

KINGS COUNTY WATER COMMISSION

John Howe – District 1
Laura Brown – District 4
Harold Reed – Special District

Mark Gilkey – District 2
Roger Reynolds – District 5
Sid Parmerin – City Rep

Jim Verboon – District 3
Eric Osterling – Member at Large
David Ayers – City Rep.

KINGS COUNTY AGRICULTURAL ADVISORY COMMITTEE

Charles Draxler – Dairy Industry
Vacant – Ag Chemicals & Petroleum
Dusty Ference – Kings County Farm Bureau

Vacant – Water
Bill Tos – Nut Crops
Dennis Tristao – Small Farms

Johnny Starling – Ag Processing
Bob Prys – Feed/Seed & Grain
Brian Potter – Ag Equipment

Secretary: Gregory Gatzka

Staff: Alex Hernandez (559) 852-2679

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 on the Friday prior to this meeting

REVISED AGENDA

SPECIAL MEETING

Monday, January 22, 2018, at 5:00 P.M. or soon thereafter

This special joint meeting of the Kings County Water Commission and the Kings County Ag Advisory Committee will be held at the Kings County Government Center in the Multi-Purpose Room of the Administration Building (Bldg. No.1), 1400 W. Lacey Blvd., Hanford, CA.

The Kings County Water Commission and Kings County Ag Advisory Committee 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 and Ag Advisory Committee Members: *(Gregory Gatzka- Secretary)*
- B. Appointment of Chairman Pro-tem: *(Gregory Gatzka- Secretary)*
Consider appointment of chairman for conduct of joint Water Commission and Ag Advisory Committee meeting.
- C. 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.
- D. Approval of Minutes of the December 18, 2017, Joint Special meeting - *Chairperson: call for motion, second and voice vote.*

II. OLD BUSINESS

- A. **Overview of Surface Waters into County of Kings** – Jacob Westra
 - 1. Presentation
 - 2. Discussion

III. NEW BUSINESS

- A. **Groundwater Use within County of Kings** – Eric Osterling
 - 1. Presentation
 - 2. Discussion

B. Update on Kings County Groundwater Export Ordinance – Juliane Phillips

1. Update and presentation
2. Discussion

C. Sustainable Groundwater Management Act

1. Overview and Status – Eric Osterling
2. Groundwater Sustainability Agencies (GSA) Updates
 - i. El Rico GSA
 - ii. Mid-Kings River GSA
 - iii. Tri-County GSA
 - iv. Southwest Kings GSA
 - v. South Fork Kings GSA
 - vi. North Fork Kings GSA
 - vii. Alpaugh GSA
3. Discussion

D. Commission and Committee Action on any item listed above

1. Water Commission Possible Action: Consider providing comments, position(s) or recommendations to the Board of Supervisors
2. Agricultural Advisory Committee Possible Action: Consider providing comments, position(s) or recommendations to the Board of Supervisors

IV. MISCELLANEOUS

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

V. ADJOURNMENT

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Brian Potter – Ag Equipment

CALL TO ORDER: A special meeting of the Kings County Water Commission (KCWC) and the Kings County Ag Advisory (KCAAC) was called to order by Greg Gatzka at 5:00 p.m., on August 28, 2017. The KCWC & KCAAC meeting was held in the Multi-Purpose Room of the Administration Building 1400 W. Lacey Blvd., Hanford, California.

Roll call of members was conducted by Secretary Gatzka, and a quorum of both the KCWC and the KCAAC were in attendance.

WATER COMMISSION MEMBERS PRESENT: John Howe, Mark Gilkey, Jim Verboon, Roger Reynolds, David Ayers, Laura Brown, Charles

WATER COMMITTEE MEMBERS ABSENT: Harold Reed, Sid Palmerin, Eric Osterling

AG ADVISORY MEMBERS PRESENT: Draxler, Johnny Starling, Dusty Ference, Dennis Tristao

AG ADVISORY MEMBER ABSENT: Bob Prys, Brian Potter

STAFF PRESENT: Greg Gatzka - Director, Diane Freeman – County Counsel, Chuck Kinney – Deputy Director, Dan Kassik - Planner

VISITORS PRESENT: Joe Neves, Matt Hurley, Calvin Monreal, Jacob Westra, Karen Ormsby, Roman Benitez, Michael Nordstrom, Russ Freeman, Chantal Ouellet, Kathy Sargent, Dennis Mills, Mark Larson, Dale Melville, Jimmy Hawk, Mark Unruh, Steve Haugen, Scott Sills, Jay Salyer, Jim Maciel, Joe McGahan

APPOINTMENT OF CHAIRMAN PRO-TEM

Greg Gatzka requested the Commission and Committee consider appointing a meeting chairman to conduct the joint meeting. Water Commission Chairman, John Howe was nominated to serve as the chairman of both bodies for the purpose of this special joint meeting. Unanimous consent was received.

UNSCHEDULED COMMENTS: None

OLD BUSINESS: None
NEW BUSINESS:

A. Surface Water Sources into County of Kings:

1. **Kings River** – Steve Haugen, Watermaster of the Kings River Water Association (KWRA), provided an overview of the management and distribution of the Kings River Water. He said that KWRA only monitors and tracks the water, but does not manage the water.
2. **Kaweah and Tule rivers** – Mark Larsen, Watermaster for the Kaweah and St. Johns River and the General Manager for the Kaweah Delta Water Conservation District, provided an overview of the management and distribution of the Tule River watershed. Mr. Mark Unruh, provided an overview of the management and distribution of the Tule River watershed.
3. **State Water Project** – Jacob Westra, Tulare Lake Basin, provided an update on the State Water Project. He stated that the State Water Project will set allocations. He stated that the carry over for this year was 50 percent. Jim Verboon asked if since reliability has been going down, what is the projection going forward. Mr. Westra stated that the state water reliability is projected at 57%, but others say lower. It is definitely on a downward trend.
4. **Central Valley Project Supplies** – Russ Freeman, Westland Water District, provided an overview of Westlands Water District and what the water supply looks like and the issues the Central Valley Project (CVP) has been facing.

B. Discussion of Next Joint Workshop Meeting:

1. Next Joint Meeting January 2018

The next meeting will focus more on ground water. There was discussion on when to hold the next joint meeting. A motion was made and seconded (Reynolds/Ference) to hold a joint meeting of the Water Commission and the Ag Advisory Committee on January 22, 2018 at 5:00PM. Motion carried unanimously.

MISCELLANEOUS

- A. **Future Agenda Items** –
- B. **Staff Comments** – None
- B. **Member Comments** – Bill Tos thanked those for putting the meeting together.
- C. **Correspondence** – None

ADJOURNMENT

The next scheduled special meeting of the Water Commission and Ag Advisory Committee is Monday, January 22, 2018. The meeting was adjourned at 6:30 pm.

Respectfully submitted
KINGS COUNTY WATER COMMISSION
AG ADVISORY COMMISSION


Greg Gatzka, Secretary

ORDINANCE NO.

AN ORDINANCE REGULATING THE EXPORATION OF GROUNDWATER

The Board of Supervisors of the County of Kings, State of California, ordains as follows:

SECTION 1. That Chapter 14C of the County Code be added as follows:

14C-1. - Findings and Declarations.

The Board finds and declares as follows:

(a) The groundwater underlying the county has historically provided the people and lands of the county with water for agricultural, domestic, municipal and other purposes.

(b) The primary industry in the county is agriculture, and the gross value of all agricultural crops and products produced during 2016 in Kings County was \$2,002,192,000.

(c) According to Bulletin 118, the following five groundwater sub-basins (or portions thereof) underlie the county: the Tulare Lake, Kings, Westside, Kaweah and Pleasant Valley.

(d) As part of the California Statewide Groundwater Elevation Monitoring Program, set forth in California Water Code section 10920 *et seq.*, the California Department of Water Resources identified a number of groundwater basins within the county as high or medium priority basins in 2014, including the five-sub-basins that underline the County, except the southern half of Pleasant Valley.

(e) As part of the county's effort to create a Resource Management System, it will develop an oversight and permit process for the extraction of groundwater from Kings County that is used outside of Kings County.

(f) No groundwater basins (or portions thereof) within the county have been or are in the process of being adjudicated.

(g) The county is subject to cyclical droughts, declining groundwater levels, degradation of groundwater quality, a limited availability of surface water supplies, and subsidence.

(h) Areas of the county have access to limited groundwater supplies.

(i) Some urban and community areas of the county are entirely dependent on groundwater.

(j) During dry months and extended drought conditions, some communities within the county are left with insufficient water supplies for domestic wells, outdoor irrigation and fire flow protection.

(k) The U.S. Department of Agriculture, the Governor of California, and the Board have recognized the detrimental impact of drought conditions on the county. On March 6, 2012, the Board passed Resolution 12-009, proclaiming local emergency due to drought and has renewed same each month since until it was terminated on June 5, 2012. Thereafter, on May 8, 2014, the Board again proclaimed emergency due to drought by Proclamation 14-01, which was renewed every month thereafter and continues to the date of adoption of this Ordinance. On January 15, 2014, the U.S. Department of Agriculture designated twenty seven counties in California, including the county, as primary natural disaster areas due to the recent drought, and on January 17, 2014, the Governor of California declared that a state of emergency exists in the State of California due to current drought conditions.

(l) The groundwater of the county will continue to be a vital part of future water use in the county.

(m) California courts have recognized and upheld the authority of counties, through their police powers, to regulate the use of groundwater.

(n) In the statewide groundwater legislation approved by the Governor on September 16, 2014, commonly referred to as the Sustainable Groundwater Management Act, the State Legislature declared its intent to recognize and preserve the authority of counties to manage groundwater pursuant to their police powers.

(o) The export of groundwater could have significant environmental impacts on groundwater resources within the county, including but not limited to increased lowering of groundwater levels; uncontrolled movement of contaminated groundwater; uncontrolled movement of inferior quality groundwater; and land subsidence.

(p) Based on the foregoing facts, it is essential for the protection of the health, welfare, and safety of the residents of the county, and the public benefit of the state, that immediate action be taken to ensure that the groundwater resources of the county be protected from harm resulting from the exportation of groundwater.

(q) This chapter requires a permit for the export of groundwater and is not intended to regulate groundwater in any other way.

(r) In adopting and codifying this chapter, the Board does not intend to limit other authorized means of managing the county's groundwater and intends to work with other affected local agencies to develop groundwater sustainability plans to implement prudent water management practices within the groundwater basins within the county.

14C-2. - Definitions.

As used in this chapter:

(a) "Board" means the Board of Supervisors of the County of Kings.

(b) "Bulletin 118" means the California Department of Water Resources' report entitled "California's Groundwater: Bulletin 118" updated in 2003 and as it may be subsequently updated and revised.

(c) "County" means the county of Kings.

(d) "Contiguous parcels" means parcels which abut, adjoin or otherwise touch each other at more than one point along a common boundary or which do so except for separation by a strip of land over which some person or entity, other than the owner of the parcels, has some property interest, including fee title or some lesser interest, such as a leasehold or easement. Examples of such strips of land include, but are not limited to, roads, streets, utility easements, railroad rights-of-way, canals and drainage channels.

(e) "Department" means the county Community Development Agency.

(f) "Director" means the Director of the Department as defined above and his or her designee.

(g) "Contaminated groundwater" means groundwater that has been altered by waste, or other material to a degree which creates a hazard to the public health through actual or potential poisoning or through actual or potential spreading of disease.

(h) "Export" means the extraction of groundwater from the basin of origin for use outside the boundaries of the groundwater basin from which the groundwater originates, or for use outside of the Tulare Lake Hydrologic Region.

(i) "Groundwater" means water beneath the surface of the earth within the zone below the water table in which the soil is completely saturated with water but does not include water that flows in known and definite channels.

(j) "Groundwater basin" means a groundwater basin or sub-basin identified and defined in Bulletin 118 or as modified pursuant to Water Code section 10722, *et seq.*

(k) "Tulare Lake Hydrologic Region" means hydrologic region 5.22-12, identified and defined in Bulletin 118 or as modified pursuant to Water Code section 10722, *et seq.*

(l) "Historical practice" means the consistent or predominate practice within seven years preceding the effective date of this chapter.

(m) "Local water agency" means any single local public agency, mutual water company, non-profit tax exempt incorporated association or water corporation regulated by the Public Utilities Commission within, or partially within, the county which is a purveyor of water for agricultural, domestic or municipal use. For purposes of the exemption set forth in Section 14C-4., subdivision C, "local water agency" shall not include a collection of two or more local water agencies that form a joint powers agency pursuant to Government Code section 6500 *et seq.*, or that form a groundwater sustainability agency pursuant to Water Code section 10723 *et seq.*

(n) "Person" means any person, firm, association, organization, partnership, business, trust, corporation, limited liability company, or local public agency, including any city, county, city and county, district or joint powers authority.

(o) "Recharge" means flow to groundwater storage from precipitation, irrigation, infiltration from streams, spreading basins and other sources of water.

(p) "Site" means any lot or parcel of land or contiguous combination thereof having the same owner, the same lessee or the same controlling entity in existence on the effective date of this chapter.

(q) "Usable storage capacity" means the quantity of groundwater of acceptable quality that can be economically withdrawn from storage.

(r) "Water year" means the year beginning January 1 and ending December 31.

14C-3. - Permit Required for Exportation of groundwater.

Unless otherwise exempt, no person shall export groundwater without first obtaining a permit as provided in this chapter.

14C-4. - Exemptions.

Any person or agency claiming an exemption per this section must still turn in a project description to the Community Development Agency for informational purposes.

This chapter shall not apply to the export of groundwater in the following circumstances:

- (a) To prevent the flood of lands;
- (b) To prevent the saturation of the root zone for agricultural land;
- (c) Movement of groundwater within the boundaries or service area of a single local water agency;
- (d) Export of groundwater for agricultural use that is consistent with historical practice within a parcel or between contiguous parcels having the same owner, the same lessee or the same controlling entity in existence on the effective date of this chapter;
- (e) Movement of contaminated groundwater required by compliance orders issued by local, state or federal agencies that is pumped and treated to remove contaminants that are in violation of the standards for beneficial use. The extracted and treated water may be exported without a permit if the release complies with discharge permits issued by the local, state or federal resource agencies.

14C-5. - Application for an Export Permit.

(a) An application for an export permit shall be filed with the Department on a [form](#) specified by the Director, which shall include all information specifically requested thereon and other information required by the Director to address specific aspects of the proposed groundwater export. Information to support the findings listed in Section 14C-7. must be provided in order for the Director to deem the application complete. Concurrently, the applicant shall consent to the commencement and financing of appropriate environmental review as may be required under the California Environmental Quality Act (California Public Resources Code section 21000, *et seq.*) and applicable guidelines. The application for an export permit and required environmental review shall be accompanied by the deposit of fees for these purposes, as established by Board resolution.

14C-6. - Procedures for Processing.

(a) Within thirty calendar days of filing the export permit application and the deposit of required fees, and determination by the Director that the application is complete, the Director shall post a notice on the Department's website that an application has been filed. The Director shall send a copy of the application to all local water agencies which own or include land overlying or immediately adjacent to the location of the proposed export, to the Groundwater Sustainability Agency(ies) that the project is located within, and to any relevant advisory committees to the Board, including, without limitation, the Ag Advisory Committee and the Kings County Water Commission, with a request for comment on the application. A notice to any interested party who has made written request to the Director for such notice within the last twelve calendar months shall also be sent. Such notice shall provide recipients the opportunity to submit written comments on the application. Notice of the application and the opportunity to provide written comments shall also be included on the Board's agenda.

(b) As determined in the judgment of the Director, the Director shall review the application with potentially affected county departments, with the staff of applicable state and federal agencies, with local water agencies and with any potentially affected party. In reviewing the application, the Director shall consider any relevant groundwater management plan, including, without limitation, any groundwater management plan adopted pursuant to California Water Code section 10750 *et seq.*, or Section 10720 *et seq.*, or any other relevant information provided by the applicant.

(c) Upon completion of the export permit application review process, a public hearing before the Director on the export permit application shall be noticed and conducted as follows:

(1) Notice of hearing. Notice of public hearing shall be given as provided in Government Code sections 65090 and 96091, except as follows:

a. Content of notice. In addition to the information required by Government Code section 65094, the notice shall declare that the application will be acted on without a public hearing if no request for a hearing is made in compliance with subsection (c)(2) of this Section 14C-6.

b. Method of notice distribution. Notice of public hearings shall be given as provided by Government Code sections 65090 and 65091.

c. Additional notice provided. The public notice shall include mailed notice to all owners of property located within a one mile radius of the exterior boundaries of the well site from which the export is to occur.

(2) Public hearing. A public hearing on an export permit shall occur only when a hearing is requested by the applicant or other interested person(s). This request shall be made in writing to the Director no later than seven calendar days after the date of the public notice provided in compliance with subsection (c)(1) of this Section 14C-6. In the event that a public hearing is required, the export permit application shall be scheduled for a hearing on the date and time as defined in the public notice. Any person may provide written comments relevant to the impact of the exportation of groundwater on the groundwater resources within the county. The hearing shall be conducted under such rules as set by the Director.

(3) Final decisions on export permit applications. After the conclusion of public testimony in the case of a public hearing, or after the time period within which a hearing may be requested under subsection (c)(2) of this Section 14C-6. if no hearing is requested, the Director shall:

- a. Announce his or her decision on the export permit application;
- b. Announce that his or her decision is final unless appealed pursuant to Section 14C-6(d).

Notwithstanding the foregoing, the Director may continue the hearing to a date certain to provide additional time to evaluate information obtained at the hearing prior to a final decision.

(d) The Director's decision may be appealed to the Board consistent with Section 14C-10.

(e) Notice of the Director's decision shall be mailed within five calendar days of final decision to the person that has applied for the permit, any person who requested a hearing, and all other persons or entities referred to in Section 14C-6(a).

14C-7. - Findings Required for Export Permit Approval.

(a) An export permit shall be approved only if the Director finds that the proposed export will not cause or contribute to significant detrimental impacts to groundwater resources within the county or on the groundwater basin from which the groundwater is exported by finding that:

(1) The proposed export will not adversely affect the long-term ability for storage or transmission of groundwater within the groundwater basin from which the groundwater is exported;

(2) The proposed export will not (together with other extractions) result in chronic lowering of groundwater levels and will not result in well interference with wells owned or relied upon by others or create a cone of depression that extends beyond the applicant's land or otherwise operate to the injury of the reasonable and beneficial uses of overlying groundwater users;

(3) The proposed export will not result in, expand or significantly exacerbate groundwater quality degradation;

(4) The proposed export will not result in injury to a water replenishment or recharge, storage, restoration or conveyance project;

(5) The proposed export will not result in, expand or significantly exacerbate land subsidence;

(6) The proposed export will not result in, expand, or significantly exacerbate depletions of interconnected surface water;

(7) The proposed export will not otherwise be detrimental to the environment or to the health, safety and welfare of property owners overlying or in the vicinity of the proposed exportation site;

(8) The proposed export is consistent with the Groundwater Sustainability Plan for the subbasin in which the project is proposed; and

(9) The proposed export will not adversely impact the ability of adjacent subbasins to reach state mandated sustainability goals; nor be inconsistent with intrabasin coordination agreements.

14C-8. - Conditions of Export Permit Approval.

If the export permit is to be approved, the Director shall impose appropriate conditions of permit issuance so as to prohibit and prevent any significant detrimental impacts to groundwater resources within the county described in Section 14C-7 or other adverse conditions and may impose other conditions that the Director deems necessary to promote or maintain the health, safety and welfare of the people of the county. The Director shall incorporate into each export permit a monitoring and/or reporting program. The monitoring and/or reporting program shall be of such scope and extent as the Director finds to be necessary to ensure that the proposed export will not cause or contribute to any significant detrimental impacts on groundwater resources within the county. Such a monitoring and/or reporting program may include, but shall not be limited to, amounts of groundwater pumped, monitoring metering of wells, monitoring of groundwater levels and monitoring of vegetation and wildlife.

14C-9. - Reapplication after Director Denial.

Reapplication for an export permit which has been denied by the Director may not be filed with the Director until the following water year and must be accompanied with information that demonstrates a significant change in circumstances from those which caused the denial of the previous export permit application.

14C-10. - Appeal of Director Action.

(a) The applicant or any interested party may appeal a decision of the Director by filing a written request with the clerk of the Board within fifteen calendar days of issuance of the Director's decision. Any such appeal shall specifically set forth the procedural and substantive reasons for the appeal or be deemed incomplete and ineffectual. The clerk shall set a Board hearing within thirty calendar days of receipt of a complete request for appeal which shall be heard within ninety calendar days of notice thereof. Written notice of appeal shall be given to the Director, the permit applicant, the appellant, and all other parties identified in subsection (a) of Section 14C-6., and the appeal hearing shall be published pursuant to Government Code section 6061.

(b) The Board shall hear the appeal de novo except where the appeal is confined to a condition imposed by the Director in which event the hearing and the decision of the Board shall relate only to such condition. The appeal before the Board shall be conducted under such rules as set by the Board. At its discretion, the Board may impose conditions for approval as it finds necessary to protect the interests of the county and its citizens. The decision of the Board shall be final.

14C-11. - Review of Export Permit.

The permit granted pursuant to this chapter shall be subject to periodic staff review in consultation with the permittee. In the event that the Department determines that a material violation of the conditions of the permit has occurred, the permittee shall immediately bring itself into compliance. A determination of violation shall be in writing and include specific findings in support of the decision. A determination of violation may be appealed to the Board by the permittee using the appeal process as described in Section 14C-10.

14C-12. - Export Permit Term.

Approved permits shall be valid for a term, as determined by the Director, not to exceed one year from the date of issuance of the export permit. If a permittee presents information demonstrating that there has been no significant change in circumstances from those which caused the approval of the previous export permit application, the export permit may be renewed by the Director for a term, as determined by the Director, not to exceed one year from the date of issuance of the renewed export permit. The permittee shall submit the written request for the renewal to the Director at least ninety (90) calendar days prior to the export permit expiration date along with information as requested by the Director and with the deposit of fees for these purposes, as established by Board resolution. The Director shall consider the request for renewal in accordance with the procedures set forth in Sections 14C-5 through 14C-8. The permittee or any interested party may appeal the decision of the Director in the manner described in Section

14C-10. The Director may renew a permit an unlimited number of times following the procedures contained herein for each renewal.

14C-13.- Monitoring

(a) The County reserves the right to periodically monitor groundwater levels using the most effective method available at the discretion of the County.

(b) The County strongly encourages landowners to retain any relevant information regarding groundwater pumping included meter records and electricity records. Failure to maintain such records may result in an automatic determination of violation of this chapter.

14C-14. - Inspection.

After providing written notice to the permittee, the Director, with good cause may at any reasonable time enter any and all places, property, enclosures and structures, for the purpose of making examinations and investigations to determine whether any provision of this chapter or an approved permit is being violated.

14C-15. - Notice of Violation.

Upon receiving knowledge of an alleged violation of this chapter, the county will provide written notice of the alleged violation to the violating party. The notice shall detail the alleged violation and require the violating party to cease and desist immediately upon receipt of such notice from the alleged violating activities or within five working days prove to the county, by meeting with the Director, that the alleged violating activities, in fact, do not violate this chapter, or that there are mitigating reasons surrounding the alleged violating activities. No civil fines, as set forth in Section 14C-15., shall accrue during the notice process. The notice shall also include details of the potential penalties for violations of this chapter.

14C-16. - Penalty for Violation.

If, within five working days, after receipt of a notice issued in accordance with Section 14C-14, the violating party has not complied with Section 14C-14, the county may elect to proceed with any or all of the following remedies for violation of this chapter.

(a) A civil action against the violator, including injunctive relief;

(b) A civil action against the violator, including a fine of up to five thousand dollars for each separate violation. This fine may, in the discretion of the Director, increase to up to \$10,000 per day in the event of repeat violators. A person or entity shall be deemed to have committed a separate violation for each and every day or portion thereof during which any such violation is committed, continued or permitted as well as for each and every separate groundwater well within which any such violations are committed, continues or permitted.

(c) Administrative process per Chapter 1A of the Kings County Code of Ordinances.

(d) Require a meter and mandatory reporting.

14C-17. - Limitation of Permit.

Nothing contained in this chapter or in the conditions of an issued permit shall be construed as giving the permittee an exclusive right to groundwater extraction. Any issued permit shall not exempt, supersede or replace any requirements of federal, state, and local laws and regulations, including but not limited to California Water Code section 10720 *et seq.*, California Water Code section 1200 *et seq.* and Chapter 14C of the county Code of Ordinances.

14C-18. - Severability.

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held illegal, invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof. The Board hereby declares that it would have passed this chapter and each section, subsection, sentence, clause, or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared illegal, invalid or unconstitutional.

SECTION II. This ordinance is exempt from the California Environmental Quality Act (Public Resources Code section 21000 *et seq.*) ("CEQA") because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment as it includes regulations to protect the groundwater basins and the groundwater resource within Kings County (CEQA Guidelines section 15061(b)(3)); because it consists of regulations and restrictions on activities to assure the maintenance, restoration, or enhancement of a natural resource, namely the water within the groundwater basins within Kings County (Class 7, CEQA Guidelines section 15307); and because it consists of regulations and restrictions on activities to assure the maintenance, restoration, or enhancement of the environment, including the water resources within the groundwater basins within Kings County and all of the people, species, and environs that rely on that resource (Class 8, CEQA Guidelines section 15308).

SECTION III. This ordinance shall take effect and be in full force and effect thirty (30) days after its passage and before the expiration of fifteen (15) days after passage of this ordinance, it, or a summary of its substantive provisions, shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of Kings, State of California.

SECTION IV. In accordance with Government Code section 25131, after reading of the title of the ordinance, further reading of the ordinance in full is waived.

Introduced at a regular meeting of the Board of Supervisors held on the ____ day of _____, 2017, and passed and adopted by the Board of Supervisors of the County of Kings, State of California, on the ____ day of _____. 2017, by the following vote:

AYES: Supervisors:
NOES: Supervisors:
ABSENT: Supervisors:
ABSTAIN: Supervisors:

ATTEST:

Clerk of the Board of Supervisors
County of Kings, State of California

Chairperson of the Board of Supervisors
County of Kings, State of California

2017-7-241 [118837]