





South of Kern River Executive Committee Regular Meeting

Thursday, February 13, 2025 9:00 a.m.to 10:30 a.m. Meeting Information Posted:

www.sokrgsp.com

http://www.aewsd.org * http://www.wrmwsd.com
http://www.tejoncastacwd.com * https://www.arvincsd.com

In Person: Arvin-Edison Water Storage District Headquarters 20401 E. Bear Mountain Blvd. Arvin, CA 93203

Via Remote (Microsoft Teams): https://www.microsoft.com/microsoft-teams/join-a-meeting

Click here to join the meeting

Meeting Number: <u>289 619 843 830</u> Meeting Password: <u>ko5K35</u> Phone: <u>1.213.437.9052</u>

Phone Meeting Number (access code): 276 512 496#

NOTICE: Members of the public interested in participating by teleconference may do so using the call-in information above or by following this link. Please note that this teleconference option is provided as a courtesy and at the participant's own risk. The Committee cannot guarantee that there will be no loss of connectivity or other technological obstacle to full participation through teleconferencing. By participating in this way, participants confirm that they understand this risk and that the Committee is not obliged to delay any portion of the meeting due to such technological obstacles and thus that teleconference participants may be unable to participate.

- 1. CALL TO ORDER
- 2. ROLL CALL
- 3. PLEDGE OF ALLEGIANCE
- 4. APPROVAL OF THE AGENDA
- 5. APPROVAL OF JANUARY 10, 2025 REGULAR MEETING MINUTES
- 6. PUBLIC COMMENT
- 7. REPORT ITEMS
 - a. GSP Manager Report (Muhar)
 - i. Basin Coordination
 - b. Technical Consultant Report (*EKI*)
 - i. Summary of final State Water Resources Control Board (SWRCB) staff report
 - ii. Report on meetings with SWRCB staff on remaining GSP concerns
 - iii. SGMA Monitoring Network performance and sustainable management criteria (SMC) compliance

- c. Finance Report (Nicholas)
- d. California Aqueduct Subsidence Program (CASP) update (*Nicholas*)
- e. Management Area updates (Muhar, Nicholas, Martin, Barraza)

8. CORRESPONDENCE

a. SWRCB Probationary Hearing Agenda and draft Resolutions

9. CLOSED SESSION

a. Potential Litigation (Government Code §54956.9(d)(2), (e)(1); 1 item).

10. ADJOURNMENT

MINUTES OF THE MEETING OF THE SOUTH OF KERN RIVER EXECUTIVE COMMITTEE January 10, 2025

CALL TO ORDER

Director Yurosek called the meeting to order at 10:03 a.m., and determined a quorum was preset with attendance by:

Executive Committee Directors

Derek Yurosek – Arvin-Edison Water Storage District (AEWSD; Arvin GSA) (present) Mark Valpredo – Tejon-Castac Water District (TCWD; Tejon-Castac Water District GSA) (absent)

Michael Blaine – Wheeler Ridge-Maricopa Water Storage District (WRMWSD; Wheeler Ridge-Maricopa GSA) (present)

Rafael Gallardo – Arvin Community Services District (ACSD) (present)

District Staff

Jeevan Muhar – AEWSD (present) Sheridan Nicholas – WRMWSD (present) Angelica Martin – TCWD (remote) Raul Barazza – ACWD (absent)

PLEDGE OF ALLEGIANCE

APPROVAL OF THE AGENDA

Director Gallardo moved to approve the agenda as amended. The motion was seconded by Director Blaine. The motion passed 3-0-0.

<u>APPROVAL OF DECEMBER 9, 2024 MEETING MINUTES</u>

Director Gallardo moved to approve the December 9, 2024 SOKR Executive Committee meeting minutes. Director Blaine seconded. The motion passed 3-0-0.

PUBLIC COMMENT

There were no public comments.

REPORT ITEMS

GSP Manager Report

Basin Coordination

Mr. Muhar reported that all Subbasin GSAs adopted the final GSPs in mid-December 2024 and the 2024 Plan was submitted to the State Water Resources Control Board (SWRCB). SWRCB Staff have received the adopted GSPs and are in the process of

reviewing. The Basin will continue to consult with SWRCB Staff, including coordination and technical calls in preparation for the Basin Probationary Hearing on February 20, 2025. SWRCB staff identified concerns with the monitoring network, Minimum Thresholds (MTs) for Groundwater Levels and the Undesirable Results definition for Water Quality, which will be discussed as part of ongoing communication with SWRCB Staff.

Technical Consultant Report

EKI reported on the SMGA Monitoring Network performance of and SMC compliance. There were no Minimum Threshold (MT) exceedances based on December 2024 groundwater levels. EKI also reported that there will likely be updates forthcoming for water quality and subsidence monitoring networks as part of the Annual Review process outlined in the Amended 2024 Plan. Additionally, the Technical Working Group will continue to consult with and assist SWRCB Staff as they review of the final 2024 Plan.

Finance Report

Mr. Nicholas reported on finances to date. The Financial Report included GSP development efforts, technical consultant fees, and legal expenses. All costs are shared equally between SOKR entities with the exception of legal expenses, which were split differently according to needs pertaining to the White Lands (Non-Districted Lands).

California Aqueduct Subsidence Program (CASP) update

The SOKR GSAs engaged in ongoing communication with CASP Staff, including Subbasin level calls. There were no major CASP updates to report.

Management Area Updates

Mr. Muhar did not have Arvin GSA-specific updates to report.

Mr. Nicholas did not have WRM GSA-specific updates to report.

Ms. Martin did not have TCWD GSA-specific updates to report.

ACTION ITEMS

The Directors considered the following action items:

- a. Ratification of the GSA Home Boards' action to adopt the 2024 Groundwater Sustainability Plan (GSP) and relevant supporting appendices of projects and management actions for the Kern County Subbasin of the Tulare Lake Groundwater Basin.
- b. Ratification of the GSA Home Boards' action to approve the Second Amended Kern County Subbasin Coordination Agreement among Subbasin GSAs.
- Ratification of the GSA Home Boards' action to approve a contract with Self-Help Enterprises to administer the Kern County Subbasin Domestic Well Mitigation Program.

d. Ratification of the GSA Home Boards' action to approve the "First Amendment to the MOA between Arvin Community Services District, Arvin-Edison Water Storage District, Tejon-Castac Water District, and Wheeler Ridge-Maricopa Water Storage District for South of Kern River GSP.

Director Blaine moved to approve items (a), (b), (c), and (d). Director Gallardo seconded. The motion passed 3-0-0.

The Directors also considered the following action items:

e. Consider endorsement of and recommendation to GSA home boards for funding the EKI Task Order for Groundwater Sustainability Plan (GSP) Implementation Support January Through March 2025.

Director Gallardo moved to endorse and recommend action item (e). Director Blaine seconded. The motion passed 3-0-0.

f. Consider endorsement of and recommendation to GSA home boards for funding up to \$5,000 per GSA for the Todd Groundwater and GEI task orders related to production of the Subbasin Water Year 2024 Annual Report

Following discussion, Director Blaine moved to endorse and recommend action item (f) with an amendment to increase the funding limit to \$5,500 for the Todd Groundwater and GEI task orders. The motion was seconded by Director Gallardo, and passed 3-0-0.

CORRESPONDENCE

No correspondence to report.

CLOSED SESSION

Potential Litigation (Government Code §54956.9(d)(2), (e)(1); 1 item).

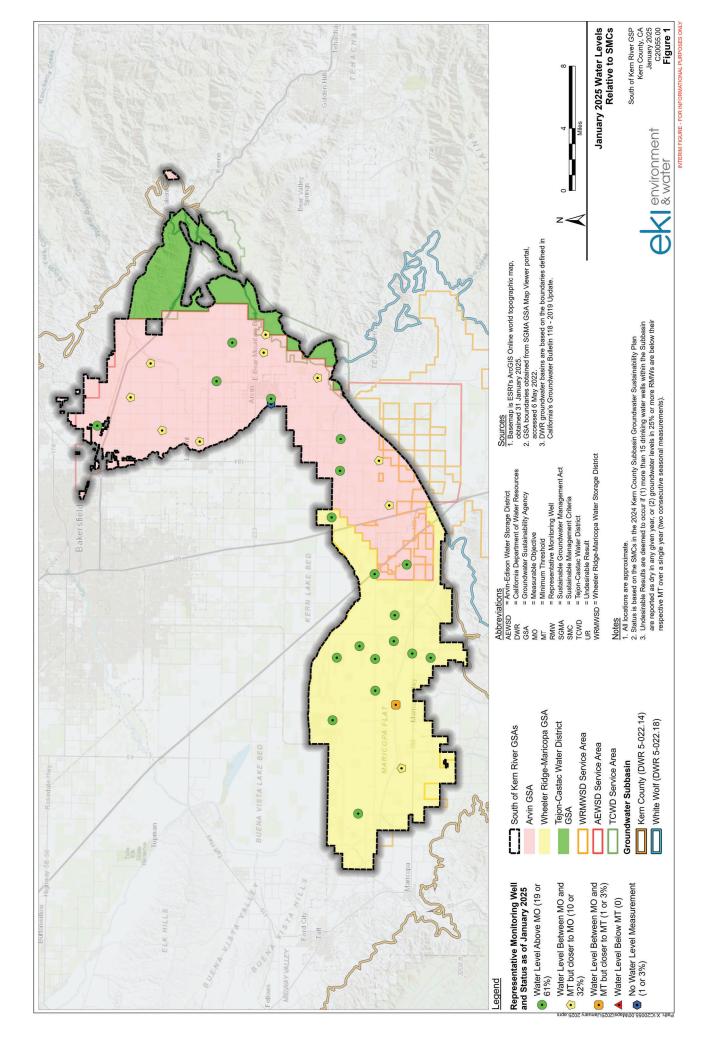
There was nothing to report out of the closed session.

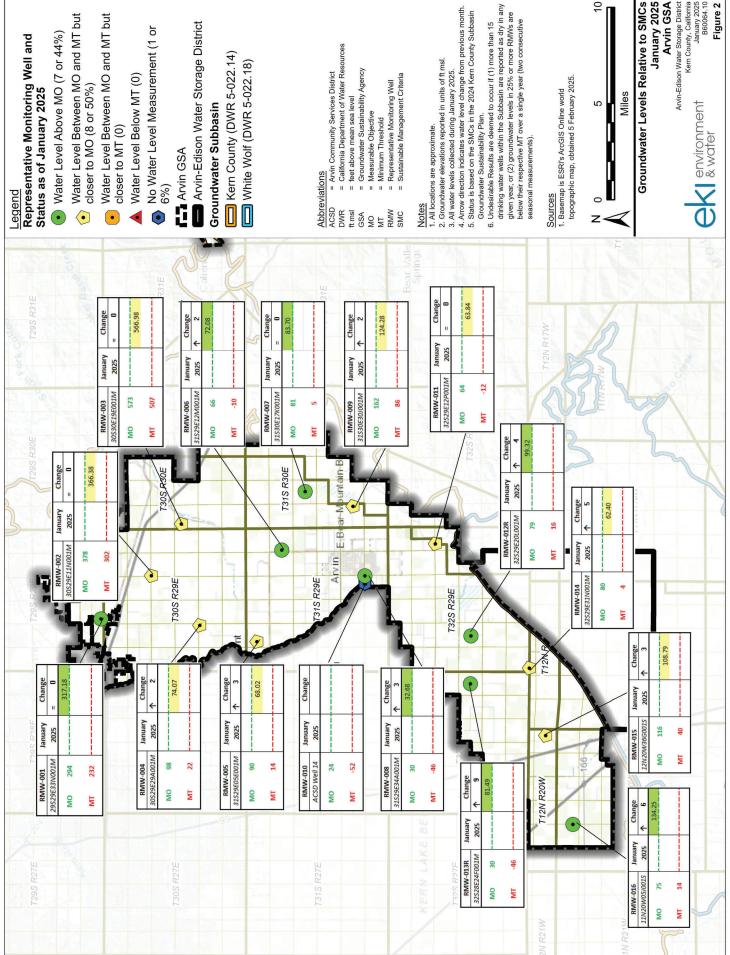
The next SOKR Executive Committee Meeting will be held on February 13th, 2025 at 9:00 a.m.

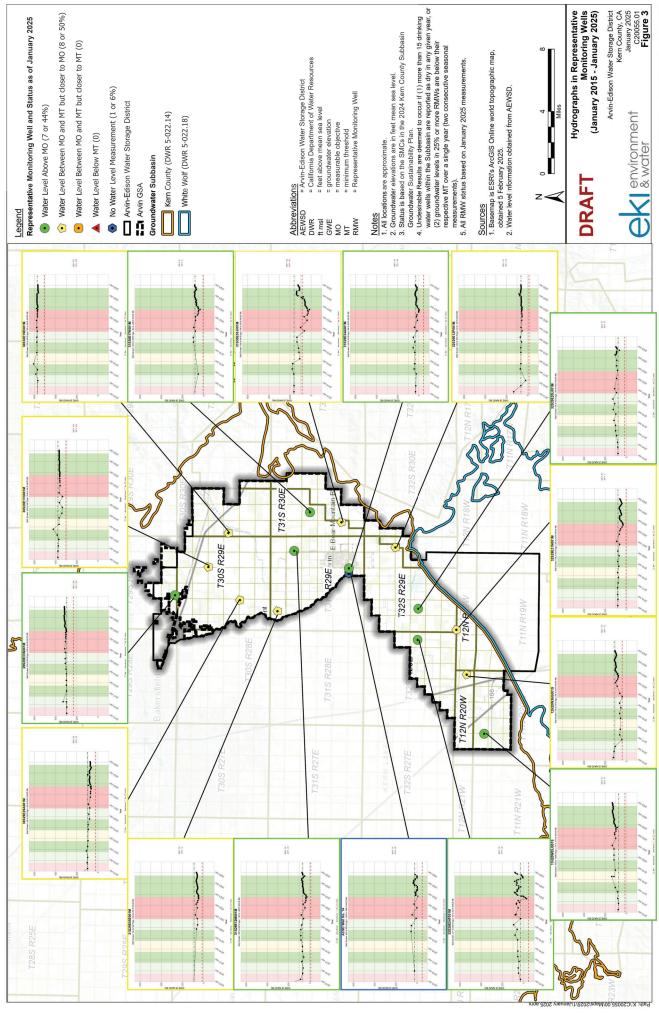
ADJOURNMENT

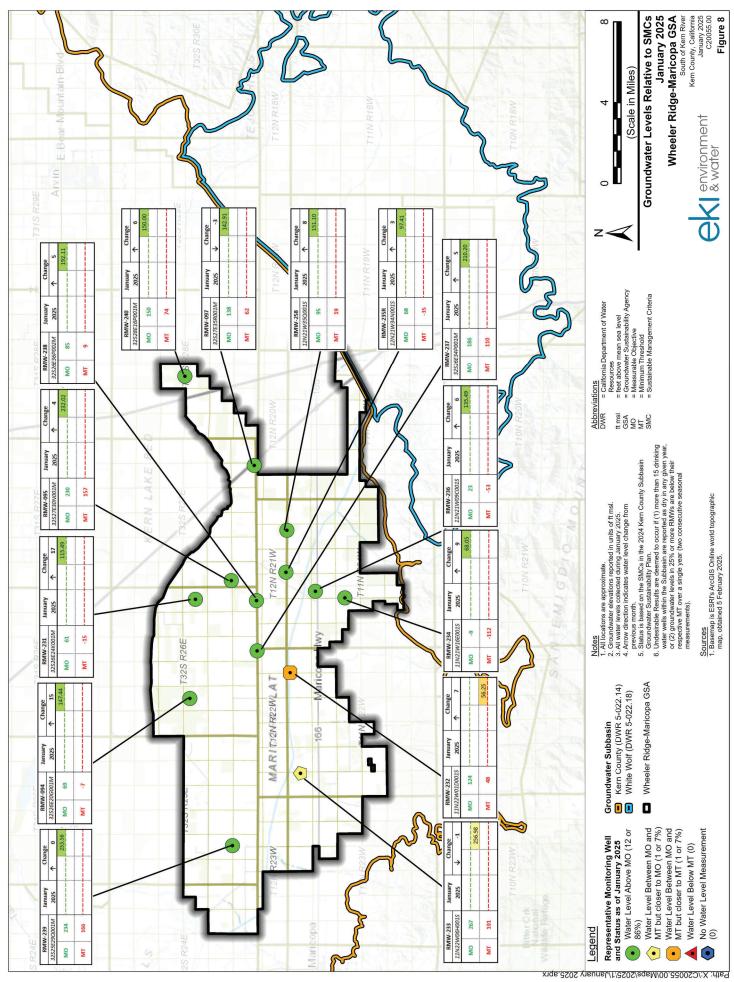
Director Yurosek adjourned the South of Kern River Executive Committee meeting at 11:14 a.m.

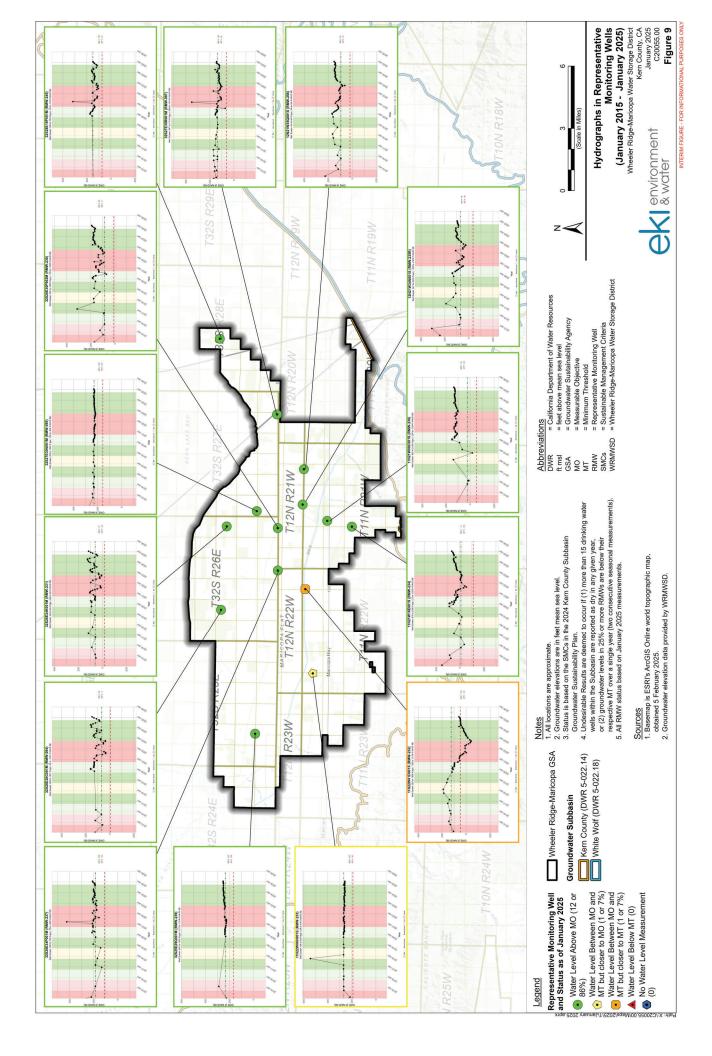
Mark Valpredo, South of Kern River Executive Committee Secretary













STATE WATER RESOURCES CONTROL BOARD BOARD MEETING

Wednesday, February 19, 2025 – 9:00 a.m.
Thursday, February 20, 2025 – 9:00 a.m.
Coastal Hearing Room – Second Floor
Joe Serna Jr. - CalEPA Building
1001 | Street, Sacramento
And via Video and Teleconference
(Gov. Code, § 11123.2)

Video and Teleconference Options: This meeting will occur with both a physical meeting location and an option to participate from a remote location. A majority of the members will be physically present at the noticed meeting location.

- For those who only wish to watch the meeting, the webcast remains available at either https://www.youtube.com/user/BoardWebSupport/ or https://video.calepa.ca.gov/ (closed captioning available) and should be used UNLESS you intend to comment.
- For members of the public who wish to comment on an agenda item or are
 presenting to the Board, additional information about participating telephonically
 or via the Board's online platform is available at:
 https://www.waterboards.ca.gov/board_info/remote_meeting/

DECLARATION OF A QUORUM

E. Joaquin Esquivel, Chair; Dorene D'Adamo, Vice Chair; Sean Maguire, Member; Laurel Firestone, Member; Nichole Morgan, Member

WEDNESDAY, FEBRUARY 19, 2025

BOARD MEETING

Public comments on agenda items will be limited to 5 minutes or otherwise at the discretion of the Board Chair

PUBLIC FORUM

(Approximately 30 minutes at the beginning of Board Meeting and any remaining speakers at the call of the Chair)

Any member of the public may address and ask questions of the Board relating to any matter within the State Water Resources Control Board's jurisdiction provided the matter is not on the agenda or pending before the State Water Board or any California Regional Water Quality Control Board.

BOARD BUSINESS

1. The Board will consider adoption of the February 4, 2025 Board Meeting minutes.

INFORMATIONAL ITEM

- Update on Water Rights Data Modernization and Measurement and Reporting Regulation.
 - Agenda Item

DIVISION OF DRINKING WATER

- 3. Consideration of a Proposed Resolution adopting the prioritization of drinking water regulations development for calendar year 2025.
 - Agenda Item
 - Draft Resolution

INFORMATIONAL ITEM

4. Board Member Reports.

THURSDAY, FEBRUARY 20, 2025

BOARD HEARING

OFFICE OF SUSTAINABLE GROUNDWATER MANAGEMENT

- 5. Consideration of a proposed Resolution to designate the Kern County groundwater subbasin as probationary under the Sustainable Groundwater Management Act or an alternative Resolution to continue the hearing.
 - Public Notice
 - Agenda Item
 - Draft Resolution | Alternative Draft Resolution
 - Final Staff Report Executive Summary
 - Final Staff Report

CLOSED SESSION

Closed Sessions are not open to the Public

ADMINISTRATIVE HEARINGS OFFICE/ DIVISION OF WATER RIGHTS

The Board may meet in closed session to deliberate on procedural or substantive decisions to be reached in the proceeding to consider the water right change petition filed by the California Department of Water Resources to add two new points of diversion and rediversion to water right permits 16478, 16479, 16481, and 16482 (Applications 5630, 14443, 14445A, and 17512, respectively) for the State Water Project associated with the Delta Conveyance Project. (This closed session is authorized under Government Code section 11126, subdivision (c)(3).)

The Board may meet in closed session to deliberate on procedural or substantive decisions to be reached in the proceeding to consider the petition for partial assignment of state-filed Application 25517, accompanying water right Application 25517X01, and petitions for release from priority of state-filed Applications 25513, 25514, 25517 (unassigned portion), 22235, 23780, and 23781 in favor of water right Application 25517X01 filed by the Sites Project Authority. (This closed session is authorized under Government Code section 11126, subdivision (c)(3).)

OFFICE OF CHIEF COUNSEL

The Board will meet in closed session to discuss the status of and receive legal advice concerning a complaint filed against the Board pursuant to Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000(d) et seq., and the United States Environmental Protection Agency's nondiscrimination regulation, at 40 C.F.R. Part 7, pertaining to the Board's water quality standards setting in the San Francisco Bay/Sacramento-San Joaquin Delta watershed (EPA File No. 01RNO-23-R9). (This closed session is authorized under Government Code section 11126, subdivision (e).)

IMPORTANT INFORMATION!!

Unless otherwise specified, submittal of written comments <u>must be received by</u> 12:00 p.m. (Noon) on February 13, 2025 and will not be accepted after that time.

Submittal of electronic PowerPoint presentations <u>must be received by</u> 12:00 p.m. (Noon) on February 13, 2025 and will not be accepted after that time.

Submittals are to be sent via e-mail to the Clerk to the Board at commentletters@waterboards.ca.gov. Please indicate in the subject line, 02/19-20/2025 BOARD MEETING – ITEM # (fill in bolded subject from appropriate item).

If you have questions about the agenda, or if you do not have internet access and need a telephone number to participate in the meeting, please contact the Clerk to the Board at (916) 341-5600 prior to the date of the meeting.

If you would like to request a copy of public comments submitted on an agenda item, please send a request to commentletters@waterboards.ca.gov, identifying the Board meeting date, and agenda item by name and number.

Agenda and items will be available electronically at: http://www.waterboards.ca.gov/board_info/calendar/index.shtml

*Items on the uncontested items calendar may be removed at the request of any Board Member or person. If an item is removed from the uncontested items calendar, it will only be voted on at this meeting if the Board accepts the staff recommendation for the agenda item. Otherwise, the item will be continued to a subsequent board meeting to allow input by interested persons.

Video broadcast of meetings will be available at: https://video.calepa.ca.gov/. An alternate live-stream broadcast will also be available at: https://www.youtube.com/user/BoardWebSupport/

LANGUAGE SERVICES

For oral interpretation, written translation, or sign language services, please call (916) 341-5254 or e-mail: opp-languageservices@waterboards.ca.gov (at least 7 calendar days before the date of the Board meeting).

ACCESSIBILITY AND REASONABLE ACCOMMODATIONS

The State Water Board is committed to making its meetings accessible consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.) and swiftly resolving requests for reasonable modifications or accommodations. Telecommunications device for the deaf (TDD) users may contact the California Relay

Service at: (800) 735-2929 or voice line at (800) 735-2922. In addition, persons requiring reasonable modification or accommodation for disabilities should promptly (preferably at least 7 days before the meeting) contact the Clerk at board.clerk@waterboards.ca.gov to initiate a request for reasonable modification or accommodation.

STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2025-

DESIGNATION OF THE KERN COUNTY GROUNDWATER SUBBASIN AS PROBATIONARY UNDER THE SUSTAINABLE GROUNDWATER MANAGEMENT ACT

WHEREAS:

- 1. Groundwater provides a significant portion of California's water supply, making up more than one-half of the water used by Californians in drought years when surface water is limited. Properly managed groundwater resources can provide for communities, farms, and the environment and help protect against prolonged dry periods and climate change, preserving water supplies for existing and potential beneficial uses. However, excessive groundwater extraction can cause long-term overdraft, failed wells, deteriorated water quality, environmental damage, and irreversible land subsidence that damages infrastructure and diminishes the capacity of aquifers to store water for the future, all of which can have substantial societal and economic impacts. Additionally, failure to manage groundwater to prevent long-term overdraft can potentially infringe on rights to or use of groundwater or interconnected surface water.
- 2. In 2014, the State of California enacted Assembly Bill 1739, and Senate Bills 1168 and 1319, collectively referred to as the Sustainable Groundwater Management Act (SGMA). SGMA is intended to ensure the proper and sustainable management of groundwater resources in California.
- 3. The State Water Resources Control Board (State Water Board or Board) recognizes that near-term SGMA implementation has the potential to result in substantial economic impacts in overdrafted basins. The State Water Board further recognizes that the goal of SGMA is sustainable groundwater management that will ensure the long-term viability of groundwater resources for future use by communities, farms, businesses, and the environment.
- 4. SGMA allows local public agencies overlying alluvial groundwater basins to form Groundwater Sustainability Agencies (GSAs) and prepare and implement Groundwater Sustainability Plans (GSPs) to achieve sustainable management of the basin. SGMA requires that groundwater basins determined to be high or medium priority by the Department of Water Resources (Department) must do so.

- 5. SGMA requires GSAs, whose planning and management actions can have broad impacts within their basins, to consider the interests of all beneficial uses and users of groundwater and to encourage the active involvement of diverse elements of the population of a groundwater basin during the development and implementation of GSPs.
- 6. SGMA recognizes that groundwater management is best accomplished locally; however, if local agencies in a high or medium priority groundwater basin fail to form a GSA or prepare a GSP, or the Department determines that the GSP is inadequate or not being implemented in a way that is likely to achieve SGMA's sustainability goal, SGMA authorizes the State Water Board to intervene in the basin to ensure that the basin is managed sustainably. This is called the state intervention process.
- 7. To implement SGMA's state intervention process, the State Water Board may designate a basin as probationary. If the State Water Board designates a basin as probationary, it must identify the deficiencies in the GSP, identify potential actions to remedy the deficiencies, and exclude from probationary status any portion of a basin for which a GSA demonstrates compliance with SGMA's sustainability goal. The State Water Board may exclude a class or category of extractions from the reporting and fee requirement that applies to probationary basins under Water Code section 5202 if those extractions are adequately managed under an applicable plan or program or are likely to have a minimal impact on basin withdrawals.
- 8. The deadline for GSAs in critically overdrafted high- and medium-priority basins to adopt and submit GSPs for review by the Department was January 31, 2020.
- 9. The Kern County Subbasin is a critically overdrafted high-priority basin.
- 10. As of the date of this resolution, the Department recognizes the following GSAs for the Kern County Subbasin: Buena Vista Water Storage District Groundwater Sustainability Agency, Cawelo Water District Groundwater Sustainability Agency, Greenfield County Water District Groundwater Sustainability Agency, Henry Miller Water District Groundwater Sustainability Agency, Kern Groundwater Authority Groundwater Sustainability Agency, Kern Water Bank Groundwater Sustainability Agency, Kern-Tulare Water District Groundwater Sustainability Agency Kern County, North Kern Water Storage District Groundwater Sustainability Agency, Olcese Water District Groundwater Sustainability Agency, Pioneer Groundwater Sustainability Agency, Rosedale-Rio Bravo Water Storage District Groundwater Sustainability Agency, Semitropic Water Storage District Groundwater Sustainability Agency, Shafter-Wasco Irrigation District Groundwater Sustainability Agency,

Southern San Joaquin Municipal Utility District Groundwater Sustainability Agency, Tejon-Castac Water District Groundwater Sustainability Agency, West Kern Water District Groundwater Sustainability Agency, Westside District Water Authority Groundwater Sustainability Agency, Wheeler Ridge-Maricopa Groundwater Sustainability Agency (collectively, the Kern County Subbasin GSAs¹).

- 11. The Kern County Subbasin GSAs submitted the Kern County Subbasin 2020 GSPs to the Department for review between January 22 and 30, 2020.
- 12. On January 28, 2022, the Department issued a determination that the Kern County Subbasin 2020 GSPs were incomplete and provided the Kern County Subbasin GSAs with 180 days to address the deficiencies identified in the incomplete determination.
- 13. The Kern County Subbasin GSAs submitted Revised Kern County Subbasin GSPs to the Department for review on July 27, 2022.
- 14. The Department evaluated the Revised Kern County Subbasin GSPs and on March 2, 2023, issued its "Inadequate Determination of the Revised 2020 Groundwater Sustainability Plans Submitted for the San Joaquin Valley – Kern County Subbasin" which is available on the Department's online SGMA portal.
- 15. The State Water Board reviewed the Kern County Subbasin 2022 GSPs and the Department's determination of inadequacy, and Board staff prepared a draft staff report that described the GSPs' deficiencies, recommended potential actions that GSAs could take to remedy the deficiencies, and supported designating the Kern County Subbasin as a probationary basin under SGMA.
- 16. On July 25, 2024, the State Water Board made the draft staff report available to the public and issued notice of public staff workshops, opportunities to comment on the draft staff report, and the date of the public board hearing for the proposed designation of the Kern County Subbasin as a probationary basin.

¹ The number of GSAs in the Kern County Subbasin has changed at different times between the initial submission of GSPs to the Department in January 2020 and the most recent submission of GSPs to the State Water Board in December 2024. The 2024 Kern County Subbasin GSPs identify Kern Non-Districted Lands Authority Groundwater Sustainability Agency to replace Kern Groundwater Authority Groundwater Sustainability Agency.

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- 17. When issuing the notice, the State Water Board posted the notice on its website and sent the notice by electronic mail to its SGMA email listserv, to the Department, to each city and county within which any part of the Kern County Subbasin is situated, and to the points of contact for each of the Kern County Subbasin GSAs.
- 18. On July 26, 2024, the State Water Board mailed the notice to all persons known to the Board who extract or who propose to extract water from the basin.
- 19. The public comment period for the probationary hearing notice and draft staff report ran from July 26, 2024, to September 23, 2024.
- 20. The State Water Board staff held informational workshops on August 26, 2024, and August 29, 2024, to explain the draft staff report, share more about how to participate in the State Water Board's state intervention process, and accept verbal public comments regarding the draft staff report.
- 21. State Water Board staff, after reviewing and considering input from public comments made at the workshops and submitted during the public comment period, and reviewing the Draft 2024 GSPs, revised and <u>finalized the staff report</u>, which supports the staff recommendation that the State Water Board designate the Kern County Subbasin as a probationary basin under SGMA.
- 22. The State Water Board reviewed and considered the draft staff report, final staff report, and comments received during the public comment period and at the probationary hearing.
- 23. The State Water Board recognizes the established Human Right to Water policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes and that many communities without adequate access to safe, clean, affordable and accessible water are located in overdrafted or critically overdrafted groundwater basins.
- 24. The State Water Board is committed to upholding California's human right to water and making racial equity, diversity, inclusion, and environmental justice a central consideration in water law.

- 25. The State Water Board recognizes that the failure to avoid undesirable results under SGMA (e.g., chronic lowering of groundwater levels) impacts the Human Right to Water and racial equity as many economically disadvantaged communities are communities of color utilizing shallow groundwater wells.
- 26. The State Water Board also has a duty to consider adverse impacts groundwater extraction would have on public trust resources (e.g., depletions of interconnected surface waters) and to protect public trust resources where feasible.
- 27. The State Water Board acknowledges and appreciates the efforts of the Kern County Subbasin GSAs to develop and revise the Kern County Subbasin GSPs, including continued constructive engagement with State Water Board staff on technical information and approaches to remedy deficiencies, but these efforts have not yet been sufficient to rectify deficiencies in the GSPs. Based on its review and consideration, the State Water Board agrees that the Kern County Subbasin should be designated at this time as probationary and agrees with other staff recommendations as resolved herein.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

- 1. Finds that the Kern County Subbasin is subject to Water Code section 10720.7, subdivision (a)(1), and that the Department, in consultation with the State Water Board, has determined that the groundwater sustainability plans for the Kern County Subbasin are inadequate.
- 2. Designates the Kern County Subbasin as a probationary basin pursuant to Water Code section 10735.2, subdivision (a)(3) with an effective date of March 03, 2025.
- 3. Identifies deficiencies in the Kern County Subbasin 2024 draft GSPs and 2024 adopted GSPs, and corresponding potential actions, identified in the final staff report as potential actions, that can correct those deficiencies pursuant to Water Code section 10735.6, subdivision (a). Deficiencies identified:
 - a. Coordination (CRD)
 - i. Deficiency CRD-1 Undesirable results and sustainable management criteria are not coordinated.

- 1. Deficiency CRD-1a This deficiency has been resolved.
- 2. Deficiency CRD-1b This deficiency has been resolved.
- Deficiency CRD-2 The Coordination Agreement, GSPs, and Management Area Plans lack key details necessary for coordinated implementation.
 - 1. Deficiency CRD-2a This deficiency has been resolved.
 - 2. Deficiency CRD-2b The GSAs do not explain how the multiple plans will satisfy SGMA requirements, particularly for management areas.
- iii. Deficiency CRD-3 –The Kern County Subbasin GSAs have not demonstrated basin-wide management.
- b. Groundwater Levels (GL)
 - Deficiency GL-1 Groundwater level undesirable results and sustainable management criteria are not defined consistent with the requirements of SGMA.
 - 1. Deficiency GL-1a This deficiency has been resolved.
 - 2. Deficiency GL-1b Sustainable management criteria were not established consistent with the requirements of SGMA.
 - ii. Deficiency GL-2 The GSPs' monitoring network and mitigation plans are incomplete.
 - 1. Deficiency GL-2a The monitoring network was not developed consistent with the requirements of SGMA.
 - 2. Deficiency GL-2b The well impact mitigation plan is incomplete.
 - iii. Deficiency GL-3 The GSPs do not describe a feasible path for halting chronic lowering of groundwater levels.

- iv. Deficiency GL-4 The GSPs do not define groundwater storage sustainable management criteria consistent with SGMA requirements.
- c. Land Subsidence (LS)
 - i. Deficiency LS-1 Land subsidence undesirable results and sustainable management criteria are not defined consistent with the requirements of SGMA.
 - Deficiency LS-1a Undesirable results are poorly described, unworkably complex, and inconsistently implemented.
 - Deficiency LS-1b Sustainable management criteria were not established consistent with the requirements of SGMA.
 - ii. Deficiency LS-2 The GSPs do not provide adequate implementation details.
- d. Groundwater Quality (GWQ)
 - Deficiency GWQ-1 The GSPs do not establish undesirable results and sustainable management criteria consistent with the requirements of SGMA.
 - 1. Deficiency GWQ-1a Undesirable result definitions are not protective of beneficial uses and users.
 - 2. Deficiency GWQ-1b The GSPs are missing critical information about how GSAs will determine whether an undesirable result has occurred.
 - ii. Deficiency GWQ-2 Groundwater quality monitoring network is not consistent with SGMA requirements.
 - 1. Deficiency GWQ-2a The Monitoring Network is not representative of all beneficial uses and users in the Kern County Subbasin.
 - 2. Deficiency GWQ-2b This deficiency has been resolved.

- 3. Deficiency GWQ-2c It is unclear how the GSAs will assess the impacts of projects and management actions.
- iii. Deficiency GWQ-3 Management actions are not responsive to water quality degradation.
 - 1. Deficiency GWQ-3a Management actions are not protective of beneficial uses and users once a minimum threshold exceedance is triggered.
 - 2. Deficiency GWQ-3b Well mitigation plan does not address water quality degradation.
- e. Interconnected Surface Water (ISW)
 - i. Deficiency ISW-1 This deficiency has been resolved.
 - 1. Deficiency ISW-1a This deficiency has been resolved.
 - 2. Deficiency ISW-1b This deficiency has been resolved.
 - ii. Deficiency ISW-2 This deficiency has been resolved.
- 4. Adopts the following requirements and exclusions regarding reporting, measuring, and metering of groundwater extractions:
 - a. In accordance with Water Code sections 5202 and 10721, any person who extracts more than two acre-feet of groundwater per year from the Kern County Subbasin or who extracts groundwater from the Kern County Subbasin for purposes other than domestic uses must report their extractions made on or after June 01, 2025, to the State Water Board pursuant to Water Code section 5202 and pay to the State Water Board the associated fee imposed pursuant to California Code of Regulations, title 23, section 1040 et seq. Any person who extracts two acre-feet of water or less per year for domestic purposes only is a de minimis extractor and is exempt from this requirement.
 - b. In addition to the above requirements, by October 01, 2025 any extractions that are within the Subsidence Management Areas (areas encompassing a 2.5-mile buffer on either side of the California Aqueduct at Mile Posts 195 to 215 and 262 to 267, and the Friant Kern Canal Mile Posts 120 to 137), that are not de minimis, must be

measured using a meter that meets the requirements of California Code of Regulations, title 23, section 1042.

- c. In addition to the above requirements, for the purposes of measuring and reporting extractions, any person (extractor) who extracts more than 500 acre-feet per year from the Kern County Subbasin during the period of October 1, 2025, through September 30, 20256 and any person who anticipates extracting more than 500 acre-feet per year during the period of October 1, 2026, and September 30, 2027, must install meters no later than October 1, 2025 on each production well that extracts groundwater for uses that cannot be measured by an evapotranspiration methodology. For each production well that extracts groundwater for uses that are captured by evapotranspiration data, individuals must do one of the following no later than October 01, 2025:
 - Install and use meters that meet the requirements of California Code of Regulations, title 23, section 1042 on their production wells;
 - ii. Use an evapotranspiration methodology to determine monthly extraction volumes for each parcel where groundwater use occurs. If the methodology was developed or is currently implemented by a GSA, the extractor may elect to have the applicable GSA submit the extraction report on behalf of the extractor. A GSA may compile and submit extraction reports for multiple extractors, provided the information required by Water Code section 5203 is organized on a per extractor and per parcel basis.
- d. Extractors using a methodology described in subsection (c) (ii) are also subject to the following requirements:
 - i. For any individual relying on an evapotranspiration method to report extractions, the extraction report shall include an explanation of the methodology. Additionally, if groundwater is extracted for uses not measured by the evapotranspiration methodology, those extractions must be measured by a meter, and this must be included in the explanation of the methodology.

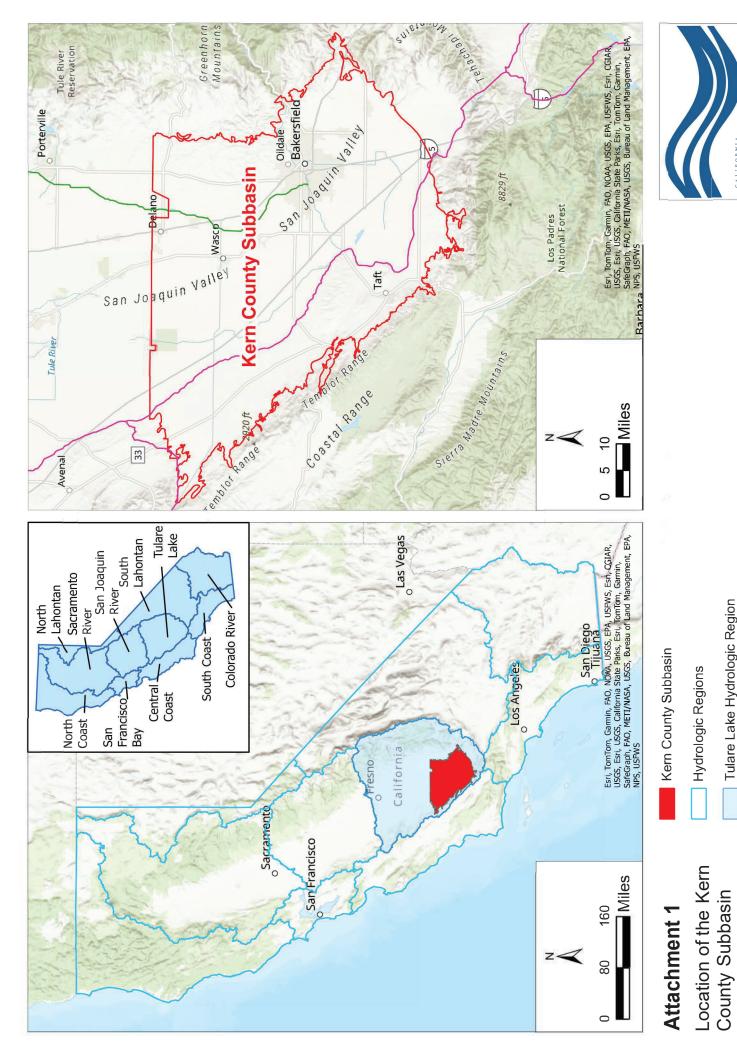
- ii. If any evapotranspiration methodology relies on data regarding surface water deliveries to the extractor's place of use for extracted groundwater to determine extraction volumes, surface water delivery data relied on by the methodology shall be included in the extraction report.
- e. Wells that are used for domestic purposes only and extract two acrefeet or less of groundwater per year (wells that would be de minimis if they were the extractor's only well, but are not the extractor's only well) are excluded from the requirement to install and use meters or an alternative methodology set forth above provided that the extractor uses another method to measure extractions from those wells and includes the measurements in reports of groundwater extractions.
- f. Temporarily forgoing the use of meters for periods of time reasonably necessary for replacement, maintenance, or calibration activities does not violate the requirement of subsection (b), provided that the extractor measures groundwater extractions using another method during those periods and includes the measurements for those periods in the reports of groundwater extraction filed pursuant to subsection (a).
- g. If an extractor uses a methodology that was developed or is currently implemented by a GSA to measure extractions, the extractor may elect to have the applicable GSA submit the extraction report on behalf of the extractor. A GSA may compile and submit extraction reports for multiple extractors, provided the information required by Water Code section 5203 is organized on a per extractor and per parcel basis.
- 5. Directs State Water Board staff to continue to provide technical feedback to the Kern County Subbasin GSAs regarding the GSAs' efforts to resolve the deficiencies in the GSPs, including identifying whether the actions GSAs may propose to correct the GSPs' deficiencies meet SGMA's standards.
- 6. Directs State Water Board Staff to periodically update the State Water Board regarding the GSAs' progress towards resolving the deficiencies and whether the Board should apply exclusions under Water Code section 10735.2.
- Delegates to the Executive Director the authority to amend the reporting and metering requirements of this probationary designation after at least 30 days' public notice.

8. Directs staff to provide notice and opportunity for public comment at least 30 days before bringing to the State Water Board for consideration and potential approval a resolution to adopt amendments to this probationary designation that are not delegated to the Executive Director or to repeal this probationary designation.

CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on February 20, 2025.

Courtney Tyler Clerk to the Board



Water Boards

California Aqueduct

Friant Kern Canal

STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2025-

CONTINUATION OF HEARING REGARDING DESIGNATION OF THE KERN COUNTY GROUNDWATER SUBBASIN AS PROBATIONARY UNDER THE SUSTAINABLE GROUNDWATER MANAGEMENT ACT

WHEREAS:

- 1. Groundwater provides a significant portion of California's water supply, making up more than one-half of the water used by Californians in drought years when surface water is limited. Properly managed groundwater resources can provide for communities, farms, and the environment and help protect against prolonged dry periods and climate change, preserving water supplies for existing and potential beneficial uses. However, excessive groundwater extraction can cause long-term overdraft, failed wells, deteriorated water quality, environmental damage, and irreversible land subsidence that damages infrastructure and diminishes the capacity of aquifers to store water for the future, all of which can have substantial societal and economic impacts. Additionally, failure to manage groundwater to prevent long-term overdraft can potentially infringe on rights to or use of groundwater or interconnected surface water.
- 2. In 2014, the State of California enacted Assembly Bill 1739, and Senate Bills 1168 and 1319, collectively referred to as the Sustainable Groundwater Management Act (SGMA). SGMA is intended to ensure the proper and sustainable management of groundwater resources in California.
- 3. The State Water Resources Control Board (State Water Board or Board) recognizes that near-term SGMA implementation has the potential to result in substantial economic impacts in overdrafted basins. The State Water Board further recognizes that the goal of SGMA is sustainable groundwater management that will ensure the long-term viability of groundwater resources for future use by communities, farms, businesses, and the environment.
- 4. SGMA allows local public agencies overlying alluvial groundwater basins to form Groundwater Sustainability Agencies (GSAs) and prepare and implement Groundwater Sustainability Plans (GSPs) to achieve

sustainable management of the basin. SGMA requires that groundwater basins determined to be high or medium priority by the Department of Water Resources (Department) must do so.

- 5. SGMA requires GSAs, whose planning and management actions can have broad impacts within their basins, to consider the interests of all beneficial uses and users of groundwater and to encourage the active involvement of diverse elements of the population of a groundwater basin during the development and implementation of GSPs.
- 6. SGMA recognizes that groundwater management is best accomplished locally; however, if local agencies in a high or medium priority groundwater basin fail to form a GSA or prepare a GSP, or the Department determines that the GSP is inadequate or not being implemented in a way that is likely to achieve SGMA's sustainability goal, SGMA authorizes the State Water Board to intervene in the basin to ensure that the basin is managed sustainably. This is called the state intervention process.
- 7. To implement SGMA's state intervention process, the State Water Board may designate a basin as probationary. If the State Water Board designates a basin as probationary, it must identify the deficiencies in the GSP, identify potential actions to remedy the deficiencies, and exclude from probationary status any portion of a basin for which a GSA demonstrates compliance with SGMA's sustainability goal. The State Water Board may exclude a class or category of extractions from the reporting and fee requirement that applies to probationary basins under Water Code section 5202 if those extractions are adequately managed under an applicable plan or program or are likely to have a minimal impact on basin withdrawals.
- 8. The deadline for GSAs in critically overdrafted high- and medium-priority basins to adopt and submit GSPs for review by the Department was January 31, 2020.
- 9. The Kern County Subbasin is a critically overdrafted high-priority basin.
- 10.As of the date of this resolution, the Department recognizes the following GSAs for the Kern County Subbasin: Buena Vista Water Storage District Groundwater Sustainability Agency, Cawelo Water District Groundwater Sustainability Agency, Greenfield County Water District Groundwater

Sustainability Agency, Henry Miller Water District Groundwater Sustainability Agency, Kern Groundwater Authority Groundwater Sustainability Agency, Kern River Groundwater Sustainability Agency, Kern Water Bank Groundwater Sustainability Agency, Kern-Tulare Water District Groundwater Sustainability Agency - Kern County, North Kern Water Storage District Groundwater Sustainability Agency, Olcese Water District Groundwater Sustainability Agency, Pioneer Groundwater Sustainability Agency, Rosedale-Rio Bravo Water Storage District Groundwater Sustainability Agency, Semitropic Water Storage District Groundwater Sustainability Agency, Shafter-Wasco Irrigation District Groundwater Sustainability Agency, Southern San Joaquin Municipal Utility District Groundwater Sustainability Agency, Tejon-Castac Water District Groundwater Sustainability Agency, West Kern Water District Groundwater Sustainability Agency, Westside District Water Authority Groundwater Sustainability Agency, Wheeler Ridge-Maricopa Groundwater Sustainability Agency (collectively, the Kern County Subbasin GSAs¹).

- 11. The Kern County Subbasin GSAs submitted the Kern County Subbasin 2020 GSPs to the Department for review between January 22 and 30, 2020.
- 12.On January 28, 2022, the Department issued a determination that the Kern County Subbasin 2020 GSPs were incomplete and provided the Kern County Subbasin GSAs with 180 days to address the deficiencies identified in the incomplete determination.
- 13. The Kern County Subbasin GSAs submitted Revised Kern County Subbasin GSPs to the Department for review on July 27, 2022.
- 14. The Department evaluated the Revised Kern County Subbasin GSPs and on March 2, 2023, issued its "Inadequate Determination of the Revised 2020 Groundwater Sustainability Plans Submitted for the San Joaquin

¹ The number of GSAs in the Kern County Subbasin has changed at different times between the initial submission of GSPs to the Department in January 2020 and the most recent submission of GSPs to the State Water Board in December 2024. The 2024 Kern County Subbasin GSPs identify Kern Non-Districted Lands Authority Groundwater Sustainability Agency to replace Kern Groundwater Authority Groundwater Sustainability Agency.

- Valley Kern County Subbasin" which is available on the Department's online SGMA portal.
- 15. The State Water Board reviewed the Kern County Subbasin 2022 GSPs and the Department's determination of inadequacy, and Board staff prepared a draft staff report that described the GSPs' deficiencies, recommended potential actions that GSAs could take to remedy the deficiencies, and supported designating the Kern County Subbasin as a probationary basin under SGMA.
- 16.On July 25, 2024, the State Water Board made the draft staff report available to the public and issued notice of public staff workshops, opportunities to comment on the draft staff report, and the date of the board hearing for the proposed designation of the Kern County Subbasin as a probationary basin.
- 17. When issuing the notice, the State Water Board posted the notice on its website and sent the notice by electronic mail to its SGMA email listserv, to the Department, to each city and county within which any part of the Kern County Subbasin is situated, and to the points of contact for each of the Kern County Subbasin GSAs.
- 18.On July 26, 2024, the State Water Board mailed the notice to all persons known to the Board who extract or who propose to extract water from the basin.
- 19. The public comment period for the probationary hearing notice and draft staff report ran from July 26, 2024, to September 23, 2024.
- 20. The State Water Board staff held informational workshops on August 26, 2024, and August 29, 2024, to explain the draft staff report, share more about how to participate in the State Water Board's state intervention process, and accept verbal public comments regarding the draft staff report.
- 21.State Water Board staff, after reviewing and considering comments made at the workshops and submitted during the public comment period, and reviewing the Draft 2024 GSPs, revised and <u>finalized the staff report</u>, which supports the staff recommendation that the State Water Board

- designate the Kern County Subbasin as a probationary basin under SGMA.
- 22. The State Water Board reviewed and considered the draft staff report, final staff report, and comments received during the public comment period and at the probationary hearing.
- 23. The State Water Board acknowledges and appreciates the efforts of the Subbasin GSPs, including continued constructive engagement with State Water Board staff on technical information and approaches to remedy deficiencies, but these efforts have not yet been sufficient to rectify deficiencies in the GSPs. Based on this review and consideration, the State Water Board is continuing the hearing regarding designating the Kern County Subbasin as a probationary basin under SGMA.
- 24. The State Water Board, in balancing the need for state intervention in the basin, potential harm to beneficial users and uses, and the likelihood that the Kern County Subbasin GSAs are capable of promptly rectifying the remaining deficiencies, is requesting that the Kern County GSAs submit revised GSPs to the State Water Board by a date certain. This is to serve the dual purposes of ensuring the GSAs maintain progress in correcting identified deficiencies in their GSPs, with the appropriate urgency for implementing plans that will achieve sustainable groundwater management in the subbasin on the statutory timeline and providing time for adequate Board review of updated submittals in advance of further Board consideration of a potential probationary designation at the continued hearing.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

- 1. Finds that the Kern County Subbasin is subject to Water Code section 10720.7, subdivision (a)(1), and that the Department, in consultation with the State Water Board, has determined that the groundwater sustainability plans for the Kern County Subbasin are inadequate.
- 2. Requires that the Kern County Subbasin GSAs provide revised draft GSPs, if any, to State Water Board staff by June 20, 2025, in order to

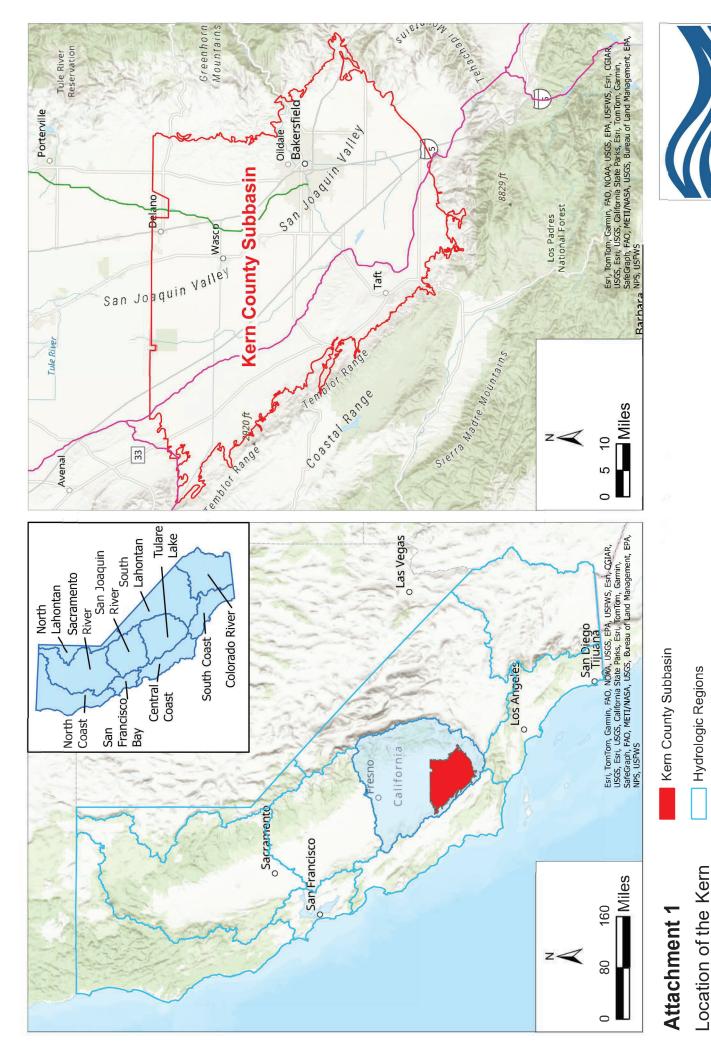
allow time for State Water Board members and staff to evaluate and consider those revised draft GSPs in advance of the continued hearing.

- 3. Continues the hearing to September 17, 2025, at 9:00 a.m. in the California Environmental Protection Agency Headquarters Building, 1001 I Street, 2nd Floor, Sacramento, California 95814.
- 4. Directs staff to provide notice and opportunity for public comment on any revised or newly submitted GSPs as soon as practicable after receipt, and at least 30 days before September 17, 2025.

CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on February 20, 2025.

Courtney Tyler
Clerk to the Board



Water Boards

California Aqueduct

Friant Kern Canal

Tulare Lake Hydrologic Region

County Subbasin