

EASTERN TULE GROUNDWATER  
SUSTAINABILITY AGENCY, JPA

County of Tulare

City of Porterville

Porterville Irrigation District

Saucelito Irrigation District

Teapot Dome Water District

Vandalia Water District

Terra Bella Irrigation District



**ETGSA**

**Joint Meeting of the  
Stakeholder & Executive  
Committees**

Thursday, March 28, 2024

**Convenes at 2:00 p.m.**

[info@eastertulegsa.com](mailto:info@eastertulegsa.com)  
[www.eastertulegsa.com](http://www.eastertulegsa.com)

Eric Borba  
GSA Chairman

Steve Kisling  
GSA Vice-Chairman

Aubrey Mauritsen  
Legal Counsel

Rogelio Caudillo  
General  
Manager

**Meeting Locations:**

Transit Multi-Purpose Center  
15 E. Thurman Ave, Suite D  
Porterville, CA 93257

2528 Coburn Lane  
Shell Beach, CA 93449

Web Meeting Attendance Available for Interested  
Parties:

<https://us02web.zoom.us/j/85436413487>

Meeting ID: 854 3641 3487

Dial by your location

+1 669 900 9128 US (San Jose)

-----AGENDA-----

Action items are listed in **bold**.

**1. PUBLIC COMMENT**

At this time, members of the public may comment on any item not appearing on the agenda. Under state law, matters presented under this item cannot be discussed or acted upon by the Committee at this time. For items appearing on the agenda, the public is invited to make comments at the time the item comes up for Committee consideration. Any person addressing the Committee will be limited to a maximum of three (3) minutes or at the Chairman’s discretion. At all times, please state your name for the record.

**2. ANNOUNCEMENTS**

**3. POLICY ISSUES**

- a. **ACTION** – Review the draft ETGSA Tenth Amended Rules and Regulations. *(Potential revisions to the Land Subsidence Management Section)*

**4. NEXT MEETING DATE**

- a. Next Regular Stakeholder Committee Meeting – Thursday, April 11, 2024, at 2pm.
- b. Next Regular Executive Committee Meeting – TBD.

## **5. ADJOURMENT**

*A person with a qualifying disability under the Americans with Disabilities Act of 1990 may request the ETGSA to provide a disability-related modification or accommodation in order to participate in any public meeting. Such assistance includes appropriate alternative formats for the agendas and agenda packets used for any public meetings of the GSA. Requests for such assistance and for agendas and agenda packets shall be made in person, by telephone, facsimile, or written correspondence to the General Manager of the ETGSA at (559) 781-7660, at least 48 hours before a public meeting.*



# Joint Stakeholder & Executive Committee

## March 28, 2024

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### Agenda Item 3.a

## ETGSA Draft Tenth Amended Rules and Regulations

### Staff Report to the ETGSA Joint Stakeholder & Executive Committee

**Subject:** ETGSA Draft Tenth Amended Rules and Regulations

**Submitted By:** General Manager

**Recommended Action:** *Committees may take action to provide recommendations to the Board of Directors.*

#### **Executive Summary:**

ETGSA Board of Directors directed staff to bring the DRAFT Tenth Amended Rules & Regulations to the committees for review and comment regarding additional policies regarding the Land Subsidence Management Zone (Section 4.05). Committees may provide recommendations to the Board on the proposed amendments.

#### **Background:**

- n/a

#### **Fiscal Impact:**

- n/a

#### **Attachments:**

- Exhibit A: ETGSA DRAFT Tenth Amended Rules & Regulations, Section 4.05

## **Section 4.05 Land Subsidence Management Area**

### **(a) Purpose**

The Board has previously approved a Land Subsidence Management Plan, which is attached hereto and incorporated by reference as Exhibit A. The purpose of this Section 4.05 is to implement the Land Subsidence Management Policy, as may be amended by the Board from time to time. The purpose of the Land Subsidence Management Plan is to set forth management actions to reduce subsidence and subsequent impacts to the Friant Kern Canal as a result of such subsidence, by limiting or restricting physical groundwater extractions along and near the Friant Kern Canal.

### **(b) Land Subsidence Monitoring and Management Committee**

The Board has previously approved a Land Subsidence Monitoring Plan which authorized the formation of a Land Subsidence Monitoring and Management Committee ("LSMC"), including the appointment of certain technical representatives from different agencies and entities. The LSMC will provide an annual report to the ETGSA in January, or as soon as reasonably practicable. The report shall include, among other items, a report on land subsidence based on the Management Zones described herein and related thresholds. The date upon which various recommendations are presented to the Board from the LSMC regarding land subsidence levels shall be defined as the "Determination Date".

### **(c) Boundaries**

The Land Subsidence Management Area shall include lands identified on the attached Exhibit A-1.

### **(d) Management Zones**

The Land Subsidence Management Area shall be divided into both east-west and north-south Management Zones centered on the Friant Kern Canal between the Tule River and ETGSA boundary with Delano-Earlimart Irrigation District. There are four, ½ - mile east-west zones and each side of the Friant Kern Canal. There are six north-south zones. A total of 48 Management Zones exist within the Land Subsidence Management Area.

### **(e) Meters**

Any wells within the boundary of the Land Subsidence Management Area will require a meter and reporting of the data monthly to the ETGSA staff. Meters must comply with requirements stated in Section 2.02(a).

### **(f) Priority of Use**

For all lands within the boundary of the Land Subsidence Management Area, Owners may not elect to modify the default priorities identified in Section 3.03.

### (e)(g) Management Actions

The following actions shall apply should Land Subsidence Measurements meet the following thresholds within any individual Management Zone based on the ETGSA GSP, Monitoring Plan, and LSMC's recommendations\*\*:

#### 1. Land Subsidence Between 1.50 feet and 1.99 feet

Tier 1 Penalty Allocations shall be reduced to 60% of the allocation provided in Section 4.03(b) for the Water Year in which the determination is made that land subsidence has occurred between 1.50 feet and 1.99 feet within an individual Management Zone.

*Example:*

Water Year 2023

Tier 1 Penalty Allocation for Water Year 2023 = 1.04 acre-feet per acre\*

Determination Date February 1, 2023 → WY 2021 and 2022 Tier 1 Penalty Allocation *not reduced* if any remaining available → WY 2023 Tier 1 Penalty reduced to 60% (0.62 acre-feet per acre)

*\*Note the ETGSA front-loaded initial allocations for Water Years 2021 through 2023. Thus, the date upon which the Water Year 2023 allocation was made was on October 1, 2020.*

The remaining 40% of the Tier 1 Penalty Allocation is available to be extracted by Owner or transferred outside of the Management Area, provided such use and transfer is otherwise consistent with the ETGSA Rules and Regulations.

An Owner may not transfer into the Land Subsidence Management Area for purposes of physical groundwater extractions any additional allocations of groundwater credits or Tier 1 Penalty Allocation(s) previously allocated to parcels located outside the Land Subsidence Management Area after the Determination Date. However, pre-purchases of Tier 1 Penalty allocations or purchased Groundwater Credits shall be allowed to be extracted within the LSMA and/or applicable Management Zone if purchased before the Determination Date.

*Example:*

Water Year 2023

Pre-Purchase Tier 1 Penalty Allocation on November 30, 2022 → Determination Date on February 1, 2023 → Pre-Purchase Tier 1 Penalty Allocation on November 30, 2022 **available** for extraction within the LSMA.

Determination Date on February 1, 2023 → Pre-Purchase Tier 1 Penalty Allocation on March 1, 2023 → Pre-Purchase Tier 1 Penalty Allocation on March 1, 2023 **not available** for extraction

within the LSMA.

An Owner is not precluded from applying water from other sources in the Land Subsidence Management Area, provided physical groundwater extractions are restricted as stated herein, and the extraction is consistent with others rules, regulations and law, including but not limited to applicable Surface Water entity restrictions, rules and regulations.

An Owner may appeal this limitation as provided in Section 4.07.

~~Any wells implementing pumping of any water 600 feet below land surface will require a meter and reporting of the data monthly to the ETGSA staff. Meters must comply with requirements stated in Section 2.02(a).~~

## 2. Land Subsidence Between 2.00 feet and 2.49 feet

Tier 1 Penalty Allocations for lands receiving such allocation in the Land Subsidence Management Area shall be reduced to 30% of the allocation provided in Section 4.03(b) for the Water Year in which the determination was made that land subsidence has occurred between 2.00 feet and 2.49 feet within an individual Management Zone.

*Example:*

Water Year 2023

Tier 1 Penalty Allocation for Water Year 2023 = 1.04 acre-feet per acre\*  
Determination Date February 1, 2023 → WY 2021 and 2022 Tier 1 Penalty Allocation *not reduced* if any remaining available → WY 2023 Tier 1 Penalty reduced to 30% (0.31 acre-feet per acre)

*\*Note the ETGSA front-loaded initial allocations for Water Years 2021 through 2023. Thus, the date upon which the Water Year 2023 allocation was made was on October 1, 2020.*

The remaining 70% of the Tier 1 Penalty Allocation is available to be extracted by Owner or transferred outside of the Management Area, provided such use and transfer is otherwise consistent with the ETGSA Rules and Regulations.

An Owner may not transfer into the Land Subsidence Management Area for purposes of physical groundwater extractions any additional allocations of groundwater credits or Tier 1 Penalty Allocation(s) previously allocated to parcels located outside the Land Subsidence Management Area after the Determination Date. However, pre-purchases Tier 1 Penalty Allocations or purchased Groundwater Credits shall be allowed to be extracted within the LSMA and/or applicable Management Zone if purchased before the Determination Date.

*Example:*

Water Year 2023

Pre-Purchase Tier 1 Penalty Allocation on November 30, 2022 → Determination Date on February 1, 2023 → Pre-Purchase Tier 1 Penalty Allocation on November 30, 2022 **available** for extraction within the LSMA.

Determination Date on February 1, 2023 → Pre-Purchase Tier 1 Penalty Allocation on March 1, 2023 → Pre-Purchase Tier 1 Penalty Allocation on March 1, 2023 **not available** for extraction within the LSMA.

An Owner is not precluded from applying water from other sources in the Land Subsidence Management Area, provided physical groundwater extractions are restricted as stated herein, and the extraction is consistent with others rules, regulations and law, including but not limited to applicable Surface Water entity restrictions, rules and regulations.

An Owner may appeal this limitation as provided in Section 4.07.

~~Any wells implementing pumping of any water 600 feet below land surface will require a meter and reporting of the data monthly to the ETGSA staff. Meters must comply with requirements stated in Section 2.02(a).~~

### 3. *Land Subsidence Between 2.50 feet and 2.99 feet*

No extraction of Tier 1 Penalty Allocation shall be allowed within the Land Subsidence Management Zone for the Water Year in which the determination is made that land subsidence between 2.50 feet and 2.99 feet has occurred. An Owner may not transfer into the Land Subsidence Management Area for purposes of physical groundwater extractions any additional allocations of groundwater credits or Tier 1 Penalty Allocation(s) previously allocated to parcels located outside the Land Subsidence Management Area. Pre-purchased Tier 1 Penalty Allocations or purchased Groundwater Credits shall be allowed to be extracted within the Land Subsidence Management Area and/or applicable Management Zone if purchased before the Determination Date. An Owner is not precluded from applying water from other sources in the Land Subsidence Management Area, provided physical groundwater extractions are restricted as stated herein, and the extraction is consistent with others rules, regulations and law, including but not limited to applicable Surface Water entity restrictions, rules and regulations.

An Owner may appeal this limitation as provided in Section 4.07.

#### (f)(h) Enforcement

The following actions shall occur if an Owner is in violation of this Section.

For each acre-foot extracted in violation of the restrictions set forth herein, the Owner shall be liable for the maximum penalty rate allowed pursuant to SGMA.

~~In addition, t~~The quantity of water consumed in violation of the restrictions set forth herein shall be deducted from the Owner's Tier 1 Penalty Allocation account the following year(s), which may include lands outside of the Land Subsidence Management Area. If the Owner's Penalty

Allocation account is depleted, further enforcement actions may be taken by the ETGSA.

An Owner shall not be entitled to utilize any existing allocations while the Owner is out of compliance with this Section. All water consumed while the Owner is out of compliance will result in Tier 2 pumping. Owner shall not be entitled to adjust priorities of water pursuant to Section 3.04 while Owner is out of compliance.

*\*\*As additional data becomes available and as projects, monitoring, and management actions are implemented, the groundwater flow model used to estimate the percentage reduction of Tier 1 extractions within the Management Area may be adjusted to reflect new data.*