

American River Petition

Anthony Brown was retained by Golden State Water Company (GSWC) to support their water rights claim in the City of Rancho Cordova, California to the State Water Resources Control Board (SWRCB).

Arden Cordova Water Company, a subsidiary of GSWC, provides water to customers in the City of Rancho Cordova and other areas southeast of Sacramento. The American River forms the northerly boundary of the service area, and the Aerojet Rancho Cordova rocket testing facility forms the eastern boundary.

The SWRCB has jurisdiction over all surface waters in California and groundwater in defined channels or in direct hydraulic communication with adjacent surface waters. Groundwater not confined by these definitions (e.g. in large basins, deep aquifers or spatially-extensive aquifers) is not subject to SWRCB jurisdiction.

The SWRCB imposed certain rulings relating to groundwater in Rancho Cordova, notably pumping restrictions aimed at maintaining flows within the American River to sustain aquatic wildlife. GSWC petitioned arguing that the groundwater in the area was not subject to SWRCB jurisdiction. Anthony Brown testified before the SWRCB offering the following technical evidence:

- Groundwater used for water supply was at depths well below the elevation of the American River;
- Groundwater was in spatially-extensive deposits and not a defined channel;
- The deposits extended beneath and beyond the River to the north and west;
- The groundwater was not discharging to the River;
- The River was not acting as a hydrologic barrier, and groundwater flow occurred beneath and beyond the River to the northwest;
- Contamination from the Aerojet facility, notably N-nitrosodimethylamine (NDMA), extended from the facility, through Arden Cordova, beneath the American River, and some distance to the northwest into the City of Carmichael; and
- Groundwater extraction by GSWC had no effect on water levels in the American River.