

**THESE ARE THE KEY TERMS BEING CONSIDERED FOR
EKGSA RULES & REGULATIONS. SOME MODIFICATIONS WERE
MADE AT THE FEBRUARY 28, 2022 EKGSA BOARD OF DIRECTORS' MEETING**

EKGSA RULES AND REGULATIONS TERM SHEET

1. Purpose

The following Key Terms are established by the Board of Directors of the East Kaweah Groundwater Sustainability Agency (EKGSA) to provide the public an opportunity to comment and contribute to the 2021/2022 Rules and Regulations that will be applied for the sustainable management of the groundwater within the EKGSA.

2. Authority

A groundwater sustainability agency may adopt rules, regulations, ordinances, and resolutions for the purpose of this part, in compliance with any procedural requirements applicable to the adoption of a rule, regulation, ordinance, or resolution by the groundwater sustainability agency. (Division 6 Conservation, Development and Utilization of State Water Resources Part 2.74, Chapter 5, Section 10725.2.)

3. Groundwater Sustainability Plan

The 2021/2022 Rules and Regulations are designed to implement the provisions of the EKGSA Groundwater Sustainability Plan and may be amended at any time if necessary to achieve consistency with the groundwater sustainability plan and steps needed to achieve sustainability.

4. Key Definitions

Acre-Foot (AF)	An Acre-Foot of water is equivalent to one acre of ground covered one foot deep in water or 325,851 gallons.
Consumptive Use	Water that leaves the land due to evaporation or transpiration.
Evapotranspiration	The process by which water is transferred from the land to the atmosphere by evaporation from the soil and other surfaces and by transpiration of plants. Evapotranspiration will be measured by utilizing satellite imagery and ground based truthing stations.
Water Year	“Water Year” means the 12-month period October 1, for any given year through September 30, of the following year. The water year is designated by the calendar year in which it ends. Thus, the year ending September 30, 2022, is the "2022" water year.

5. Rights of Access

EKGSA staff and/or others authorized by the Executive Director shall notify the owner of any land prior to entry thereon. Any such entry must be for the sole and exclusive purpose of conducting EKGSA business.

6. Well Registration

- a. All wells within the EKGSA must be registered with EKGSA no later than October 1, 2022. The owner or operator of a well shall register the well and provide, in full, the information required to complete a form to be provided by the Agency that will include the following:
 1. Name and contact information of the entity that installed the well.
 2. Date well was drilled.
 3. Documentation establishing that the well was permitted and installed correctly and according to permit.
 4. Manufacturer and model of flow meter.
 5. Installer and date of installation of flow meter.
 6. Diameter of pipe and size of flow meter
 7. Documentation establishing that flow meter was calibrated to manufacture specification
 8. Inspection records establishing compliance with manufacturer standards and requirements.
 9. Picture of the flowmeter that show it is installed correctly.
- b. The name of the owner of each well, the parcel number on which the facility is located, along with the names of all operators for each extraction facility shall be reported to EKGSA Agency within 30 days upon any change of ownership.

7. Groundwater Allocation

- a. All assessed lands are allocated 0.85 AF per year of measured Consumptive Use.
- b. All irrigated lands receive Penalty Tier 1 of .3 AF per acre of measured Consumptive Use.
- c. All irrigated lands receive Penalty Tier 2 of .5 AF pe acre of measured Consumptive Use.

8. Groundwater Use Penalty

- a. For irrigated lands, every AF or portion thereof used beyond 1.65 will be assessed a \$500 groundwater replacement fee.
- b. Penalties must be paid within 30 days of the invoice for such penalties is issued by EKGSA

9. Groundwater Transfer

- a. There are no restrictions on groundwater transfers unless, in the determination of the Executive Director, the transfer produces an undesirable result.
- b. All transfers must be approved by EKGSA prior to the transfer becoming effective.
- c. All transferred water must be used within current Water Year and within EKGSA boundaries.

10. Groundwater Credits

- a. Groundwater credits can be accumulated from in lieu recharge by utilizing surface storage or foreign supplies or by moving surface storage to groundwater recharge.
- b. Groundwater recharge credits are provided at a 1:1 ratio (1 credit per AF recharged).
- c. Groundwater credits stay on the book for a rotation of 5 years. Any credits unused after 5 years are removed from a landowner's ledger as of the first day of the sixth year after the credit is made.
- d. Non-utilized groundwater allocations will be rolled over/credited to the following Water Year.
- e. To obtain groundwater credit, the receiver of the supply eligible for credit must supply sufficient documentation to EKGSA no later than 30 days from the receipt of such supply. EKGSA shall determine what constitutes sufficient documentation.

11. Protest of Usage Measurement and Penalty Assessment

- a. All protests must be submitted in writing to the EKGSA Executive Director no later than 30 days of receipt of billing
- b. If the protest cannot be resolved within 60 days of receipt by the Executive Director, the Executive Director shall submit the protest to the Board of Directors, which shall issue a ruling on the protest.
- c. Landowners/Managing party of assessed acres can contest the Consumptive Use as defined by Evapotranspiration.
- d. Any protest must include data of applied usage from instrumentation registered with EKGSA. Otherwise, the protest will be disallowed.
- e. Any protest must include the maintenance records of equipment upon which the protest is based. Otherwise, the protest will be disallowed.