

## INTRODUCTION AND BACKGROUND

### PARCEL QUALIFICATION AND USE CATEGORIES

#### Parcel Eligibility for Native Yield Allocation

Allocation of native yield to an individual parcel is based on the number of total acres for that parcel as registered with Kings County. Parcels that are eligible for a native yield are described as follows:

- **Parcels of 5 acres or larger** are qualified to receive an allocation of a portion of the total SFKGSA native yield. Qualified parcels must be registered in the SFKGSA parcel database and provide information of irrigated acres, the history of irrigation on that parcel, and an inventory of wells on the parcel. Parcels that are not registered in the SFKGSA parcel database will not receive a native yield allocation and will be subject to a stop pumping notice if they are shown to be irrigated in LandIQ.
- **Parcels of 5 acres or less receive** a de-minimus allocation of 2AF/year, unless they are registered as a qualified parcel. A parcel of 5 acres or less must register as a qualified parcel if it contains an extraction facility that pumps more than 2 AF/year.

Parcels in other GSAs within the Tulare Lake Subbasin or other groundwater basins cannot be designated as qualified parcels within SFKGSA.

#### Parcel Eligibility for Transitional Allocation

The transitional allocation is considered a buffer that allows landowners who are have existing irrigated lands to continue pumping at successively lower pumping rates towards the Native Yield allocation. **Parcels that are eligible for a transitional allocation include all parcels that were shown to be irrigated anytime between 2015 through 2024 based on Land IQ Crop Data.**

The transitional allocation decreases to zero by 2040 and landowners will only be able to pump up to the native yield allocation after 2040 (subject to the crediting policies described in Section XXX).

## ALLOCATION METHODOLOGY AND 2026-2030 AMOUNTS

Section 3 summarizes specific allocation policies and procedures for the period 2026-2030, including specific allocation amounts for each year.

### Determination of Native Yield

Native yield is the total groundwater pumping (in AF/y) that will maintain the basin in a sustainable condition after the year 2040. This value is based on a projected future groundwater balance derived from a groundwater model of the Tulare Lake Subbasin developed in 2020 (Wood, 2020). A new model is in development that may replace the earlier model. This model may be used as the basis for allocations for the 2030-2035 Allocation, but it is not used for this 2026-2030 allocation cycle.

The total estimated sustainable native yield from the 2020 Wood Model was projected at 350,000 AF/Y. This value was derived from a historical analysis of pumping and other hydrogeologic factors over a base period of 1997-2016. The model predicts that, at this level of pumping, the total change in aquifer storage becomes zero and groundwater levels stabilize to an equilibrium level. Over this period of historical beneficial use, SFKGA is estimated to have pumped, on average, approximately 25% of the total pumping amount in any given year. Therefore, the total sustainable native yield for SFKGSA is established at 87,500 AF/Y for the 2026-2030 Allocation.

The native yield is distributed to all qualified parcels as a unit allocation in AF/Acre. The total acreage of qualified parcels is 71,170 acres. The native yield allocation is therefore 1.2 AF/Acre (87,500 AF/Y divided by 71,170 Acres).

### Determination of Transitional Pumping

Transitional pumping is a declining block of total groundwater pumping (in AF/y) that that reduces overdraft from its current value to zero by 2040. Transitional pumping decreases each year and the starting point for the 2026-2030 allocation cycle is the reported SFKGSA groundwater pumping for the most recent dry year (2022), which was 68,200 AF/year,

SFKGSA has already reduced its pumping to the targeted sustainability target, and therefore the Transitional Pumping allowance is zero for the 2025-2030 allocation cycle.

## ANNUAL PUMPING LIMITS AND PENALTY STRUCTURE

The 2026-2030 Native Yield Allocation and Transitional Pumping amounts will be enforced on an annual basis. In any given year, landowner pumping is monitored quarterly using LandIQ data on evapotranspiration for each qualified parcel, and estimated surface water deliveries to each

parcel. Landowners with meters may submit quarterly pumping reports as a substitute to the LandIQ analysis. An annual groundwater pumping report based on LandIQ data is produced for each landowner at the end of the year. Landowners with meters may also contest the Annual LandIQ pumping report and reconcile their accounts at the end of each calendar year.

### Overdraft and Penalty Structure

Transitional pumping is considered an overdraft and landowners who utilize their transitional pumping amounts are subject to a **civil penalty of \$50 per AF.**

**Landowners who pump above their total allocation (Native+Transitional) are subject to an additional overdraft penalty of \$500 per AF for the amount of pumping above their Native plus Transitional Allocation.** In addition, the next year allocation will be reduced by the amount of the overage.

### Cumulative Pumping Limits and Cease Pumping Notice

**The cumulative allocation over the period 2026-2030 for a landowner with both Native and Transitional allocation is 6.1 AF/Acre.** If a landowner exceeds the 5-year cumulative allocation, a cease pumping notice will be issued and SFKGSA will enforce the no pumping order until the next allocation policy cycle for 2030-2035.

	MKGSA			SFKGSA		
	Native	Transitional	Total	Native	Transitional	Total
2025				1.23	0.00	1.23
2026				1.23	0.00	1.23
2027				1.23	0.00	1.23
2028				1.23	0.00	1.23
2029				1.23	0.00	1.23
2030				1.23	0.00	1.23

### UPPER VERSUS LOWER AQUIFER PUMPING LIMITS

A generalized methodology was used in the groundwater model to assign pumping rates to the upper and lower aquifer. **Therefore, the 2026-2030 allocation policy does not specify upper versus lower aquifer allocations.** Specification of upper versus lower aquifer allocations will be addressed on a case-by-case basis with individual landowners as follows:

**Well Classification:** As part of the parcel registration process described in Section 2, all landowners are required to submit well information for each parcel that indicates, at a minimum, the total well depth, well capacity, and pump setting. Based on this information, SFKGSA will assign each well as either upper (A-zone), upper (B-zone) or lower (C-zone) aquifer and

landowners will be notified of their well classifications. Landowners may dispute the classification at their discretion but will be responsible for additional expenses necessary for SFKGSA to re-assess the classification.

**Parcel Type 1 - Native Allocation Only:** Qualified acreage that receives a native allocation but does not have an active well will be assigned a native allocation for the upper (B-zone) aquifer only. No “new” wells in the upper (A-zone) or lower (C-zone) aquifer will be allowed.

**Parcel Type 2 – Native Allocation + Transitional Pumping:** Qualified irrigated acreage that receives both a Native Allocation and Transitional Pumping but will be assigned an allocation as follows:

- **Parcel Type 2A –** Parcels that are irrigated exclusively from the upper aquifer (A-zone or B-zone) will be assigned a Native Allocation and Transitional Pumping as specified in Section 2 without modification. Conversion of irrigation from the upper aquifer (A- or B-zone) to the lower aquifer is not allowed. Conversion of irrigation from the upper (A-zone) to upper (B-zone) aquifer is allowed.
- **Parcel Type 2B –** Parcels that are irrigated exclusively from the lower aquifer will be assigned a Native Allocation and Transitional Pumping as specified in Section 2 without modification. Landowners that irrigate exclusively from the lower aquifer will also qualify for technical assistance to evaluate options for shifting their allocation to the upper aquifer.
- **Parcel Type 2C -** Parcels that are irrigated from both the upper and lower aquifer will be assigned an allocation as specified in Section 2, with specific pumping limits based on the relative proportion of reported historical pumping from each aquifer.

All acreage may be subject to additional curtailment based on monitoring of subsidence, water-level, or water quality as specified in those respective management plans.

## LANDOWNER DEVELOPED CREDITS

Landowner developed credits may be developed through landowner water banking or recharge projects or other approved projects that help mitigate one or more undesirable results of the Tulare subbasin. Recharge and banking projects must comply with the “Groundwater Recharge Policy”.

In order to protect the Subbasin from undesirable results, a percentage of any landowner water banking or recharge projects will remain with SFK. The amount of leave behind is defined in the “Groundwater Recharge Policy”.

Landowner developed credit transfers between landowners of qualified registered parcels must be documented and in accordance with adopted policy.

All transfers purchased from outside of SFK boundaries must be approved by both GSAs with jurisdiction and comply with all relevant subbasin regulations of both GSAs. SFK will develop a separate policy and procedures for transfers from outside of the SFK jurisdictional boundaries.

All landowner developed credit will be maintained in SFK water accounting program.

## **Exchange Credit**

Qualified acreage may receive a credit if there is an exchange of allocation with other acreage within the SFKGSA. The allocation for the receiving acreage will increase, while the allocation for the generating acreage will decrease. The proposed exchange of allocation must be submitted for approval by SFKGSA before January 1 of a given year. This will enable landowners who fallow some of their parcels to move their allocation for that year to parcels that actively irrigate. The receiving acreage will still be subject to potential curtailments as described in Section XX. Parcels that receive a native allocation but do not irrigate that acreage may exchange that allocation with other acreage within the SFKGSA. The proposed exchange of allocation must be submitted for approval by SFKGSA before January 1 of a given year. This will enable landowners who do not irrigate to move their allocation to other parcels.

## **ALLOCATION CURTAILMENT**

Under specific circumstances, acreage may be subject to curtailment of the approved pumping allocation and require further reduction in pumping below the Table 2 amounts.

## **ADAPTIVE MANAGEMENT PROVISIONS**

**TBD**

## **SGMA PENALTIES AND CIVIL REMEDIES**

Any landowner or operator who violates the provisions of the herein Policy and Procedures is subject to the criminal and civil sanctions set forth in SGMA. TWCA may commence or sustain any civil action or proceeding, either at law or in equity, to enforce any of the provisions of the GSPs, or any policy and procedures promulgated therefrom, or to enjoin or restrain any violation thereof, or to collect any sums of money, including penalties, fees, charges and/or assessments, on behalf of the TCWA. The provisions of this Section 7 are to be supplementary and complementary to all of the provisions of SGMA, other state law, and any law cognizable at common law or in equity; and nothing herein shall be read, interpreted or construed in any manner so as to bar or limit TWCA from seeking any remedy to which it may otherwise be entitled.

## **ENFORCEMENT POLICY AND PROCEDURES**

Any penalties or fines imposed shall be subject to the procedures set forth in the “Policy and Procedures for Collecting Delinquent Fees, Assessments, or Charges”.

## **ACTION AGAINST SFK**

Nothing contained in the herein Policy and Procedures shall constitute a waiver by SFK or stop SFK from asserting any defenses or immunities from liability as provided in law, including but not limited to those provided in Division 3.6, Title 1 of the Government Code.

## **DEFINITIONS**

**TBD**

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	MKGSA			SFKGSA		
	Native	Transitional	Total	Native	Transitional	Total
2025				1.23	0.00	1.23
2026				1.23	0.00	1.23
2027				1.23	0.00	1.23
2028				1.23	0.00	1.23
2029				1.23	0.00	1.23
2030				1.23	0.00	1.23

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