

## Surge In Signups Boosts Kings Ag Waiver Acreage

Kings River service area property owners have added many tens of thousands of acres to a water quality coalition as part of a conditional agricultural discharge program.

The rush to register took place in advance of a December 31 deadline established by the Central California Regional Water Quality Control Board as part of its effort to regulate discharges of water from irrigated lands.

"We were buried at the end of December by the number of growers signing up to join the Kings River coalition," said David Cone, Kings River Conservation District Deputy General Manager of Water/Environmental Resources and Flood Control.

A great deal of news and trade journal coverage, including some which unfortunately included misinformation, significantly boosted awareness of the situation and helped create the surge in sign ups.

As a result, nearly 600,000 acres of irrigated farmland within the Kings River service area is now included within the river's ag discharge waiver coalition. That is more than double the Kings River acreage enrolled at the end of last summer.

Irrigated properties that have been signed up are located throughout the service area and are frequently interspersed by lands whose owners and operators did not enroll their properties. The greatest percentage of enrolled irrigated lands are generally along the lower Kings River reaches and in the Tulare Lake bed, Cone said.

Within the territories of Southern San Joaquin Water Quality Coalition member agencies (on the Kings, Kaweah, Tule and Kern rivers), lands included in watershed coalitions now add up to more than 1.33 million acres.

An updated list of assessor's parcel numbers of enrolled properties and names of owners in mid-February was in the process of being filed as required by the Regional Water Quality Control Board. An earlier membership list filing was made last September 30, 2006.

Growers who did not obtain regulatory coverage for their discharges of water under a watershed coalition group or through a separate individual irrigated lands

conditional waiver process will need to file a report of waste discharge and filing fee with the Regional Board office to obtain a grower-specific permit, according to the Regional Board's website.

Properties that have not been registered with the Kings River coalition could now face enforcement actions from the Regional Board and its staff if it is determined a property has a risk of discharging into "waters of the United States."

It is known that the Regional Board staff has been making ground and aerial surveys, including photographs.

The issue arose late in 2002 when a 20-year agricultural water discharge exemption from needing water discharge permits ended. Since then, the Regional Board and its staff have developed a series of conditional waiver programs and rules. The current rules were adopted last summer.

Next will come this year's state assessment of fees, a process for which details are not yet known.

In the Kings River service area, watershed coalition participants have not been billed for such fees or other costs the past few years but that could be re-evaluated in the future. The Kings River Conservation District and Kings River Water Association have been paying the fees.

## Coalition Enrollment Still Possible Under Some Conditions

A deadline for adding properties to the Kings River watershed coalition group has passed but signups are still possible if one of six conditions set by the Central Valley Regional Water Quality Control Board are met. Those conditions include:

- A change in "discharger" status since December 31, 2006, under which management or physical changes on a property, or on properties between the grower's property and receiving surface waters have been modified to the extent that the property is now a "discharger" and qualifies for coalition group membership.
- A transfer in coalition group membership to another watershed coalition group since December 31.

## Coalition Enrollment Still Possible Under Some Conditions, *continued*

- A change in coalition group boundaries or formation of a new coalition (neither of which has occurred on the Kings River).
- A change in ownership. If ownership was transferred between July 2005 and December 2006, the new property owner was not listed on the county landowner base for notification to join the coalition and is still eligible to join. The same is true for new owners who acquired title after December 31, 2006.
- A determination by the Regional Board that a grower is a discharger although the owner or operator reasonably makes an assertion that the property was not a discharger as defined by the conditional waiver.
- Other conditions (requiring review and approval by the Regional Board executive officer before coalition membership is granted).

Assistance is available to growers who believe they meet one of the six conditions by calling Sonja Thiede of the Kings River Conservation District staff, (559) 237-5567, extension 113. She can prepare a membership form for signature.

The completed form should be returned to the Kings River coalition, in care of KRCD, for submission to the Regional Board for approval by the executive officer.

## Kings River Quality Is Excellent, Data Shows

Kings River service area property owners have added many tens of thousands of acres to a water quality coalition as part of a conditional agricultural discharge program.

Water quality monitoring at several Kings River locations has turned up a few questions about microscopic traces of materials but continues to show that the river's quality is exceptional.

"The Kings River per se is very clean, pristine water," said David Cone, Kings River Conservation District Deputy General Manager of Water/Environmental Resources and Flood Control.

The latest phase of testing, for pesticide residue, began last July.

"Levels were found to be far below any maximum contaminant levels established by the Environmental Protection Agency," Cone said.

Laboratories have been closely examining the very few and minor abnormalities detected by monitoring but there is no meaningful evidence of problems.

Significantly reduced algae growth in Kings River water samples continues to show up.

Cone said that could be a result of naturally occurring constituents in river water.

"Or the water could have a lack of nutrients because it is too pure," Cone said.

## Websites To Visit To Learn More On Ag Discharge Rules

Kings For additional on-line information about the conditional ag discharge waiver program, please visit:

- The Central Valley Regional Water Quality Control Board website, [http://www.waterboards.ca.gov/centralvalley/programs/irrigated\\_lands/index.html](http://www.waterboards.ca.gov/centralvalley/programs/irrigated_lands/index.html).
- The Kings River Conservation District's website water quality related pages, [http://krcd.org/water/water\\_quality/ag\\_discharge.html](http://krcd.org/water/water_quality/ag_discharge.html).



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