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STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2025-

DESIGNATION OF THE KERN COUNTY GROUNDWATER SUBBASIN AS PROBATIONARY UNDER THE SUSTAINABLE GROUNDWATER MANAGEMENT ACT

WHEREAS:

1. Groundwater provides a significant portion of California's water supply, making up more than one-half of the water used by Californians in drought years when surface water is limited. Properly managed groundwater resources can provide for communities, farms, and the environment and help protect against prolonged dry periods and climate change, preserving water supplies for existing and potential beneficial uses. However, excessive groundwater extraction can cause long-term overdraft, failed wells, deteriorated water quality, environmental damage, and irreversible land subsidence that damages infrastructure and diminishes the capacity of aquifers to store water for the future, all of which can have substantial societal and economic impacts. Additionally, failure to manage groundwater to prevent long-term overdraft can potentially infringe on rights to or use of groundwater or interconnected surface water.
2. In 2014, the State of California enacted Assembly Bill 1739, and Senate Bills 1168 and 1319, collectively referred to as the Sustainable Groundwater Management Act (SGMA). SGMA is intended to ensure the proper and sustainable management of groundwater resources in California.
3. The State Water Resources Control Board (State Water Board or Board) recognizes that near-term SGMA implementation has the potential to result in substantial economic impacts in overdrafted basins. The State Water Board further recognizes that the goal of SGMA is sustainable groundwater management that will ensure the long-term viability of groundwater resources for future use by communities, farms, businesses, and the environment.
4. SGMA allows local public agencies overlying alluvial groundwater basins to form Groundwater Sustainability Agencies (GSAs) and prepare and implement Groundwater Sustainability Plans (GSPs) to achieve sustainable management of the basin. SGMA requires that groundwater basins determined to be high or medium priority by the Department of Water Resources (Department) must do so.

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5. SGMA requires GSAs, whose planning and management actions can have broad impacts within their basins, to consider the interests of all beneficial uses and users of groundwater and to encourage the active involvement of diverse elements of the population of a groundwater basin during the development and implementation of GSPs.
6. SGMA recognizes that groundwater management is best accomplished locally; however, if local agencies in a high or medium priority groundwater basin fail to form a GSA or prepare a GSP, or the Department determines that the GSP is inadequate or not being implemented in a way that is likely to achieve SGMA's sustainability goal, SGMA authorizes the State Water Board to intervene in the basin to ensure that the basin is managed sustainably. This is called the state intervention process.
7. To implement SGMA's state intervention process, the State Water Board may designate a basin as probationary. If the State Water Board designates a basin as probationary, it must identify the deficiencies in the GSP, identify potential actions to remedy the deficiencies, and exclude from probationary status any portion of a basin for which a GSA demonstrates compliance with SGMA's sustainability goal. The State Water Board may exclude a class or category of extractions from the reporting and fee requirement that applies to probationary basins under Water Code section 5202 if those extractions are adequately managed under an applicable plan or program or are likely to have a minimal impact on basin withdrawals.
8. The deadline for GSAs in critically overdrafted high- and medium-priority basins to adopt and submit GSPs for review by the Department was January 31, 2020.
9. The Kern County Subbasin is a critically overdrafted high-priority basin.
10. As of the date of this resolution, the Department recognizes the following GSAs for the Kern County Subbasin: Buena Vista Water Storage District Groundwater Sustainability Agency, Cawelo Water District Groundwater Sustainability Agency, Greenfield County Water District Groundwater Sustainability Agency, Henry Miller Water District Groundwater Sustainability Agency, Kern Groundwater Authority Groundwater Sustainability Agency, Kern River Groundwater Sustainability Agency, Kern Water Bank Groundwater Sustainability Agency, Kern-Tulare Water District Groundwater Sustainability Agency - Kern County, North Kern Water Storage District Groundwater Sustainability Agency, Olcese Water District Groundwater Sustainability Agency, Pioneer Groundwater Sustainability Agency, Rosedale-Rio Bravo Water Storage District Groundwater Sustainability Agency, Semitropic Water Storage District Groundwater Sustainability Agency, Shafter-Wasco Irrigation District Groundwater Sustainability Agency,

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Southern San Joaquin Municipal Utility District Groundwater Sustainability Agency, Tejon-Castac Water District Groundwater Sustainability Agency, West Kern Water District Groundwater Sustainability Agency, Westside District Water Authority Groundwater Sustainability Agency, Wheeler Ridge-Maricopa Groundwater Sustainability Agency (collectively, the Kern County Subbasin GSAs¹).

11. The Kern County Subbasin GSAs submitted the Kern County Subbasin 2020 GSPs to the Department for review between January 22 and 30, 2020.
12. On January 28, 2022, the Department issued a determination that the Kern County Subbasin 2020 GSPs were incomplete and provided the Kern County Subbasin GSAs with 180 days to address the deficiencies identified in the incomplete determination.
13. The Kern County Subbasin GSAs submitted Revised Kern County Subbasin GSPs to the Department for review on July 27, 2022.
14. The Department evaluated the Revised Kern County Subbasin GSPs and on March 2, 2023, issued its “Inadequate Determination of the Revised 2020 Groundwater Sustainability Plans Submitted for the San Joaquin Valley – Kern County Subbasin” which is available on the Department’s online SGMA portal.
15. The State Water Board reviewed the Kern County Subbasin 2022 GSPs and the Department’s determination of inadequacy, and Board staff prepared a draft staff report that described the GSPs’ deficiencies, recommended potential actions that GSAs could take to remedy the deficiencies, and supported designating the Kern County Subbasin as a probationary basin under SGMA.
16. On July 25, 2024, the State Water Board made the draft staff report available to the public and issued notice of public staff workshops, opportunities to comment on the draft staff report, and the date of the public board hearing for the proposed designation of the Kern County Subbasin as a probationary basin.

¹ The number of GSAs in the Kern County Subbasin has changed at different times between the initial submission of GSPs to the Department in January 2020 and the most recent submission of GSPs to the State Water Board in December 2024. The 2024 Kern County Subbasin GSPs identify Kern Non-Districted Lands Authority Groundwater Sustainability Agency to replace Kern Groundwater Authority Groundwater Sustainability Agency.

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17. When issuing the notice, the State Water Board posted the notice on its website and sent the notice by electronic mail to its SGMA email listserv, to the Department, to each city and county within which any part of the Kern County Subbasin is situated, and to the points of contact for each of the Kern County Subbasin GSAs.
18. On July 26, 2024, the State Water Board mailed the notice to all persons known to the Board who extract or who propose to extract water from the basin.
19. The public comment period for the probationary hearing notice and draft staff report ran from July 26, 2024, to September 23, 2024.
20. The State Water Board staff held informational workshops on August 26, 2024, and August 29, 2024, to explain the draft staff report, share more about how to participate in the State Water Board's state intervention process, and accept verbal public comments regarding the draft staff report.
21. State Water Board staff, after reviewing and considering input from public comments made at the workshops and submitted during the public comment period, and reviewing the Draft 2024 GSPs, revised and [finalized the staff report](#), which supports the staff recommendation that the State Water Board designate the Kern County Subbasin as a probationary basin under SGMA.
22. The State Water Board reviewed and considered the draft staff report, final staff report, and comments received during the public comment period and at the probationary hearing.
23. The State Water Board recognizes the established Human Right to Water policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes and that many communities without adequate access to safe, clean, affordable and accessible water are located in overdrafted or critically overdrafted groundwater basins.
24. The State Water Board is committed to upholding California's human right to water and making racial equity, diversity, inclusion, and environmental justice a central consideration in water law.

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25. The State Water Board recognizes that the failure to avoid undesirable results under SGMA (e.g., chronic lowering of groundwater levels) impacts the Human Right to Water and racial equity as many economically disadvantaged communities are communities of color utilizing shallow groundwater wells.
26. The State Water Board also has a duty to consider adverse impacts groundwater extraction would have on public trust resources (e.g., depletions of interconnected surface waters) and to protect public trust resources where feasible.
27. The State Water Board acknowledges and appreciates the efforts of the Kern County Subbasin GSAs to develop and revise the Kern County Subbasin GSPs, including continued constructive engagement with State Water Board staff on technical information and approaches to remedy deficiencies, but these efforts have not yet been sufficient to rectify deficiencies in the GSPs. Based on its review and consideration, the State Water Board agrees that the Kern County Subbasin should be designated at this time as probationary and agrees with other staff recommendations as resolved herein.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Finds that the Kern County Subbasin is subject to Water Code section 10720.7, subdivision (a)(1), and that the Department, in consultation with the State Water Board, has determined that the groundwater sustainability plans for the Kern County Subbasin are inadequate.
2. Designates the Kern County Subbasin as a probationary basin pursuant to Water Code section 10735.2, subdivision (a)(3) with an effective date of March 03, 2025.
3. Identifies deficiencies in the Kern County Subbasin 2024 draft GSPs and 2024 adopted GSPs, and corresponding potential actions, identified in the final staff report as potential actions, that can correct those deficiencies pursuant to Water Code section 10735.6, subdivision (a). Deficiencies identified:
 - a. Coordination (CRD)
 - i. Deficiency CRD-1 – Undesirable results and sustainable management criteria are not coordinated.

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1. Deficiency CRD-1a – This deficiency has been resolved.
 2. Deficiency CRD-1b – This deficiency has been resolved.
 - ii. Deficiency CRD-2 – The Coordination Agreement, GSPs, and Management Area Plans lack key details necessary for coordinated implementation.
 1. Deficiency CRD-2a – This deficiency has been resolved.
 2. Deficiency CRD-2b – The GSAs do not explain how the multiple plans will satisfy SGMA requirements, particularly for management areas.
 - iii. Deficiency CRD-3 – The Kern County Subbasin GSAs have not demonstrated basin-wide management.
- b. Groundwater Levels (GL)
- i. Deficiency GL-1 – Groundwater level undesirable results and sustainable management criteria are not defined consistent with the requirements of SGMA.
 1. Deficiency GL-1a – This deficiency has been resolved.
 2. Deficiency GL-1b – Sustainable management criteria were not established consistent with the requirements of SGMA.
 - ii. Deficiency GL-2 – The GSPs' monitoring network and mitigation plans are incomplete.
 1. Deficiency GL-2a – The monitoring network was not developed consistent with the requirements of SGMA.
 2. Deficiency GL-2b – The well impact mitigation plan is incomplete.
 - iii. Deficiency GL-3 – The GSPs do not describe a feasible path for halting chronic lowering of groundwater levels.

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- iv. Deficiency GL-4 – The GSPs do not define groundwater storage sustainable management criteria consistent with SGMA requirements.

c. Land Subsidence (LS)

- i. Deficiency LS-1 – Land subsidence undesirable results and sustainable management criteria are not defined consistent with the requirements of SGMA.

- 1. Deficiency LS-1a – Undesirable results are poorly described, unworkably complex, and inconsistently implemented.
- 2. Deficiency LS-1b – Sustainable management criteria were not established consistent with the requirements of SGMA.

- ii. Deficiency LS-2 – The GSPs do not provide adequate implementation details.

d. Groundwater Quality (GWQ)

- i. Deficiency GWQ-1 – The GSPs do not establish undesirable results and sustainable management criteria consistent with the requirements of SGMA.

- 1. Deficiency GWQ-1a – Undesirable result definitions are not protective of beneficial uses and users.
- 2. Deficiency GWQ-1b – The GSPs are missing critical information about how GSAs will determine whether an undesirable result has occurred.

- ii. Deficiency GWQ-2 – Groundwater quality monitoring network is not consistent with SGMA requirements.

- 1. Deficiency GWQ-2a – The Monitoring Network is not representative of all beneficial uses and users in the Kern County Subbasin.

- 2. Deficiency GWQ-2b – This deficiency has been resolved.

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3. Deficiency GWQ-2c – It is unclear how the GSAs will assess the impacts of projects and management actions.
- iii. Deficiency GWQ-3 – Management actions are not responsive to water quality degradation.
 1. Deficiency GWQ-3a – Management actions are not protective of beneficial uses and users once a minimum threshold exceedance is triggered.
 2. Deficiency GWQ-3b – Well mitigation plan does not address water quality degradation.
- e. Interconnected Surface Water (ISW)
 - i. Deficiency ISW-1 – This deficiency has been resolved.
 1. Deficiency ISW-1a – This deficiency has been resolved.
 2. Deficiency ISW-1b – This deficiency has been resolved.
 - ii. Deficiency ISW-2 – This deficiency has been resolved.
4. Adopts the following requirements and exclusions regarding reporting, measuring, and metering of groundwater extractions:
 - a. In accordance with Water Code sections 5202 and 10721, any person who extracts more than two acre-feet of groundwater per year from the Kern County Subbasin or who extracts groundwater from the Kern County Subbasin for purposes other than domestic uses must report their extractions made on or after June 01, 2025, to the State Water Board pursuant to Water Code section 5202 and pay to the State Water Board the associated fee imposed pursuant to California Code of Regulations, title 23, section 1040 et seq. Any person who extracts two acre-feet of water or less per year for domestic purposes only is a de minimis extractor and is exempt from this requirement.
 - b. In addition to the above requirements, by October 01, 2025 any extractions that are within the Subsidence Management Areas (areas encompassing a 2.5-mile buffer on either side of the California Aqueduct at Mile Posts 195 to 215 and 262 to 267, and the Friant Kern Canal Mile Posts 120 to 137), that are not de minimis, must be

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measured using a meter that meets the requirements of California Code of Regulations, title 23, section 1042.

- c. In addition to the above requirements, for the purposes of measuring and reporting extractions, any person (extractor) who extracts more than 500 acre-feet per year from the Kern County Subbasin during the period of October 1, 2025, through September 30, 2025⁶ and any person who anticipates extracting more than 500 acre-feet per year during the period of October 1, 2026, and September 30, 2027, must install meters no later than October 1, 2025 on each production well that extracts groundwater for uses that cannot be measured by an evapotranspiration methodology. For each production well that extracts groundwater for uses that are captured by evapotranspiration data, individuals must do one of the following no later than October 01, 2025:
 - i. Install and use meters that meet the requirements of California Code of Regulations, title 23, section 1042 on their production wells;
 - ii. Use an evapotranspiration methodology to determine monthly extraction volumes for each parcel where groundwater use occurs. If the methodology was developed or is currently implemented by a GSA, the extractor may elect to have the applicable GSA submit the extraction report on behalf of the extractor. A GSA may compile and submit extraction reports for multiple extractors, provided the information required by Water Code section 5203 is organized on a per extractor and per parcel basis.
- d. Extractors using a methodology described in subsection (c) (ii) are also subject to the following requirements:
 - i. For any individual relying on an evapotranspiration method to report extractions, the extraction report shall include an explanation of the methodology. Additionally, if groundwater is extracted for uses not measured by the evapotranspiration methodology, those extractions must be measured by a meter, and this must be included in the explanation of the methodology.

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- ii. If any evapotranspiration methodology relies on data regarding surface water deliveries to the extractor's place of use for extracted groundwater to determine extraction volumes, surface water delivery data relied on by the methodology shall be included in the extraction report.
 - e. Wells that are used for domestic purposes only and extract two acre-feet or less of groundwater per year (wells that would be de minimis if they were the extractor's only well, but are not the extractor's only well) are excluded from the requirement to install and use meters or an alternative methodology set forth above provided that the extractor uses another method to measure extractions from those wells and includes the measurements in reports of groundwater extractions.
 - f. Temporarily forgoing the use of meters for periods of time reasonably necessary for replacement, maintenance, or calibration activities does not violate the requirement of subsection (b), provided that the extractor measures groundwater extractions using another method during those periods and includes the measurements for those periods in the reports of groundwater extraction filed pursuant to subsection (a).
 - g. If an extractor uses a methodology that was developed or is currently implemented by a GSA to measure extractions, the extractor may elect to have the applicable GSA submit the extraction report on behalf of the extractor. A GSA may compile and submit extraction reports for multiple extractors, provided the information required by Water Code section 5203 is organized on a per extractor and per parcel basis.
5. Directs State Water Board staff to continue to provide technical feedback to the Kern County Subbasin GSAs regarding the GSAs' efforts to resolve the deficiencies in the GSPs, including identifying whether the actions GSAs may propose to correct the GSPs' deficiencies meet SGMA's standards.
 6. Directs State Water Board Staff to periodically update the State Water Board regarding the GSAs' progress towards resolving the deficiencies and whether the Board should apply exclusions under Water Code section 10735.2.
 7. Delegates to the Executive Director the authority to amend the reporting and metering requirements of this probationary designation after at least 30 days' public notice.

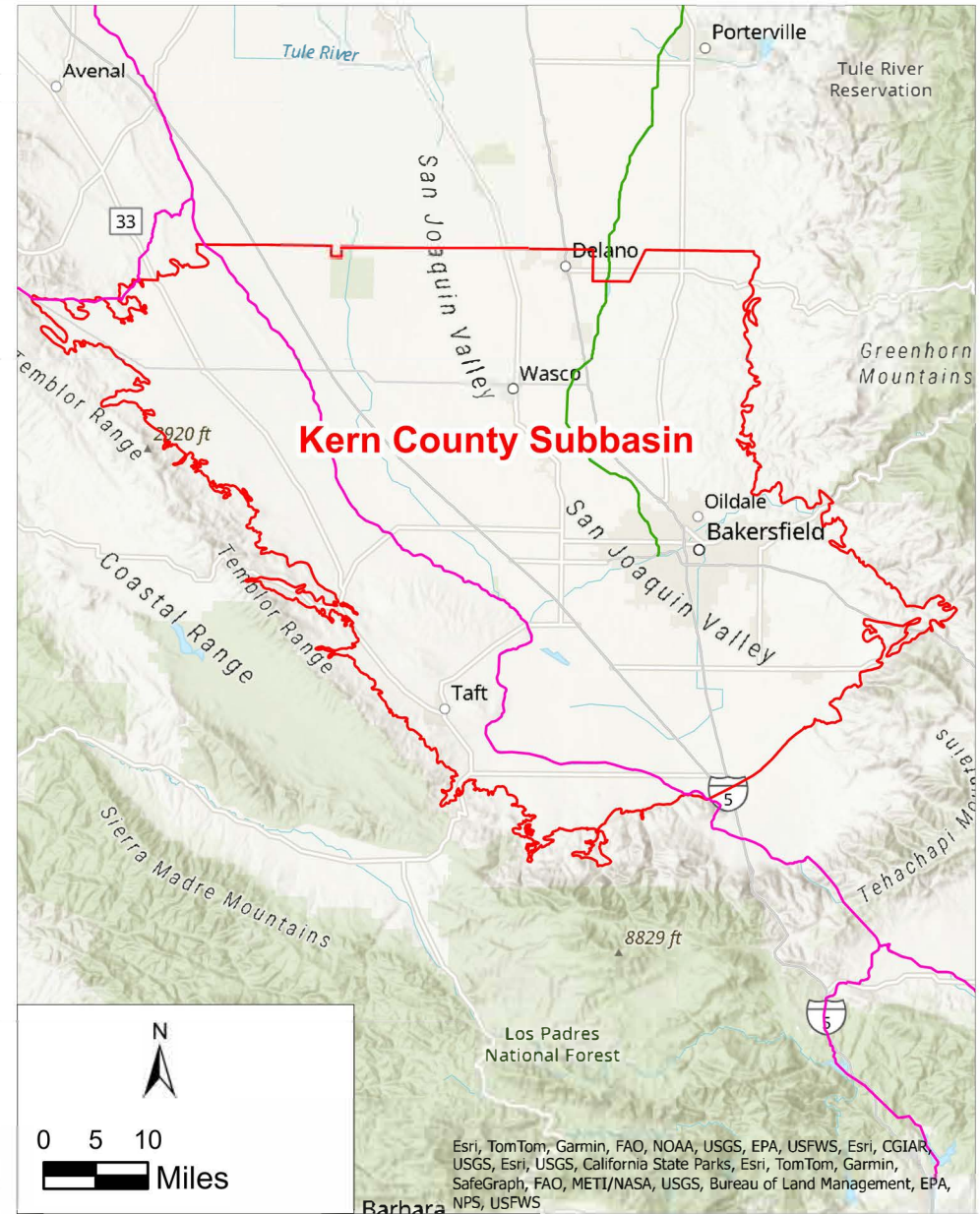
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8. Directs staff to provide notice and opportunity for public comment at least 30 days before bringing to the State Water Board for consideration and potential approval a resolution to adopt amendments to this probationary designation that are not delegated to the Executive Director or to repeal this probationary designation.

CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on February 20, 2025.

Courtney Tyler
Clerk to the Board



Attachment 1

Location of the Kern County Subbasin

- Kern County Subbasin
- Hydrologic Regions
- Tulare Lake Hydrologic Region
- Friant Kern Canal
- California Aqueduct

