



May 21, 2019

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State Water Resources Control Board Division of Water Rights

Attn: Mitchell Moody

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Sacramento, CA 95812-2000

mitchell.moody@waterboards.ca.gov

Dear Chairman Esquivel and Honorable Board Members:

On behalf of the North Kings Groundwater Sustainability Agency (NKGSA) we write in opposition to Semitropic Water Storage District's (Semitropic) Petition to Revise the Fully Appropriated Stream Status of the Kings River (FAS).

The NKGSA is a newly formed organization developed under the 2014 Groundwater Sustainability Act. The lands that are represented in the NKGSA have been designated as severely over drafted by the State Department of Water Resources. Under the Act the NKGSA is required to develop a plan by January of 2020 that will outline the action that will be taken by the NKGSA to become sustainable by 2040. The NKGSA has a number of Disadvantaged Community (DAC) that are participating in the development of the plan which will address water supply and quality issues. It is in this context that NKGSA submits the following comments on the Semitropic FAS petition.

Semitropic's FAS petition is submitted in an attempt to secure a right to divert Kings River waters for use in Kern County – outside the watershed of origin. The Kings River is the primary surface water source to the communities within the three counties that comprise the watershed of origin: Fresno, Kings, and Tulare Counties. Groundwater Sustainability Agencies (GSAs) throughout those counties are now engaged in the process of addressing groundwater sustainability, and use of Kings River high water flows is a crucial element of those sustainability efforts.

Public comments submitted on the Semitropic Project establish that historic Kings River flood flows are less than the anticipated groundwater overdraft in Fresno, Kings, and Tulare Counties. We are aware that planning efforts at various levels of regional and local government are underway to fully utilize Kings River flood flows for addressing SGMA impacts and anticipated growth. It only makes sense that Kings River water should be available to meet these needs within the watershed of origin.

About NKGSA: The North Kings Groundwater Sustainability Agency is a Joint Powers Authority formed in December 2016. Composed of local public agencies and others engaged through binding agreements, the NKGSA is the governing body of a portion of the Kings Subbasin (DWR Bulletin 118, 5-22.08) in compliance with the Sustainable Groundwater Management Act of 2014. NKGSA members are Bakman Water Company, Biola Community Services District, City of Clovis, City of Fresno, City of Kerman, County of Fresno, Fresno Irrigation District, Fresno Metropolitan Flood Control District, Garfield Water District, and International Water District.

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The Semitropic Project seeks to divert Kings River flood flows out of the watershed. By exporting water from critically overdrafted groundwater basins, the Semitropic project would significantly impair the ability of the regional GSAs to comply with SGMA without resorting to removing significant lands from production and limiting urban growth. The Semitropic Project would negatively impact the lives and livelihoods of many people in Fresno, Kings, and Tulare Counties who depend on Kings River waters.

California is the first state in the nation to enact a law recognizing that “every human being has the right to safe, clean, affordable and accessible water” – also known as “the human right to water.” The Kings River service area includes 51 “Disadvantaged Communities” – areas which most suffer from a combination of economic, health, and environmental burdens – with a population of 646,236. In addition, the area includes 59 “Severely Disadvantaged Communities” with a population of 84,510. In all, 69 percent of the population that relies upon Kings and Tulare groundwater basins lives in a Disadvantaged Community or Severely Disadvantaged Community.

The Semitropic Project has the potential to deprive DACs access to water and jeopardize long-term regional/local sustainability. DACs already disproportionately suffer from poverty, high unemployment, asthma and heart disease, as well as air and water pollution, and the Semitropic Project will only make already-difficult circumstances worse and threaten “the human right to water.”

Further, contrary to Semitropic’s claims, the Project neither reduces nor eliminate flood risk. Rather, it increases the potential for flooding on the South Fork Kings River.

For these stated reasons and more, North Kings Groundwater Sustainability Agency respectfully requests that the State Water Resources Control Board deny Semitropic’s FAS petition. The Semitropic FAS petition and Project are not in the public interest. Instead, the Project would only harm groundwater sustainability efforts and threaten access to safe, clean, affordable, and accessible water.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry Prieto, Jr.", with a long horizontal flourish extending to the right.

Jerry Prieto, Jr.
Chairman of the Board