

Agreements-in-Principle

Common Understanding

1. The Water Forum participants represent public agencies and community organizations that overlie the Upper Kings Basin and share a common groundwater resource. Any action affecting groundwater within any of the overlying land-use or water-district jurisdictions could impact that area and also have effects (positive or negative) throughout the basin.
2. Overdraft of the Kings Groundwater Basin is a common problem for the cities, counties and water districts in the region. If allowed to continue, it could threaten the region's economic prosperity and could reduce agricultural productivity as well as urban growth and development. This problem cannot be solved by any individual entity or jurisdiction; it is a regional problem that requires a regional solution.
3. Solutions conceived in a vacuum to serve a limited area of interest or impact cannot adequately address regional water resource problems related to overdraft, water supply reliability, water quality, flood control or ecosystems management.
4. Groundwater overdraft has the potential to result in conflicts between geographic areas and different water use sectors in the basin. Local control and management must be demonstrated, and if the area does not take the initiative to develop an IRWMP, it is possible that solutions could be imposed by the courts or the State.

5. Conjunctive use and groundwater management projects are needed to halt and reduce overdraft, avoid conflicts over the available groundwater supplies, and meet the IRWMP goals and objectives.
6. Conjunctive use and groundwater management is the integrating theme for the IRWMP. The planning framework has been designed to integrate water quality, ecosystem, flood control and land use/recreation management strategies within this prevailing theme.
7. The IRWMP will recognize, preserve and protect Kings River water rights.

Regional Goals

The regional goals address the primary problems and resource conflicts in the Upper Kings Basin.

1. Halt and ultimately reverse the current overdraft, and provide for sustainable management of surface water and groundwater.
2. Increase the water supply reliability, enhance operational flexibility, and reduce system constraints.
3. Improve and protect water quality.
4. Provide additional flood protection.
5. Protect and enhance aquatic ecosystems and wildlife habitat.

Water Resource Objectives

Water resource objectives have been specifically crafted to address the priority water resource problems and to begin integrating water quality, flood control, ecosystems management and land use strategies in order to provide multiple benefits and the greatest return on investment.

1. Define local and regional opportunities and capital facility needs for groundwater recharge, water reuse/reclamation and drinking water treatment.
2. Develop large-scale, regional conjunctive use projects and artificial recharge facilities to:
 - a. Capture storm and flood water currently lost to the region;
 - b. Enhance operational flexibility of existing water facilities, consistent with existing agreements, entitlements and water rights;
 - c. Improve the ability to store available sources of surface water in the groundwater basin;
 - d. Provide multi-purpose groundwater recharge facilities that provide flood control, recreation and ecosystem benefits; and
 - e. Integrate the fishery management plan.
3. Design programs to improve water conservation and water use efficiency by all water users.
4. Promote 'in-lieu' groundwater recharge to reduce reliance on groundwater through: reclamation and reuse of treated wastewater, surface water treatment and delivery for municipal drinking water and delivery of untreated water for agricultural use.
5. Negotiate and develop institutional arrangements and cost sharing agreements for water banking, water exchange, water reclamation and water treatment.

6. Develop and enhance wildlife habitat through surface water reclamation, recharge and treatment facilities.
7. Identify beneficial interconnections or improvements of conveyance systems to provide multiple benefits.

Solutions Principles, Planning Framework and Implementation Strategy

1. Solutions must be consistent with existing agreements, water rights and entitlements.
2. Solutions must be cost effective, affordable, feasible, meet the water demands for land uses anticipated in adopted general plans, provide multiple regional benefits and be consistent with local, state and federal legal and statutory requirements.

3. Conjunctive Use and Groundwater Management

- a. The Upper Kings Basin should be managed cooperatively and locally for the benefits of all users. Agreements are needed for operating and managing the available groundwater storage space, groundwater banking, use of other agencies' facilities, joint use of shared facilities, funding new facilities or improving existing facilities and governing project implementation.
- b. Available groundwater storage space should be used and developed through construction of, or improvements to, capital facilities that capture, convey and recharge local or imported surface water.
- c. The IRWMP will provide for improvements in the capture and storage of local storm water and surface water annually (winter storage for summer use) and during multi-year climatic variations (wet-year surface or groundwater storage to meet dry-year demands). In the event that the problem is not solved, the IRWMP will provide for the evaluation of transfers, imports, exchanges and groundwater banking to bring more water into the Kings region.

- d. Land needs to be acquired through purchase or easement to accommodate development of dedicated recharge facilities, spreading agreements with overlying land owners or construction of aquifer storage and recovery wells.
- e. Persons or entities intentionally recharging surface water into the groundwater basin shall retain the right to extract and use the water.
- f. Recharge areas should be protected from development or mitigations should be defined.
- g. Within two years of the adoption of the IRWMP, criteria shall be adopted to achieve compliance with the Groundwater Management Plan (SB 1938) requirements.
- h. Recharge facilities should be located upgradient of existing municipal wells, when feasible in order, to provide a clean source of water to the groundwater basin and dilute contamination. Recharge facilities should not cause migration of known contaminants that would affect municipal or domestic supplies.

4. Water Quality

- a. The IRWMP should facilitate and encourage the appropriate use of recycled and remediated water, including conjunctive use and recharge programs, where feasible and cost effective.
- b. The IRWMP water quality program should identify capital facility priorities for drinking water treatment plants and wastewater treatment plants.
- c. The IRWMP should actively address water quality and contamination issues, promote appropriate remediation measures and rely primarily on voluntary, cooperative programs to reduce and prevent degradation of water quality.

- d. A priority of the IRWMP should be to identify and integrate programs in the region intended to prevent pollution from all sources (agricultural irrigation and storm water discharge, urban wastewater and storm water discharge, point sources and other non-point sources). Management programs preventing contamination are more cost effective than remediation, treatment and cleanup. Allowing water quality to be degraded reduces the available supply or increases the cost of treatment prior to use.
- e. Within two years of the adoption of the IRWMP, an integrated depth-to-groundwater map shall be prepared and circulated for public use.
- f. Within two years of the adoption of the IRWMP, the means to test for, and map, problematic water quality constituents (e.g., nitrates and DBCP) shall be developed.

5. Water Conservation

- a. The IRWMP should promote water conservation.
- b. Agricultural Water Management Plans (AWMPs) and Urban Water Management Plans (UWMPs) should be developed to guide public agency investments in water conservation within the region and to help consolidate water resource data for purposes of regional water resource planning.
- c. UWMPs are to be developed as required by state law. UWMPs should be consistent with the guidelines defined by the Urban Water Conservation Council and approved or accepted by the California Department of Water Resources. Within the region, UWMPs are required to obtain state funding and, as a result, are required for cities that are proposing projects for inclusion in the IRWMP. Those urban areas with less than 3,000 service connections should seek to implement Best Management Practices (BMPs) for urban water conservation that are cost effective.

- d. AWMPs should be developed and maintained for each irrigation district, consistent with the guidelines and requirements of the Agricultural Water Conservation Council.
- e. The intentional over-application of surface water for irrigation in above-normal and wet years is part of conjunctive use in the Kings region since it provides groundwater recharge. Normal measures of irrigation efficiency do not apply under these conditions, and application above the immediate crop water requirements for purposes of groundwater recharge is to be regarded as a beneficial use for purposes of the IRWMP.

6. Ecosystems Management

- a. The IRWMP will include ecosystems management strategies where cost effective and appropriate:
 - i. Improve or provide incidental habitat value or restoration benefits for migratory or resident species;
 - ii. Include measures to avoid, minimize or mitigate impacts early in the design process to avoid project delays; and
 - iii. Investigate the potential for integrating flood storage, habitat and conjunctive use project elements.
- b. Ecosystems restoration design concepts will be incorporated into the design of groundwater storage and banking facilities to improve or provide habitat. Projects will seek to create partnership opportunities with state and federal resource agencies and other nongovernmental organizations
- c. The Kings River Fisheries Management Program is incorporated into the IRWMP by reference.

- d. Priorities for developing or protecting open space and increasing recreational opportunities will be included in the IRWMP to provide multiple benefits and define priorities for seeking grant funding from the State.
- e. The goals and objectives of the Kings River Conservancy pertaining to river access and habitat improvement should be supported by the Water Forum.

7. Flood Control

- a. Flood flows that currently flow out of the IRWMP area (down the North Fork of the Kings River or into the Tulare Basin) should be captured for recharge purposes when consistent with existing agreements.
- b. The irrigation districts shall work with local flood control agencies, the counties and the cities to mitigate impacts to downstream irrigation conveyance systems that result from increased runoff from new urban development.
- c. Opportunities to use flood control retention/detention facilities for recharge operations shall be identified.
- d. Long-term solutions developed to manage uncontrollable flood flows, such as additional surface storage in the Kings River watershed, shall continue to be supported.
- e. Other regional flood control priorities shall be identified, and funding shall be obtained through state and federal grants or low-interest loans.

8. Land Use and Water Supply

- a. Cities and counties are responsible for land use planning and approving new development, whereas the overlying water districts are responsible for planning, development and management of water supplies. The IRWMP, state law and common sense all dictate that the land use and water supply agencies work together to address regional problems that are not within the power or ability of any one jurisdiction to solve.

- b. All parties acknowledge that the region will continue to experience residential, commercial and industrial growth, and that existing water production and service systems will need to be expanded to meet this increase in demand. The IRWMP shall serve to provide a clear planning process to assist the affected public agencies in meeting their projected growth needs.
- c. New development contributes to the water supply problem and has impacts that must be mitigated at the time of project approval. Cities must recognize their contribution to regional problems and work with the water districts and counties to provide mitigation for water supply and flood related impacts.
- d. Water and land use planning must be closely coordinated and consistent with state law. New development must work with the cities and water districts to demonstrate that there is a long-term, sustainable water supply.
- e. The IRWMP must propose water supply solutions that ensure a sustainable supply for current or proposed development and include strategies that mitigate water supply and flood impacts of new development. Water supply and flood mitigations/solutions must be implemented through the land use planning and decision process as conditions or requirements for new development.
- f. Within one year of the adoption of the IRWMP, a groundwater impact fee on urban development shall be considered by the local irrigation districts and incorporated entities as one of the mechanisms to mitigate the effects of new development on groundwater resources. Such a fee would be assessed on a per-acre basis only upon completion of appropriate studies and findings by the cities and districts. The fee would be dedicated solely and exclusively to acquire new water supplies or fund conjunctive use capital facilities or improvements.

9. Monitoring, Data Sharing and Data Management

- a. The IRWMP will define a monitoring program for the region to ensure the benefits and impacts of the plan are documented, and to facilitate periodic review of plan performance.
- b. A program for data management and sharing should be defined and recommended. A regional data management system will be developed to allow resource and land use authorities to make more informed decisions.

Plan Development, Adoption and Governance

It should be noted that details on governance, project implementation and oversight are subject to negotiation and will be influenced by the type of projects and programs that are finally recommended for implementation.

1. The Water Forum will develop the IRWMP and the accompanying implementation plan that will ultimately be considered for adoption by the participating agencies and organizations.
2. The IRWMP, when completed, will include an implementation plan that details the strategy for long-term governance and oversight.

Funding

It should be noted that some regional projects may only provide local benefits, or improvements may be needed within one jurisdiction only to meet regulatory requirements. The economic analysis conducted for the IRWMP will help local agencies and the Water Forum evaluate those projects that provide local and regional benefits, so appropriate cost-sharing arrangements can be developed.

1. The IRWMP should serve to support the pursuit of cost-effective water supply and water treatment facilities by public agencies, both individually and collectively.
2. Costs must be equitably shared by those that receive project benefits and/or have contributed to the overdraft problem.
3. State and federal funding will be sought jointly for projects identified in the IRWMP, which spells out local priorities and regional benefits, defines local funding and clearly explains how projects are to be governed, developed and implemented.
4. Entities that are not part of the ongoing Water Forum process or a future successor effort should not receive endorsement, support or local funding contributions for projects seeking state or federal funds, which are contingent upon coverage under a regional plan.
5. It is anticipated that any procurement of state or federal funds will require a local match. Firm funding arrangements must be in place if the region is to be competitive for subsequent grants or low-interest loan programs.
6. A range of local funding mechanisms should be considered, such as user fees, benefit assessments, impact fees and general fund revenues.
7. Revenues should be allocated to programs that require funding on an ongoing basis (e.g., monitoring, plan oversight and coordination) and those that are specific to a defined project with specified benefits and costs (e.g., replenishment fee, groundwater impact fee, etc.).