

Dear POSGCD Board,

I appreciate the work you are doing to improve the District's rules.

I support the proposed changes to the monitoring provisions. I also support the proposed change in Rule 16 to remove the 2% default for cutting back overpumping as the District comes close to overshooting its DFCs and PDLs.

The proposed changes to Rule 8.6, however, appear to be more cosmetic than substantive. In essence, the proposed rule requires permit holders to submit a sworn statement about their leased acreage each year. The required information is the same as what is required in a permit application.

This proposal has three significant problems:

1. It doesn't require the permit holder to reveal if, and how many, of its leases contain provisions that allow the landowner to drill and permit his or her own wells. We know, for a fact, that this is the case with at least some of Vista Ridge's leases – we just don't know how many. (See attached document for more details)
2. It relies on the permit holders' claims, which may or may not be truthful. In October 2019, I provided the District with a documented example of where Vista Ridge had **falsely** claimed full water rights under a lease – even though the landowner had an irrigation permit for some of those rights, and had held such a permit for several years.
3. While notices of the leases are on file at the county courthouses, the leases themselves are not, making it impossible for the District or anyone else to verify the truthfulness of an applicant's or permit holder's claims.

The solution is two-fold:

1. Add a subsection 8.6.3(i): "The number of acres leased for which lessor retained the right to drill non-exempt wells, including irrigation wells."
2. Add a new section 8.6.4, requiring the permit holder to submit copies of the leases to support the statements made in 8.6.3.

Attached are the relevant excerpts from my previous submissions related to the lease issue.

Sincerely,

Judith
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