

RESOLUTION NO. GSA-101-20

**A RESOLUTION OF THE BOARD OF DIRECTORS, SERVING AS THE
GROUNDWATER SUSTAINABILITY AGENCY OF THE WESTSIDE SUBBASIN,
ADOPTING THE WESTSIDE SUBBASIN GROUNDWATER SUSTAINABILITY PLAN
AND AUTHORIZING SUBMISSION OF THE WESTSIDE SUBBASIN
GROUNDWATER SUSTAINABILITY PLAN TO THE CALIFORNIA DEPARTMENT OF
WATER RESOURCES AND RELATED ACTIONS**

WHEREAS, the California Legislature adopted and the Governor signed into law, the Sustainable Groundwater Management Act (SGMA), California Water Code section 10720, *et seq.*, which authorizes local agencies to manage groundwater in a sustainable manner; and signed into law on September 16, 2014, requires that each California groundwater basin or subbasin be managed by a Groundwater Sustainability Agency (GSA), or multiple GSAs, and that such management be implemented pursuant to an approved Groundwater Sustainability Plan; and

WHEREAS, the legislative intent of SGMA is to provide for sustainable management of groundwater basins, to enhance local management of groundwater, to establish standards for sustainable groundwater management, and to provide local agencies with the authority to sustainably manage groundwater; and

WHEREAS, SGMA requires that each California groundwater basin or subbasin be managed by a GSA, or multiple GSAs, for the purpose of achieving groundwater sustainability through the development, adoption, and implementation of a GSP for all groundwater basins and subbasins designated by the California Department of Water Resources (DWR) as medium- or high-priority; and

WHEREAS, GSPs for basins designated high-priority and for those basins designated as experiencing critical overdraft by DWR are due to be filed with DWR on or before January 31, 2020; and

WHEREAS, DWR designated the Westside Subbasin of the San Joaquin Valley Groundwater Basin (Subbasin No. 5-22.09) (Westside Subbasin) as a high-priority basin experiencing critical overdraft; and

WHEREAS, California Water section 10723(a) authorizes any local agency overlying a groundwater subbasin to become a GSA for that basin; and

WHEREAS, Westlands Water District (District) is a local agency, as defined in Water Code section 10721(n), formed under California Water District Law (codified as Division 13 of the California Water Code); and

WHEREAS; on July 19, 2016, the District adopted Resolution No. 111-16 electing to serve as the GSA for the Westside Subbasin; and

WHEREAS, on August 18, 2016, the District sent DWR a Notice of Intent to Develop a Groundwater Sustainability Plan for the Westside Subbasin (GSP); and

WHEREAS, on October 18, 2016, the District and County of Fresno (Fresno) entered into a Memorandum of Understanding to ensure areas within the Westside Subbasin outside the District's Service Area are covered by the GSP; and

WHEREAS, on November 1, 2016, DWR deemed the District as the exclusive GSA for the Westside Subbasin, authorizing the District to exercise the powers and authorities described in Water Code Sections 10725 to 10726.9; and

WHEREAS, on December 22, 2016, the District notified DWR of its intent to develop the GSP; and

WHEREAS, the District provided notice required by Water Code section 10727.8, and adopted a Stakeholder Communications and Engagement Plan to obtain a diverse group of interested parties' participation in the preparation of the GSP; and

WHEREAS, the District held numerous public meetings concerning the development of the GSP and undertook efforts to encourage interested parties to participate in the development of the Westside Subbasin GSP; and

WHEREAS, the District compiled and considered all the comments received at these meetings and workshops in the preparation of the GSP; and

WHEREAS, the District published a draft of the GSP for public review on September 23, 2019 and held a Public Hearing to receive input from the Board of Directors (Board) and public on October 30, 2019; and

WHEREAS, the District transmitted a notice to the cities and counties within the subbasin boundaries on July 29, 2019 to provide local agencies with a 90 days' notice of the proposed plan adoption for the purposes of consultation, which is consistent with Water Code Section 10728.4; and

WHEREAS, the District addressed and responded to all comments and, where appropriate, amended the draft GSP in response to comments; and

WHEREAS, the District noticed a public hearing for December 18, 2019, as required by Water Code section 10728.4, for the purposes of considering the GSP, comments thereon, and informing the public of the District's intent to consider adopting the GSP; and

WHEREAS, at the public hearing on December 18, 2019 the Board considered the GSP and the comments from the public thereon; and

WHEREAS, at the public hearing on December 18, 2019 the Board chose to provide the public with additional time to review and comment on the amended GSP; and

WHEREAS, the District posted and published a notice regarding the January 8, 2019 public hearing, as required by Water Code section 10728.4, for the purpose of considering the GSP, comments thereon, and informing the public of the District's intent to consider adopting the GSP; and

WHEREAS, at the public hearing on January 8, 2020 the Board considered the GSP and the comments from the public thereon; and

WHEREAS, the GSP contains all the elements required by Water Code sections 10727.2 and 10727.4 and DWR's GSP Regulations in Sections 350 *et seq.* of Title 23 of the California Code of Regulations (GSP Regulations);

WHEREAS, the GSP establishes a sustainability goal and sustainable management criteria consistent with the purposes and intent of SGMA and the GSP Regulations to avoid the occurrence of undesirable results defined in Water Code section 10721(x) in the Westside Subbasin; and

WHEREAS, implementation of the GSP, based on available data and best practicable science, shall achieve sustainable groundwater management, as defined in Water Code Section 10721(v), during the fifty (50) year planning and implementation horizon of the GSP; and

WHEREAS, the GSP establishes a groundwater sustainability plan that facilitates the reasonable and beneficial use of the maximum quantity of groundwater in the subbasin, including temporary surplus, that may be annually withdrawn from the Westside Subbasin over long-term conditions without causing undesirable results in accordance with Article X, section 2 of the California Constitution; and

WHEREAS, the GSP does not declare, determine, or alter common law water rights and is consistent with the requirements of Water Code Section 10720.5; and

WHEREAS, from time to time, implementation of the GSP may require the imposition of management measures that maximize the reasonable and beneficial use of groundwater and avoid undesirable results by requiring reasonable accommodations among groundwater users; and

WHEREAS, after its filing with DWR, the GSP shall be subject to further public review and shall undergo review by DWR; and

WHEREAS, the GSP shall be updated and amended, periodically, and as deemed necessary by the District to respond to changing conditions and new information, and

WHEREAS, Fresno County GSA will consider adopting the GSP at a public meeting in January of 2020 and, if adopted, implement the GSP within the portions of the Westside Subbasin outside of the District's Service Area; and

WHEREAS, it is in the best interest of the District, its landowners, and beneficial water users in the Westside Subbasin to adopt the GSP.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED as follows:

1. All the Recitals in this resolution are true and correct, and supported by findings and substantial evidence in the record.
2. The District adopts the GSP to implement sustainable groundwater management in the Westside Subbasin pursuant to SGMA and California law.
3. The General Manager or his designee shall submit the GSP to DWR, pursuant to Water Code Section 10733.4.
4. The General Manager or his designee are hereby authorized and directed to take such other actions as may be necessary or appropriate to implement the intent and purposes of this resolution.

Adopted at a special meeting of the Board of Directors, serving as the Groundwater Sustainability Agency of the Westside Subbasin, at Fresno, California, this 8th day of January, 2020.

AYES: Directors Anderson, Bourdeau, Coelho, Errotabere, Enos, Ferguson, Neves and Peracchi

NOES: None

ABSENT: Director Nunn


Bobbie Ormonde, District Secretary

STATE OF CALIFORNIA)
)ss
COUNTY OF FRESNO)

I, Bobbie Ormonde, do hereby certify that I am the duly appointed, qualified and acting District Secretary of Westlands Water District, a public district organized under the laws of the State of California with its offices at Fresno, California; that Resolution No. GSA-101-20 was duly and regularly adopted by the Board of Directors of Westlands Water District Serving as the Groundwater Sustainability Agency of the Westside Subbasin at a meeting of said Board of Directors duly called and held on the 8th of January 2020, at the offices of said Westlands Water District at which a quorum of said Directors was present and acting; and that said Resolution is still in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and seal as District Secretary of said District this 8th day of January, 2020.



Bobbie Ormonde
Bobbie Ormonde, District Secretary
Westlands Water District

FINDINGS

The Board of Directors of the Westlands Water District (District), serving as Groundwater Sustainability Agency (GSA) for the Westside Subbasin of the San Joaquin Valley Groundwater Basin (Subbasin No. 5-22.09) (Westside Subbasin), make the following findings that the Westside Subbasin Groundwater Sustainability Plan (GSP) and Resolution No. 101-20 comport with the requirements of the Sustainable Groundwater Management Act (SGMA) and California Law:

I. WESTSIDE SUBBASIN GSP REQUIRED

1. Element: The Department of Water Resources (DWR) designated the Westside Subbasin as a high-priority basin experiencing critical overdraft requiring the GSA to prepare a GSP for the Westside Subbasin by January 31, 2020.
 - a. Finding: DWR's Bulletin 118 (2016) identified the Westside Subbasin (Basin No. 5-22-.09), as a groundwater basin subject to critical conditions of overdraft, which pursuant to Water Code Section 10720.7(a)(1) requires the District to adopt the Westside Subbasin GSP by January 31, 2020.
 - b. Supporting Explanation: Bulletin 118 (2016) identified the Westside Subbasin as a groundwater basin subject to critical conditions of overdraft as of January 2016. (Bulletin 118, p.12, Table 1.) Further information is available from DWR on its website: <https://water.ca.gov/Programs/Groundwater-Management/Bulletin-118/Critically-Overdrafted-Basins>.
2. Element: If a GSA fails to adopt a GSP for an entire basin identified in Bulletin 118 as subject to critical overdraft by January 31, 2020, the State Water Resources Control Board (State Board) may designate the basin as a probationary basin under Water Code Section 10735.2(a)(2).
 - a. Finding: The District must adopt a GSP before January 31, 2020 or risk the State Board designating the Westside Subbasin being as a probationary basin under Water Code Section 10735.2(a)(2) and imposing a likely more onerous Interim Plan on the subbasin pursuant to Water Code Section 10735.8.
 - b. Supporting Explanation: Water Code Section 10720.7(a)(1) requires all groundwater basins identified in Bulletin 118 as subject to critical conditions of overdraft to prepare a groundwater sustainability plan or coordinate groundwater sustainability plan consistent with SGMA.

Under Water Code Section 10735.2, the State Board may designate the Westside Subbasin as a probationary basin if the District fails

to adopt the Westside Subbasin GSP by January 31, 2020. The State Board has the authority to impose and Interim Plan on probationary basins under Water Code Section 10735.8.

An Interim Plan shall include all the following: (1) identification of the actions that are necessary to correct a condition of long-term overdraft or a condition where groundwater extractions result in significant depletions of interconnected surface waters, including recommendations for appropriate action by any person; (2) a time schedule for the actions to be taken; and (3) a description of the monitoring to be undertaken to determine effectiveness of the plan. An Interim Plan may include the following: (1) restrictions on groundwater extraction; (2) a physical solution; and (3) principles and guidelines for the administration of rights to surface waters that are connected to the basin.

Under an Interim Plan, the State Board also may require any person that extracts or uses water from a basin to prepare and submit technical and monitoring program reports under Water Code Section 10736.6.

The State Board also may charge fees on all groundwater users within a probationary basin or basin subject to an Interim Plan according to a fee schedule available on the State Board's Website: https://www.waterboards.ca.gov/water_issues/programs/gmp/fees.html. For Water Year 2018, the State Board would require all groundwater extractors to pay a \$40 per acre-foot fee in a probationary basin and a \$55 per acre-foot fee in a basin subject to an Interim Plan.

II. GSA FORMATION

1. Element: The local agency serving as GSA shall hold water supply, water management, or land use responsibilities within a groundwater basin under Water Code section 10721(n).
 - a. Finding: The District, as a California Water District formed under Division 13 of the California Water Code, is qualified to serve as the GSA for the Westside Subbasin.
 - b. Supporting Explanation: A copy of the California Water District Act is included in Westside Subbasin GSP Appendix A.
2. Element: Before deciding to become a GSA, and after publication of notice pursuant to Section 6066 of the Government Code, the local agency or agencies shall hold a public hearing in the county or counties overlying the basin to decide to become the GSA for the basin pursuant to Water Code Section 10723.
 - a. Finding: On July 19, 2016, the District's Board of Directors, at a public hearing in the County of Fresno (Fresno) noticed pursuant to Government Code Section 6066, adopted Resolution No. 111-16 electing to become GSA for the Westside Subbasin.
 - b. Supporting Explanation: Resolution No. 111-16 is included in Westside Subbasin GSP Appendix B. Further documentation is available on DWR's SGMA Portal website:
<https://sgma.water.ca.gov/portal/gsa/print/40>.
3. Element: The GSA shall consider the interests of all beneficial users and users of groundwater, including but not limited to, holders of overlying groundwater rights, municipal well operators, public water systems, local land use planning agencies, environmental users of groundwater, surface water users (if there is a hydrologic connection between surface and groundwater bodies), the federal government, California Native American tribes, disadvantaged communities, and Water Code Section 10927 entities monitoring and reporting groundwater levels, in preparation of a GSP under Water Code Section 10723.2

- a. Finding: The District considered all beneficial users and users of groundwater, including but not limited to, holders of overlying groundwater rights, domestic and agricultural, municipal well operators, public water systems, local land use planning agencies, environmental users of groundwater, surface water users (if there is a hydrologic connection between surface and groundwater bodies), the federal government, California Native American tribes, disadvantaged communities, and Water Code Section 10927 entities monitoring and reporting groundwater levels, in its adoption of the Westside Subbasin GSP.
 - b. Supporting Explanation: As specified in Section 2.1.5 of the Westside Subbasin GSP, the District identified and engaged numerous stakeholders. The District also adopted a Stakeholder Communications and Engagement Plan to guide outreach and engagement with interested stakeholders to prepare the Westside Subbasin GSP (<https://wwd.ca.gov/wp-content/uploads/2019/10/stakeholder-communication.pdf.pdf>). Pursuant to this plan, the District hosted over 60 public meetings or workshops between 2015 and 2019 to discuss SGMA and development of the Westside Subbasin GSP. (See Table 2-5.)
4. Element: The GSA shall establish and maintain a list of persons interested in receiving notices regarding plan preparation, meeting announcements, and availability of draft plans, maps, and other relevant documents pursuant to Water Code Section 10723.4.
- a. Finding: The District established and maintained a list of persons interested in receiving notices regarding plan preparation, meeting announcements, and availability of draft plans, maps, and other relevant documents, which it used to distribute materials and information related to the Westside Subbasin GSP and public meetings thereon.
 - b. Supporting Explanation: The District's website contains a SGMA Interest Form to compile contact information for interested parties here: <https://wwd.ca.gov/sgma-interest-form/>.
5. Element: Within 30 days of deciding to become a GSA, the local agency shall inform DWR of its decision to and intent to undertake sustainable groundwater management in accordance with the requirements specific in Water Code Section 10723.8.

- a. Finding: On August, 18, 2016, the District sent DWR a Notice of Intent to Serve as GSA and to Develop a Groundwater Sustainability Plan for the Westside Subbasin and, on November 1, 2016, DWR deemed the District the exclusive GSA for the Westside Subbasin.
 - b. Supporting Explanation: The two notices are included in Westside Subbasin GSP Appendix C and are available on DWR's SGMA Portal website: <https://sgma.water.ca.gov/portal/gsa/print/40>.
- 6. Element: In the event that there is an area within a high- or medium-priority basin that is not within the management area of a groundwater sustainability agency, the county within which that unmanaged area lies will be presumed to be the groundwater sustainability agency for that area under Water Code Section 10724.
 - a. Finding: Fresno and the District entered into a Memorandum of Understanding (MOU), on October 18, 2016, to ensure areas within the Westside Subbasin outside of the District's Service Area are covered by a Westside Subbasin GSP.
 - b. Supporting Explanation: The MOU is included in Westside Subbasin GSP Appendix D. Further documentation on Fresno's decision to become GSA for areas of the Westside Subbasin outside of Westlands' service area is available on DWR's SGMA Portal website: <https://sgma.water.ca.gov/portal/gsa/print/297>.

III. SGMA STATUTORY REQUIREMENTS FOR A GSP

A. Required GSP Elements (Water Code Section 10727.2)

- 1. Element: A GSP shall contain a description of the physical setting and characteristics of the aquifer system underlying the basin that includes: (i) historical data, to the extent available; (ii) groundwater levels, groundwater quality, subsidence, and groundwater-surface water interaction; (iii) a general discussion of historical and projected water demands and supplies; (vi) a map that details the area of the basin and the boundaries of the groundwater sustainability agencies that overlie the basin that have or are developing groundwater sustainability plans; and (v) a map identifying existing and potential recharge areas for the basin that identifies the existing recharge areas that substantially contribute to the replenishment of the groundwater basin and that shall be provided to the appropriate local planning agencies.

- a. Finding: In preparation of the Westside Subbasin GSP, the District considered data available from numerous sources, including, but not limited to, the documents listed in Chapter 7, Chapter 10 of Appendix I and the following sources from the District: (1) Annual Water Use and Supply Reports (1988-2019); (2) documentation of historical/projected deliveries from State Water Project; (3) Mitigated Negative Declaration (MND) for Agricultural Aquifer Storage and Recovery Program; (4) Mendota Pool Group 20-year Exchange Program Final EIS/R; (5) Michael Shires Agricultural Reports on the Central Valley and Westlands Water District; (6) Crop Acreage Reports (2000-2019); (7) 1996 Groundwater Management Plan; (8) 2003 Water Management Handbook; (9) 2013 Water Management Handbook; (10) 2017 Water Management Plan; (11) Ag Water Management Plan; (12) District Bylaws; (13) District Rules, Regulations and Terms and Conditions for Agricultural Water Service; (14) Irrigation System Improvement Program; and (15) Westlands Crop Irrigation Guide. These reports and data sources, among others, were instrumental in the development of the Westside Subbasin GSP and are incorporated by reference to all the Findings contained herein.
- b. Supporting Explanation: Not applicable.
- c. Finding: The Westside Subbasin GSP describes the physical setting and characteristics of the Westside Subbasin aquifer system based on available reports, maps and historical data.
- d. Supporting Explanation: Chapter 2 describes the historical data utilized to prepare the Westside Subbasin GSP. A list of references also is included in Chapter 7.
- e. Finding: The Westside Subbasin GSP describes the physical setting and characteristics of the Westside Subbasin's groundwater levels, groundwater quality, subsidence, and groundwater-surface water interaction.
- f. Supporting Explanation: Chapter 2 contains a description of the physical setting and characteristics of the Westside Subbasin's groundwater levels, groundwater quality, subsidence, and groundwater-surface water interaction. A list of references also is included in Chapter 7.
- g. Finding: The Westside Subbasin GSP describes the historical and projected water demands and supplies of the Westside Subbasin.

- h. Supporting Explanation: Chapter 2 describes the historical and projected water demands and supplies for the Westside Subbasin GSP, including the supporting reference materials. A list of references also is included in Chapter 7.
 - i. Finding: The Westside Subbasin GSP includes Figure 1-1, which detail the area of the basin and the boundaries of the groundwater sustainability agencies that overlie the basin that have or are developing groundwater sustainability plans
 - j. Supporting Explanation: Not applicable.
 - k. Finding: The Westside Subbasin GSP includes Figures 2-59 and 4-10 identifying existing and potential recharge areas for the basin that identifies the existing recharge areas that substantially contribute to the replenishment of the groundwater basin and that shall be provided to the appropriate local planning agencies.
 - l. Supporting Explanation: Not applicable.
2. Element: A GSP shall contain measurable objectives, as well as interim milestones in increments of five years, to achieve the sustainability goal in the basin within 20 years of the implementation of the plan.
- a. Finding: The Westside Subbasin GSP contains measurable objectives, as well as interim milestones in increments of five years, to achieve the sustainability goal in the basin within 20 years of the implementation of the plan.
 - b. Supporting Explanation: Tables 3-2 through 3-6 contain the measurable objectives and interim milestones in five-year increments to achieve the sustainability goal for the Westside Subbasin.
3. Element: A GSP shall contain a description of how the plan helps meet each objective and how each objective is intended to achieve the sustainability goal for the basin for long-term beneficial uses of groundwater.
- a. Finding: The Westside Subbasin GSP contains a description of how the plan helps meet each objective and how each objective is intended to achieve the sustainability goal for the basin for long-term beneficial uses of groundwater.
 - b. Supporting Explanation: Chapter 3 sets the measurable objectives for the Westside Subbasin to achieve the sustainability goal and Chapter 4 describes the projects and management actions to facilitate achievement of the sustainability goal.

4. Element: A GSP shall contain a planning and implementation horizon.
 - a. Finding: The Westside Subbasin GSP contains a fifty-year planning and implementation horizon.
 - b. Supporting Explanation: Water Code Section 10721(r) defines the planning and implementation horizon as a 50-year time period over which a groundwater sustainability agency determines that plans and measures will be implemented in a basin to ensure that the basin is operated within its sustainable yield.
5. Element: A GSP shall contain provisions relating to the monitoring and management of groundwater levels within the basin.
 - a. Finding: The Westside Subbasin GSP contains provisions relating to the monitoring and management of groundwater levels within the Westside Subbasin.
 - b. Supporting Explanation: Chapter 3 details the monitoring network and the sustainable management criteria for groundwater levels within the Westside Subbasin.
6. Element: A GSP shall contain the monitoring and management of groundwater quality, groundwater quality degradation, inelastic land surface subsidence, and changes in surface flow and surface water quality that directly affect groundwater levels or quality or are caused by groundwater extraction in the basin.
 - a. Finding: The Westside Subbasin GSP provides for the monitoring and management of groundwater quality, groundwater quality degradation, inelastic land surface subsidence, and changes in surface flow and surface water quality that directly affect groundwater levels or quality or are caused by groundwater extraction in the Westside Subbasin.
 - b. Supporting Explanation: Chapter 3 describes the monitoring and management of groundwater quality, groundwater quality degradation, inelastic land surface subsidence, and changes in surface flow and surface water quality that directly affect groundwater levels or quality or are caused by groundwater extraction in the Westside Subbasin, and Chapter 4 details the projects and management actions to address potential impacts to the aforementioned resources.
7. Element: A GSP shall contain how recharge areas identified in the plan substantially contribute to the replenishment of the basin.

- a. Finding: The Westside Subbasin GSP describes how recharge areas identified in the plan substantially contribute to the replenishment of the basin.
 - b. Supporting Explanation: Figure 2-59 identifies recharge areas and Section 2.2.4.4.1 of the Westside Subbasin GSP describes these areas based on the Westlands Water Quality Coalition Groundwater Quality Assessment Report for the Western Tulare Lake Basin Area report (Carollo and Luhdorff & Scalmanini, Consulting Engineers, 2015). The Water Budget section described in Chapter 3 of Westside Subbasin GSP also incorporates how recharge is incorporated into the Westside Subbasin hydrogeological model.
8. Element: A GSP shall contain a description of surface water supply used or available for use for groundwater recharge or in-lieu use.
- a. Finding: The Westside Subbasin GSP contains a description of imported surface water supplies from the Central Valley Project used or available for use for groundwater recharge or in-lieu use.
 - b. Supporting Explanation: The District utilizes surface water deliveries from the Central Valley Project as in-lieu supplies throughout the Westside Subbasin pursuant to the Westlands Water District Management Plan and Groundwater Management Plan. The Westside Subbasin GSP supports this continued use of in-lieu surface water supplies through its Surface Water Imports project, described in Section 4.1 of the Westside Subbasin GSP.
9. Element: A GSP shall contain a summary of the type of monitoring sites, type of measurements, and the frequency of monitoring for each location monitoring groundwater levels, groundwater quality, subsidence, streamflow, precipitation, evaporation, and tidal influence. The plan shall include a summary of monitoring information such as well depth, screened intervals, and aquifer zones monitored, and a summary of the type of well relied on for the information, including public, irrigation, domestic, industrial, and monitoring wells.

- a. Finding: The Westside Subbasin GSP contains a summary of the type of monitoring sites, type of measurements, and the frequency of monitoring for each location monitoring groundwater levels, groundwater quality, subsidence, streamflow, precipitation, evaporation, and tidal influence for the Westside Subbasin. The Westside Subbasin GSP includes a summary of monitoring information such as well depth, screened intervals, and aquifer zones monitored, and a summary of the type of well relied on for the information, including public, irrigation, domestic, industrial, and monitoring wells.
 - b. Supporting Explanation: Chapter 2 and the supporting tables and figures contain all the above described information.
10. Element: A GSP shall contain monitoring protocols that are designed to detect changes in groundwater levels, groundwater quality, inelastic surface subsidence for basins for which subsidence has been identified as a potential problem, and flow and quality of surface water that directly affect groundwater levels or quality or are caused by groundwater extraction in the basin. The monitoring protocols shall be designed to generate information that promotes efficient and effective groundwater management.
- a. Finding: The Westside Subbasin GSP contains monitoring protocols that are designed to detect changes in groundwater levels, groundwater quality, inelastic surface subsidence for basins for which subsidence has been identified as a potential problem, and, if applicable, flow and quality of surface water that directly affect groundwater levels or quality or are caused by groundwater extraction in the Westside Subbasin, such that the monitoring protocols are designed to generate information that promotes efficient and effective groundwater management.

- b. Supporting Explanation: Section 3.8 of the Westside Subbasin GSP describes the monitoring protocols that the District will employ for monitoring within the Westside Subbasin. These monitoring protocols are largely consistent with DWR's Best Management Practices for the Sustainable Management of Groundwater: Monitoring Protocols, Standards, and Sites available here: https://water.ca.gov/LegacyFiles/groundwater/sgm/pdfs/BMP_Monitoring_Protocols_Final_2016-12-23.pdf. Implementation of the monitoring protocols, as described in the Westside Subbasin GSP, shall detect changes in groundwater levels, groundwater quality, inelastic surface subsidence for basins for which subsidence has been identified as a potential problem, and, if applicable, flow and quality of surface water that directly affect groundwater levels or quality or are caused by groundwater extraction in the Westside Subbasin.
- 11. Element: A GSP shall contain a description of the consideration given to the applicable county and city general plans and a description of the various adopted water resources-related plans and programs within the basin and an assessment of how the groundwater sustainability plan may affect those plans.
 - a. Finding: The Westside Subbasin GSP contains a description of the consideration given to the Fresno County, Kings County, City of Huron and City of Avenal land use plans, and a description of the various adopted water resources-related plans and programs within the Westside Subbasin and an assessment of how the GSP may affect those land use plans.
 - b. Supporting Explanation: Section 2.1.3.6 of the Westside Subbasin GSP describes each of the local agencies' land use plans and the relevant sections relating to groundwater management.

B. Additional GSP Elements (Water Code Section 10727.4)

- 1. Element: A GSP shall contain, where appropriate, discussion of control of saline water intrusion.
 - a. Finding: The Westside Subbasin GSP sets groundwater elevation minimum thresholds at or above historic low levels, avoiding the upward flow of deeper, saline groundwater located below the base of the freshwater Lower Aquifer into productive groundwater wells within the Westside Subbasin.

- b. Supporting Explanation: The Westside Subbasin GSP describes the occurrence of saline groundwater within the Westside Subbasin in Pages 2-37 to 2-38 of Chapter 2. The Westside Subbasin GSP addresses control of saline water intrusion in Section 3.3.7. (pp. 3-32 – 3-33.)
- 2. Element: A GSP shall contain, where appropriate, discussion of wellhead protection areas and recharge areas
 - a. Finding: The Westside Subbasin GSP evaluated recharge areas and identified aquifer storage and recovery and percolation basins as Projects and Management Actions to help achieve the sustainability goal.
 - b. Supporting Explanation: Section 4.3 of the Westside Subbasin GSP describes the proposed aquifer storage and recovery project, and Section 4.5 describes the percolation basins' projects.
- 3. Element: A GSP shall contain, where appropriate, discussion of migration of contaminated groundwater.
 - a. Finding: The Westside Subbasin GSP includes discussion of the migration of contaminated groundwater, and incorporates sustainable management criteria and projects and management actions to avoid causing significant and unreasonable migration of contaminated groundwater.
 - b. Supporting Explanation: Not applicable.
- 4. Element: A GSP shall contain, where appropriate, a well abandonment and well destruction program.
 - a. Finding: The Westside Subbasin GSP describes well abandonment and well destruction standards as specified in the California Health and Safety Code Section 115700, Water Code Section 13750.5, California Well Standards Bulletins 74-82 and 74-90, and Fresno and Kings Counties' Well Ordinances.
 - b. Supporting Explanation: The California Well Standards Bulletins are included as Appendix G of the Westside Subbasin GSP.
- 5. Element: A GSP shall contain, where appropriate, discussion of replenishment of groundwater extractions.

- a. Finding: The Westside Subbasin GSP incorporates replenishment of groundwater extractions through applied water infiltration and return flows from irrigation into the water budget as described in Chapter 2 of the GSP and the Plan describes projects to support the replenishment of groundwater extractions, including aquifer storage and recovery and percolation basins as Projects and Management Actions in Chapter 4.
 - b. Supporting Explanation: Section 2.3 of the Westside Subbasin GSP describes the water budget including information on the incorporation of replenishment from groundwater extraction. (pp. 2-44 – 2-48.) Section 4.3 describes the proposed aquifer storage and recovery project, and Section 4.5 describes the percolation basins' projects.
6. Element: A GSP shall contain, where appropriate, activities implementing, opportunities for, and removing impediments to, conjunctive use or underground storage.
 - a. Finding: The Westside Subbasin GSP contains a robust discussion of the District and landowners' efforts to engage in conjunctive use of Central Valley Project water and other surface water supplies rather than groundwater.
 - b. Supporting Explanation: Section 2.1.2.5 of the Westside Subbasin GSP describes the District and landowners' conjunctive use practices, which are further described in Appendices E and F of the Westside Subbasin GSP.
7. Element: A GSP shall contain, where appropriate, discussion of well construction policies.
 - a. Finding: The Westside Subbasin GSP contains discussion of well constructions policies based on the California Well Standards Bulletins 74-81 and 74-90 in addition to Fresno and Kings counties' well construction code chapters.
 - b. Supporting Explanation: The California Well Standards Bulletins are included as Appendix G of the Westside Subbasin GSP. Fresno County Code Chapters 14.04 & 14.08 and Kings County Code Chapters, Chapter 14A describe well permit and construction standards.
8. Element: A GSP shall contain, where appropriate, discussion of measures addressing groundwater contamination cleanup, groundwater recharge, in-lieu use, diversions to storage, conservation, water recycling, conveyance, and extraction projects.

- a. Finding: The Westside Subbasin GSP contains discussion measures addressing groundwater contamination cleanup, groundwater recharge, in-lieu use, diversions to storage, conservation, water recycling, conveyance, and extraction projects to the extent necessary to comply with SGMA.
 - b. Supporting Explanation: Not applicable.
9. Element: A GSP shall contain, where appropriate, efficient water management practices, as defined in Water Code Section 10902, for the delivery of water and water conservation methods to improve the efficiency of water use.
- a. Finding: The Westside Subbasin GSP considers and incorporates the District and landowners' efforts to engage in efficient irrigation and water management practices.
 - b. Supporting Explanation: The Westside Subbasin GSP describes the District and landowners' efficient irrigation and demand management practices in Chapter 2. (pp. 2-5, 2-8 - 2-9, 2-16.)
10. Element: A GSP shall contain, where appropriate, efforts to develop relationships with state and federal regulatory agencies.
- a. Finding: The Westside Subbasin GSP contains a description of efforts to engage with state and federal regulatory agencies.
 - b. Supporting Explanation: The District met with state and federal regulatory agencies, including DWR to discuss subsidence issues, and considered information provided by state and federal agencies for the Westside Subbasin GSP.
11. Element: A GSP shall contain, where appropriate, a process to review land use plans and efforts to coordinate with land use planning agencies to assess activities that potentially create risks to groundwater quality or quantity.
- a. Finding: The Westlands Subbasin GSP contains a discussion of efforts to review and address local agencies' land use plans that are protective of groundwater conditions within the Westside Subbasin, and the District and Fresno will coordinate to ensure Fresno's future land use plan amendments do not conflict with the Westside Subbasin GSP through the MOU.

- b. Supporting Explanation: Local agencies' land use authority is described in pages 2-11 to 2-16 of the Westlands Subbasin GSP. The MOU is included in Westside Subbasin GSP Appendix D. Further documentation on Fresno's decision to become GSA for areas of the Westside Subbasin outside of Westlands' service area is available on DWR's SGMA Portal website:
<https://sgma.water.ca.gov/portal/gsa/print/297>.
- 12. Element: A GSP shall contain, where appropriate, impacts on groundwater dependent ecosystems (GDEs).
 - a. Finding: The Westside Subbasin GSP analyzed the presence of GDEs in the subbasin and determined that, based on available water level information, no GDEs exist that rely on the water from the Upper and Lower Aquifer within the Westside Subbasin.
 - b. Supporting Explanation: Section 2.1.4.3 of the Westside Subbasin GSP discusses the impacts on GDEs. The District evaluated "potential" GDEs through the process described in *Groundwater Dependent Ecosystems under the Sustainable Groundwater Management Act: Guidance for Preparing Groundwater Sustainability Plans* sponsored by The Nature Conservancy. The District compared potential GDE locations with shallow groundwater levels and determined that any existing GDE sites do not rely on groundwater from the Upper or Lower Aquifer, but instead are likely supported by irrigation return flows. The District also commits to evaluating data gaps associated with GDEs in future amendments to the GSP by installing additional monitoring facilities.

C. Undesirable Results (Water Code Section 10721(x))

1. Element: A GSP shall not cause chronic lowering of groundwater levels indicating a significant and unreasonable depletion of supply if continued over the planning and implementation horizon. Overdraft during a period of drought is not sufficient to establish a chronic lowering of groundwater levels if extractions and groundwater recharge are managed as necessary to ensure that reductions in groundwater levels or storage during a period of drought are offset by increases in groundwater levels or storage during other periods.

- a. Finding: The Westside Subbasin GSP shall not cause chronic lowering of groundwater levels indicating a significant and unreasonable depletion of supply if continued over the planning and implementation horizon.

Supporting Explanation: The Westside Subbasin GSP avoids the occurrence of significant and unreasonable depletions of groundwater supply over the planning and implementation horizon through its sustainable management criteria. The Westside Subbasin GSP's measurable objectives for groundwater levels were established based on the 2016 water levels plus the hydraulic head change between 2016 and 2017 simulated in the numerical model as described in Section 3.2.1.1 of the Westside Subbasin GSP. Minimum thresholds were established based on measured water levels in 2015 or 2016 (in many cases the lowest in the historic record) with an allowance for an additional 40-foot decline in non-subsidence prone areas to allow for operational flexibility, as described in Section 3.3.1 of the Westside Subbasin GSP. Significant and unreasonable levels of the chronic lowering of groundwater elevations is defined as a fraction of the groundwater elevations measured in the GSP monitoring well network that are less than the minimum threshold values. For the Subbasin, this fraction is estimated as 25 percent or more of the groundwater elevations for two spring measurements will result significant and undesirable levels of chronic lowering of groundwater levels, as described in Section 3.4.1.1.

All sustainable management criteria were established to be protective of groundwater resources for all beneficial uses in the Subbasin and are considered achievable within the GSP implementation period.

2. Element: A GSP shall not cause significant and unreasonable reduction of groundwater storage.

- a. Finding: The Westside Subbasin GSP shall not cause significant and unreasonable reduction of groundwater storage.
- b. Supporting Explanation: The Westside Subbasin GSP avoids the occurrence of significant and unreasonable depletions of groundwater supply over the planning and implementation horizon through its sustainable management criteria. As specified in Section 3.2.2 of the Westside Subbasin GSP, the measurable objective for reduction of groundwater in storage was developed using the same methodology as chronic lowering of groundwater levels. The minimum threshold for decline in groundwater storage is equivalent to the maximum decline in groundwater levels between 2017 levels and groundwater level minimum thresholds based on a spatially weighted average of the difference between 2017 groundwater levels and minimum thresholds for groundwater levels at each well. Further explanation is included in Section 3.3.2. Significant and unreasonable levels of groundwater storage declines are defined as an exceedance of the groundwater storage decline minimum threshold for two consecutive spring measurements. (See Section 3.4.1.2.)

All sustainable management criteria were established to be protective of groundwater resources for all beneficial users in the Subbasin and are considered achievable within the GSP implementation period. The practical effect of implementing these management criteria is that it encourages no net change in groundwater elevation and storage during average, long-term hydrologic conditions. Therefore, during average, long-term hydrologic conditions, beneficial uses and users will have access to the same amount of groundwater in storage that currently exists, and the undesirable result will not have a negative effect on the beneficial users and uses of groundwater.

- 3. Element: A GSP shall not cause significant and unreasonable seawater intrusion.
 - a. Finding: The Westside Subbasin GSP shall not cause significant and unreasonable seawater intrusion because the Westside Subbasin is in the San Joaquin Valley and physically separated from the Pacific Ocean precludes the existence or presence of seawater intrusion.
 - b. Supporting Explanation: Not applicable.
- 4. Element: A GSP shall not cause significant and unreasonable degraded water quality, including the migration of contaminant plumes that impair water supplies.

- a. Finding: The Westside Subbasin GSP shall not cause significant and unreasonable degraded water quality, including the migration of contaminant plumes that impair water supplies.
- b. Supporting Explanation: Degraded water quality in the Subbasin is generally naturally occurring as a result of marine sediments from the Coast Range impacting groundwater quality in some areas of the Upper Aquifer. Based on the review of groundwater quality in Chapter 2 of the Westside Subbasin GSP, the constituents of concern for beneficial users in the Subbasin are TDS. Nitrates and other constituents that may be of interest are not at concentrations, based on available data, that impact beneficial users.

The Regional Board sets water quality objectives for the Westside Subbasin through a Basin Plan and any subsequent Basin Plan Amendments. Water quality impacts from human activities will be addressed through interested parties outreach, communication and voluntary efforts at reducing the over application of fertilizers and other chemical applications that may result in the exceedance of allowable degradation of groundwater from human activities as allowed by the Basin Plan Amendment.

The Westside Subbasin GSP avoids the occurrence of significant and unreasonable depletions of groundwater supply over the planning and implementation horizon through its sustainable management criteria. The measurable objectives for minimizing the degradation of groundwater quality from human activities is based on groundwater sample concentrations not exceeding the historic trends in background groundwater quality along with a degradation rate attributed to human activities and beneficial uses that does not exceed the existing or planned Basin Plan Amendments as adopted by the Central Valley Regional Water Quality Control Board. (See Section 3.2.4.) The minimum thresholds for water quality were established through the process described in Section 3.3.5.1 of the Westside Subbasin GSP. The degraded water quality is considered significant and unreasonable if the magnitude of degradation at pre-existing groundwater wells is not usable without taking management actions to improve the quality of the water to concentrations less than the minimum threshold. Groundwater quality degradation is considered an undesirable result when 25 percent of wells are above the minimum threshold for the same constituent, based on average of most recent three-year period as described in Section 3.4.1.4 of the Westside Subbasin GSP.

These thresholds are protective of beneficial uses of groundwater and consistent with the State Board Water Quality Board Guidance. (https://www.waterboards.ca.gov/water_issues/programs/gmp/docs/sgma/sgma_wtr_qual.pdf).

5. Element: A GSP shall not cause significant and unreasonable land subsidence that substantially interferes with surface land uses.
 - a. Finding: The Westside Subbasin GSP shall not cause significant and unreasonable land subsidence that substantially interferes with surface land uses.
 - b. Supporting Explanation: The Westside Subbasin GSP avoids the occurrence of significant and unreasonable depletions of groundwater supply over the planning and implementation horizon through its sustainable management criteria. Section 3.2.3 of the Westside Subbasin GSP describes the measurable objective for subsidence. The subsidence measurable objective is based on DWR's historical design investigations of the San Luis Canal (SLC) from its 2017 California Aqueduct Subsidence Study that estimated residual or lag subsidence would continue regardless of groundwater level recovery at a rate that was approximately 10 percent of the historical rates of active subsidence (subsidence that occurs as a direct result of groundwater level declines and associated decreases in pore water pressure in fine-grained materials). Recently, measured subsidence along the SLC during the last drought was up to one foot per year in some locations within the Subbasin. Thus, residual subsidence is expected to continue to occur at a rate of approximately 0.1 feet per year, which is the measurable objective for subsidence along the SLC. As conditions in the Subbasin improve, it is expected that residual subsidence will be reduced overtime. Once the Subbasin is no longer experiencing current rates of residual subsidence, the GSA will evaluate whether it is feasible to lower the MO for subsidence during subsequent updates to the GSP.

The minimum threshold is a rate of subsidence for the three extensometers and global positions system (gps) benchmark survey locations near Checks 16, 17, and 20 of 0.1 feet per year as listed in Table 3-9. An undesirable result occurs for the SLC when two or more monitoring network measurements exceed the subsidence minimum threshold during any one year as stated in Section 3.4.1.3 of the Westside Subbasin GSP.

Subsidence in other areas of the Westside Subbasin does not affect infrastructure or other lands uses to the extent subsidence affects the SLC. For these areas, the groundwater level measurable objectives and minimum thresholds are preventative of significant and unreasonable land subsidence in these areas.

All sustainable management criteria were established to be protective of groundwater resources for all beneficial uses in the Subbasin and are considered achievable within the GSP implementation period.

The commencement of the allocation program through and post the transition period is reasonably likely to maintain groundwater levels above the designated groundwater thresholds. (GSP, Appendix I) The District has the discretion to impose more stringent allocations within the transition period if required to avoid significant and unreasonable subsidence. (See GSP Chapter 4.) The District also reserved discretion to incentivize and compel targeted mitigation measures that will supply substitute water supplies to specific wells near the SLC in lieu of pumping groundwater as required. These measures may be implemented and enforced by the District. (See GSP Chapter 4.) The District will also continue to meet and coordinate efforts with DWR to address subsidence along the SLC.

6. Element: A GSP shall not cause depletions of interconnected surface water that have significant and unreasonable adverse impacts on beneficial uses of the surface water.
 - a. Finding: The Westside Subbasin GSP shall not cause depletions of interconnected surface water that have significant and unreasonable adverse impacts on beneficial uses of the surface water because interconnected surface waters are not identified within the Westside Subbasin and the Plan shall address these data gaps in order to protect interconnected surface water, as appropriate.

- b. Supporting Explanation: The District identified potential interconnected surface waters and GDEs through DWR's recommend Natural Communities Commonly Associated with Groundwater (NCCAG) dataset. As described in Chapter 2 and the supporting documentation, groundwater levels are generally thirty feet or more below ground surface, including in areas identified as potential interconnected surface waters and GDEs by the NCCAG dataset. Monitoring facilities and historical data, outside of the monitoring well data utilized to develop the Westside Subbasin GSP, are not presently available to assess the presence of interconnected surface water and groundwater in sufficient detail to definitively identify interconnected surface water and groundwater to establish sustainable management criteria. (See Section 3.2.5.) Thus, this sustainability indicator has been identified as a data gap.

Section 2.2.2.4.1 and Section 3.8.7 of the Westside Subbasin GSP describe how the District plans to address the data gaps associated with interconnected surface water, including the plan to install shallow wells on the western part of the Subbasin to determine if there is an impact on potential ISWs and GDEs from groundwater pumping.

D. Adoption of GSP Following a Public Hearing (Water Code Section 10728.4)

- 1. Element: A GSA may adopt or amend a groundwater sustainability plan after a public hearing, held at least 90 days after providing notice to a city or county within the area of the proposed plan or amendment.
 - a. Finding: The District published a draft copy of the Westside Subbasin GSP on September 23, 2019 and transmitted a copy of to the cities and counties within the areas of the Westside Subbasin GSP on July 29, 2019, more than 90 days prior to the District's Board of Director's decision to adopt the GSP at a public hearing on January 8, 2019. The District also held a public meeting on December 18, 2019 to review the District's response to comments and to make modifications to the Westside Subbasin GSP in response to the comments.
 - b. Supporting Explanation: The District's website contains a calendar with the meeting dates and agendas for the public hearings described above: <https://wwd.ca.gov/calendar/>.
- 2. Element: The GSA shall review and consider comments from any city or county that receives notice pursuant to this section and shall consult with a city or county that requests consultation within 30 days of receipt of the notice.

- a. Finding: No city or county within the Westside Subbasin requested consultation with the District regarding the Westside Subbasin GSP.
- b. Supporting Explanation: Comments letters received and the response to comments are included in Appendix H.

E. GSA Financial Authority to Fund Costs of GSP Implementation

- 1. Element: A GSA may adopt a fee pursuant to Chapter 8 of SGMA (Water Code Sections 10730 *et seq.*) to fund the costs of a groundwater sustainability program, including but not limited to preparation, adoption, and amendment of a GSP, and investigations, inspections, compliance assistance, enforcement, program administration, including a prudent reserve, acquisition of lands or other property, facilities, and services, supply, production, treatment or distribution of water, and any activities necessary or convenient to implement the GSP.
 - a. Finding: In accordance with Chapter 5 of the Westside Subbasin GSP and when necessary to fund the cost of GSP implementation, the District shall adopt a fee consistent with the applicable requirements of state and federal law.
 - b. Supporting Explanation: SGMA divides a GSA's financial authority into powers (1) granted to a GSA prior to adoption of a GSP, and (2) reserved for after a GSA adopts a Plan (Wat. Code, §§ 10730, 10730.2.) This financial authority is in addition to the District's financial authority under Water Code Sections 35470 *et seq.* (Wat. Code, §§ 10730(e), 10730.8(a).) Pursuant to this authority, the District shall adopt a fee in accordance with federal and state law. The amount and type of the fee will be developed through a fee study. The District will then adopt a fee to cover the costs of GSP implementation.

IV. DWR'S REGULATORY REQUIREMENTS

- 1. Element: A GSP shall comply with DWR's GSP Emergency Regulations (GSP Regulations) for evaluation and implementation of a GSP as provided in Sections 350-358.4 of Title 23 of the California Code of Regulations.
 - a. Finding: The Westside Subbasin GSP was prepared to comply with the GSP Regulations.

- b. Supporting Explanation: The Westside Subbasin GSP considered DWR's additional guidance on preparation and implementation of a GSP, including but not limited to, DWR's GSP Emergency Regulations Guide (available at https://water.ca.gov/LegacyFiles/groundwater/sgm/pdfs/GSP_Final_Regs_Guidebook.pdf), DWR's GSP Annotated Outline (available at https://water.ca.gov/LegacyFiles/groundwater/sgm/pdfs/GD_GSP_Outline_Final_2016-12-23.pdf); DWR's Guidance for Climate Change Data Use During Sustainability Plan Development (available at https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Groundwater-Management/Sustainable-Groundwater-Management/Best-Management-Practices-and-Guidance-Documents/Files/Climate-Change-Guidance-Final_ay_19.pdf), and DWR's Best Management Practices (available at <https://water.ca.gov/Programs/Groundwater-Management/SGMA-Groundwater-Management/Best-Management-Practices-and-Guidance-Documents>).

V. CALIFORNIA WATER LAW

- 1. Element: A GSP shall establish a groundwater management program consistent with the reasonable and beneficial use mandate in Section 2 of Article X of the California Constitution as required by Water Code Section 102720.5(a).
 - a. Finding: The Westside Subbasin GSP establishes a groundwater sustainability plan that facilitates the reasonable and beneficial use of the maximum quantity of groundwater in the subbasin, including temporary surplus, that may be annually withdrawn from the Westside Subbasin GSP over long-term conditions without causing undesirable results in accordance with Article X, Section 2 of the California Constitution.
 - b. Supporting Explanation: Competing demands to and beneficial uses of groundwater from the Westside Subbasin can be accommodated without causing undesirable results provided that the groundwater level thresholds are satisfied.

The GSP has established thresholds that will enable the cumulative groundwater production of groundwater to continue at a higher sustainable yield because of the active monitoring and management than would otherwise occur in an unmanaged basin where there are no limitations on total extractions.

Adherence to the GSP thresholds through the full suite of management actions will operate to maintain water levels that will avoid undesirable results.

All existing and reasonably foreseeable beneficial uses of groundwater within the Westside Subbasin are allowed to register their prospective use of groundwater and to use water on their overlying land or as otherwise prescribed in the GSP (See GSP Chapter 4.)

No person may engage in an unreasonable use, method or manner of use of water. (*Joslin v. Marin Municipal Water District* (1967) 67 Cal.2d 135.) Groundwater extractions that are a substantial factor in causing undesirable results are subject to regulation under the GSP. (See GSP Chapter 4.)

- c. Finding: The Westside Subbasin GSP considers and incorporates efforts to engage in efficient irrigation and water management practices consistent with the reasonable and beneficial use mandate in Section 2 of Article X of the California Constitution.
 - d. Supporting Explanation: The District, landowners, and water users have implemented efficient water management and irrigation practices as documented in the documents references in Finding III.A.1.a, including: Michael Shires Report; 1996 Groundwater Management Plan; 2003 Water Management Handbook; 2012 Water Management Plan; 2013 Water Management Handbook; Ag Water Management Plan; District Regulations/Terms and Conditions for Agricultural Water Service; Irrigation System Improvement Program; and Westlands Crop Irrigation Guide.
2. Element: A GSA shall consider state's policy that everyone human being has the right to safe, clean, affordable and accessible water adequate for human consumption, cooking, and sanitary purposes under Water Code Section 106.3.
- a. Finding: The Westside Subbasin GSP considered and incorporated the state's Human Right to Water policy pursuant to Water Code Section 106.3.

- b. Supporting Explanation: The Westside Subbasin GSP sets sustainable management criteria in a manner that is protective of all beneficial uses of water including domestic water supplies that are safe, clean, affordable and accessible water adequate for human consumption, cooking, and sanitary purposes. If conditions exist that impact the Human Right to Water within the subbasin, Chapter 6 of the Westside Subbasin GSP identifies the process and procedures for the District to remedy those conditions to protect safe, clean, affordable and accessible water adequate for human consumption, cooking, and sanitary purposes. The District also retains discretion to implement a physical solution where necessary to avoid undesirable results and substantial injury to landowners. (*City of Lodi v. East Bay Mun. Dist.* (1936) 7 Cal.2d 321.)
3. Element: A GSP shall not cause a depletion of surface water that causes a significant and unreasonable adverse impact on beneficial uses, including uses for the conservation and protection of fish, wildlife, and aquatic habitat.
 - a. Finding: The Westside Subbasin GSP is established to avoid the withdrawal of percolating groundwater causing a substantial depletion of interconnected surface waters (ISW) having a significant and unreasonable adverse impact on beneficial uses of surface water, including resources protected by the public trust. (See GSP Chapter 4; Water Code Section 10721(x).)
 - b. Supporting Explanation: As set forth above and in the response to comments 1-1, the District identified potential interconnected surface waters and GDEs through DWR's recommend NCCAG dataset. As described in Chapter 2 and the supporting documentation, *groundwater levels are generally thirty feet or more below ground surface*, including in areas identified as potential ISWs and GDEs by the NCCAG dataset. Consequently, the withdrawal of groundwater in a manner consistent with the stated thresholds should not present a risk of surface water depletion and significant and unreasonable adverse impacts, including to fish, wildlife, and aquatic habitat resources. However, monitoring facilities and historical data, outside of the monitoring well data utilized to develop the Westside Subbasin GSP, are not presently available to assess the presence of ISWs and GDEs in sufficient detail to establish more specific sustainable management criteria, if necessary. (See Section 3.2.5.) Thus, this sustainability indicator has been identified as a data gap.

Section 2.2.2.4.1 and Section 3.8.7 of the Westside Subbasin GSP describe how the District plans to address the data gaps associated with ISWs, including the plan to install shallow wells on the western part of the Subbasin to determine if there is an impact on potential ISWs or GDEs from groundwater pumping.

The District has retained discretion to, where necessary, accelerate and impose management measures as may be required to avoid causing undesirable results, including a substantial depletion of ISWs resulting in a significant and unreasonable impact on fish, wildlife, and aquatic habitat, and to balance public trust values. (See GSP Chapter 4.)

4. Element: A GSP does not determine or alter surface water or groundwater rights under common law or any provision of law that determines or grants such rights in accordance with Water Code Section 10720.5.
 - a. Finding: The District does not determine or alter surface water or groundwater rights under common law or any provision of law that determines or grants such rights in accordance with Water Code Section 10720.5.
 - b. Supporting Explanation: The Westside Subbasin was designated by DWR as being in “critical overdraft” in Bulletin 118 (2016). Absent the coordinated management of groundwater, continued pumping of groundwater in historical quantities is reasonably likely to cause undesirable results.

Under the Westside Subbasin GSP, upon compliance with the registration requirement, all landowners overlying the Westside Subbasin are authorized to withdraw groundwater for a reasonable and beneficial. (See GSP Chapter 4.) The Westside Subbasin GSP does not prohibit any person from making a beneficial use of water on their overlying land or deny access to groundwater to any person in compliance with the GSP. (See GSP Chapter 4.) There is no property right in making an unreasonable use, manner or method of use in water (*Joslin v. Marin Municipal Water District* (1967) 67 Cal.2d 135). The Westside Subbasin GSP establishes a groundwater allocation program, that when coupled with other management measures, will enable groundwater to be produced without causing undesirable results (See GSP Chapter 4) as compared with the historically designated condition of “critical overdraft”.

The management measures undertaken pursuant to the Westside Subbasin GSP may require common law water right holders, which predominantly own overlying rights, to accept reasonable accommodations, as necessary, for the purpose of maximizing the reasonable and beneficial use of water from the Subbasin without causing undesirable results.

- c. Finding: From time to time, implementation of the Westside Subbasin GSP may require the imposition of management measures that maximize the reasonable and beneficial use of groundwater and avoid undesirable results by requiring reasonable accommodations among groundwater users.
- d. Supporting Explanation: The Westside Subbasin has been designated by DWR as being in “critical overdraft” in Bulletin 118 (2016). Absent the coordinated management of groundwater continued pumping of groundwater in historical quantities is reasonably likely to cause undesirable results

No person may make an unreasonable use of groundwater, such as producing groundwater in a manner that causes an undesirable result. Apportioning available groundwater among landowners in accordance with the GSP will reasonably and equitably allocate groundwater, while avoiding undesirable results that would otherwise occur in absence of management.

Management measures, including the delivery of substitute water supplies to landowners within the GSP at the full cost of producing groundwater can benefit all water users by avoiding undesirable results without causing landowners within the targeted area to suffer material injury.

VI. ENFORCEABILITY

- 1. Element: A GSP must be enforceable pursuant to the powers and authorities contained in SGMA or under a GSA’s existing authority in accordance with Water Code Section 10725 *et seq.* and 10732.
 - a. Finding: The District has the discretion to impose regulations and physical measures within its control that can maintain groundwater conditions at or above 2015 conditions in a manner that avoids undesirable results. Pursuant to the Westside Subbasin GSP, the District has the authority and discretion to allocate groundwater extractions coupled with implementation of targeted measures within designated areas to reduce groundwater pumping.

- b. Supporting Evidence: Unregulated historical groundwater use previously led to critical overdraft conditions in the Westside Subbasin as identified by DWR in Bulletin 118. The Westside Subbasin GSP presents a framework for an initial allocation of groundwater extraction as Project No. 2, as described in GSP Section 4.2. The Westside Subbasin GSP model results indicate that absent implementation of the Projects and Management described in Chapter 4, including the groundwater extraction allocation, the Westside Subbasin will not achieve sustainable management.

The District, serving as GSA, has powers and authorities contained in SGMA and Division 13 of the California Water Code to implement the Westside Subbasin GSP. Water Code Section 10726.4(a) authorizes a GSA to control groundwater extractions through a variety of means including through the establishment of a groundwater extraction allocation.

There is no property right in an unreasonable use, method and manner of use of water. (*Joslin v. Marin Municipal Water District* (1967) 67 Cal.2d 135.) The District also retains discretion to implement a physical solution where necessary to avoid undesirable results and substantial injury to landowners. (*City of Lodi v. East Bay Mun. Dist.* (1936) 7 Cal.2d 321.) Individual groundwater users can be required to accept reasonable accommodations and the acceptance of substitute water supplies. However, Chapter 6 of the Westside Subbasin GSP ensures individual groundwater users may avail themselves of the procedures and rules governing the District's implementation of the GSP.