



**State Water Resources Control Board**

**NOTICE OF PETITIONS TO REVISE  
DECLARATION OF FULLY APPROPRIATED STREAM SYSTEMS**

Notice is hereby given pursuant to California Code of Regulations, title 23, section 871, subdivision (c) that two petitions to request revision of the fully appropriated stream (FAS) status of the Kings River stream system have been filed with the State Water Resources Control Board (State Water Board). The petitioners are listed below:

<p>Semitropic Water Storage District c/o Kevin O'Brien Downey Brand LLP 621 Capitol Mall, 18th Floor Sacramento, CA 95814</p>	<p>Consolidated Irrigation District, Fresno Irrigation District, and Alta Irrigation District Attn Phil Desatoff PO Box 209 Selma, CA 93662</p>
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Pursuant to California Code of Regulations, title 23, section 871, subdivision (c)(1), the Chief of the Division of Water Rights (Division) will determine whether reasonable cause exists to conduct a hearing on the question of whether the FAS status of the Kings River stream system should be revised. Should the Division Chief determine cause exists for such a hearing, a notice of hearing on the issue will be prepared and distributed in accordance with California Code of Regulations, title 23, section 871, subdivision (c)(4).

**Kings River Water Rights and Fully Appropriated Stream Status**

In 1967, the State Water Board's predecessor, the State Water Rights Board, issued Decision 1290, approving various applications to appropriate water by permit from the Kings River as filed by Fresno Irrigation District. The applications subject to Decision 1290 that were eventually licensed are listed below:

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|-------------------------------------|-------------------------------------|
| License 11517 (Application A000353) | License 11520 (Application A010979) |
| License 11518 (Application A000360) | License 11521 (Application A015231) |
| License 11519 (Application A005640) | License 11522 (Application A016469) |

The above licenses are currently held by the Kings River Water Association (Association) on behalf of its member units. The Association, acting as a watermaster, allocates Kings River water between its members utilizing a settlement schedule. In addition to the above licenses, many water diverters in the Kings River watershed and surrounding areas also exercise riparian rights, pre-1914 appropriative rights, and contractual arrangements as a basis to divert and use surface water.

Subsequently, based on Decision 1290, the State Water Board declared the Kings River system to be a FAS system in 1989 with Order WR 89-25. The declaration was reaffirmed in 1991 with Order WR 89-25 and again in 1998 with Order WR 98-08.

FELICIA MARCUS, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR



### **Consolidated Petition**

On May 9, 2017, the State Water Board received a petition and corresponding application A032810 filed on behalf of Consolidated Irrigation District, Alta Irrigation District and Fresno Irrigation District (Consolidated). Consolidated requests that the State Water Board consider its application in the event the State Water Board ever changes its designation of the Kings River as a FAS and considers any Kings River waters unappropriated or otherwise not beneficially used under the current licenses. Consolidated's petition acknowledges that the Association's member units have not always been able to utilize all the runoff of the river in years of extreme flood. Consolidated's application requests to divert and use up to 1,000,000 acre-feet per year (afy) of water. The application seeks to secure excess flood flows for purposes of compliance with the Sustainable Groundwater Management Act (SGMA) and for uses within Fresno, Kings and Tulare counties. Water would be diverted and used in a manner consistent with the Association's water right licenses. In addition to Consolidated's petition and application, the Association has also filed a petition to make changes to License 11521 (Application A015231).

### **Semitropic Petition**

On May 25, 2017, the State Water Board received a petition and corresponding application A032815 filed by Semitropic Water Storage District (Semitropic). The petition states that it was submitted to: "(a) determine whether it is proper to revoke and/or revise the FAS declaration of the Kings River System, in light of evidence that there is unappropriated Kings River water available for appropriation, and all other legal grounds and relevant information referenced, enclosed and later submitted by Petitioner or others; and (b) to appropriate all Kings River water that the State Water Board determines is unappropriated and subject to appropriation". Semitropic's application requests to divert and use up to 1,600,000 afy of Kings River flows, for the purposes of irrigation, and groundwater replenishment in the support of its proposed Tulare Lake Floodwater and Storage Project, and in furtherance of the goals of SGMA. On July 2, 2018, Semitropic filed a water rights complaint against the Association that included an assertion that the complaint demonstrates there is more water available for appropriation from the Kings River than its original FAS petition claims.

### **Comments**

Copies of the petitions, applications and supporting information are available at:  
[https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/applications/petitions/fas\\_kings.shtml](https://www.waterboards.ca.gov/waterrights/water_issues/programs/applications/petitions/fas_kings.shtml)

The contact person for this matter is Mitchell Moody at (916) 341-5383 or by e-mail at [mitchell.moody@waterboards.ca.gov](mailto:mitchell.moody@waterboards.ca.gov).

Comments regarding the petitions may be submitted to [mitchell.moody@waterboards.ca.gov](mailto:mitchell.moody@waterboards.ca.gov) or:

State Water Resources Control Board  
Division of Water Rights  
Attn Mitchell Moody  
PO Box 2000  
Sacramento, CA 95812-2000

When submitting comments, please provide a courtesy copy to the two petitioners listed above.

**Comments must be received by the Division by 4:30 pm on October 31, 2018.**

Date of Notice: August 1, 2018