

SOUTHWEST KINGS GROUNDWATER SUSTAINABILITY AGENCY

944 Whitley Avenue, Suite E, Corcoran, CA 93212

559-762-7240 www.swkgsa.org

AGENDA

SPECIAL MEETING OF THE BOARD OF DIRECTORS

May 10, 2022

9:00 am

944 Whitley Avenue, 2nd Floor Boardroom
Corcoran, CA 93212

Join Zoom Meeting

<https://us02web.zoom.us/j/89643460675?pwd=anlBKzdsOENhb0JhL1o2ZHlxdG9LUT09>

Meeting ID: 896 4346 0675

Passcode: 552497

Dial in: 1 669 900 9128

The public may participate in the meeting as otherwise permitted under the Brown Act by calling into the telephone number above. Any member of the public may address the SWKGSA Board of Directors concerning any item on the agenda before or during its consideration of that matter, as appropriate.

CALL TO ORDER 9:00 am

ROLL CALL
John Vidovich, Chair
Mark Grewal, Vice Chair
Kimberly Brown, Secretary/Treasurer
Jim Wilson
Michael Nordstrom

PUBLIC COMMENT

The Board of Directors welcomes participation in Board meetings. The public may address matters under the jurisdiction of the Board that have not been posted in the Agenda. However, California Law prohibits the Board from taking action on any matter that is not on the posted Agenda unless the Board determines that it is an emergency or one of the other situations specified in Government Code section 54954.2. The public will be given the opportunity to address the Board on any item on the Agenda at this time or before the Board's consideration of that item. If members of the public desire to address the Board relative to a particular Agenda item at the time it is to be considered, they should so notify the Chair of the Board at this time. The Chair may limit the total amount of time allocated for public testimony on particular issues for each individual speaker.

POTENTIAL CONFLICTS OF INTERESTS

(Any Board member who has a potential conflict of interest may now identify the item and recuse him/herself from discussing and voting on the matter.) [FPPC § 87105.]

CONSENT CALENDAR

1. Continued use of Zoom meetings in accordance with AB361

ACTION CALENDAR

2. Review and consider approval of **Kings County GSA Exhibit "A" and Landowner Attestation Form**
 - a. Presentation by Executive Director / Legal Counsel
 - b. Discussion
 - c. Public comments/questions
 - d. If desired, motion to approve Kings County forms
3. Review and consider **approval of draft letter regarding use of shallow flood control reservoirs**
 - a. Review by Executive Director / Legal Counsel
 - b. Discussion
 - c. Public Comments / Questions
 - d. If desired, motion to direct staff to mail the letter and to state specific recipients

CLOSED SESSION

4. **CLOSED SESSION**

Anticipated Litigation [Govt. Code Sec. 54956.9 (d)(4)]

Conference with legal counsel regarding potential litigation (1 case)

5. **RETURN TO OPEN SESSION** - REPORT OF ACTION TAKEN IN CLOSED SESSION and/or ACTION ON MATTERS DISCUSSED IN CLOSED SESSION

ADJOURNMENT

6. Adjourn to the next Regular Board Meeting, scheduled for Friday, June 3, 2022 at 1:00 pm, at 944 Whitley Avenue, Corcoran, or as otherwise directed by the Board.

- ❖ Items on the Agenda may be taken in any order.
- ❖ Action may be taken on any item listed on the Agenda.
- ❖ Writings relating to open session Agenda items that are distributed to members of the Board of Directors will be available for inspection at the Authority office, excluding writings that are not public records or are exempt from disclosure under the California Public Records Acts.

Americans with Disabilities Act of 1990: Under this act, a qualifying person may request that the Authority provide a disability-related modification or accommodation in order to participate in any public meeting of the Authority. Such assistance includes alternative formats for the agendas and agenda packets used for any public meetings of the Authority. Requests for assistance shall be made in person, via telephone, or in written form to the SOUTHWEST KINGS GROUNDWATER SUSTAINABILITY AGENCY Office at 944 Whitley Avenue, Suite E, Corcoran, CA 93212 (559) 762-7240. Requests must be received at least 48 hours prior to a scheduled public meeting.

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO:

KINGS COUNTY COMMUNITY DEVELOPMENT AGENCY
KINGS COUNTY GOVERNMENT CENTER
HANFORD, CA 93230

SPACE ABOVE THIS LINE FOR RECORDER'S USE

LANDOWNER ATTESTATION FOR WELL PERMIT COMPLIANCE WITH EXECUTIVE ORDER N-7-22

To comply with Governor's Executive Order N-7-22, the applicant for any new well or alteration to an existing well must complete and sign this attestation as part of the application process. This attestation must be notarized and recorded with the Kings County Recorder's Office, after which a copy of the recorded attestation must be submitted to the Kings County Community Development Agency (CDA) as part of the permit application.

Well Site Coordinates (Lat/Long):	APN:
Property Owner:	Owner Phone or Email:
Groundwater Sustainability Agency (GSA) Name:	GSA Phone or Email:
Driller Business Name:	Driller Phone or Email:

SECTION 1 (Complete either Part A OR Part B):

A.

I hereby attest that the well proposed above (Check all that apply. If one or more items below are not able to be checked at this time, please use the "additional landowner comments" page to provide more information as to why, and include any known timeline(s) for compliance.):

- Is not inconsistent with any sustainable groundwater management program currently established in any applicable Groundwater Sustainability Plan (GSP) adopted by the appropriate groundwater sustainability agency (GSA).
- Will not decrease the likelihood of achieving a sustainability goal for the basin covered by such GSP
- Is not likely to interfere with the production and functioning of existing nearby wells.
- Is not likely to cause subsidence that would adversely impact or damage nearby infrastructure.

OR

B.

I hereby attest that the well proposed above:

- Will provide no more than two acre feet per year of groundwater, primarily for individual domestic users

Complete Sections 2 & 3 below

SECTION 2:

I hereby declare that, in regard to the well proposed above (Check all that apply. If one or more items below are not able to be checked at this time, please use the "additional comments" page to provide more information as to why, and include any known timeline(s) for compliance.):

- It will at all times be operated within the parameters of the Attestation identified above in Section 1.
- It will at all times be operated within the parameters of any Groundwater Sustainability Plan (GSP) that may be in place at the time of operation within the Groundwater Sustainability Agency (GSA) having jurisdiction over it, with knowledge that the GSP is subject to changes that may impact future well operation.
- It will at all times be operated within the parameters of any state law or regulation, and any local ordinance that may be in place at the time of operation, with knowledge that such laws, regulations or ordinances are subject to change that may impact future well operation.
- Upon the well no longer being functional, the property owner will first contact the Groundwater Sustainability Agency to determine if said well could qualify to become a monitoring well for the GSA. If the well is unable to become a monitoring well then it will be capped, removed, or otherwise decommissioned in accordance with appropriate local regulation.

Attached as Exhibit "A" is the written verification that the proposed well would not be inconsistent with any sustainable groundwater management programs established in the applicable Groundwater Sustainability Plan from the Groundwater Sustainability Agency managing the area of the basin where the well is proposed to be located.

SECTION 3:

I hereby acknowledge that if the above well is operated outside of the parameters of this attestation (Check all):

- The operator will be subject to criminal and civil penalties for violation of the Kings County Code, California State law, the relevant GSP, and other laws.
- The county may declare the well a public nuisance under the Kings County Code, subjecting the well to abatement by the county, up to and including destruction of the well, at the owner's expense.
- These and all other available remedies provided by law or equity are intended to be cumulative, rather than exclusive.
- In addition to any remedies the county may have against the well in law or equity, the operator will be civilly liable for any harmful effects that such use has on adjoining landowners or other entities.

Landowners completing and signing this attestation:

Owner #1
(Print): _____

Signature: _____

Date: _____

Owner #2
(Print): _____

Signature: _____

Date: _____

Owner #3
(Print): _____

Signature: _____

Date: _____

Owner #4
(Print): _____

Signature: _____

Date: _____

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Kings

On _____ before me _____

(insert name and title of officer)

personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I Certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)



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Deanna Jackson, Executive Director
djackson@tcwater.org

DIRECTORS
John Vidovich
Mark Grewal
Kimberly Brown
Jim Wilson
Michael Nordstom

May 10, 2022

State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Subject: Flood Reservoir Evaporation- Tulare Lake Subbasin Groundwater Sustainability

The Southwest Kings Groundwater Sustainability Agency ["SWKGSA"] Board of Directors is very concerned over the unreasonable use of the large shallow flood control reservoirs for the storage of groundwater within the El Rico Groundwater Sustainability GSA boundaries. During this unprecedented period of drought, it is urgent that the operation of these shallow flood control reservoirs as holding areas for groundwater be scrutinized as a potential detractor from the beneficial use of groundwater. These reservoirs hold 30,000 or more acre feet of water. Due to evaporation and percolation into the shallow perched highly saline groundwater, they lose approximately 50% pumped into the reservoirs. This volume of water loss is very significant and contributes to undesirable results, particularly subsidence. The intent of the Legislature stated in Water Code 10720.1(e) is *"To avoid or minimize subsidence."*

The Directors of SWKGSA strongly value local control of groundwater and individual control by private landowners over their operations. Unfortunately, this egregious misuse of groundwater by the J G Boswell Company cannot be overlooked. It is a breach of Article X, Sec. 2, of the California Constitution, *"It is hereby declared that because of the conditions prevailing in this State the general welfare requires that the water resources of the State be put to beneficial use to the fullest extent of which they are capable, and that the waste or unreasonable use or unreasonable method of use of water be prevented, and that the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and for the public welfare."*

Droughts are likely to increase in severity due to climate change, and the manner by which groundwater and irrigation is managed must change in response. Subsidence in the Tulare Lake Region accelerates with increased groundwater extraction and the use of groundwater must become more efficient to decrease the need for additional demand reduction. Groundwater Sustainability Agencies in neighboring subbasins have begun to monitor and restrict their landowners' use of this finite resource, while J G Boswell continues to utilize outdated irrigation practices that reduce the likelihood of sustainability.

The SWKGSA Board of Directors firmly believe that irrigation of agriculture and the production of food supply is critical to the future of this state and our country, and we must therefore protect the very water which sustains agriculture. We ask that your agency prohibit the use of large shallow flood reservoirs for groundwater storage, except in flood release years. It is a waste and unreasonable use of a very valuable resource that should be protected to maximize its beneficial use. SWKGSA's Directors would be willing to meet with you to discuss positive solutions for continued regional success.

Sincerely,

John Vidovich
Chair