



# TULARE IRRIGATION DISTRICT

6826 Avenue 240 ♦ Tulare, California 93274 ♦ Telephone (559) 686-3425

May 11, 2022

Eric Osterling, General Manager  
Greater Kaweah Groundwater Sustainability Agency  
2975 N. Farmersville Boulevard  
Farmersville, California 93223

## **Subject: Comments on Draft Rules and Regulations of the Greater Kaweah Groundwater Sustainability Agency**

Dear Mr. Osterling:

On behalf of the Tulare Irrigation District (District), we appreciate the opportunity to review and provide comments on the Draft Rules and Regulations of the Greater Kaweah Groundwater Sustainability Agency (Rules and Regulations). The District shares a common boundary around the extent of the District with the Greater Kaweah Groundwater Sustainability Agency (GKGSA) and has a shared interest in achieving groundwater sustainability. The District also has a vested interest in ensuring that the landowners' surface water and groundwater rights within the District and the Kaweah Subbasin are upheld such that we can continue to maintain a vibrant agricultural economy. Therefore, upon reviewing the Rules and Regulations, the District requests that the GKGSA respond to and consider the following comments and questions.

### **Section 3.05 Net Groundwater Consumptive Use Reporting and Debiting**

The Rules and Regulations indicate that net groundwater consumptive use will be calculated monthly within 30 days of the prior month's end. The District has implemented the same LandIQ evapotranspiration service as the GKGSA, and it is the experience of the District that it is often the case that we are unable to make the net consumptive use determinations within 30-days.

Therefore, the District recommends modifying the language that allows for flexibility in the 30-days or simply extends the allowable time to 45-days.

The District also would like to note that the equation used for the Net Consumed Groundwater Used does not seem to account for all of the water removed during irrigation. The equation indicates that this value is the gross groundwater pumped minus estimated return flows. The District believes that evaporation is missing and should be accounted for in the estimated return flows. Therefore, it may be more appropriate to indicate that Net Consumed Groundwater Used = Gross Groundwater Pumping x Irrigation Efficiency (which would include the evaporation and return flows).

### **Section 3.07 Surface Water Reporting**

The District currently operates and maintains several facilities (canals, ditches, recharge basins) located in the GKGSAs. Therefore, the District requests that the GKGSAs coordinate with the District to identify groundwater credits afforded to the District through canal losses and any potential recharge activities within the GKGSAs. As the GKGSAs are aware, our Main Intake Canal is a prime example of the significant contributions made to the groundwater system under the Foreign and Salvaged water supplies per the Kaweah Subbasin Water Accounting Framework. The District would like to ensure that those groundwater credits are assigned to the District for use, which may or may not be District landowners.

### **Section 4.02 Determinations of Allocations**

The District encourages the GKGSAs to provide some description of the process that the Technical Group will utilize to determine the allocations within the GKGSAs. This request is not meant to restrict the Technical Group to a specific way of calculating the allocation. However, the District would like to see items such as when the allocation will be made, how the public will be informed or able to participate, and how one could appeal or challenge allocation presented in the Rules and Regulations. The District is aware of the Technical Group approach used by the Eastern Tule Groundwater Sustainability Agency, which afforded that agency the ability to allocate two years of precipitation in a single year without the knowledge of many that had significant financial exposure to such an allocation. Having the Technical Group function in a technical but public process is key to ensuring that everyone knows how the allocations were determined.

### **Section 4.03 Greater Kaweah Agricultural Management Area**

The District would like to seek some clarification on the definition of the Transitional Pumping Program. The District is unclear if this program is intended to allocate water per the Water Accounting Framework or some other water outside of the Water Accounting Framework. For instance, if a grower pumps Transitional Water, is it Native Yield, Foreign Supply, or Salvaged Supply?

The Rules and Regulations currently allow for the transfer of water between landowners. The District is presently coordinating with all of the groundwater sustainability agencies (GSAs) in the Kaweah Subbasin through the Kaweah Subbasin Water Marketing Strategy. In our coordination with the GSAs, we believed there was concurrence amongst the GSAs that allowances to transfer water between growers was not going to be allowed for the onset of our pumping cap programs. Growers were only going to be allowed the flexibility to move water within their own ranches or managed parcels. Upon completing the Kaweah Subbasin Water Marketing Strategy, each GSA could evaluate their willingness to implement the strategy and allow for water marketing and transferring between growers. This approach was to help reduce the potential to undermine the very careful development of a water marketing strategy. The District requests that the GKGSAs clarify what information and/or decisions were made to move away from the ability to only transfer within ownership and allow for transfers between owners before considering the Kaweah Subbasin Water Marketing Strategy?

### **Section 4.06 Emergency Ordinance**

The GKGSAs Board of Directors has consistently conveyed to growers within the Kaweah Subbasin and the GKGSAs that the development of these Rules and Regulations and the implementation of a potential groundwater cap was contingent on the water conditions for the year. Furthermore, it was conveyed that in the event the conditions were to turn dry, the GKGSAs reserved the right to implement an Emergency Ordinance to cap groundwater use if the drought

(dry conditions) continued. As this water year has developed, the Kaweah Subbasin has not seen much precipitation and snowpack. The Department of Water Resources (DWR) recently reported in their Bulletin 120 May 1, 2022 forecast that the Kaweah Watershed was at 32% of average runoff from April to July. This year is also coming off of the 2021 water year, one of the driest years on record. With back-to-back dry years, the District wishes to seek some level of understanding of the conditions under which the GKGSA would seek implementation. Is there a specific level of groundwater levels or watershed conditions that will initiate the Emergency Ordinance or groundwater pumping restrictions?

Furthermore, we believe that the GSAs within the Kaweah Subbasin are managing their groundwater supplies to the Measurable Objectives (MOs) in accordance with the Water Accounting Framework and not the Minimum Thresholds. Therefore, the District recommends that the GKGSA determine the available supplies to various management areas within the GKGSA upon completing the Groundwater Sustainability Plan modifications to estimate the water supplies available to landowners within the GKGSA upon the completion of the dry year. The allocation to the Management Areas should also ensure the Water Accounting Framework allocates the water to the appropriate holder of those water rights.

#### **Article VI. Surface Water Recharge in the Underground**

The GKGSA stipulates in the Rules and Regulations that "All water stored pursuant to this Section must be used within the GKGSA boundaries." The District requests that the GKGSA rethink this approach for the benefit of the growers within the GKGSA and the sustainability of the Kaweah Subbasin. GKGSA landowners have approached the District along the boundary of the District to establish potential programs for recharge opportunities that would allow for water to be used within the District and within the GKGSA. Limiting the use of recharge water to within the GKGSA removes many of the benefits and flexibilities landowners will need to cope with groundwater reductions.

#### **General Comments:**

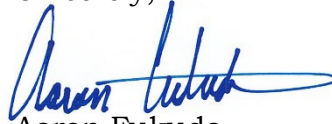
At the GKGSA Workshop held on May 4, 2022, it was announced that the GKGSA was anticipating the first allocation of groundwater to be 2.75 acre-feet (AF) per acre. The District request that the GKGSA provide data, background, or supporting evidence to establish the 2.75 AF/acre. The District also requests the GKGSA confirm if the Technical Group was utilized to determine the 2.75 AF/acre and how was that process conducted (public participation or no public participation)?

Furthermore, it is unclear if the first allocation was done with the Measurable Objective as the target for sustainability in 2040. With the last two significant dry years and the deep declines in groundwater levels, water availability between current groundwater levels and the Measurable Objectives has significantly reduced.

It was also announced at the GKGSA Workshop on May 4, 2022, that the initial price for Tier 1 groundwater was \$75 per AF, and Tier 2 is going to be \$125 per AF. Again, it is not clear to the District what this money is going to be used for, however, we would like to indicate that if this pricing is being set to reflect the cost to replace water, the values may not be reflective of what a realistic market would be. We also encourage the GKGSA to evaluate the use of collected funds to purchase and import water supplies to offset some of the ongoing groundwater pumping.

Again, the Tulare Irrigation District greatly appreciates your time and effort in developing the GKGSA Rules and Regulations and considering the comments and questions we have provided. If you have any questions, please feel free to reach out to me at (559) 686-3425 or via email at [akf@tulareid.org](mailto:akf@tulareid.org).

Sincerely,



Aaron Fukuda  
General Manager

CC:

Mike Hagman, East Kaweah Groundwater Sustainability Agency  
Dave Martin, Chair of Mid-Kaweah Groundwater Sustainability Agency  
Craig Wallace, Lindsay-Strathmore Irrigation district