

**South Fork Kings Groundwater Sustainability Agency
2023 Temporary Emergency Recharge Policy
For Voluntary Landowner-Initiated Surface Water Recharge
Policy No. 2023-01**

Purpose of Policy

The South Fork Kings Groundwater Sustainability Agency (SFK GSA) in the Tulare Lake Subbasin needs an emergency recharge policy to facilitate recharge when surplus surface water is available in wet years and flood situations, such as the current conditions as of January 2023. SFK GSA recognizes that a water accounting program is currently not in place. As such, this policy is intended to encourage recharge with the expectation that a program will be enacted in the future.

While several elements of a recharge policy are still only qualitative, the SFK GSA intends to recognize an approximate recharge credit for compliant recharge operations during the 2023 calendar year. The policy is intended to work concurrently with the Governor's Executive Order N-4-23.

Policy

The South Fork Kings GSA sets forth the following requirements and conditions for executing the 2023 Temporary Emergency Recharge Policy:

1. Participation shall be limited to owners of record (Landowners) or lessees of real property within the SFK GSA who meet all requirements and agree to comply with all the terms and conditions set forth below.
2. To be considered for a recharge credit, the Landowner must:
 - a. Complete the 2023 Temporary Emergency Recharge Application and Agreement form and submit any and all required supporting documentation.
 - b. Provide documentation of the surface water source being used for recharge.
 - c. Provide information regarding the intended recharge method/facility (location, planned actions, etc.).
 - d. Provide accurate measurement into the recharge facility or property using reasonable measurement methods. This could include documents from the contracting water purveyor regarding diverted quantities.
3. Landowner shall be solely responsible for:
 - a. Securing a contract with a surface water purveyor and/or water right.
 - b. Any and all fees associated with securing a contract with a surface water purveyor, a water right, and the cost of any surface water.
 - c. Any infrastructure necessary to enable the recharge.
 - d. Securing and constructing any necessary or appropriate private encroachments through adjacent parcels for the delivery of water and any other regulatory approval if needed.
 - e. Any permitting or other regulatory requirements necessary to enable recharge, including all Federal, State, and/or local agency requirements.
4. The SFK GSA has no obligation whatsoever related to the Landowner acquiring necessary approvals to participate.
5. Limitations per Executive Order N-4-23:
 - a. No on-farm recharge shall occur in Dairy Land Application Areas unless the Landowner has provided notification and received concurrence from staff of the Central Valley

Regional Water Quality Control Board.

- b. No on-farm recharge shall occur on an agricultural field that has had fertilizer applied within the last 30 days.
 - c. No recharge to any area that could cause damage to critical levees, infrastructure, wastewater, and drinking water systems, drinking water wells, or other potable water supplies. Recharge must not exacerbate the threat of flood or create other health and safety concerns (including vector propagation).
6. SFK GSA recognizes that recharge potential varies across the GSA, and that applied recharge may percolate to one or more underlying aquifer zones. As such, the total recharge credit will be calculated as 85% of the total measured recharge quantity placed into the landowner's property during calendar year 2023. These values can be adjusted if the landowner provides site specific engineering data.
 7. Credit shall be applied to the future water account for the property from which credit is generated. The full recharge credit amount for 2023 will be available for use through 2027. Further allocation of the recharge credit to one or more underlying aquifer will be made on a case-by-case basis.
 8. Recognizing that time is of the essence for this 2023 Temporary Emergency Recharge Policy, the SFK GSA reserves the right to modify these conditions and requirements as may be necessary based on reasonable information to assure consistency with applicable Federal, State, or local laws or regulations. Landowner's voluntary participation pursuant to this 2023 Temporary Emergency Recharge Policy is unique and shall not be considered as a precedent for future SFK GSA recharge program requirements and conditions.

**South Fork Kings GSA
2023 Temporary Emergency Recharge Program
Stakeholder Application and Agreement**

By signing this Stakeholder Application and Agreement (this "Application") for the 2023 Temporary Emergency Recharge Program (the "2023 Emergency Recharge Program") of the South Fork Kings Groundwater Sustainability Agency ("SFk GSA"), the undersigned applicant (the "Applicant") hereby warrants that the Applicant is either the landowner of record of real property or lessee of real property located within the geographic boundaries of SFk GSA.

The Applicant hereby agrees that this Application is entered into solely for the benefit of the Applicant and SFk GSA, and not for any third party, and may be executed in counterparts, with each deemed an original, and all of which taken together shall constitute a single instrument, constituting the entire agreement between the Applicant and SFk GSA with respect to the matters contained herein.

The Applicant hereby further understands and agrees that the SFk GSA makes no representations or warranties, and hereby expressly disclaims any representation or warranty, express, implied or otherwise, as to any specific amount of recharge credit unless and until there is a final determination by the SFk GSA Board of Directors regarding the precise terms and conditions under which said recharge credit will be calculated.

In exchange for certain benefits provided under the 2023 Emergency Recharge Program, the Applicant agrees to defend, indemnify, and hold SFk GSA and its directors, officers, representatives, agents, and employees, and each of them, harmless from and against any and all claims, including but not limited to regulatory challenges, damages, losses, judgments, liabilities, and expenses, and any and all costs associated with said claims, including litigation costs and attorney fees, arising out of or resulting from, or in connection with the performance of this Application or in any manner associated with the Applicant's voluntary participation in the 2023 Emergency Recharge Program.

The undersigned Applicant, directly or through its representative, does hereby attest that the Applicant accurately represented the Applicant's identity, that the Applicant holds an interest in real property subject to this Application, and that the Applicant (or its representative) is duly authorized to execute this Application and participate in the 2023 Emergency Recharge Program.

I, on behalf of myself or for the entity that I am authorized to represent, declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

Applicant and South Fork Kings GSA hereby execute this Application as of the last date stated below.

APPLICANT

South Fork Kings GSA

Name: _____

Name: _____

Title: _____

Title: _____

Signature: _____

Signature: _____

Date: _____

Date: _____

Recharge Facility or Wetlands Easement Property Registration Details

Name of Applicant: _____

Name of Recharge Location: _____

Assessor Parcel Number(s) (APN) of recharge Location: _____

Type of Recharge Method (Flood-MAR or land application): _____

Acreage and Crop Type of Parcel if Conducting "Flood MAR": _____

Documented Surface Water Source: _____

Total Acres/Area of Recharge: _____

Estimated Recharge Rate per Acre: _____

Recharge Measurement Method (e.g. meter): _____

Required Attachments:

Each Applicant must provide a map showing the location of the recharge facility, location of where credit will be applied, as well as any additional supporting documentation as may be requested by SFK GSA.