

Lemoore Canal & Irrigation Company

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January 26, 2026

VIA EMAIL ONLY

John Gailey, General Manager

Southfork Kings GSA

Re: SFKGSA Draft Groundwater Allocation Policy

Dear Mr. Gailey,

Please consider this correspondence on behalf of Lemoore Canal & Irrigation Company. We appreciate your communication with LCIC regarding continued efforts on GSP amendments, GSP implementation, and the draft Groundwater Allocation Policy. We would like to offer our comments on foregoing as it specifically relates to LCIC.

As you are aware, LCIC is a mutual water company with pre-1914 and licensed water rights to the Kings River. LCIC is a member of the Kings River Water Association. LCIC's holds storage rights within Pine Flat Dam. LCIC's Kings River water is released from Pine Flat Dam to the Kings River. LCIC diverts its Kings River supply through the Lemoore Weir and from there LCIC delivers its supply to its shareholders through privately owned ditches and canals.

The draft Groundwater Allocation Policy identifies an allocation of Sustainable Yield. As stated in draft, the Sustainable Yield is a value based on a projected future groundwater balance derived from a groundwater model of the Tulare Lake Subbasin from 2020 ("2020 Wood Model"). A total value was derived from the 2020 Wood Model totaling 350,000 ac-ft per year. The draft indicates the SY was distributed to qualified parcels as a unit allocation in per acre-feet per acre. The draft then indicates the SY allocation was based on assigning SY by historic pumping to two GSAs and dividing the remaining Subbasin sustainable yield across the other three by acreage.

LCIC has been informed that in calculating the 350,000 ac-ft, the 2020 Wood Model accounted for any return flow, or seepage, within private owned ditches and canals, such as LCIC's. By doing so, return flow or seepage from LCIC's supplies have been included in the Sustainable Yield allocation described above.

LCIC requests that the return flow or seepage not be included in the Sustainable Yield allocation. This unfairly allocates LCIC's water supply to non-LCIC water users. LCIC water users have the overlying right to use the water supplied by LCIC, and nothing in SGMA alters surface water rights or groundwater rights under California law. (Cal. Water Code 10720.5; *Orange County*

Water Dist. v. City of Riverside (1959) 173 Cal.App.2d 137, 194.) When a mutual water company's shareholders own overlying rights independent of the company, those rights are superior, and must be respected. (*City of Barstow v. Mojave Water Agency* (2000) 23 Cal.4th 1224, 1248; *Las Posas Valley Water Rights Coalition v. Fox Canyon Groundwater Management Agency* (2018) Ventura County Case No. 00509700, Statement of Decision of Phase 2, p. 74.) Here, allocating LCIC's return flow to non-LCIC water users ultimately allows others to use LCIC's shareholders' water rights without permission or formal transfer. LCIC objects to this result.

We thank you for your consideration of this request and look forward to further and continuing dialogue on this very critical matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brian", with a stylized flourish at the end.

Brian Osborne
Manager