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STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2026-

EXCLUSION OF SMALL PUMPERS IN THE TULARE LAKE SUBBASIN FROM THE REQUIREMENT FOR REPORTING IN BASINS DESIGNATED PROBATIONARY PURSUANT TO 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 other sources are unavailable. When properly managed, groundwater resources 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 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's intent is to ensure the proper and sustainable management of groundwater resources in California.
3. SGMA authorizes the State Water Resources Control Board (State Water Board) to designate groundwater basins as probationary. Most persons who extract groundwater from a basin the Board has designated probationary must report their extractions to the Board and pay an associated filing fee to the Board.
4. SGMA authorizes the State Water Board to exclude a class or category of extractions from the requirement for reporting that applies to probationary groundwater basins if those extractions are likely to have a minimal impact on basin withdrawals. Persons excluded from the

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requirement for reporting are also excluded from the requirement to pay the associated filing fee.

5. The State Water Board designated the Tulare Lake Subbasin as probationary after a public hearing on April 16, 2024 ([Resolution No. 2024-0012](#)). The probationary designation took effect on April 16, 2024.
6. Staff evaluated the potential scope and impacts of excluding extractions of 20 acre-feet per year (AFY) or less from reporting and fee requirements in the Tulare Lake Subbasin. Using 2022 evapotranspiration data as a proxy, staff's analysis indicates that approximately 44% of water users consume less than 20 AFY, accounting for less than 1% of total water use in the subbasin. If all of this use is attributed to groundwater pumping, it would represent approximately 0.8% of the 549,000 acre-feet of total groundwater pumped from the Tulare Lake subbasin in 2022.
7. Based on the staff evaluation, it is reasonable to conclude that persons extracting no more than 20 acre-feet annually have a minimal impact on Tulare Lake subbasin withdrawals and recommends that the State Water Board exclude such persons from the requirement for reporting that applies to this probationary basin.
8. The State Water 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.
9. The State Water Board has a duty to consider adverse impacts groundwater extraction would have on public trust resources and to protect public trust resources where feasible.
10. The State Water Board recognizes the established Human Right to Water policy of the state that every human being has the right to safe,

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clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.

11. 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 the Board's decision.

12. The State Water Board has reviewed and considered the staff recommendation and supporting data and considered public comments and testimony, and proposes that in the Tulare Lake Subbasin extractions by individuals who extract no more than 20 acre-feet of groundwater annually should be excluded from the reporting requirement.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Finds that groundwater extractions in the Tulare Lake Subbasin by persons who individually extract a total of no more than 20 acre-feet annually are likely to have a minimal impact on withdrawals from the Subbasin and are not expected to adversely impact public trust resources.

2. Pursuant to subdivision (c) of Water Code section 10735.2, excludes, as a class, persons who extract a total of no more than 20 acre-feet annually from the Tulare Lake Subbasin from the requirement for reporting extractions and paying fees that is imposed by Part 5.2 (commencing with Section 5200) of Division 2 of the California Water Code. For purposes of this exclusion, eligibility for each reporting period shall be based on a pumper's extractions during the water year (October 1 of each year to September 30 of the following year) in which the majority of the reporting period falls.

3. Directs staff to provide notice in accordance with the Bagley-Keene Open Meeting Act before presenting a resolution rescinding this exclusion or reducing the class of excluded persons to the Board for consideration and potential approval at a regular Board meeting if available information indicates that groundwater extractions in the Tulare Lake Subbasin by persons who extract a total of no more than

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20 acre-feet annually are resulting in more than a minimal impact on basin withdrawals.

4. Directs staff to provide notice in accordance with the Bagley-Keene Open Meeting Act before presenting a resolution expanding the class of excluded persons to the Board for consideration and potential approval if available information indicates that groundwater extractions in the Tulare Lake Subbasin by persons who extract more than 20 acre-feet annually are likely to have a minimal impact on basin withdrawals.

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 April 7, 2026.

Courtney Tyler
Clerk to the Board