

May 21, 2019

State Water Resources Control Board
Division of Water Rights
Attn: Mitchell Moody
P.O. Box 2000
Sacramento, CA 95812-2000
mitchell.moody@waterboards.ca.gov

Dear Chairman Esquivel and Honorable Board Members:

As the Cutler Public Utility District (District), we write in opposition to Semitropic Water Storage District's (Semitropic) Petition to Revise the Fully Appropriated Stream Status of the Kings River (FASS). The District is a public entity serving a disadvantaged community (DAC) with water, sewerage and street lighting services. California law recognizes the need to address water supply and quality issues for DACs and it is in this context that the District submits the following comments on the Semitropic FASS petition.

Semitropic's FASS petition is submitted in an attempt to secure a right to divert Kings River waters for use in Kern County which is outside of the watershed of origin. The Kings River is the primary surface water source to the communities within the three counties that comprise the watershed of origin: Fresno, Kings and Tulare Counties. Groundwater Sustainability Agencies throughout those counties are now engaged in the process of addressing groundwater sustainability and the availability and use of all flow of the Kings River is a crucial element in those sustainability efforts.

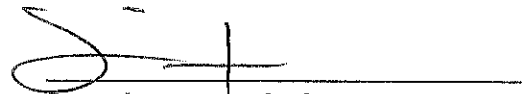
Public comments submitted in response to the Semitropic Petition establish that historic flood flows of the Kings River are less than the anticipated combined groundwater overdraft in Fresno, Kings and Tulare Counties. We are aware of and involved in planning efforts to fully utilize Kings River flood flows for addressing Sustainable Groundwater Management Act impacts, anticipated growth and groundwater quality related issues. It only makes sense that Kings River water should be available to meet these needs first within the watershed of origin. If allowed to export water from a critically overdrafted groundwater basin, the proposal would negatively impact the lives and livelihoods of many people in Fresno, Kings and Tulare Counties who depend on waters of the Kings River.

The Kings River service area includes 51 "Disadvantaged Communities," areas which deal with a combination of economic, health and environmental burdens, with a combined population of 646,236. In addition, the area includes 59 "Severely Disadvantaged Communities" with a population of 84,510. In all, 69 percent of the population that relies upon a Kings or Kaweah groundwater basin lives in a Disadvantaged Community or Severely Disadvantaged Community.

The Semitropic Petition has the potential to deprive DACs access to water necessary for long-term sustainability. DACs already disproportionately deal with poverty, high unemployment, asthma and heart disease, as well as air and water pollution. Approval of the Semitropic Petition would only make already-difficult circumstances worse and threaten satisfaction of State mandated water supply permit conditions. Further, contrary to Semitropic's claims, approval of the Petition would neither reduce nor eliminate flood risk. Rather, it would redirect flood flows to areas not subject to flooding with the waters alleged to exist in the Petition.

For these stated reasons and more, the District respectfully requests that the State Water Resources Control Board deny Semitropic's FASS Petition. The Semitropic FASS Petition is not in the public interest. The approval of the Petition would only harm local groundwater sustainability efforts and threaten access to safe, clean and affordable water.

Sincerely,



President, Board of Directors