

KINGS COUNTY

Water Commission Meeting

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

Mark Gilkey – District 2
Roger Reynolds – District 5
David Ayers – City Rep.

Jim Verboon – District 3
Eric Osterling – Member at Large
Sid Palmerin – City Rep.

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

AGENDA

REGULAR MEETING

Monday, May 21, 2018, at 5:00 P.M. or soon thereafter

This regular 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: (*Gregory Gatzka- 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 January 22, 2018, Joint Special meeting - *Chairperson: call for motion, second and voice vote.*

II. OLD BUSINESS

- A. **Update on Sustainable Groundwater Management Act Activities and Timeline-** Dennis Mills
 - 1. Update and Presentation
 - 2. Discussion
- B. **Update on California WaterFix** – Presenters to be determined
 - 1. Update and Presentation
 - 2. Discussion

III. NEW BUSINESS

- A. **Assembly Bill 2649 Groundwater Recharge (Arambula) -** Julianne Phillips
 - 1. Presentation
 - 2. Discussion

- B. Well Construction Ordinance (Limits on Perforation above and below the Corcoran Clay) – Requested**
 - by Jim Verboon
 - 1. Discussion

IV. MISCELLANEOUS

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

- V. ADJOURNMENT** – Next Regular meeting is scheduled for August 27, 2018

KINGS COUNTY WATER COMMISSION

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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

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 January 22, 2018. 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, Sid Palmerin, Eric Osterling, Laura Brown (5:20 PM)

WATER COMMITTEE MEMBERS ABSENT: Harold Reed

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

AG ADVISORY MEMBER ABSENT: Bob Prys, Brian Potter

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

VISITORS PRESENT: Joe Neves, Jacob Westra, Karen Ormsby, Dale Melville, Jimmy Hook, Larry McKillip, David Kahn

APPOINTMENT OF CHAIRMAN PRO-TEM

Greg Gatzka requested the Commission and Committee consider appointing a meeting chairman to conduct the joint meeting. A motion was made and seconded (Reynolds/Gilkey) to appoint Water Commission Chairman, John Howe to serve as the chairman of both bodies for the purpose of this special joint meeting. Motion carried unanimously with Reed, Prys, and Potter absent.

UNSCHEDULED COMMENTS: None

Approval of Minutes of the December 18, 2017 Joint Special meeting:

Bill Tos noted that the minutes show him absent and he was present at the December 18, 2017 meeting. A motion was made and seconded (Ference/Tos) to approve the minutes of the December 18, 2017 meeting with the correction. Motion carried unanimously with Reed, Prys, and Potter absent.

OLD BUSINESS:

A. Overview of Surface Waters into County of Kings:

Jacob Westra summarized the last meeting and provided an overview of surface water supplies. He stated there are basically two categories of water supplies, into Kings County, the east surface supplies and water imported through the State Water Project. He stated bringing water through the Delta has a lot of restrictions and the costs are going up while reliability is going down.

NEW BUSINESS:

A. Groundwater Use within County of Kings:

Eric Osterling provided an overview and background on groundwater. He noted that the watershed is highly variable. He also reported that the cities use less than 10% of the groundwater even though they rely entirely on groundwater with the exception of Avenal. He also provided information on subsidence.

B. Groundwater Ordinance:

Juliane Phillips presented a draft Groundwater Export Ordinance. She stated the intent of the ordinance is to ensure that groundwater resources are put to beneficial use locally and doesn't leave the county. Mark Gilkey asked if there was a timeline. Colleen Carlson stated that another draft would be available in mid February and going to the Board of Supervisors by the end of February. Bill Tos asked what authority the county has and how that fits with the GSA's that are still being developed. Colleen Carlson stated the county has land use authority but has taken the position that water agencies know water best and works side by side with them. There was discussion regarding CEQA reviews and existing groundwater inventories and how much water has left the county. Colleen Carlson addressed these concerns. Eric Osterling also gave an overview of what is occurring with the modeling. Greg Gatzka noted that an email was received from Scott Sills representing Laguna Irrigation District regarding this agenda item.

C. Sustainable Groundwater Management Act:

Eric Osterling reported the GSAs have been set up successfully without intervention from the State and are now working on developing the Groundwater Sustainability Plans. The deadline is January 2020. GSA updates were provided as follows:

- i. El Rico GSA – The GSA covers 238,000 acres from Corcoran to the Kern County line and is located in three counties. They don't export but have concerns about CEQA and the movement of the water.
- ii. Mid-Kings GSA – no report
- iii. Tri-County (Matt Hurley, Chairman) – Members are Angiola Water District, Deer Creek Stormwater District and County of Kings. Tri-County votes for no groundwater ordinance.
- iv. Southwest Kings GSA (Dale Melville, Executive Director) – The GSA covers 95,000 acres and covers from the Kern County line to Kettleman City. The area is almost exclusively surface water and concerned they can maintain some of the groundwater that is pumped into the area. He stated a net importer ordinance could hurt their water supply.
- v. South Fork GSA (Eric Osterling, Program Administrator) – GSA is entirely Kings County and is working with the other GSAs in the Tulare Lake Basin. He reported the Tulare Lake Basin as a whole has collaboratively issued an RFP to develop a single GSP which is unique.
- vi. North Fork Kings (Eric Osterling, Program Administrator) – Will be holding workshops in March and possibly a public hearing in April.
- vii. Alpaugh GSA – no report

Dennis Tristao recommended that the GSA's be allowed to do their work before putting an ordinance in place. There was discussion regarding the reason to develop an ordinance at this time. There was discussion that water may be leaving the county and it will be several years before the Groundwater Sustainability Plans are enacted. There was a concern that if farming was impacted, the economy would also be impacted. Colleen Carlson stated the intent of the ordinance is to protect the agricultural based economy and its people. Matt Hurley suggested that there be an investigation to determine if water is in fact leaving the county. Bill Tos stated that even if there is no water leaving the county at this time, it doesn't mean that it won't in the future. Supervisor Pederson stated that this hasn't been a rush on this ordinance and that it has been worked on for the past four years.

D. Commission and Committee Action on any item listed above.

Mr. Gilkey stated that most of the GSA's are not in favor of an ordinance.

A motion was made and seconded (Gilkey/Palmerin) on behalf of the Water Commission recommending to the Board of Supervisors that they do not implement an ordinance at this time and allow the GSA's to continue to work on this issue. Motion carried with six in favor and Osterling and Ayers abstaining.

A motion was made and seconded (Tos/Tristao) on behalf of the Ag Advisory Committee to recommend to the Board of Supervisors that they do not implement an ordinance at this time and allow the GSA's to continue to work on this issue. Motion carried with 5 in favor and Ference abstaining.

MISCELLANEOUS

- A. **Future Agenda Items** – The next Water Commission Meeting is scheduled on Monday, Feb. 26, 2018 and the next Ag Advisory Agency Meeting is scheduled on Wednesday, April 12, 2018.
- B. **Staff Comments** – Mr. Gatzka introduced Alex Hernandez and Matt Donnelly as new CDA staff.
- B. **Member Comments** – Mr. Ference requested that a meeting be held before ordinance is adopted. Mr. Palmerin stated the meeting was very informative and Mr. Howe thanked everyone for their participation.
- C. **Correspondence** – None

ADJOURNMENT

The meeting was adjourned at 6:43 pm.

Respectfully submitted
KINGS COUNTY WATER COMMISSION
AG ADVISORY COMMISSION

Greg Gatzka, Secretary



KINGS COUNTY COMMUNITY DEVELOPMENT AGENCY

Gregory R. Gatzka, Director

PLANNING DIVISION

Chuck Kinney, Deputy Director – Planning

Web Site: www.countyofkings.com/planning/index.html

TO: Water Commission Members

FROM: Staff

RE: Assembly Bill 2649

DATE: 05/21/2018

The attached document is a copy of the most recent Assembly Bill 2649 related to Groundwater Recharge.


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AB-2649 Water rights: water management. (2017-2018)

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Date Published: 04/25/2018 09:00 PM

AMENDED IN ASSEMBLY APRIL 25, 2018

AMENDED IN ASSEMBLY APRIL 04, 2018

AMENDED IN ASSEMBLY MARCH 22, 2018

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

ASSEMBLY BILL

No. 2649

Introduced by Assembly Member Arambula

February 15, 2018

An act to amend Sections [1242](#) and [1426](#) ~~and [10720.5](#)~~ of, and to add Section 1432 to, the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 2649, as amended, Arambula. Water rights: water management.

Under existing law, the State Water Resources Control Board administers a water rights program pursuant to which the board grants permits and licenses to appropriate water. Existing law allows a person who has an urgent need to divert and use water to apply for, and the board to issue, a temporary permit, as prescribed. Existing law requires an applicant to pay an application fee and a permit fee, if a temporary permit is issued, both computed as specified.

This bill would require the board to prioritize a temporary permit for a project that enhances the ability of a local or state agency to capture high precipitation events for local storage or recharge, consistent with water rights priorities and protections for fish and wildlife. The bill would exempt temporary permits for these projects from the California Environmental Quality Act. The bill would require the board to set a reduced application fee for an applicant for a temporary permit for these projects.

The California Constitution requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable and that the waste or unreasonable use or unreasonable method of use of water be prevented. ~~Existing law, the Sustainable Groundwater Management Act, requires all groundwater basins designated as high or medium priority basins by the Department of Water Resources that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020, and requires all other groundwater basins designated as high or medium priority basins to be managed under a groundwater sustainability plan or~~

~~coordinated groundwater sustainability plans by January 31, 2022, except as specified. The act requires groundwater management pursuant to the act to be consistent with the constitutional provision and provides that the act does not modify rights or priorities to use or store groundwater consistent with the constitutional provision, with a specified exception relating to claims of prescription. Under existing law, nothing in the act or in any adopted groundwater management plan determines or alters surface water rights or groundwater rights, as specified. The act authorizes water rights to be determined in a comprehensive adjudication action. Under existing law, the right to water or to the use of water is limited to that amount of water that may be reasonably required for the beneficial use to be served. Existing law provides for the reversion of water rights to which a person is entitled when the person fails to beneficially use the water for a period of 5 years. Existing law provides that the storing of water underground, including the diversion of streams and the flowing of water on lands necessary to the accomplishment of the storage, constitutes a beneficial use of water if the stored water is thereafter applied to the beneficial purposes for which the appropriation for storage was made.~~

~~This bill would require groundwater recharge or groundwater banking, or both, undertaken pursuant to or consistent with a groundwater sustainability plan adopted pursuant to the act or otherwise authorized by a groundwater sustainability agency to be deemed a beneficial and reasonable use of water consistent with the constitutional provision. instead provide that the diversion of water to underground storage constitutes a diversion of water for beneficial use for which an appropriation may be made if the diverted water is put to beneficial use, as specified.~~

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. ~~Section 1242 of the Water Code is amended to read:~~

1242. ~~The storing of diversion of water underground, to underground storage, including the diversion of streams and the flowing of water on lands necessary to the accomplishment of such storage, water for groundwater recharge, constitutes a diversion of water for beneficial use of water for which an appropriation may be made if the diverted water so stored is thereafter applied to the beneficial purposes for which the appropriation for storage was made. is put to beneficial use consistent with this division. The beneficial use of water diverted to underground storage is not limited to uses requiring subsequent extraction or release of the stored water and may include beneficial uses such as protection of water quality made while the water is in underground storage. The forfeiture periods in Sections 1240 and 1241 do not include any period when the water is being used in the aquifer or storage area or is being held in underground storage for later application to beneficial use.~~

~~SECTION 1.~~ **SEC. 2.** Section 1426 of the Water Code is amended to read:

1426. (a) The application for a temporary permit shall be completed in accordance with the provisions of Section 1260 and shall be accompanied by such maps, drawings, and other data as may be required by the board.

(b) An applicant for a temporary permit shall pay an application fee, and a permit fee if a temporary permit is issued, both computed in accordance with the provisions of Chapter 8 (commencing with Section 1525) of this part. The board shall set a reduced application fee for an applicant for a temporary permit for a project that enhances the ability of a local or state agency to capture high precipitation events for local storage or recharge.

~~SEC. 2.~~ **SEC. 3.** Section 1432 is added to the Water Code, to read:

1432. (a) The board shall prioritize a temporary permit for a project that enhances the ability of a local or state agency to capture high precipitation events for local storage or recharge, consistent with water rights priorities and protections for fish and wildlife.

(b) Division 13 (commencing with Section 21000) of the Public Resources Code does not apply to actions by the board on a temporary permit for a project that enhances the ability of a local or state agency to capture high precipitation events for local storage or recharge.

~~SEC. 3.~~ ~~Section 10720.5 of the Water Code is amended to read:~~

~~10720.5.(a)Groundwater management pursuant to this part shall be consistent with Section 2 of Article X of the California Constitution. Nothing in this part modifies rights or priorities to use or store groundwater consistent with Section 2 of Article X of the California Constitution, except that in basins designated medium or high~~

~~priority basins by the department, no extraction of groundwater between January 1, 2015, and the date of adoption of a groundwater sustainability plan pursuant to this part or the approval by the department of an alternative submitted under Section 10733.6, whichever is sooner, may be used as evidence of, or to establish or defend against, any claim of prescription.~~

~~(b)Nothing in this part, or in any groundwater management plan adopted pursuant to this part, determines or alters surface water rights or groundwater rights under common law or any provision of law that determines or grants surface water rights.~~

~~(c)Notwithstanding subdivisions (a) and (b), groundwater recharge or groundwater banking, or both, undertaken pursuant to or consistent with a groundwater sustainability plan adopted pursuant to this part or otherwise authorized by a groundwater sustainability agency shall be deemed a beneficial and reasonable use of water consistent with Section 2 of Article X of the California Constitution.~~

~~(d)Water rights may be determined in an adjudication action pursuant to Chapter 7 (commencing with Section 830) of Title 10 of Part 2 of the Code of Civil Procedure.~~