

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2025-0007**

**CONTINUATION OF HEARING REGARDING DESIGNATION OF THE KERN
COUNTY GROUNDWATER SUBBASIN AS PROBATIONARY UNDER THE
SUSTAINABLE GROUNDWATER MANAGEMENT ACT**

WHEREAS:

1. Groundwater provides a significant portion of California's water supply, making up more than one-half of the water used by Californians in drought years when surface water is limited. Properly managed groundwater resources can provide for communities, farms, and the environment and help protect against prolonged dry periods and climate change, preserving water supplies for existing and potential beneficial uses. However, excessive groundwater extraction can cause long-term overdraft, failed wells, deteriorated water quality, environmental damage, and irreversible land subsidence that damages infrastructure and diminishes the capacity of aquifers to store water for the future, all of which can have substantial societal and economic impacts. Additionally, failure to manage groundwater to prevent long-term overdraft can potentially infringe on rights to or use of groundwater or interconnected surface water.
2. In 2014, the State of California enacted Assembly Bill 1739, and Senate Bills 1168 and 1319, collectively referred to as the Sustainable Groundwater Management Act (SGMA). SGMA is intended to ensure the proper and sustainable management of groundwater resources in California.
3. The State Water Resources Control Board (State Water Board or Board) recognizes that near-term SGMA implementation has the potential to result in substantial economic impacts in overdrafted basins. The State Water Board further recognizes that the goal of SGMA is sustainable groundwater management that will ensure the long-term viability of groundwater resources for future use by communities, farms, businesses, and the environment.
4. SGMA allows local public agencies overlying alluvial groundwater basins to form Groundwater Sustainability Agencies (GSAs) and prepare and implement Groundwater Sustainability Plans (GSPs) to achieve sustainable management of the basin. SGMA requires that groundwater basins determined to be high or medium priority by the Department of Water Resources (Department) must do so.

5. SGMA requires GSAs, whose planning and management actions can have broad impacts within their basins, to consider the interests of all beneficial uses and users of groundwater and to encourage the active involvement of diverse elements of the population of a groundwater basin during the development and implementation of GSPs.
6. SGMA recognizes that groundwater management is best accomplished locally; however, if local agencies in a high or medium priority groundwater basin fail to form a GSA or prepare a GSP, or the Department determines that the GSP is inadequate or not being implemented in a way that is likely to achieve SGMA's sustainability goal, SGMA authorizes the State Water Board to intervene in the basin to ensure that the basin is managed sustainably. This is called the state intervention process.
7. To implement SGMA's state intervention process, the State Water Board may designate a basin as probationary. If the State Water Board designates a basin as probationary, it must identify the deficiencies in the GSP, identify potential actions to remedy the deficiencies, and exclude from probationary status any portion of a basin for which a GSA demonstrates compliance with SGMA's sustainability goal. The State Water Board may exclude a class or category of extractions from the reporting and fee requirement that applies to probationary basins under Water Code section 5202 if those extractions are adequately managed under an applicable plan or program or are likely to have a minimal impact on basin withdrawals.
8. The deadline for GSAs in critically overdrafted high- and medium-priority basins to adopt and submit GSPs for review by the Department was January 31, 2020.
9. The Kern County Subbasin is a critically overdrafted high-priority basin.
10. As of the date of this resolution, the Department recognizes the following GSAs for the Kern County Subbasin: Arvin Groundwater Sustainability Agency, Buena Vista Water Storage District Groundwater Sustainability Agency, Cawelo Water District Groundwater Sustainability Agency, Greenfield County Water District Groundwater Sustainability Agency, Henry Miller Water District Groundwater Sustainability Agency, Kern Groundwater Authority Groundwater Sustainability Agency, Kern River Groundwater Sustainability Agency, Kern Water Bank Groundwater Sustainability Agency, Kern-Tulare Water District Groundwater Sustainability Agency - Kern County, North Kern Water Storage District Groundwater Sustainability Agency, Olcese Water District Groundwater Sustainability Agency, Pioneer Groundwater

Sustainability Agency, Rosedale-Rio Bravo Water Storage District
Groundwater Sustainability Agency, Semitropic Water Storage District
Groundwater Sustainability Agency, Shafter-Wasco Irrigation District
Groundwater Sustainability Agency, Southern San Joaquin Municipal Utility
District Groundwater Sustainability Agency, Tejon-Castac Water District
Groundwater Sustainability Agency, West Kern Water District Groundwater
Sustainability Agency, Westside District Water Authority Groundwater
Sustainability Agency, Wheeler Ridge-Maricopa Groundwater Sustainability
Agency (collectively, the Kern County Subbasin GSAs¹).

11. The Kern County Subbasin GSAs submitted the Kern County Subbasin 2020 GSPs to the Department for review between January 22 and 30, 2020.
12. On January 28, 2022, the Department issued a determination that the Kern County Subbasin 2020 GSPs were incomplete and provided the Kern County Subbasin GSAs with 180 days to address the deficiencies identified in the incomplete determination.
13. The Kern County Subbasin GSAs submitted Revised Kern County Subbasin GSPs to the Department for review on July 27, 2022.
14. The Department evaluated the Revised Kern County Subbasin GSPs and on March 2, 2023, issued its “Inadequate Determination of the Revised 2020 Groundwater Sustainability Plans Submitted for the San Joaquin Valley – Kern County Subbasin” which is available on the Department’s online SGMA portal.
15. The State Water Board reviewed the Kern County Subbasin 2022 GSPs and the Department’s determination of inadequacy, and Board staff prepared a draft staff report that described the GSPs’ deficiencies, recommended potential actions that GSAs could take to remedy the deficiencies, and supported designating the Kern County Subbasin as a probationary basin under SGMA.

¹ The number of GSAs in the Kern County Subbasin has changed at different times between the initial submission of GSPs to the Department in January 2020 and the most recent submission of GSPs to the State Water Board in December 2024. The 2024 Kern County Subbasin GSPs identify Kern Non-Districted Lands Authority Groundwater Sustainability Agency to replace Kern Groundwater Authority Groundwater Sustainability Agency.

16. On May 29, 2024 the Kern County Subbasin GSAs submitted the 2024 Draft GSPs to the State Water Board for review.
17. On July 25, 2024, the State Water Board made the draft staff report available to the public and issued notice of public staff workshops, opportunities to comment on the draft staff report, and the date of the board hearing for the proposed designation of the Kern County Subbasin as a probationary basin.
18. When issuing the notice, the State Water Board posted the notice on its website and sent the notice by electronic mail to its SGMA email listserv, to the Department, to each city and county within which any part of the Kern County Subbasin is situated, and to the points of contact for each of the Kern County Subbasin GSAs.
19. On July 26, 2024, the State Water Board mailed the notice to all persons known to the Board who extract or who propose to extract water from the basin.
20. The public comment period for the probationary hearing notice and draft staff report ran from July 26, 2024, to September 23, 2024.
21. The State Water Board staff held informational workshops on August 26, 2024, and August 29, 2024, to explain the draft staff report, share more about how to participate in the State Water Board's state intervention process, and accept verbal public comments regarding the draft staff report.
22. The Kern County Subbasin GSAs submitted the 2024 Final GSPs, which were adopted by all 20 GSAs, to the State Water Board for review on December 16, 2024.
23. State Water Board staff, after reviewing and considering comments made at the workshops and submitted during the public comment period, and reviewing the 2024 Draft GSPs and 2024 Final GSPs, revised and finalized the staff report, which supports the staff recommendation that the State Water Board designate the Kern County Subbasin as a probationary basin under SGMA.
24. The State Water Board reviewed and considered the draft staff report, final staff report, and comments received during the public comment period and at the probationary hearing.

25. The State Water Board acknowledges and appreciates the efforts of the Subbasin GSPs, including continued constructive engagement with State Water Board staff on technical information and approaches to remedy deficiencies, but these efforts have not yet been sufficient to rectify deficiencies in the GSPs. Based on this review and consideration, the State Water Board is continuing the hearing regarding designating the Kern County Subbasin as a probationary basin under SGMA.
26. The State Water Board, in balancing the need for state intervention in the basin, potential harm to beneficial users and uses, and the likelihood that the Kern County Subbasin GSAs are capable of promptly rectifying the remaining deficiencies, is requesting that the Kern County GSAs submit revised GSPs to the State Water Board by a date certain. This is to serve the dual purposes of ensuring the GSAs maintain progress in correcting identified deficiencies in their GSPs, with the appropriate urgency for implementing plans that will achieve sustainable groundwater management in the subbasin on the statutory timeline and providing time for adequate Board review of updated submittals in advance of further Board consideration of a potential probationary designation at the continued hearing.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Finds that the Kern County Subbasin is subject to Water Code section 10720.7, subdivision (a)(1), and that the Department, in consultation with the State Water Board, has determined that the groundwater sustainability plans for the Kern County Subbasin are inadequate.
2. Requires that the Kern County Subbasin GSAs provide revised draft GSPs, if any, to State Water Board staff by June 20, 2025, in order to allow time for State Water Board members and staff to evaluate and consider those revised draft GSPs in advance of the continued hearing.
3. Continues the hearing to September 17, 2025, at 9:00 a.m. in the California Environmental Protection Agency Headquarters Building, 1000 I Street, 2nd Floor, Sacramento, California 95814.

4. As a condition of granting this continuance,
 - a. expects the GSAs to enhance community outreach and engagement so that impacted communities, including customers of drinking water systems within the Kern County Subbasin, receive information about the GSPs' impact on their systems;
 - b. expects that the GSAs will work with local community groups to create and to implement a plan for additional community outreach in making and adopting revisions to the GSPs; and
 - c. expects the GSAs to provide, no later than one month from the date of adoption of this resolution, Board staff with plans for community outreach in amending their GSPs, and to include in any submittals to the Board by June 20, 2025, a description of the GSAs' actions in furtherance of this resolved paragraph.
5. Directs staff to provide notice and opportunity for public comment on any revised or newly submitted GSPs as soon as practicable after receipt, and at least 30 days before September 17, 2025.

CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on February 20, 2025.

AYE: Chair E. Joaquin Esquivel
Board Member Sean Maguire
Board Member Laurel Firestone
Board Member Nichole Morgan

NAY: None

ABSENT: Vice Chair Dorene D'Adamo

ABSTAIN: None

Courtney Tyler
Courtney Tyler
Clerk to the Board