agreed with the city. The appellate panel found that the core issue raised by Channelkeeper — the unreasonableness of the city's water use — could not be evaluated without considering all water uses in the system.

Ventura then amended and re-filed its cross complaint on Sept. 24, 2018, seeking "a

comprehensive adjudication of the waters of the Ventura River and the groundwater basins located within the watershed and their interconnected surface waters." Not long thereafter, scores of well owners from Foster Park to the east end of the Ojai Valley were served notice that they'd been named in the lawsuit.

Adjudication cases only rarely involve surface waters, and there is much that is not known about the interaction between surface flows and groundwater in the complex and dynamic Ventura River watershed. Making the case even more daunting is the SGMA overlay: the Ojai, Upper Ventura River and Lower Ventura River basins are all the subject of groundwater sustainability planning efforts. Plus biology: The State Water Resources Control Board is in the middle of an effort to model the watershed's surface-groundwater interactions so it can adopt flow requirements to protect fish.

The result is a locally unprecedented mash-up of hydrology, geology, water law, property rights, endangered species biology, history, government regulation and politics. The court has its work cut out for it.

— John Krist is chief executive officer of the Farm Bureau of Ventura County. Contact him at john@farmbureauvc.com.



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Aquarium of the Pacific — Long Beach; One Day Ticket. Adult (12 yrs+) \$18.95 (save \$11); Child (3-11 yrs) \$10.95 (save \$7). Valid thru 3/31/19.

Cinemark Century & Rave Theatres — All Cinemark, Century & Rave locations. Platinum Super Saver Ticket, valid any regular movie anytime. Regular price up to \$12, you pay \$9.25 (save \$2.75). Additional premiums may apply for specially priced films and/or events priced higher than normal box office. No expiration. Physical tickets only.

Dinner Detective Murder Mystery — Ventura County/Thousand Oaks; Adult (13 years+) Dinner & Show \$58.95. Save up to \$12.50 with tax/gratuity. No expiration date. E-Tickets only.

Knott's Berry Farm — Buena Park; General One Day Admission (3 yrs+) \$42 (save \$40). Valid thru 3/28/19. One Day Admission (3 yrs+) \$40 (save \$42) Mon-Thurs Only. Valid 1/7/19-3/28/19

Legoland California Resort — Carlsbad; **Resort Hopper** — Includes 1 Day at Legoland, Including Seasonal Waterpark* and Sea Life Aquarium, and Free 2nd Day. Child (3-12 yrs) \$69.00 (save \$51) and Adult (13 yrs+) \$79.00 (save \$47). First visit must occur by 4/30/19. Free 2nd visit must be by 12/31/19. Water Park requires same-day admission to Legoland & is open seasonally between March & October. Must purchase ticket by 4/1/19.

Medieval Times Dinner and Tournament — Buena Park; Reservations Required. Dinner and Show. Adult \$45.75 (save \$22 w/tax), Child (12 yrs & under) \$34.50 (save \$7.20 w/tax). "BOGO Birthday Special" during your Birthday month. Valid thru 12/30/19.

Pacific Park — Santa Monica Pier; 1-Day Unlimited Ride Wristband Voucher \$22.95 (save \$10 per person over 7 years). Valid thru 12/31/19.

Regal Entertainment Group — All Edwards and Regal locations. Premiere Unrestricted Ticket, valid ANY showtime, \$9.75. (Surcharge for IMAX, RPX, 3-D films & 4DX films, premium or Luxury Seating locations or select theaters.) Ultimate Movie Pack-2 Premiere Unrestricted Ticket & \$10 Gift Card \$29.50. No expiration dates on physical tickets. Physical tickets only.

San Diego Safari Park — Escondido; Adult (12 yrs+) \$47.00 (save \$9); Child (3-11 yrs) \$39.00 (save \$7). Valid thru 10/24/19. E-Tickets Only.

San Diego Sea World — San Diego; E-Tickets Only. **Single Day Tickets:** Adult (10 yrs+) \$66.40 (save \$25.59); Child (3-9 yrs) \$66.40 (save \$20.59). 2018-19 **Fun Card:** Adult \$84.50 (save \$7.49) or Child \$79.85 (save \$7.14) Unlimited visits thru 12/31/19. E-Tickets Only.

San Diego Zoo — San Diego; E-ticket 1. Day Pass Adult (12 yrs+) \$47 (save \$9); 1 Day Pass Child (3-11 yrs) \$39 (save \$7). Valid thru 10/24/19. E-Tickets Only.

See's Candies — One Pound Candy Gift Certificate & gift envelope \$17.45 (save \$2.45). No Expiration Date. Physical Tickets Only.

Six Flags Magic Mountain — Valencia; General Admission (3yrs+) \$56.95 (save \$33.04). Valid 1 operating day thru 9/15/19.

Universal Studios Hollywood — Universal City; E-tickets only. Season Pass (3yrs+) \$119 (save \$30). Unlimited visits valid 9 months from first visit. 1st visit valid thru 3/31/19. Blackout dates apply after 1st visit. All revisits expire 9-months from selected 1st visit.

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