

EMERGENCY ORDINANCE NO. 2021-01
**AN EMERGENCY ORDINANCE TO ADDRESS
CRITICALLY DRY CONDITIONS AND
ACCOUNTING OF CONSUMED GROUNDWATER USE**

The Board of Directors hereby finds that:

- A. The ETGSA approved its first set of Rules and Regulations on August 6, 2020, with two subsequent amendments on October 1, 2020 and March 4, 2021.
- B. Following adoption of its first set of Rules and Regulations, persistent dry conditions continued to exist in the Tule Subbasin.
- C. On May 10, 2021, Governor Gavin Newsom declared the Tulare Lake Watershed, which includes the Tule Subbasin, to be under a drought state of emergency. Critically low surface water is currently available in the ETGSA. Friant Division Contractors are entitled to a limited 20% Class 1 allocation. Local surface supplies in the Tule River are 10% of normal.
- D. The basis for measuring groundwater use in the ETGSA is through evapotranspiration, as calculated by ETGSA's consultant, Land IQ.
- E. Methodologies continue to be refined through the calculation of consumptive use by Land IQ.
- F. The extremely dry conditions are causing a variety of issues in the calculation of consumptive use, necessitating immediate divergence from existing Rules and Regulations in some respects.
- G. Section 4.08 of the Rules and Regulations expressly describes that in the event of an emergency, the ETGSA may adopt emergency ordinances to prevent harm to landowners within the ETGSA.

NOW THEREFORE, the ETGSA Board of Directors ordains as follows:

AMOUNT OF NEW GROUNDWATER CONSUMPTIVE USE

- 1. The amount of new groundwater consumptive use calculated pursuant to Section 3.05 of the Rules and Regulations shall be deducted by 10% for Water Year 2021.

TRANSFER OF SUSTAINABLE YIELD

- 2. Fallowed Irrigated Ag Land
 - a. Parcels which have received a Transitional Tier 1 Penalty Allocation pursuant to Section 4.03(b) of the Rules and Regulations, shall be allocated and allowed to transfer their entire

Sustainable Yield Allocation without any deductions (e.g., a total of 1.04 acre-feet per acre) for Water Year 2021 provided such parcels are completely fallowed and removed as irrigated acres. Fallowed parcels shall be maintained to prevent vegetation growth. Parcels which have been fallowed during a portion of Water Year 2021 shall receive a pro rata allocation of the annual allocation for the time duration fallowed (e.g., Parcel begins fallowing in June would receive a 4 / 12 portion of the allocation).

3. Non-irrigated Ag Land

a. Parcels which have not received a Transitional Tier 1 Penalty Allocation, but have received a Sustainable Yield Allocation pursuant to Section 4.03(a) of the Rules and Regulations, shall be allowed to separately account for the Native Sustainable Yield (e.g., 0.15) and Precipitation (e.g., 0.89) components of the total Sustainable Yield Allocation. As a result, a deficit amount in the Precipitation account shall not affect the owner's Native Sustainable Yield allocation.

b. An owner who has not received a Transitional Tier 1 Penalty Allocation, but who has received a Sustainable Yield Allocation pursuant to Section 4.03(a) of the Rules and Regulations may elect to opt out of the ETGSA Rules and Regulations by submitting a request to the ETGSA. Should the owner wish to participate in the future, at that time, all past due assessments, interest and penalties will be paid prior to participation.

WATER YEAR 2021

4. Unless otherwise acted on by the ETGSA, this Emergency Ordinance 2021-01 shall remain in effect through Water Year 2021.