

KINGS COUNTY WATER DISTRICT

SYNOPSIS

The Kings County Water District (KCWD) was formed in 1954. The district created guidelines for the use of irrigation water of the Kings River below Peoples Weir.

WHY THE GRAND JURY INVESTIGATED

A complaint alleging malfeasance of its duty to oversee the distribution of minimum flow water (fish water) by KCWD was received on February 15, 2010 and was carried over to the 2010/2011 Grand Jury.

AUTHORITY

California Penal Code Section 933.5

The Grand Jury may at any time examine the books and records of any special-purpose assessing or taxing district located wholly or partly in the county.

METHOD OF INVESTIGATION

The Grand Jury toured the Apex Ranch, operated by KCWD. Several interviews were conducted with individuals and management from the Kings River Water District, Kings River Conservation District, and KCWD. Water permits, California Water Code (Water Code) and other documents were reviewed.

BACK GROUND AND FACTS

KCWD was organized in 1954 under the County Water District Law set out in Water Code Sections 30000-33901 and 60220-60221. The District has all of the powers available under those codes, both expressed and implied. The District also has powers under other laws.

In 1999 the California Department of Fish and Game created an agreement for minimum flow water to maintain the water temperature for fish survival in the Kings River. This recoverable water, per the Water Code, can be traded at a 2 for 1 ratio among the District's water users. For every 1000 acre feet of water delivered, 500 must be reserved behind Pine Flat Dam for future needs. There is a loss incurred of about 10% of the 1000 acre feet of water due to seepage and evaporation. According to the Water Code the fish water may be used in several ways. The current use by KCWD is for recharge, thus contributing to the raising of the water table in the Fall, and recovered in June for irrigation. The recovery in 2010 was 70% of the recharge.

Maps indicate that the South levee of the Kings River at Cole Slough was modified with a levee road sometime prior to the forming of KCWD in 1954. The channel of Cole Slough at this time is approximately twenty feet lower than the entrance to the Kings River High Flow Channel. For the Kings River to flow in its

normal channel it would have to crest more than twenty feet higher and would still face six dams before returning to its current flow channel.

Portions of the Water Code Sections:

1. 31020. Sufficient water for beneficial use
“A district may do any act necessary to furnish sufficient water in the district for any present or future use.”
2. 31021. Storage and conservation of water; water rights
“A district may store water for the benefit of the district, conserve water for future use, and appropriate, acquire, and conserve water and water rights for any useful purpose.”
3. 31033. Draining and reclaiming lands; disposition of water; use of flood and storm water
“A district may drain and reclaim lands within the district either by surface or underground works or both; and may acquire, by appropriation or other lawful means, and divert, store, conserve, transport or dispose of water resulting from such operations.”
4. 31047. Control and salvage of water
“A district may control, distribute, store, spread, sink, treat, purify, recapture and salvage any water, including sewage and storm waters for the beneficial use or uses of the district or its inhabitants or the owners of rights to water therein.”
5. 60220. Replenishment of ground water; acts necessary
“A district may do any act necessary to replenish the ground water of said district.”
6. 60221. Replenishment of ground water; powers
“(c) Distribute water to persons in exchange for ceasing or reducing ground water extractions;”
“(e) Store, transport, recapture, reclaim, purify, treat or otherwise manage and control water for the beneficial use of persons or property within the district.”
“(f) Build the necessary works to achieve ground water replenishment.”

COMMENTS

KCWD appears to be operating consistent with the Water Code in effect August 4, 1943. It is beyond this inquiry to determine when the modification to the channel was made as those interviewed had no knowledge or maps available of changes made before 1954.

FINDING

The water controlled by Kings County Water District is retained within County of Kings and the Grand Jury found the complaint of malfeasance without merit.

RESPONSE REQUIREMENT

None