



Kings River East

Groundwater Sustainability Agency

Board of Directors

Ernest Mendes
Chairman
County of Fresno
Director

Mary Fast
Vice-Chair
Cities Director

Jack Brandt
Secretary/Treasurer
Alta Irrigation District
Director

Eddie Valero
County of Tulare
Director

Fernando Rubalcaba
Drinking Water System
Director

David Brown
Irrigation/Water
Districts Director

Steve Boos
Production Agriculture
Director

By Regular Mail and E-mail

May 29, 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

Subject: Opposing Semitropic Water Storage District's Petition to Revise the Fully Appropriated Stream Status of the Kings River

Dear Chairman Esquivel and Honorable Board Members:

On behalf of Kings River East Groundwater Sustainability Agency (Kings River East GSA), we write in opposition to Semitropic Water Storage District's (Semitropic) Petition to Revise the Fully Appropriated Stream Status of the Kings River (FAS).

Kings River East GSA is a special act district formed in September 2016 and was created to only exercise powers granted by the Sustainable Groundwater Management Act (SGMA) for purposes to implement groundwater management across nearly 192,000 acres in the Counties of Fresno and Tulare. California law recognizes the need to address water supply and quality issues for DACs, and it is in this context that Kings River East GSA submits the following comments on the Semitropic FAS petition.

Semitropic's FAS petition is submitted in an attempt to secure a right to divert Kings River waters for use in Kern County – outside 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 (GSAs) throughout those counties are now engaged in the process of addressing groundwater sustainability, and use of Kings River high water flows is a crucial element of those sustainability efforts.

Public comments submitted on the Semitropic Project establish that historic Kings River flood flows are less than the anticipated groundwater overdraft in Fresno, Kings, and Tulare Counties. We are aware that planning efforts at various levels of regional and local government are underway to fully utilize Kings River flood flows for addressing SGMA impacts and anticipated growth. It only makes sense that Kings River water should be available to meet these needs within the watershed of origin.

The Semitropic Project seeks to divert Kings River flood flows out of the watershed. By exporting water from critically overdrafted groundwater basins, the Semitropic project would significantly impair the ability of the regional GSAs to comply with SGMA without resorting to removing significant lands from production and limiting urban growth. The Semitropic Project would negatively impact the lives and livelihoods of many people in Fresno, Kings, and Tulare Counties who depend on Kings River waters.

California is the first state in the nation to enact a law recognizing that “every human being has the right to safe, clean, affordable and accessible water” – also known as “the human right to water.” The Kings River service area includes 51 “Disadvantaged Communities” – areas which mostly suffer from a combination of economic, health, and environmental burdens – with a 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 Kings and Tulare groundwater basins lives in a Disadvantaged Community or Severely Disadvantaged Community.

The Semitropic Project has the potential to deprive DACs access to water and jeopardize long-term regional/local sustainability. DACs already disproportionately suffer from poverty, high unemployment, asthma and heart disease, as well as concerns of air and water pollution, and the Semitropic Project will only make already-difficult circumstances worse and threaten “the human right to water.”

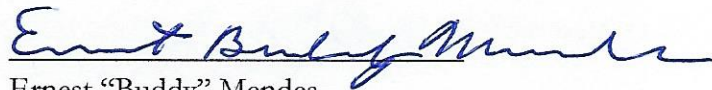
Further, contrary to Semitropic's claims, the Project neither reduces nor eliminates flood risk. Rather, it increases the potential for flooding on the South Fork Kings River.

Chairman Esquivel and Honorable Board Members
Subject: Opposition to Semitropic WSD's Petition to Revise the FAS of the Kings River
May 29, 2019
Page 3 of 3

For these stated reasons and more, Kings River East GSA respectfully requests that the State Water Resources Control Board deny Semitropic's FAS petition. The Semitropic FAS petition and Project are not in the public interest. Instead, the Project would only harm groundwater sustainability efforts, and threaten access to safe, clean, affordable and accessible water.

Sincerely,

Kings River East GSA

A handwritten signature in blue ink, appearing to read "Ernest Buddy Mendes". The signature is written in a cursive style with a horizontal line underneath the name.

Ernest "Buddy" Mendes,
Chairman