

Governor Newsom, Secretary Crowfoot, Secretary Blumenfeld, Senator Stern, Assemblyman Garcia, and members of the CA State Water Resources Control Board,

Signers of this petition demand that you uphold your promises to fight for environmental justice in California by restoring water to the Kern River in Bakersfield. This majestic river flows through the heart of Bakersfield, California's 9th largest city, but in many years, the riverbed is more like a desert wasteland than the riparian ecosystem and recreational amenity it should be. Dead trees and shrubs line the banks of what should be a forested wetland and users of the Kern River Parkway look on in shame and helplessness at their dry and lifeless riverbed.

Take leadership on changing the status quo on this issue by intervening in favor of the City of Bakersfield and Bakersfield's residents on three important issues:

- **Award the water rights forfeited by Kern Delta Water District in 2007 to the City of Bakersfield.** Studies have shown that historically Kern Delta used on average 50,000 acre-feet less than their allotment of Kern River water. The SWRCB should award all unappropriated waters of the Kern to the City of Bakersfield, the only applicant entity that is accountable to voters and the only applicant who has committed to putting all awarded water rights through the river channel in Bakersfield. It has been 10 years since SWRCB ruled that there were unappropriated waters on the Kern River, and we still are still waiting for a follow-up ruling that would help bring back the river. *Put this topic on the SWRCB agenda, determine the exact amount of forfeited water, and award said water to Bakersfield for the restoration of the Kern River.*
- **Allow the termination of a 1976 water contract by deeming Bakersfield's proposal to run city-owned water through the riverbed a "beneficial project."** The City of Bakersfield bought a substantial amount of Kern River water rights in 1976 which it funded partially through 35-year water contracts with neighboring irrigation districts. City leadership promised to put this water back in the river channel in 2011 when the contracts expired. Neighboring irrigation districts sued the city to prevent this use of the water, and in 2014 a judge ruled against Bakersfield, arguing that aquifer recharge, wildlife habitat, and public recreation did not constitute a beneficial project, and thus the city was obligated to continue selling the water to neighboring districts. With the Sustainable Groundwater Management Act mandating that all groundwater basins bring pumping into balance, the use of water for groundwater recharge via the river channel is now, more than ever, a reasonable and beneficial use. The water is available for this use, it is already owned by Bakersfield taxpayers, and it clearly would serve the public interest to have this water first in Bakersfield's river channel before any sales/transfers to irrigation districts. Irrigation infrastructure exists on the West side of the city that can transport water to the same locations as the canals on the east side of the city where much of the Kern River is usually

diverted. *Approve this use of Bakersfield's existing water rights so that this water may flow through the river channel where it belongs.*

- **Pressure the Kern County Water Agency to use infrastructure and revenues resulting from Proposition 13 bonds to do what KCWA originally promised – help restore the Kern River in Bakersfield.** In a ballot measure passed in 2000, the KCWA lobbied for funds to build water infrastructure improvements and purchase additional water rights for Kern County water users. Environmental documents used in the application for these funds promised that some of the funds would be used to build wells that would help restore the Kern River in Bakersfield, by enabling water users to recover water lost through percolation in the river channel and by occasionally using groundwater to supplement river flows. The wells were purchased but the river promises never materialized; in 20 years, these wells have never been used to help restore flows to the Kern River. On the contrary, there have been occasions when the wells have been used to further deplete groundwater underneath the city, such as during drought years in 2009 and 2015. Adding insult to injury, deals resulting from the infusion of Prop 13 funds resulted in an arrangement allowing a private entity to annually sell 10,000 acre-feet of Kern River water anywhere in the state using KCWA infrastructure for transportation. KCWA gets 10% of the proceeds of these sales, averaging over \$400K annually. Since this revenue stream was only made possible through Prop 13, and KCWA promised to help restore the river with Prop 13 funds, this annual income should be allocated towards providing Bakersfield the river it should have had for the last 20 years, whether that's through covering pumping costs or via other avenues. Additionally, the aforementioned annual 10,000 acre feet of Kern River Water should be exclusively transported through the Kern River channel and not in the concrete lined canals that run parallel to the river. *Hold KCWA accountable to aid in restoring the river as they are obligated to do under the terms with which they received Prop 13 funds.*

While no single one of these three issues will bring back the Kern River, the combination of all three will be a substantial boost to giving Bakersfield a year-round river. This water will allow the revival of a critical riparian ecological corridor, the restoration of the pride and joy of the Bakersfield community, and the replenishment of the badly depleted aquifer beneath the city, which is the source of most of the City's municipal water.

The federally designated Wild and Scenic Kern River used to flow into three of the largest lakes in North America – Kern Lake, Buena Vista Lake, and Tulare Lake. Together with the other Sierra rivers of the Tulare basin, it helped to sustain over 4 million acres of wetlands, flush with thriving fisheries, migratory waterfowl, and large game such as deer, grizzlies, and elk. These lakes and their associated wetlands are long gone. We are not asking for the restoration of these ecological treasures. Rather, **we are petitioning you for the restoration of less than 10 miles of river** that is the

aesthetic centerpiece of our community, our main outdoor recreational amenity, a critical wildlife corridor, and the lynchpin of our community's groundwater sustainability. All of this water will remain for beneficial use in the Kern sub basin. This is not a zero-sum struggle between environment, agriculture, or other water users.

How can the survival of plants and animals dependent on the river continue to be swept aside and the quality of life of half a million Bakersfield residents continue to be ignored? The Owens River flows once again, the San Joaquin has returned, the Santa Ana has been reborn, and yet somehow the parched banks of the wild and scenic Kern are left to languish and die?

Don't be the leaders who let another Bakersfield generation come and go without water in the Kern River, lamenting as country music legend Merle Haggard did in his final recorded song: "They used to have Kern River here, runnin' deep and wide... Then somebody stole the water; another politician lied."

Bakersfield needs a river now.

- **Award the forfeited Kern Delta water rights to Bakersfield**
- **Let Bakersfield decide how to best use water residents have owned since 1976**
- **Pressure the Kern County Water Agency to do its part to restore the river, as KCWA promised when it applied for Prop 13 funds**