

RE: ***ACTIVE GROUNDWATER WELL METER POLICY***

County of Kings
City of Hanford
Kings County
Water District

A POLICY REQUIRING WATER FLOW METERS ON ALL ACTIVE GROUNDWATER WATER WELLS. The policy hereby contains as follows:

BACKGROUND AND PURPOSE

Barry McCutcheon
Chair
Michael Murray
Vice-Chair
Diane Sharp
Steven P. Dias
Dennis Mills
Secretary

I. The Mid-Kings River GSA (MKR GSA) is committed to sustainably managing groundwater in its jurisdictional area, consistent with views of significant and unreasonable undesirable results as set out in the Tulare Lake Subbasin's Groundwater Sustainability Plan (TLS GSP).

II. MKR GSA understands that estimates of groundwater pumping can be made using satellite imagery. These estimates have to include assumed values related to crop evapotranspiration, ideal irrigation, soils conditions and irrigation efficiencies. These kinds of assumptions were made and these types of estimates were developed for use in the TLS GSP because other better information was not available in the MKR GSA area. However, the direct measurement of groundwater pumping through flow meters is viewed as significantly superior quality monitoring data given the number of estimates and assumptions involved in estimating groundwater use from satellite imagery. Direct flow measurement would also provide important information to local groundwater users that they will need to better understand as efforts during the SGMA Implementation period progress.

III. MKR GSA acknowledges that this Policy will increase costs on landowners related to new flow meters on groundwater wells and regular certification. MKR GSA intends to pursue grant funds, to the extent they are available, in order to offset initial groundwater well flow meter purchase costs and installation costs for landowners. At this time, it is not well understood how many groundwater wells are active in the MKR GSA area, how many active groundwater wells have flow meters and how many active groundwater wells do not have flow meters. However, the MKR GSA views that a flow meter requirement is necessary to develop a defensible view of groundwater use in the MKR GSA, that this requirement will aid and promote the sustainable management of groundwater and that it is in the best interest of the MKR GSA, its landowners, businesses and residents.

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IV. MKR GSA understands that privacy is an ongoing concern of landowners in the area related to the agency's monitoring efforts. MKR GSA will make efforts to keep monitored information as private as possible, while being consistent with State laws and at the same time providing the Department of Water Resources (DWR) what they require.

V. MKR GSA understands that Kings County and the City of Hanford have required permits for the development and modification of groundwater wells for many years. This Policy is not intended to infringe on that authority or permitting process. However, MKR GSA will work with those agencies to develop a process, currently suggested as a "will serve letter", that recognizes the requirements set forth within this Policy. Currently, as Emergency Order N-7-22 is requiring GSA Verifications, this policy will become part of the MKR GSAs requirements for GSA Verification.

VI. The purpose of this Policy is to require the installation of WATER FLOW METERS ON ALL ACTIVE GROUNDWATER WELLS in the jurisdiction of the MKR GSA, and to establish other regulatory requirements in connection with these purposes.

VII. MKR GSA understands that it has the authority to require that "groundwater extraction facilities within the management area of the GSA be measured by a water-measuring device satisfactory to the GSA" and that "all costs associated with the purchase and installation of the water-measuring device shall be borne by the owner or operator of each groundwater extraction facility" through Section 10725.8 of the California Water Code.

VIII. Further, the MKR GSA Board of Directors finds that adopting and implementing a policy requiring the installation of WATER FLOW METERS ON ALL ACTIVE WATER WELLS in the jurisdiction of the MKR GSA is necessary to develop a defensible view of groundwater use in the MKR GSA, and is in the best interest of the MKR GSA, its landowners, businesses and residents.

IX. Finally, for the reasons set forth above, the MKR GSA Board of Directors finds that the adoption of this Policy will aid and promote the sustainable management of groundwater.

DEFENITIONS

"Aquifer" describes a groundwater well that is in use, or is planned for use.

"Certified" means to be tested for accuracy and verified it is within the allowed range. This can be done by taking the meter to a location where it is calibrated and certified, or by using another proven meter at the well to test the accuracy of the in-place meter.

"Groundwater" is underground water, or subsurface water, that is contained in aquifers.

"Groundwater well" means a facility used to extract groundwater.

"Groundwater extraction facility" is the term used in the California Water Code to mean Groundwater well.

"Overdraft" usually refers to an extended decline in the storage of an unconfined aquifer. This is also a term that sometimes get used with confined aquifers that relates to extended use beyond the sustainable yield.

“Recharge” means the intentional sinking of surface water to add volume stored in an aquifer.

“Seepage” means the incidental loss of water as it is being conveyed or put to beneficial use.

“Water flow meter” means a mechanical or electronic device that is used to measure the rate and amount of water being extracted by a groundwater well.

“Water table” means the level, generally observed in groundwater wells, at which saturated soil is observed.

“Water well motor” means the motor powering a groundwater well.

“Water well pump” means the pump used to extract groundwater from a well.

“Water well sounding” means the measurement of the distance from a reference point to the water level in a well, generally using a device known as a sounder.

GROUNDWATER WELL METER POLICY

A. Parties within the MKR GSA that have ACTIVE GROUNDWATER WELLS are required to have flow meters. The configuration of the installation shall conform to a drawing prepared by the permittee and shall conform to the technical standards set forth by MKR GSA.

B. Flow meters on groundwater wells must:

- 1) Have a totalizer with the ability to totalize tenths of an acre-foot (AF);
- 2) Read instantaneously in either gallons per minute (GPM) or cubic-feet per second (CFS); and
- 3) Be selected appropriately for the operating flow of the groundwater well; and
- 4) Be installed consistent with the manufacturer’s specifications; and
- 5) Have an accuracy of at least plus or minus five percent (+/- 5%) when installed consistent with manufacturer’s specifications and operating within intended flow ranges.

C. For the owners of rural domestic wells, on or near the first day of each year the well operator shall read, and maintain a log for, the water flow meter and provide this data to the MKR GSA during the first month of each year.

D. For all other active wells, on or near the first day of each month the well operator shall read, and maintain a log for, the water flow meter and provide this data to the MKR GSA during the first week of April and October of each year.

E. The well owner and/or well operator shall grant the MKR GSA staff access to inspect facilities in order to verify compliance with this Policy.

F. Groundwater well flow meters are required to be certified every five years by a qualified professional with supporting documentation provided to the MKR GSA.

G. Groundwater well flow meters are required to be certified if at any point MKR GSA's estimates of groundwater use differ significantly from totalized flow meter records.

ENFORCEMENT – VIOLATION

A. Penalties. Any person, firm or corporation, whether acting as principal, agent, employer or otherwise, who violates any provision of this Policy, or the terms and/or conditions of any permit issued pursuant to this Policy, may be punishable by a fine not to exceed one thousand (\$1,000) dollars per violation.

B. Civil Action – Injunctive Relief. MKR GSA may elect additionally, or alternatively, to proceed with a civil action, including, but not limited to, seeking injunctive relief, rather than, or in addition to other actions described in subsection (A) of this section. Any person, firm or corporation, whether acting as principal, agent, employer or otherwise, who willfully violates any provision of this Policy, or the terms and/or conditions of any permit issued pursuant to this Policy, may be liable for a civil penalty not to exceed one thousand (\$1,000) dollars for each day or portion thereof, that the violation continues to exist. In determining the amount of the civil penalty to impose, the court shall consider all relevant circumstances, including, but not limited to, the administrative and legal costs incurred by the MKR GSA to address the violation, the extent of the harm caused by the conduct constituting the violation, the nature and persistence of such conduct, the length of time over which the conduct occurred, the assets, liabilities, and net worth of the violator, whether corporate or individual, and any corrective action taken (and timing of such corrective action), or lack thereof, by the violator.

SEVERABILITY


If any section, sub-section, sentence, clause or phrase of this Policy is held by a court of competent jurisdiction to be invalid, such decision shall not affect the remaining portions of this Policy. The MKR GSA Board of Directors hereby declares that it would have passed this Policy, and each section, sub-section, sentence, clause, and phrase hereof, irrespective of the fact that one or more sections, sub-sections, sentences, clauses and phrases be declared invalid.

EFFECTIVE DATE

Landowners and/or operators will be required to have flowmeters on active wells by January 1, 2024.

The Policy shall take effect and be in force thirty (30) days after its passage and prior to expiration of fifteen (15) days after its passage thereof, shall be published by title and summary on the MKR GSA's website together with the names of members of the MKR GSA Board of Directors voting for and against the same.

Respectfully submitted for your consideration,



Dennis Mills, General Manager

Cc: Jason Waters, City of Hanford
Ray Carlson, MKR GSA Attorney

Chuck Kinney, Kings County