

RE: **INITIAL PRIVATE GROUNDWATER RECHARGE POLICY**

County of Kings
City of Hanford
Kings County
Water District

AN MKR GSA POLICY TO ALLOW PRIVATE
GROUNDWATER RECHARGE EFFORTS DURING FLOOD YEARS
FOR FUTURE RECOVERY BEYOND FUTURE GROUNDWATER
ALLOCATIONS. The policy hereby contains as follows:

Barry McCutcheon
Chair

BACKGROUND AND PURPOSE

Michael Murray
Vice-Chair

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).

Diane Sharp

Steven P. Dias

II. The MKR GSA plans to develop initial groundwater pumping allocations and a projected allocation ramp-down in the coming calendar year as part of SGMA compliance efforts.

Dennis Mills
Secretary

III. Water Year 2023 has become a very large flood year and landowners within the MKR GSA have expressed interest in pursuing private groundwater recharge efforts using floodwater to increase their allowable groundwater pumping in future dry years.

IV. The Governor's recent Executive Order N-7-23 (May 17, 2023) contains the following limitations/restrictions on the use of diverted floodwater:

- Any barn, ponds, or lands to which manure or waste from an animal facility that generates waste from the feeding and housing of animals for more than 45 days per year in a confined area that is not vegetated are applied;
- Any agricultural field where pesticide or fertilizer application has occurred in the prior 30 days or in the period prohibited by applicable law, whichever is longer;
- Any area that could cause damage to critical levees, infrastructure, wastewater and drinking water systems, drinking water wells or drinking water supplies, or exacerbate the threat of flood and other health and safety concerns; or

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- Any area that has not been in active irrigated agricultural cultivation within the past three years including grazing lands, annual grasslands, and natural habitats. This limitation does not apply to facilities already constructed for the purposes of groundwater recharge or managed wetlands.

V. The MKR GSA wishes to support the efforts to responsibly increase local recharge while acknowledging that there is much work to be done before a robust GSA policy on the matter is developed. MKR GSA intends to adopt this initial policy, putting in place several guidelines that will avoid negative impacts from the efforts.

VI. This is an initial policy and no assurance is given that this policy will not be modified or altered as additional information and experience occurs.

VII. Giving landowners recharge credit that can be used to justify future pumping will bring a significant administrative and monitoring burden on the MKR GSA. Landowners should expect that fees will be applied to the recharge amounts in the future when the administrative burden is better understood. MKR GSA understands that it has the authority to require “registration of a groundwater extraction facility within the management area of the groundwater sustainability agency” through Section 10725.6 of the California Water Code.

VIII. 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.

INITIAL PRIVATE GROUNDWATER RECHARGE POLICY

A. REGISTRATION

Parties within the MKR GSA that wish to pursue private groundwater recharge efforts to justify future groundwater pumping must register the fields or facilities where recharge would occur with the GSA prior to the effort beginning. Information like County APN, canal turnout locations, groundwater well location, groundwater well completion reports and other relevant items will need to be provided as well.

B. MONITORING

If landowners want to use recharge to justify future pumping, they must agree to allow GSA to access their property for monitoring.

C. CREDIT AGAINST FUTURE PUMPING

- 1) Landowners cannot receive credit for pumping outside the MKR GSA. There are no current agreements for this.
- 2) Landowners can receive credit for pumping if pumping occurs in the aquifer that is being recharged and within 1 mile from the recharge location.
- 3) Recharge on open fields will use the surface water diversion flow meter readings minus the ET readings for the fields in the month recharge occurred.

4) Recharged supplies can be used as follows:

- i. 1st year after flood year = 75%
- ii. 2nd year after flood year = 60%
- iii. 3rd year after flood year = 45%
- iv. 4th year after flood year = 30%
- v. 5th year after flood year = 0%

ENFORCEMENT – VIOLATION

If parties do not follow the requirements of this initial policy, the effort will not be allowed for use to justify future pumping.

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

The Policy shall retroactively take effect as of May 1, 2023, and 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

Vote of all Directors at the Special May 16, 2023 meeting:

AYES: Steven P. Dias, Barry McCutcheon, Diane Sharp

NOES: None

ABSTAINED: None

ABSENT: Michael Murray

Cc: Ray Carlson, MKR GSA Attorney