KINGS COUNTY
Water Commission Meeting

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Kings County Community Development Agency at (559) 852-2680 by 3:00 p.m. on the Friday prior to this meeting

AGENDA

SPECIAL MEETING

Monday, March 13, 2023, at 5:00 P.M. or soon thereafter

This special meeting of the Kings County Water Commission will be held at the Kings County AG Commissioner's Multi-Purpose Room, 680 N. Campus Drive, Hanford, CA.

The Kings County Water Commission requests that all cell phones and other electronic communication devices be muted or turned off while the meeting is in progress.

I. CALL TO ORDER - Chairperson

A. Roll Call of Water Commission Members: (*Chuck Kinney- Secretary)*

B. Unscheduled Comments:
Any person may address the Commission on any subject matter within the jurisdiction or responsibility of the Commission at the beginning of the meeting; or may elect to address the Commission on any agenda item at the time the item is called by the Chair, but before the matter is acted upon by the Commission. Unscheduled comments will be limited to five minutes.

C. Approval of Minutes of the February 27, 2023, Regular meeting - *Chairperson: call for motion, second and voice vote.*

II. OLD BUSINESS

A. Water Resources Oversight Commission Formation Ordinance
1. Water Commission Subcommittee comments/presentation
2. Discussion
3. Recommendation *(if desired)*

B. Role of the Water Commission
1. Water Commission Subcommittee comments/presentation
2. Discussion
3. Recommendation *(if desired)*

C. Groundwater Export Ordinance
1. Water Commission Subcommittee comments/presentation
2. Discussion
3. Recommendation (*if desired*)

III. NEW BUSINESS - NONE

Agenda backup information and any public records provided to the Water Commission and the Ag Advisory Committee after the posting of the agenda for this meeting will be available for public review at Kings County Community Development Agency, 1400 W. Lacey Blvd., Bldg. 6, Hanford CA, or can be viewed online at: http://www.countyofkings.com/departments/community-development-agency/information/water-commission.

IV. MISCELLANEOUS

A. Future Agenda Items:
B. Member comments:
C. Staff comments:
D. Correspondence:

V. ADJOURNMENT – Next Regular meeting is scheduled for May 22, 2023.

KINGS COUNTY
WATER COMMISSION MINUTES

DISTRICT 1 Michael Newton	DISTRICT 2 Jim Razor	DISTRICT 3 Jim Verboon
DISTRICT 4 Laura Brown	DISTRICT 5 Roger Reynolds	MEMBER AT LARGE Eric Osterling
SPECIAL DISTRICT REPRESENTATIVE Harold Reed	CITY REPRESENTATIVE Alvaro Preciado	CITY REPRESENTATIVE Sid Palmerin

KINGS COUNTY COMMUNITY DEVELOPMENT AGENCY STAFF:
Chuck Kinney – Secretary (559) 852-2674 Alex Hernandez – (559) 852-2679

CALL TO ORDER: A special meeting of the Kings County Water Commission (KCWC) was called to order by Chairman Reynolds at 5:00 p.m., on February 27, 2023. The KCWC meeting was held in Kings County Government Center in the Multi-Purpose Room of the Administration Building (Bldg. No. 1), 1400 W. Lacey Blvd., Hanford CA.

Roll call of members was conducted by Secretary Kinney, and a quorum of appointed Committee members were in attendance.

COMMITTEE MEMBERS PRESENT: Jim Razor, Jim Verboon, Laura Brown, Roger Reynolds, Eric Osterling, Sid Palmerin

COMMITTEE MEMBERS ABSENT: Michael Newton, Harold Reed, Alvaro Preciado

STAFF PRESENT: Chuck Kinney – Director, Alex Hernandez – Deputy Director, Sean Cash – County Counsel, Chanda Jackson – Executive Secretary

VISITORS PRESENT: Scott Sills, Dennis Mills, Paul Stiglich, Rusty Robinson, Matthew Boyett, Chantal Ouellet, Clayton Smith

UNSCHEDULED COMMENTS: None

APPROVAL OF MINUTES:

A motion was made and seconded (Razor/Brown) to approve the January 9, 2023 minutes as presented. Motion carried with Newton, Reed, and Preciado absent, and Osterling abstaining.

OLD BUSINESS: - Chairman Reynolds summarized the items from last Commission meeting as well as the actions taken on those items. He explained the subcommittees that were formed and the role of the members whose expertise were enlisted for the subcommittees.

A. **Water Resources Oversight Commission Formation Ordinance** – Vice Chairman Brown gave an informational presentation regarding the subcommittees that were formed. She stated there was support from the subcommittees for continuing the KCWC as an advisory committee. She mentioned the discussion within the meetings was that the committee would maintain the representation from each of the current districts. She continued with mention of consistent active participation from

members to ensure meetings and to attain quorum each meeting. She stated alternates for each seat was discussed as well. She stated that there was conversation of modifying the bylaws for these matters. She presented two options that were considered for forming the Water Resources Oversight Commission (WROC) with one of those options involving having two committees, one being the current Water Commission.

B. Role of the Water Commission – The presentation provided by Vice Chairman Brown discussed the role of the KCWC in comparison, combination, as well as optionally operating parallel to WROC.

C. Groundwater Export Ordinance – Chairman Reynolds presented information from the subcommittee he participated in. He summarized the items brought up including letters and comments from previous KCWC members. He stated there were concerns surrounding the staff or individuals that would serve on WROC, which should include technical or qualified professionals. He continued with comments regarding the number of export applications. He stated the work done by the subcommittees was similar to consultant work and that discussion was held regarding the possibility of hiring a consultant agency to conduct research for the Board and WROC. He also mentioned the recommendation that the Board of Supervisors and County staff review Department of Water Resources' (DWR) taskforce formulation, plan development, and implementation considerations for implementing Senate Bill 552 along with considering attending DWR's webinar.

Chairman Reynolds opened discussion regarding the items mentioned. Commissioner Verboon stated one of the key items needed was communication with the Board. He stated the stakeholders need input and a way to protect their interest. Commissioner Osterling mentioned the technicality of accomplishing the ordinances as it relates to the committees. Commissioner Verboon continued with the Water Commission should advise the Board and the Board should provide direction. Commissioner Osterling mentioned that the Committee staff could construct and lead meetings as needed, but that he agreed with Commissioner Verboon in regard to communication and direction.

Commissioner Reynolds prompted Alex Hernandez to share information concerning Lemoore Naval Air Station (Base) and groundwater pumping. Mr. Hernandez stated he spoke with the Community Planner from the Base who stated their water is majority provided through Westland's Water District

NEW BUSINESS:

A. General Summary of Flood Releases in the Area – Chairman Reynolds stated he received an email from Kings River Water Association (KRWA) with concerns about low level flood releases. He discussed recharging the groundwater and the steps being taken by other water agencies to route and manage the abundance of rainwater received and still to come. Dennis Mills stated work is being done to properly manage the water and discussed the record-breaking amounts of rain received in the County along with the challenges this amount of water creates. Chairman Reynolds shared facts and predictions regarding the rainfall, irrigation, and levels of local waterways.

MISCELLANEOUS

A. Future Agenda Items – None
B. Member Comments – None
C. Staff Comments – Mr. Cash mentioned a possible special meeting. An update from April will be provided in the May meeting.
D. Correspondence – None

A special meeting of the Water Commission is scheduled for Monday, March 13, 2023 at 5:00 p.m. Next regular meeting of the Water Commission is scheduled for Monday, May 22, 2023. The meeting was adjourned at 5:48 p.m.

Respectfully submitted
KINGS COUNTY WATER COMMISSION

Chuck Kinney, Secretary

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Water Resources Oversite Commission Formation (WROC) Ordinance & Future Roll of the Kings County Water Commission

Subcommittee considerations:

1. There has been a unanimous agreement by both Subcommittees of the Kings County Water Commission reviewing the Ordinances to not dissolve the existing Water Commission. The Water Commission recommends upholding Resolution No. 08-003 Re-Establishing the Kings County Water Commission where its approved purpose was to be available to Advise the Board of Supervisors on Matters Related to Water Supply, Development, Use, Replenishment and Conservation in 2008.

2. Comment Letters 4, 5, 6, 7, 8, 9 & 10, all from water suppliers in Kings County should be reviewed by the Board of Supervisors. It is also recommended that the comments presented at the November 29, 2022 Board of Supervisors Meeting should be reviewed before voting on the Ordinance. These letters unanimously support keeping the Water Commission as established to provide recommendations to the County regarding water resources issues. In particular, the following comments hold pertinent relevance:

    - Comment Letter 10, Angiola Water District, acting General Manager, stated "I served on the Kings County Water Commission in the past. The Water Commission is a solid organization whose members both had and have an excellent understanding of the county's water operations, issues and needs. The Commission has provided sound advice to the County over the years. The new body doesn't appear to be able to accomplish anything more than the past commission. The new commission will consist of a majority of board members that use little water and have little at stake. The County currently has an effective Commission in place. It's unclear what the necessity or purpose of the new agency is. No need exists to change it. The purpose is difficult to understand."

    - Comment Letter 4, from Kings County Water District, states in item 15 of the letter, regarding the WROC Qualifications, that these technical matters appear to require a professional registration in the State of California as well as a local understanding of groundwater conditions throughout the County. Generally, this list would seem to require WROC members to be Civil Engineers, Geotechnical Engineers, Certified Hydrogeologists or other similar qualified professionals. However, if funding for qualified consultant services were provided to support the WROC, committee member qualifications could be relaxed.

3. Committee members, representatives of water service providers and GSAs, do not believe there will be many applications submitted to the County for a permit to export groundwater out of the County.

4. The Water Commission recommends the Board of Supervisors and County staff review DWR's "Task Force Formulation, Plan Development, and Implementation Considerations for

Implementing Senate Bill 552 (Hertzberg)" guidance documents and identify which requirements are applicable in Kings County.

Sub-Committee Recommendations are as follows:

- Preserve the existing Kings County Water Commission – As we embark on unprecedented times, the open communication between local governments, GSAs, Water Districts, and water users is more crucial than ever. The 9-person Commission structure was unanimously agreed upon as the appropriate representation to discuss water issues in the County. Each Supervisor should have the autonomy to designate appropriate representation for their respective districts.

- Update Water Commission Bylaws – The existing bylaws should be updated to include alternates for each seat to prevent challenges with meeting quorum. If a designated Commissioner does not attend for 3 consecutive meetings, they may be replaced (using similar language that exists for the Ag Advisory Committee). Meeting frequency and public posting may be increased to meet other regulatory compliance requirements.

- Improve Communication – The bylaws should also address how tasks or projects are assigned to the Water Commission. Communication between the Board of Supervisors, County staff and Commissioners should be continuous.

- Retain Advisory Role – The Commission should remain as an advisory body, and not be delegated permitting authority. In the instance of Groundwater Export Ordinances, a technical consultant shall provide an analysis from which the Commission would make a recommendation. The Board of Supervisors would make the final determination. The exportation of groundwater is a highly contentious issue and impacts of such should be given careful consideration.

- Drought Conditions – The Commission shall keep drought conditions and concerns as a standing agenda item to hear concerns and make recommendations for consideration by the Board of Supervisors and County staff.

If the Board of Supervisors determine to dissolve the Kings County Water Commission, regardless of Water Commission recommendations, the Water Commission would recommend that the Water Resource Oversight Commission (WROC) be made up of nine members, identical to the current Water Commission, while also including nine alternates (same qualifications). The understanding would be that the WROC would replace the Water Commission as an advisory committee to the Board of Supervisors on water resource issues. Also, the Kings County Water Commission would recommend that the County engage regular consultant services to support efforts of the members of the WROC.

Kings County Water Commission Comments & Recommendations Regarding Ordinance No. 706, Governing The Extraction of Groundwater For Use Outside of Kings County

Goals:

A. Preserve groundwater resources available in Kings County.

B. Minimize financial impact of County tax revenues from the fallowing of land for the purpose of exporting its ground water resources to another property outside of the County boundary line.

C. Allow historic groundwater practices within the available safe yield to continue.

D. Honor groundwater rights within an aquifer.

E. Fairly review the 11 comment letters sent to the Board of Supervisors regarding and implement reasonable cooperative water resources recommendations which will benefit and sustain the groundwater supplies in Kings County used by cities, small communities, and the agricultural community.

F. Exempt "exports" that occur on ranches along the County boundary line that are part of an existing farming operation with land extending on each side of the boundary line.

G. The California Legislature passed the Sustainable Groundwater Management Act (SGMA) which became effective in 2014 with the goal to maintain sustainable groundwater supplies in California into the future. SGMA required the formation of Groundwater Sustainability Agencies (GSAs) to provide governance over applicable groundwater subbasins in the State by June 2017. The Kings County GSAs are proceeding with required implementation plans to maintain sustainable groundwater supplies. Ordinance No. 706 does not fully support GSA requirements. The Water Commission Goal is for the Board of Supervisors to fully support the requirements approved by the local GSAs.

Corrections:

1. Section 1: Findings and Declarations
   E. The groundwater of Kings County is a primary source of the water supplying the U.S. Naval Air Station—Lemoore, an installation crucial to supporting the United States Navy's Pacific Fleet, and therefore critical to national defense. (This is incorrect and should be deleted. Planning Department checked with LNAS and they confirmed the primary water supplies used by LNAS come from the California Aqueduct using Westlands Water District Distribution pipelines.)

2. Submitted Letter 12 from Steve Haugen, Kings River Water Master, clarified that in Kings County there are several unincorporated, mutual water companies or other private water companies in Kings County which should be included in the Ordinance as water suppliers.

3. Significant Community Water Services in Kings County should include the following list:
   a. Stratford Public Utility District
   b. Armona Community Services District
   c. Home Garden Community Services District
   d. Kettleman City Community Services District

Comments/Recommendations on Written Ordinances:

1. Ordinance is intended to address the extraction of groundwater for use outside of Kings County. The term surface water is used throughout the Ordinance which causes uncertainty in what is meant. It is recommended that surface water which Kings County does not have any jurisdiction over should not be discussed in the Ordinance.

2. There are portions of Ordinance No. 706 that appear to show a lack of support for California SGMA and GSAs regarding implementation of groundwater sustainability recommendations into the future or an overreach into jurisdictional matters for GSAs. A separate section should be prepared showing Kings County and the existing GSAs clearly support the adopted Groundwater Sustainability Plans (GSPs).

3. Water Commission members believe during the years the Commission has been operating they have been available to provide information and recommendations on water supply issues to the Board of Supervisors when requested. Most members or a majority of prior and current members have knowledge and working background with water districts, private water suppliers and groundwater wells. A recommendation is the Board of Supervisors request the Commission develop a Revised Draft Groundwater Export Ordinance with recommended changes to the Ordinance in coordination with the GSAs and Kings County.

4. Examples of Prohibited Export:

   i. A well-funded agency, individual, corporation or endowment from outside Kings County buys or leases historically developed properties inside Kings County. After control is established, the new owner pumps groundwater from within Kings County (assuming adherence to GSA prescribed limits) and conveys that pumped groundwater to other locations for beneficial use, while fallowing the property in Kings County. The possible beneficial uses for the pumped groundwater are numerous and could include uses such as (1) a water supply to develop more homes in their area; (2) a water supply for businesses in their area; (3) a water supply for farming in their area; and (4) a water supply for environmental efforts in their area. However, the use of the pumped groundwater in no way supports the interests, economy or community of the County. Land that used to be developed and active would be fallowed or retired and the taxes and local business involvement associated with the previously active lands are lost, making the area less viable.

   ii. A landowner, who has a ranch (land) in Kings County, but also has a separate ranch (land) in another County desires to fallow some or all of his/her land in

Kings County and pump groundwater from the Kings County property and convey it for use on his/her land in another County. This might be done to comply with SGMA groundwater pumping restrictions in the other County, but the outcome of the act is that land in Kings County is fallowed and groundwater pumped in Kings County does not support the interests, economy or community of the County. Land that used to be developed and active is fallowed or retired and the taxes and local business involvement associated with the previously active lands are lost, making the area less viable.

iii. A landowner, who has a ranch (land) in Kings County, with access to a certain groundwater aquifer, but also has land outside the County in an area that does not have productive or good quality groundwater will also be limited. In this case, if the land in Kings County is fallowed and pumped so that groundwater can be used in the area that does not have productive or good quality groundwater, the correlative groundwater rights of the groundwater users in Kings County are being negatively impacted to make lands with marginal or non-existent groundwater viable/productive. Also, land that used to be developed and active is fallowed or retired and the taxes and local business involvement associated with the previously active lands are lost, making the area less viable.

iv. A landowner, who has a ranch (land) in Kings County, and pumps more groundwater than is needed for the landowner's beneficial uses in Kings County should also be limited. This would be the situation where a landowner pumps his well(s) to irrigate a crop, but then also continues pumping and conveys/exports the pumped groundwater for use miles beyond the ranch or to a property outside the County. This was a situation that was observed during the 2012-2016 drought, especially along the CA Aqueduct, the Friant-Kern Canal and the Delta-Mendota Canal that led to significant subsidence that continues to be extremely costly to address. It is understood that now this likely would be in violation of local GSA pumping limits, but the County wishes to make clear that this would also not be allowed under this ordinance. The negative impacts of over-pumping would be locally experienced and impact neighbor groundwater levels. The over-pumped groundwater would not support the interests, economy or community of the County.

5. Examples of Exceptions:

i. There are many landowners along the County boundary that own property both inside and out of the County. If the properties can reasonably be viewed as one ranch or operating unit, and the amounts pumped are only being used on the same properties, then groundwater used on these properties should not be limited by this ordinance.

ii. Groundwater recovery from intentional recharge of surface water is not subject to the County's export ordinance. The parties are recharging surface water for later recovery.