

# KERN COUNTY SUBBASIN PROBATIONARY HEARING DRAFT STAFF REPORT **EXECUTIVE SUMMARY**

July 2024



## **Executive Summary**

This Executive Summary briefly summarizes key sections of the Draft Kern County Subbasin GSP Assessment Staff Report (Draft Staff Report). A full discussion of these sections is provided in the Draft Staff Report. Where appropriate, the section titles in this Executive Summary refer to the corresponding section in the Draft Staff Report. For example, the “SGMA and State Intervention (Section 2)” section of this Executive Summary covers Section 2 of the Draft Staff Report.

### ***Introduction***

The mission of the State Water Resources Control Board (State Water Board) is to preserve, enhance, and restore the quality of California’s water resources and drinking water for the protection of the environment, public health, and all beneficial uses, and to ensure proper water resource allocation and efficient use, for the benefit of present and future generations. The State Water Board is committed to racial equity and working towards a California where race no longer predicts a person’s access to, or quality of, water resources.

In 2014, the state Legislature passed the historic [Sustainable Groundwater Management Act](#) (SGMA) that established a new framework for how groundwater would be managed locally at the basin scale to achieve long-term sustainability. Under SGMA, local agencies are responsible for the sustainable management of their groundwater basins; however, state agencies are responsible for ensuring local groundwater management achieves SGMA's goals. SGMA provides the State Water Board and the California Department of Water Resources (DWR) with oversight of groundwater resources to protect them for current and future use by the communities, farms, and environmental resources that depend upon them. The Kern County Subbasin (subbasin) is critically overdrafted: on average, water is pumped out of the basin faster than it is recharged by rain and other sources. Overdraft can cause the land surface to sink, potentially damaging infrastructure and reducing aquifer storage.

In addition, overdraft threatens groundwater levels and drinking water quality and could have disparate impacts on communities that rely on shallow wells. Due to historic and political factors, many of these are economically disadvantaged and communities of color.

The State Water Board recognizes that local public agencies in the Kern County Subbasin made significant efforts since the passage of SGMA to form groundwater sustainability agencies (GSAs) and then develop detailed technical and other information supporting the adoption and implementation of five groundwater sustainability plans (GSPs) for the subbasin. Despite those efforts, in January of 2022, DWR reviewed GSPs to determine if the GSPs met SGMA's requirements and found the GSPs to be incomplete. Following revisions made by the GSAs in the subbasin, DWR reevaluated the six GSPs (one additional GSP was submitted) in March of 2023, determined the GSPs to be inadequate, and referred the subbasin to the State Water Board, as required by SGMA. Consistent with SGMA, the State Water Board may now

consider whether to designate the Kern County Subbasin as a “probationary basin,” a term that is used in SGMA to describe a basin in the first stage of state intervention.

The goals of this executive summary are to:

- Describe SGMA and the State Water Board’s state intervention process to provide context for the State Water Board’s upcoming Kern County Subbasin Probationary Hearing (Probationary Hearing);
- Briefly describe the demographics, geology, and hydrology of the Kern County Subbasin;
- Summarize the actions State Water Board staff (Board staff) recommend the State Water Board could take at the Kern County Subbasin Probationary Hearing. These recommended actions are to:
  - Designate the entire subbasin probationary. In the short-term, this would mean most groundwater pumpers in the basin would need to start: 1) measuring their groundwater extractions, 2) reporting extractions to the State Water Board, and 3) paying groundwater extraction fees. State Water Board staff recommend that most domestic household users (people who use less than two acre-feet per year for domestic purposes only) be exempt from reporting extractions and paying fees.
  - Identify certain deficiencies (issues with the subbasin’s current groundwater sustainability plans) and potential actions that the GSAs could take to address them.
  - Require people who extract more than 500 acre-feet per year of groundwater from the subbasin to install and use meters to measure their groundwater extractions.
  - Require people extracting groundwater from the wells located in the Friant-Kern Canal and California Aqueduct subsidence monitoring corridors to install and use meters to measure their groundwater extractions.
  - Shift the reporting deadline for groundwater extractors from February 1 of each year to December 1.

## ***SGMA and State Intervention (Section 2)***

SGMA established a framework for groundwater management in California. SGMA requires local agencies to form GSAs in high-priority and medium-priority basins and to develop and implement GSPs. GSAs are responsible for achieving long-term sustainable management of their groundwater basins that avoids certain undesirable results within 20 years of implementing their GSPs.

When DWR, in consultation with the State Water Board, deems the GSP or GSPs in a high-priority or medium-priority basin inadequate, DWR refers the basin to the State

Water Board for a determination as to whether to begin the state intervention process<sup>1</sup>. State intervention is additional to local management and intended to be temporary, and is a two-step process:

- The first step of state intervention under SGMA is for the State Water Board to determine, through a public process, whether to place the basin on probation.
- In the second step, through a public process, the State Water Board may implement an interim plan for the basin. This can only happen if deficiencies are not fixed after at least one year of the basin being on probation.

In determining whether to put a basin on probation, the State Water Board analyzes whether deficiencies identified by DWR were sufficiently addressed prior to the probationary hearing. Board staff may recommend additional deficiencies as necessary. As part of its analysis, and as reflected in State Water Board Resolution 2021-0050, *Condemning Racism, Xenophobia, Bigotry, and Racial Injustice and Strengthening Commitment to Racial Equity, Diversity, Inclusion, Access and Anti-Racism*, the State Water Board considers the impacts of basin non-compliance on vulnerable communities, including communities of color.

During a probationary period, GSAs would have time to resolve deficiencies identified in their GSPs and the State Water Board would collect data on groundwater extractions, collect fees from certain groundwater users, and may conduct additional investigations. Importantly, the GSA retains its authorities and responsibilities and must continue to implement its GSP regardless of if the basin is in probation.

### ***Basin Description (Section 3)***

Located in California's Central Valley in the southern portion of the San Joaquin Valley, the Kern County Subbasin (**Figure 3-1**) is bounded to the north by the Tulare Lake and Tule Subbasins, the west by the California Coastal Range, the south by the White Wolf Subbasin, and the east by the Sierra Nevada Mountains. The Subbasin covers approximately 1,945,000 acres or about 3,040 square miles<sup>2</sup>.

The subbasin contains 65 localized urban areas listed in Section 3.4 and eight incorporated cities: Bakersfield, Delano, McFarland, Wasco, Shafter, Arvin, Taft, and Maricopa. According to the Census Block Group Data 2021, the Kern County Subbasin has an estimated population of 762,696 people. Most of the land within the subbasin and surrounding areas is used for growing crops and raising livestock. The primary land use designations for urban land are residential, commercial, and industrial. The Kern County Subbasin is currently, as of February 2024, managed by twenty GSAs, and the full list of member agencies can be found in Section 3.

Groundwater in the subbasin is used for drinking water, agriculture, wildlife habitat, industrial use, and oil and gas production. The subbasin contains several aquifers,

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<sup>1</sup> Wat. Code, § 10735

<sup>2</sup> DWR, 2016.

which are bodies of rock and/or sand and soil that hold groundwater. These aquifers are separated by layers of clay, which slow the movement of water between aquifers and can act as a barrier. Groundwater is the main source of water for agricultural and urban land uses, but surface water is also available as a resource. Surface water sources include Kern River, Poso creek, and imported water.

For more information on the history, demographics, economy, governance context, groundwater levels, groundwater quality, and subsidence in the subbasin, please refer to Section 3 of the Draft Staff Report.

### ***Recommendations for State Water Board Action (Section 4)***

SGMA states, “in those circumstances where a local groundwater management agency is not managing its groundwater sustainably, the State needs to protect the resource until it is determined that a local groundwater management agency can sustainably manage the groundwater basin or subbasin.” In March 2023, DWR determined the Kern County Subbasin 2022 GSPs to be inadequate. Board staff agree with this determination. Now, the State Water Board may determine whether a probationary designation is warranted. Board staff have reviewed the GSPs, Coordination Agreements, and the DWR staff reports and letters documenting DWR’s review of the GSPs.

#### **Staff recommend the State Water Board designate the subbasin as probationary, and find the following:**

The GSPs will allow substantial impacts to people who rely on domestic wells for drinking, bathing, food preparation, and cleaning, as well as impacts to critical infrastructure such as canals (e.g., Friant-Kern Canal or California Aqueduct), levees, and the aquifer itself within the subbasin. These impacts are likely to occur to an extent that the subbasin will be unable to prevent undesirable results, as required by SGMA. Moreover, the current plans are unlikely to allow the subbasin to achieve sustainability by 2040. Designating the subbasin probationary is critical for getting the subbasin back on track to avoid undesirable results and achieve sustainability by 2040.

Section 4 of the Draft Staff Report explains Board staff recommendations for a potential probationary designation of the subbasin. These recommendations are summarized below.

#### **Consideration of Groundwater Sustainability Plan Revisions**

The Kern County Subbasin GSAs submitted seven new draft GSPs and a coordination agreement to Board staff on May 28, 2024, referred to here as the 2024 Draft GSPs. The plans are considered draft because they have yet to be adopted by the GSAs and are currently undergoing public review. Board staff conducted a preliminary review of the 2024 Draft GSPs to determine if any deficiencies identified in this draft staff report remain and whether to delay release of this draft staff report while a more thorough review of the 2024 Draft GSPs takes place. However, based on the preliminary review, staff feel that the 2024 Draft GSPs still have significant deficiencies and that Board staff analysis of the 2022 GSPs and identification of potential actions to resolve deficiencies

remain relevant. The draft staff report will be helpful for GSAs to consider when further revising the 2024 Draft GSPs. The preliminary review of the 2024 Draft GSPs is discussed below in more detail.

### ***GSP Deficiencies and Potential Actions to Address Deficiencies (Section 4.1)***

Board staff have identified specific deficiencies in the Kern County Subbasin 2022 GSPs and have outlined potential corrective actions to address those specific deficiencies. The Draft Staff Report also incorporates deficiencies identified by DWR's determination. Deficiencies that Board staff identified within the GSPs relate to:

- Coordination across the Subbasin and GSAs.
- Chronic lowering of groundwater levels with insufficient management criteria.
- Continued land subsidence (sinking).
- Further degradation of groundwater quality.
- Depletion of interconnected surface water.

Board staff agree with DWR that the coordination deficiencies effectively require that the subbasin redevelop undesirable results and sustainable management criteria (criteria GSAs will use to evaluate success and avoidance of undesirable results) for multiple sustainability indicators so that they are consistent across the GSAs and Management Areas. Board staff have reviewed the 2022 DWR Inadequate Determination, Kern County GSPs, and Management Area Plans carefully to describe the coordination deficiency broadly in this section and in detail for each sustainability indicator that it applies to in subsequent sections. Due to the fundamental issues in coordination, Board staff observe additional issues within technical deficiencies exacerbated by the fragmented approach for groundwater levels, subsidence, groundwater quality, and interconnected surface water.

To end State Water Board intervention in a groundwater basin, GSAs in that basin must demonstrate to the State Water Board their ability and willingness to manage groundwater sustainably and address the issues that caused state intervention to occur. Ultimately, the State Water Board will evaluate any updated and adopted GSPs as a whole and will determine whether the GSAs have addressed the deficiencies, whether the GSPs are consistent with SGMA, and whether the GSAs are implementing the GSPs in a manner that the State Water Board finds will likely achieve sustainability in the subbasin.

#### **Defining and Avoiding Undesirable Results Related to Coordination in the Subbasin (Deficiency CRD – Section 4.1.1)**

Under SGMA, achieving sustainability requires a basin's GSAs to be coordinated and on track to meet the same sustainability goal. Since SGMA allows multiple entities to participate with and form GSAs to develop one or more GSPs, it is important for the

GSA's to demonstrate that they're well-coordinated and using the same data and methodology for setting sustainable management criteria and defining undesirable results. However, due to different approaches across the numerous plans, DWR staff found it difficult to evaluate the plans. Ultimately, the differing data and methodology used to set sustainable management criteria and undesirable results would allow for disparate impacts across the subbasin. DWR concluded that it is unclear how or whether the Kern County Subbasin 2022 GSPs will achieve sustainability due to the fragmented Management Area approach to groundwater management.

Board staff agree and have built on DWR's analysis. Staff note that coordination in the subbasin does not satisfy the requirements of SGMA. Staff note inconsistencies: 1) in undesirable results and sustainable management criteria, 2) between the numerous GSPs, 3) in the implementation of SGMA, and 4) in basin management. Staff note that the GSPs and Management Area Plans currently effectively function as individual plans for separate basins with separate sustainability goals.

Staff propose the following deficiencies and potential actions to address poor coordination:

- **Deficiency:** Undesirable results and sustainable management criteria are not coordinated.  
**Potential Action:** Redevelop undesirable results and sustainable management criteria using consistent data and methods and adequate detail for implementation across many plans.
- **Deficiency:** The Coordination Agreement, GSPs, and Management Area Plans lack key details necessary for coordinated implementation.  
**Potential Action:** Add key details to the coordination agreement and ensure Management Areas help facilitate rather than hinder plan implementation.
- **Deficiency:** GSA's in the Subbasin have not demonstrated Basin-wide management.  
**Potential Action:** Provide key details demonstrating adequate GSA coverage.

## Defining and Avoiding Undesirable Results Related to Chronic Lowering of Groundwater Levels (Deficiency GL – Section 4.1.2)

Under SGMA, achieving the sustainability goal for a basin requires avoiding “chronic lowering of groundwater levels indicating a significant and unreasonable depletion of supply if continued over the planning and implementation horizon.”<sup>3</sup> Declining groundwater levels can cause shallow wells to go dry or reduce their productivity, increase the energy costs of pumping, bring polluted water closer to well screens (the area where groundwater enters a well), reduce water available for deep-rooted plants, cause subsidence, and impact the structural integrity of wells. Declining groundwater levels also make it more difficult to avoid other related undesirable results caused by groundwater conditions, especially land subsidence, degradation of groundwater quality, reduction in storage, and depletions of interconnected surface water.

DWR concluded that the Kern County Subbasin 2022 GSPs rely on inconsistent data and methodologies used to define what the significant and unreasonable conditions for the subbasin are and do not adequately establish what groundwater level conditions throughout the basin would result in significant and unreasonable impacts. DWR also concluded that the 2022 GSPs do not adequately or consistently establish the sustainable management criteria for the lowering groundwater levels consistent with the GSP regulations. In addition, DWR notes that the sustainable management criteria would likely result in significant and unreasonable impacts to wells and people who rely on them.

State Water Board staff have built on DWR’s analysis, additionally noting the GSPs do not consistently address the likelihood that approximately 20% of domestic wells in the basin could go dry based on the GSPs’ approaches and available well data. Staff also describe gaps in 1) the GSAs’ proposed approach to addressing wells they allow to go dry (well mitigation plans) and 2) the feasibility of avoiding chronic lowering of groundwater levels with the projects and management actions proposed in the GSPs.

Staff propose the following deficiencies and potential actions to address declining groundwater levels:

- **Deficiency (Coordination):** Undesirable results and sustainable management criteria are poorly coordinated.  
**Potential Action:** Redevelop undesirable results and sustainable management criteria using consistent data and methods and adequate detail for implementation across many plans.
- **Deficiency:** Well mitigation plans lack crucial detail.  
**Potential Action:** Add detail to well mitigation plans.
- **Deficiency:** Demand management plans (how GSPs will reduce groundwater pumping) lack crucial detail.  
**Potential Action:** Add detail to demand management plans.

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<sup>3</sup> Wat. Code, § 10721, subd. (x).



### **Defining and Avoiding Undesirable Results Related to Land Subsidence (Deficiency LS – Section 4.1.3)**

Another consideration under SGMA is avoiding “significant and unreasonable land subsidence that substantially interferes with surface land uses.”<sup>4</sup> In the Central Valley, the majority of subsidence, which is the sinking of land, is caused by over pumping of groundwater. Land subsidence from excessive groundwater extraction can cause irreversible damage to infrastructure (bridges, roads, pipelines, canals, levees, and buildings) and aqueduct operations. Land subsidence can also diminish the storage capacity of an aquifer, which reduces the amount of available groundwater storage for the future.

In the Kern County Subbasin, subsidence is primarily caused by the removal of water from the clay layers by groundwater extraction of the confined aquifer, which causes irreversible compaction and sinking of the land surface.

DWR determined that the Kern County Subbasin 2022 GSPs do not adequately define sustainable management criteria for subsidence. DWR also noted that the 2022 Plans, revised GSP after 2020 GSPs were considered incomplete by DWR, continue to lack consistent data and methodologies when setting sustainable management criteria and describing the conditions throughout the Subbasin that would cause undesirable results. State Water Board staff have built on DWR’s analysis, noting that the 2022 GSPs lack a detailed and consistent analysis of the effects of subsidence in the Subbasin on all beneficial uses and users and infrastructure. Additionally, Board staff also note that GSPs do not provide key details on how they will prevent damage to infrastructure. State Water Board staff therefore conclude that undesirable results may occur under the 2022 GSPs.

Staff propose the following deficiencies and potential actions to address subsidence:

- **Deficiency (Coordination):** Undesirable results and sustainable management criteria are poorly coordinated.  
**Potential Action:** Redevelop undesirable results and sustainable management criteria using consistent data and methods and adequate detail for implementation across all plans.
- **Deficiency:** GSPs lack crucial detail about how they plan to meet their goals and avoid undesirable results.  
**Potential Action:** Develop and implement plans to limit pumping near critical infrastructure. Do not allow new wells near critical infrastructure. Develop plans to repair damage caused by subsidence.

### **Degraded Groundwater Quality (Deficiency GWQ – Section 4.1.4)**

Another consideration under SGMA is avoiding “significant and unreasonable degraded water quality, including the migration of contaminant plumes that impair water

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<sup>4</sup> Wat. Code, § 10721, subd. (x).

supplies.”<sup>5</sup> Degradation of water quality can limit local water supplies and beneficial uses, and SGMA requires GSAs to consider the interests of all beneficial uses and users of groundwater, especially drinking water users.<sup>6</sup> Water quality degradation that significantly and unreasonably affects the supply or suitability of groundwater for use in drinking water systems is an undesirable result.

DWR did not define the degradation of groundwater quality as a deficiency for the Kern County Subbasin. However, DWR staff did note that GSPs should include descriptions explaining the relationship between groundwater levels and other sustainability indicators, specifically groundwater quality. As mentioned above, DWR staff noted that the fragmented approach used to set sustainable management criteria for all sustainability indicators used inconsistent data and methodologies. Board staff also reviewed the 2022 GSPs and have additional concerns about: 1) the monitoring network of wells that will be used to test water quality and whether it is sufficient to be protective of all beneficial users and 2) key implementation and mitigation details (how they will address water quality issues if exceedances occur). Board staff also would like to see a mitigation plan for the entire subbasin to address water quality issues that arise and ensure continued access to clean and affordable drinking water.

Staff propose the following deficiencies and potential actions to address degraded groundwater quality:

- **Deficiency (Coordination):** Undesirable results and sustainable management criteria are poorly coordinated.  
**Potential Action:** Redevelop undesirable results and sustainable management criteria using consistent data and methods and adequate detail for implementation across many plans.
- **Deficiency:** The GSPs are not consistent on how they will monitor groundwater quality. They also do not monitor frequently enough.  
**Potential Action:** Clearly describe how groundwater quality will be monitored. Monitor frequently enough to detect short-term and seasonal trends.
- **Deficiency:** The GSPs do not include plans to help people whose well water is allowed to degrade below drinking water standards. The GSPs do not: 1) plan for the additional sampling necessary to understand the extent of degraded water or 2) include the well mitigation planning necessary to restore well water to drinking water standards.  
**Potential Action:** Collect and analyze more water samples when drinking water degrades below drinking water standards. Develop clear plans to restore access to clean drinking water when it degrades below drinking water standards.

#### **Interconnected Surface Water (Deficiency ISW – Section 4.1.5)**

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<sup>5</sup> Wat. Code, § 10721, subd. (x).

<sup>6</sup> Wat. Code, § 10723.2.

Another consideration under SGMA is avoiding “[d]epletions of interconnected surface water [– surface water that is hydraulically connected at any point by a continuous saturation zone to the underlying aquifer –] that have significant and unreasonable adverse impacts on beneficial use of the surface water.”<sup>10</sup> Groundwater and surface water are often connected. As a result, groundwater pumping can reduce the amount of water that flows into rivers and streams. Depletions of interconnected surface water within the basin may have negative impacts on surface water uses, such as degradation or loss of groundwater dependent ecosystems and reduced downstream surface water flow to users.

The GSP regulations state that “[a]n Agency that is able to demonstrate that undesirable results related to one or more sustainability indicators are not present and are not likely to occur in a basin shall not be required to establish criteria for undesirable results related to those sustainability indicators.” However, after analysis of the Coordination Agreement and the six 2020 and 2022 GSPs submitted for the Kern County Subbasin, State Water Board staff concluded that the GSPs are inconsistent in how they analyze interconnected surface water and therefore do not adequately justify an approach for identifying and defining interconnected surface water in accordance with best management practices and SGMA. It is therefore unclear if interconnected surface waters, ephemeral or perennial (seasonal or continuous), are present and if sustainable management criteria and monitoring networks should be developed to meet the requirements of SGMA.

Staff propose the following deficiencies and potential actions to address depletion of interconnected surface waters:

- **Deficiency (Coordination):** Undesirable results and sustainable management criteria are poorly coordinated.  
**Potential Action:** Redevelop undesirable results and sustainable management criteria using consistent data and methods and adequate detail for implementation across all plans.
- **Conditional Deficiency:** The GSP currently does not include plans to avoid significant and unreasonable impacts related to interconnected surface water. If GSAs identify interconnected surface water, using the best available data and correct definition of interconnected surface water, then the lack of plan is a deficiency.  
**Conditional Potential Action:** If the basin identifies interconnected surface water, then the GSP should be revised to avoid significant and unreasonable impacts related to interconnected surface water.

### **Preliminary Review of 2024 Draft Groundwater Sustainability Plans**

In addition to reviewing the 2022 GSPs, staff conducted a preliminary review of the 2024 Draft GSPs. Staff recognize that coordination among GSAs has substantially improved, but the three fundamental deficiencies identified by DWR’s inadequate determination (poor coordination, lowering of groundwater levels, and subsidence) still remain for the 2024 Draft GSPs. For example, key parts of the sustainable management criteria, referred to as minimum thresholds, used for groundwater level were determined

using the lowest of projected historical trends or historical water level ranges, rather than using thresholds focusing on protection of beneficial uses and users. Staff noted numerous minimum thresholds are deeper, several by more than 50 feet and some more than 100 feet, compared to minimum thresholds set in the 2022 GSPs. These thresholds could result in groundwater levels declining below historic lows without triggering any management actions. Also, Board staff noted that the use of regionally-averaged declining trends leads to minimum thresholds that vary dramatically across areas of the subbasin. This results in inconsistent management action triggers across plan areas, an issue previously identified by DWR across the 2022 GSP plan areas due to lack of coordination. Board staff also identified deficiencies in the 2024 Draft GSPs related to degradation of groundwater quality and depletion of interconnected surface water, similar to those observed by Board staff in the 2022 GSPs. For example, lack of separate monitoring in the confined and unconfined aquifers is likely to greatly limit understanding and management of groundwater quality degradation and prevent protection of beneficial users.

The draft staff report identifies potential actions that the GSAs can incorporate to address the deficiencies identified in 2022 GSPs. Board staff have conducted 10 consultation meetings with the Kern County Subbasin GSAs since March 2023 to provide feedback on deficiencies in 2022 GSPs and potential actions for remedying those deficiencies. A significant amount of this feedback forms the basis for the written recommendations of the draft staff report. Because the deficiencies identified after the preliminary review of the 2024 Draft GSPs are consistent with the deficiencies in the 2022 GSPs, GSAs can use the draft staff report as guidance to correct the deficiencies in the 2024 Draft GSPs and address the Board staff recommendation to designate the basin as probationary. Board staff will continue to review the 2024 Draft GSPs in greater depth and work with the GSAs to provide feedback to resolve remaining deficiencies. Board staff will incorporate review of the 2024 Draft GSPs into the final staff report. Staff invite interested persons to also review the 2024 Draft GSPs and to provide written comments to the Board on whether and how deficiencies and potential actions identified in the draft staff report remain applicable to the 2024 Draft GSPs.

### ***Additional Staff Recommendations for State Water Board Action (Sections 4.2-4.4)***

#### **Exclusions from Probationary Status**

SGMA directs the State Water Board to exclude from probationary status any portion of the basin for which a GSA demonstrates compliance with the sustainability goal<sup>7</sup>. Staff believe no GSAs in the Kern County Subbasin have demonstrated compliance with the sustainability goal. All seven GSAs have adopted and are implementing six GSPs, which DWR has determined to be inadequate. Board staff do not recommend excluding any portions of the subbasin from the probationary designation.

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<sup>7</sup> Wat. Code, § 10735.2, subd. (e).

## **Modification to Water Year and Reporting Dates**

Board staff do not recommend modifying the water year for reporting of extractions but do recommend modifying the extraction reporting deadline for groundwater extraction reports required pursuant to Water Code Section 5202 by changing it from February 1 to December 1.

## **Requirements for Installation and Use of Measuring Devices**

As part of a probationary designation, the State Water Board may require groundwater extraction reporters to install and use measuring devices, such as flow meters, for measuring their groundwater extractions.

State Water Board staff recommend the State Water Board:

- Require groundwater extraction reporting and paying fees for: 1) any person extracting more than two acre-feet per year for any reason OR 2) any person extracting 2 or fewer acre-feet of groundwater per year for any reason other than domestic purposes.
- Require any person extracting more than 500 acre-feet per year to install and use meters that meet the requirements of Cal. Code Regs., tit. 23, § 1042 on all their production wells within the subbasin.
- Require any person extracting groundwater from the wells located in the CA Aqueduct and Friant-Kern Canal subsidence monitoring corridors to install and use meters that meet the requirements of Cal. Code Regs., tit. 23, § 1042 on all their production wells within the basin.
- Exclude any person who extracts two acre-feet or less per year for domestic uses only (de minimis users) from reporting requirements and paying fees. This exception includes most household users, including those extracting from wells located in the CA Aqueduct and Friant-Kern Canal subsidence monitoring corridors.

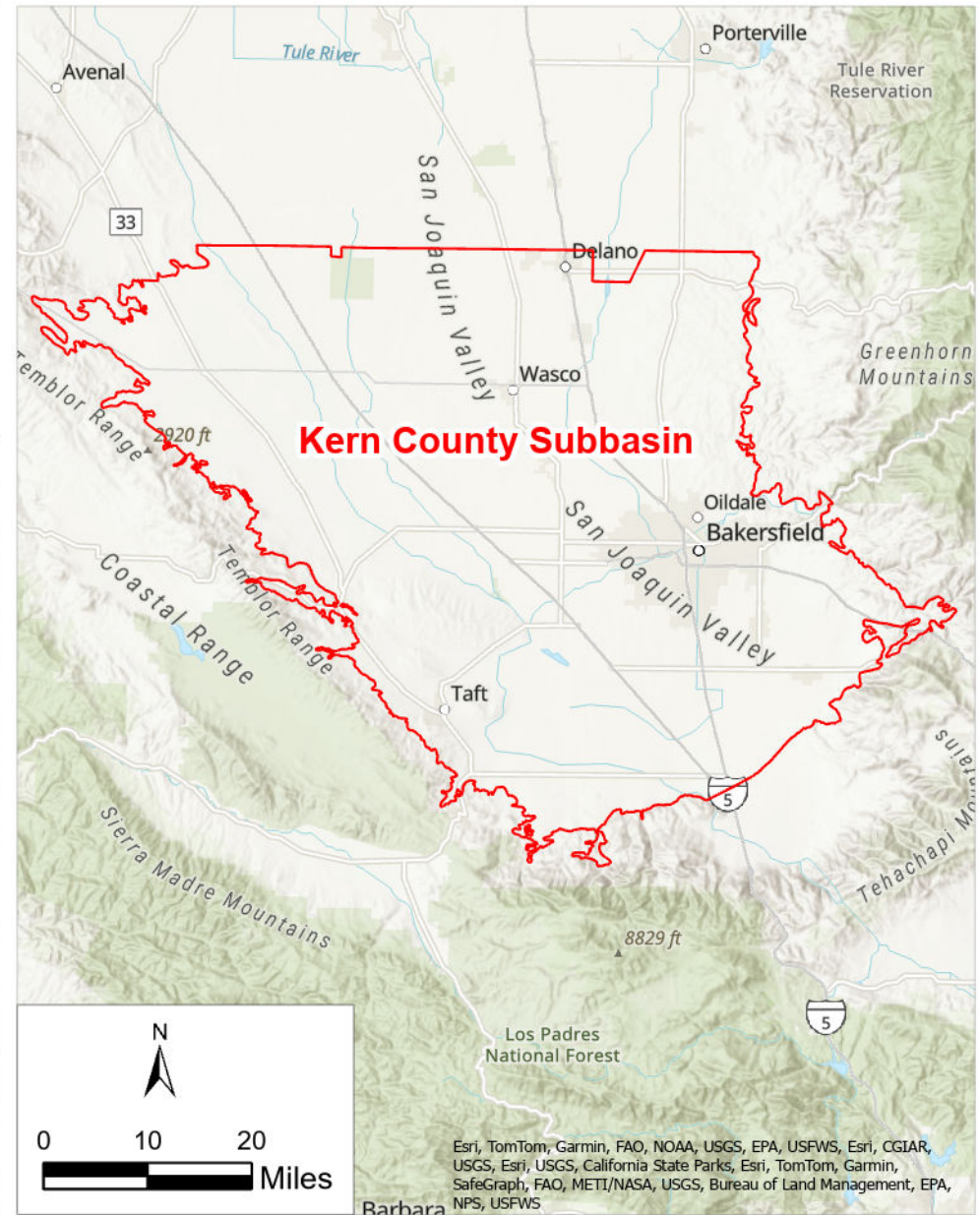
## ***Conclusion***

Despite significant efforts by GSAs in the Kern County Subbasin, Board staff analysis supports DWR's determination that the Kern County Subbasin 2022 GSPs are inadequate. Due to poor coordination and inconsistency in goals and implementation, the 2022 plans do not achieve sustainability or prevent substantial impacts to communities who rely on domestic wells and to critical infrastructure. The Kern County Subbasin is therefore unlikely to achieve sustainability by 2040, as required by SGMA.

Addressing deficiencies related to lowering groundwater levels and groundwater quality degradation is also consistent with the State Water Board's goal to ensure every Californian has safe and affordable drinking water as reflected in its commitment to the Human Right to Water and administration of the Safe and Affordable Drinking Water Fund.

Board staff recommend probationary status as a next step for getting the subbasin back on track to achieve sustainability and protect groundwater resources for the communities, farms, and environmental resources that depend on them.

Figure ES-1: Location of the Kern County Subbasin.



## Figure ES-1

### Overview of the Kern County Subbasin

Draft Staff Report  
Kern County Subbasin  
July 2024

- Kern County Subbasin
- Hydrologic Regions
- Tulare Lake Hydrologic Region

