RULES AND REGULATIONS

OF THE

NORTH FORK KINGS

GROUNDWATER SUSTAINABILITY AGENCY

Adopted December 16, 2020

Amended November 14, 2022

Amended June 26, 2024

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Article I. General

Section 1.01 Purpose

These rules and regulations are established by the Board of Directors of the North Fork Kings Groundwater Sustainability Agency ("NFKGSA") in order to provide for the sustainable management of groundwater within the NFKGSA jurisdictional boundaries.

Section 1.02 Authority

Division 6 Conservation, Development and Utilization of State Water Resources Part 2.74, Chapter 5, Section 10725.2 expressly states as follows:

"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."

Section 1.03 Groundwater Sustainability Plan

Pursuant to Division 6 Conservation, Development and Utilization of State Water Resources Part 2.74, Chapter 5, Section 10725, a groundwater sustainability agency may exercise the powers described in Chapter 5 provided the groundwater sustainability agency adopts and submits a groundwater sustainability plan to the Department of Water Resources. These rules and regulations are designed to implement the provisions of the NFKGSA GSP, and may be amended at any time if necessary, to achieve consistency with the groundwater sustainability plan and steps needed to achieve sustainability.

Pursuant to Division 6 Conservation, Development and Utilization of State Water Resources Part 2.74, Chapter 5, Section 10720.5(b), however, nothing in the NFKGSA GSP, or these rules or regulations, is intended to determine or alter surface water rights or groundwater rights under common law or any provision of law that determines or grants surface water rights.

Section 1.04 Definitions

"De minimis" means a person who extracts, for domestic purposes, two acre-feet or less per year, as defined in SGMA.

"NFKGSA" means North Fork Kings Groundwater Sustainability Agency.

"NFKGSA GSP" means the NFKGSA Groundwater Sustainability Plan developed and submitted to the Department of Water Resources pursuant to Division 6 Conservation, Development and Utilization of State Water Resources Part 2.74, Chapter 5, Section 10727, *et al.*

"Operator" means an authorized representative of an owner.

"Owner" means fee title owner of land within the NFKGSA boundaries.

"SGMA" means the Sustainable Groundwater Management Act.

"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 and which includes 9 of the 12 months. Thus, the year ending September 30, 1999 is called the "1999" water year.

Section 1.05 Effective Date and Changes

These rules and regulations shall become effective upon adoption and may be added to, amended and/or repealed at any time by resolution of the Board of Directors of the NFKGSA and such additions, amendments, and/or repeals shall become effective upon their adoptions or as otherwise specified by the Board of Directors.

Section 1.06 Actions Against the NFKGSA

Nothing contained in these rules and regulations shall constitute a waiver by the NFKGSA or estop the NFKGSA from asserting any defenses or immunities from liability as provided in law, including, but not limited to, those provided in Division 3.6 of Title 1 of the Government Code.

Section 1.07 Severability of Provisions

If any provision of these rules and regulations, or the application thereof to any person or circumstance, is held invalid, the remainder of these rules and regulations, and the application of its provisions to other persons or circumstances, shall not be affected thereby.

Article II. Groundwater Monitoring

Section 2.01 Well Registration

(a) **Registration Requirement**
All groundwater extraction facilities, excluding de minimis extractions, shall be registered with the NFKGSA. For wells constructed after the effective date of these Rules and Regulations,

the well shall be registered within 30 days of the completion of drilling activities. The owner of an extraction facility shall register the extraction facility and provide, in full, the information required to complete the form provided by the NFKGSA that includes the following:

i. Name and address of the operator(s).
ii. Name and address of the owner(s) of the land upon which the extraction facility is located.
iii. Well Completion Report, filed with the Department of Water Resources, pursuant to California Water Code section 13751, or if not available, construction information about the extraction facility, including total depth of the well casing, size of the well casing, and location or depth of perforations.
iv. Information on the size of the extraction facility, including pump size (horsepower) and pump test information or estimated pumping capacity.
v. Location, parcel number and state well number of the water extraction facility.
vi. Information on the type of installed flowmeter (if any).

(b) **Registration Fee**

An administrative fee shall be paid to the NFKGSA for each groundwater extraction facility registered with the NFKGSA at the discretion of the General Manager.

(c) **Change in Owner**

The name of the owner of each registered extraction facility, the parcel number on which the facility is located, along with the names of all operators for each extraction facility shall be reported to the NFKGSA within sixty (60) days upon any change of ownership or operators, together with such other information required by the NFKGSA.

Section 2.02 Authority Regarding Measurement of Consumed Groundwater

Pursuant to authority granted under Division 6 Conservation, Development and Utilization of State Water Resources Part 2.74, Chapter 5, Section 10725.8, NFKGSA shall require all new extraction facilities registered pursuant to Section 2.01(a), excluding *de minimis* users, to be measured by flowmeters and that the costs associated with the purchase, installation, operation and maintenance of flowmeters shall be borne by the owner or operation of each groundwater extraction facility. Installation of meters shall be in accordance with the standards established by the NFKGSA. The NFKGSA may require all extraction facilities within the GSA to be measure groundwater extraction by flowmeters at a later date.

(a) **Criteria for Using Meters**

The following criteria and information shall be provided to the NFKGSA at any time any owner is using flowmeters to report groundwater use:

i. Manufacturer and Model of flowmeter;
ii. Date Flow Meter Installed;
iii. Diameter of Discharge Pipe and Size of Flow Meter;
iv. Identification of who installed flowmeter and calibrated flowmeter per manufacturer specifications;
v. Inspection Records will be required to submit to NFKGSA per schedule outlined in the manufacturer specifications.
vi. Pictures to identify flowmeter installed correctly (e.g. adequate straight pipe sections before and after the flowmeter);
vii. Type of crop, age of crop (if perennial), single/double/triple crop (if annual), irrigation methodology (e.g. flood, drip, sprinkler) for the irrigated acres serviced by the water from the flow meter; and
viii. If multiple flowmeters on a farm, a map identifying the locations of the various flowmeters and lands serviced collectively by these flowmeters.
ix. New meters must have telemetric capability that is compatible with the NFKGSA data collection system. Existing flowmeters must be modified to have telemetric capability that is compatible with the NFKGSA data collection system by January 1, 2027.

Additionally, the owner of the flowmeter will allow access to staff from the NFKGSA to physically inspect the flowmeter, if needed.

Article III. Groundwater Accounting/Data Management System

Section 3.01 Authority

Division 6 Conservation, Development and Utilization of State Water Resources Part 2.74, Chapter 5, Section 10726.4, expressly authorizes a groundwater sustainability agency to establish accounting rules to allow unused groundwater extraction allocations to be carried over and transferred.

Article IV. Fees

Section 4.01 Groundwater Extraction Fees

(a) **Groundwater Extraction Fees.**

The Board may propose fees, including groundwater extraction fees, consistent with Division 6 Conservation, Development and Utilization of State Water Resources Part 2.74, Chapter 5, Section Sections 10730 through 10730.6, and the California Constitution.

(b) **De Minimis Extractors.**

No extraction fees shall be charged to any *de minimis* extractor.

Section 4.02 Real Property Assessments

The Board may propose land-based assessments consistent with Division 6 Conservation, Development and Utilization of State Water Resources Part 2.74, Chapter 5, Section 10730, and the California Constitution.

Section 4.03 SGMA Penalties

Any owner, operator or other person who violates the provisions of these rules and regulations is subject to the criminal and civil sanctions set forth in SGMA.

Section 4.04 Civil Remedies

Upon the failure of any person to comply with any provision of this rules and regulations, the NFKGSA may petition the Superior Court for a temporary restraining order, preliminary or permanent injunction, or such other equitable relief as may be appropriate. The right to petition for injunctive relief is an additional right to those, which may be provided elsewhere in these rules and regulations or otherwise allowed by law. The NFKGSA may petition the Superior Court to recover any sums due to the NFKGSA.

Article V. Surface Water Recharge in the Underground

Section 5.01 Groundwater Recharge

Owners may use existing facilities to store surface water underground within the NFKGSA boundaries. An owner who stores surface water pursuant to this Section may subsequently put such water to his or her own beneficial use within the NFKGSA boundaries, or may transfer the water credit to another owner for use within the NFKGSA boundaries. The use of stored water pursuant to this Section must be achieved utilizing existing facilities. All water stored pursuant to this Section must be used within the NFKGSA boundaries, and must be used within five (5) years of the date of storage. In the absence of any surface water district policy, the stored water will be subject to a 10% leave behind to the benefit of the GSA. Each owner who stores surface water pursuant to this Section shall provide accurate, verifiable records of the quantity and source of surface water stored for recharge, confirmed by the district or entity that supplied the surface water. The owner shall adhere to any rules promulgated by any district or entity

supplying the surface water. Each owner shall be solely responsible for locating, purchasing, accessing, or otherwise acquiring surface water for the purposes of recharge pursuant to this Section.

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