

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2025-0029**

**RETURNING THE KERN COUNTY GROUNDWATER SUBBASIN BACK TO THE
DEPARTMENT OF WATER RESOURCES CONSISTENT WITH 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, the Board 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 Non-Districted Land 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” (Inadequate Determination) and referred the Subbasin to the State Water Board for potential state intervention.

¹ The number of GSAs in the Kern County Subbasin 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 September 2025.

15. In an effort to further address the deficiencies identified by the Department, the Kern County Subbasin GSAs developed revised draft GSPs and submitted those Kern County Subbasin 2024 Draft GSPs (2024 Draft GSPs) to the State Water Board for review on May 28, 2024.
16. The State Water Board reviewed the Kern County Subbasin 2022 GSPs, the Department's determination of inadequacy, and the 2024 Draft GSPs. Board staff prepared a draft staff report that described the 2022 GSPs' deficiencies, the 2024 Draft GSPs' further changes, recommended potential actions that GSAs could take to remedy remaining deficiencies, and supported designating the Kern County Subbasin as a probationary basin under SGMA.
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, 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. 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 incorporated additional revisions and submitted the Kern County Subbasin 2024 adopted GSPs (2024 Final GSPs) to the State Water Board for review on December 16, 2024.

23. State Water Board staff revised and finalized the Staff Report after considering public comment and reviewing the 2024 Final GSPs. The report recommended that the State Water Board designate the Kern County Subbasin as a probationary basin under SGMA.
24. On February 20, 2025, the State Water Board opened a hearing to determine whether to place the Kern County Subbasin on probation. In recognition of the substantial progress the Kern County Subbasin GSAs made in revising the GSPs since the Department issued its 2023 Inadequate Determination, the Board adopted [Resolution 2025-0007](#) continuing the hearing to September 17, 2025 so that remaining deficiencies might be resolved without the need for the Board to designate the subbasin probationary, and directing the GSAs to increase community engagement to assist in the resolution of outstanding issues.
25. The Kern County Subbasin GSAs submitted the Kern County Subbasin Community Outreach and Engagement Strategy to the State Water Board for review on March 20, 2025.
26. The Kern County Subbasin GSAs submitted the Kern County Subbasin 2025 Draft GSPs (2025 Draft GSPs) to the State Water Board for review on June 20, 2025.
27. On June 23, 2025, the State Water Board made the 2025 Draft GSPs available to the public, and the Board accepted written public comments regarding the 2025 Draft GSPs until August 7, 2025. Comments included, but were not limited to, concerns regarding potential impacts of groundwater management on drinking water wells and potential loss of wetland habitat.
28. Board staff reviewed the 2025 Draft GSPs and concluded that the GSAs substantially, though not completely, addressed the deficiencies identified in the previous GSPs, identifying three primary issues that, if resolved, staff would recommend returning the Kern County Subbasin to the Department's oversight. Kern County Subbasin GSAs continued working diligently with Board staff to try to resolve these priority issues, which relate to drinking water wells, including contaminants such as 1,2,3-trichloropropane (1,2,3-TCP), and durable governance. Subsequently, the GSAs represented that changes were or are being made to address the three priority deficiencies identified by Board staff.

29. The State Water Board recognizes the challenge 1,2,3-TCP poses for GSAs as an anthropogenic contaminant introduced as an impurity in agricultural soil fumigants and that responsibility for introduction and remediation of 1,2,3-TCP is the subject of past and pending litigation with responsible parties. Notwithstanding GSAs bearing no responsibility for introduction of 1,2,3-TCP, the State Water Board recognizes GSAs' commitments to take steps to assist well owners impacted by 1,2,3-TCP due to GSA management activities while preserving recovery from responsible parties.

30. The Kern County Subbasin GSAs incorporated additional revisions and submitted the Kern County Subbasin 2025 adopted GSPs (2025 Final GSPs) to the State Water Board for review on September 2, 2025.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Finds that the Department of Water Resources' determination that the GSPs for the Kern County Subbasin were inadequate made the Kern County Subbasin subject to state intervention under Chapter 11 of SGMA.
2. Finds that the Kern County Subbasin GSAs substantially addressed the deficiencies identified in the Department of Water Resources' Inadequacy Determination and additional issues identified by State Water Board staff.
3. Finds that designating the Kern County Subbasin as probationary under SGMA is not necessary at this time and that the Kern County Subbasin should be returned to the oversight of the Department of Water Resources under Chapter 10 of SGMA.
4. Directs Office of Sustainable Groundwater Management staff to review the revised Kern County Subbasin adopted 2025 GSPs for consistency with the 2025 Draft GSPs and representations regarding changes to be made to address the three priority deficiencies identified by staff, and, if satisfactorily resolved, to transmit a letter to the Department of Water Resources formalizing the return of the Kern County Subbasin to the Department's oversight consistent with the above findings.

5. Encourages the Kern County Subbasin GSAs to continue to engage with parties representing wetland interests and to consider approaches that can meet the needs of this habitat given its statewide importance.

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 September 17, 2025.

AYE: Chair E. Joaquin Esquivel
Vice Chair Dorene D'Adamo
Board Member Sean Maguire
Board Member Laurel Firestone
Board Member Nichole Morgan

NAY: None

ABSENT: None

ABSTAIN: None


Courtney Tyler
Clerk to the Board