

December 1, 2023

Russ Freeman
Deputy General Manager - Resources
Westlands Water District
3130 N. Fresno Street
P.O. Box 6056
Fresno, CA 93703-6056

Dear Mr. Freeman:

I am responding to your letter dated November 15, 2023, in which you request my determination that activities described in that letter are eligible to be conducted under a suspension of laws provided in paragraph 5 of Executive Order N-7-22 (March 28, 2022). Among other things, Executive Order N-7-22 suspends Public Resources Code, Division 13 (commencing with section 21000) and regulations adopted pursuant to that Division under specified circumstances. Specifically, projects may operate under that suspension where the Secretary of the Natural Resources Agency determines that the proposed activities are eligible to be conducted under this suspension, taking into account the purpose of accelerating conservation projects that are necessary to address impacts of the drought, while at the same time protecting public health and the environment. In your letter, you describe the Westlands Water District's commitment to acquiring and permanently following approximately 1,142 acres of land, 1,061 acres of which are located in Subsidence Prone Areas, as defined by the Westside Subbasin Groundwater Sustainability Agency.

Because the activities described in your letter will reduce demands for surface and groundwater, I find that this project (as more fully described in your letter which is attached) is eligible to be conducted under Executive Order N-7-22, provided that this finding is conditioned on the commitments described in your letter to not irrigate the land and, if the land is sold, to impose a non-irrigation covenant and sever from the lands the right to an allocation of District water supplies and overlying groundwater rights. Please note that this suspension does not alter any other requirements imposed by any other law, and any material modification of or departure from the project described in your letter may independently trigger obligations under Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division.

Sincerely,



Wade Crowfoot
Secretary for Natural Resources

715 P Street, 20th Floor, Sacramento, CA 95814 Ph. 916.653.5656 <http://resources.ca.gov>



Westlands Water District

3130 N. Fresno Street, P.O. Box 6056, Fresno, California 93703-6056, (559) 224-1523, FAX: (559) 241-6277

November 15, 2023

SENT BY ELECTRONIC MAIL

Wade Crowfoot, Secretary
Natural Resources Agency
1416 9th Street
Sacramento, CA 95814
Wade.Crowfoot@Resources.Ca.Gov

Re: Executive Order N-7-22: Request for Proposed Activities to be Conducted Under Suspension

Dear Secretary Crowfoot,

On behalf of Westlands Water District (“District”), I write to respectfully request that you determine, pursuant to paragraph 5 of Executive Order N-7-22 (March 28, 2022), the activities described below are eligible to be conducted by the District under the suspension of Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division (“CEQA”), and Chapter 3 (commencing with section 85225) of Part 3 of Division 35 of the Water Code and regulations adopted pursuant thereto (“Paragraph 5 Suspension”). The activity described below is similar to the activities previously described to you and for which you determined were eligible to be conducted by the District under the Paragraph 5 Suspension.

As you are aware, the District serves as the Groundwater Sustainability Agency (“GSA”) for the Westside Subbasin of the San Joaquin Valley Groundwater Basin (Subbasin No. 5-22.09) (“Westside Subbasin”), which, on July 19, 2016, the California Department of Water Resources designated as a high-priority basin experiencing critical overdraft. Since adopting the Westside Subbasin Groundwater Sustainability Plan (“GSP”) on January 8, 2020, the District has been taking actions to avoid undesirable results and to support sustainable management of the Westside Subbasin by 2040. On July 19, 2022, the District’s Board of Directors authorized the District to solicit from landowners offers to sell lands overlying the Westside Subbasin to the District. Consistent with its GSP¹ and the objectives of avoiding undesirable results and supporting sustainable management. The District’s Board of Directors conditionally authorized the District to acquire an additional 1,142 acres +/-, of which 1,061 are located in Subsidence Prone Areas, as

¹ Specifically, the acquisition is intended to further the GSP, Project and Management Actions, Project No. 4. As explained in the GSP:

defined by the GSP. The lands to be acquired (Properties) are located as shown on the attached maps. A condition precedent to the acquisition of the Properties is your determining the acquisition is eligible to be conducted under the Paragraph 5 Suspension. If that condition is not met, the District will need to comply with CEQA prior to deciding whether to move forward with acquisition.

Upon acquisition, if that were to occur, the District intends to permanently fallow the Properties. Consistent with its prior acquisition of lands in the District, as long as the lands are owned by District, the lands would not be irrigated, and, if the lands are subsequently sold, the District would: (1) impose a non-irrigation covenant, and (2) sever from the lands the right to an allocation of District water supplies and overlying groundwater rights (wells would no longer be available to irrigate the Properties). The District does not presently have any plan to resell the Properties. Consistent with that intent, subject in part to your determination that the activities described in this letter are eligible to proceed under paragraph 5 of Executive Order N-7-22, the authorization and direction provided by the District's Board of Directors is to acquire the lands:

1. Including: (a) the right to apply for and receive an allocation of Central Valley Project and supplemental surface water from the District, and (b) the overlying right to pump groundwater, and
2. To permanently fallow all the land.

The action authorized by the Board of Directors was approved specifically to reduce demands for surface and groundwater, and thus supporting efficient use of water, preserving water supplies, and addressing impacts of the recent drought. It is for these reasons the District respectfully requests that you determine the acquisition of the Properties is eligible to be conducted under the Paragraph 5 Suspension.

Thank you for your consideration of this request.

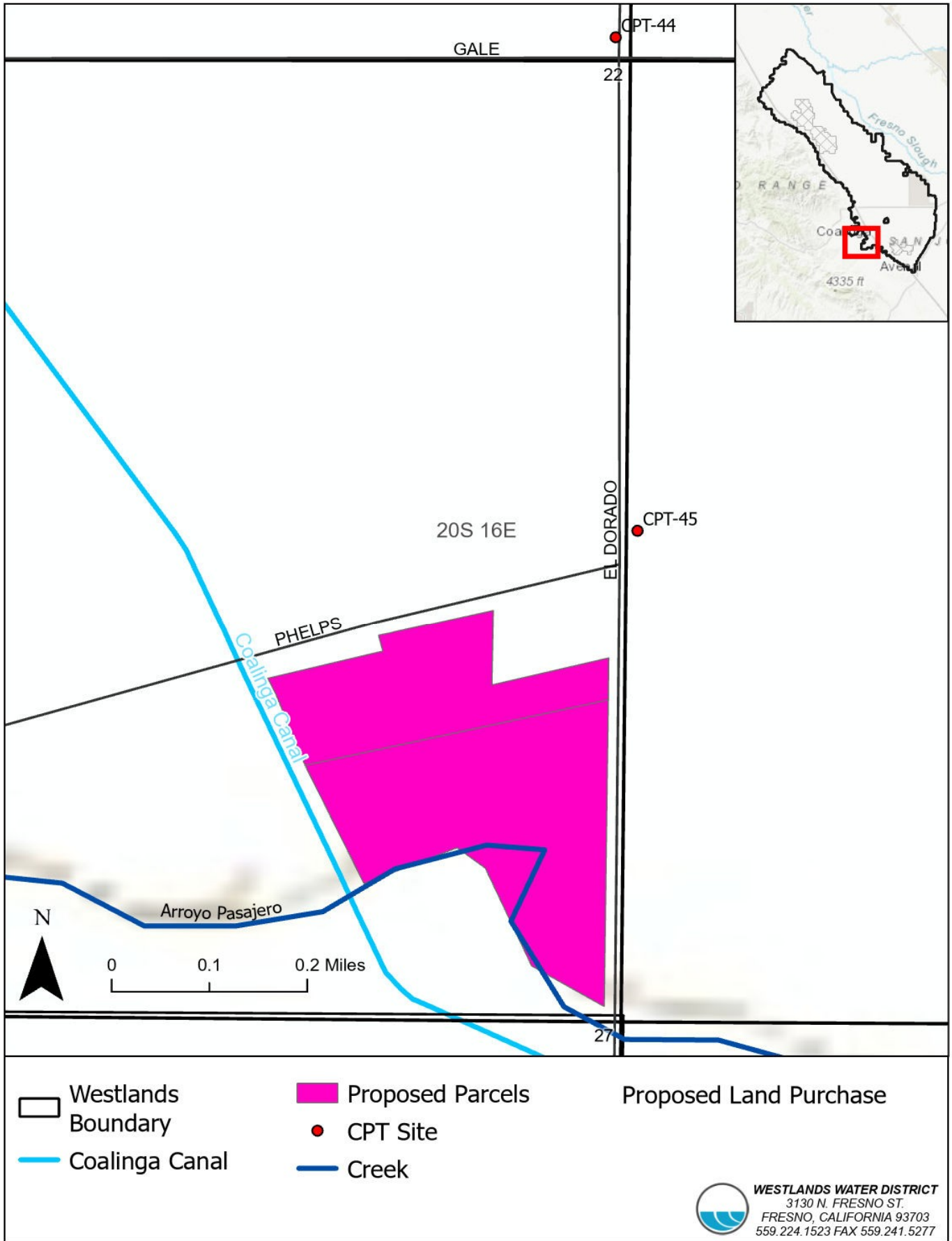
Sincerely,

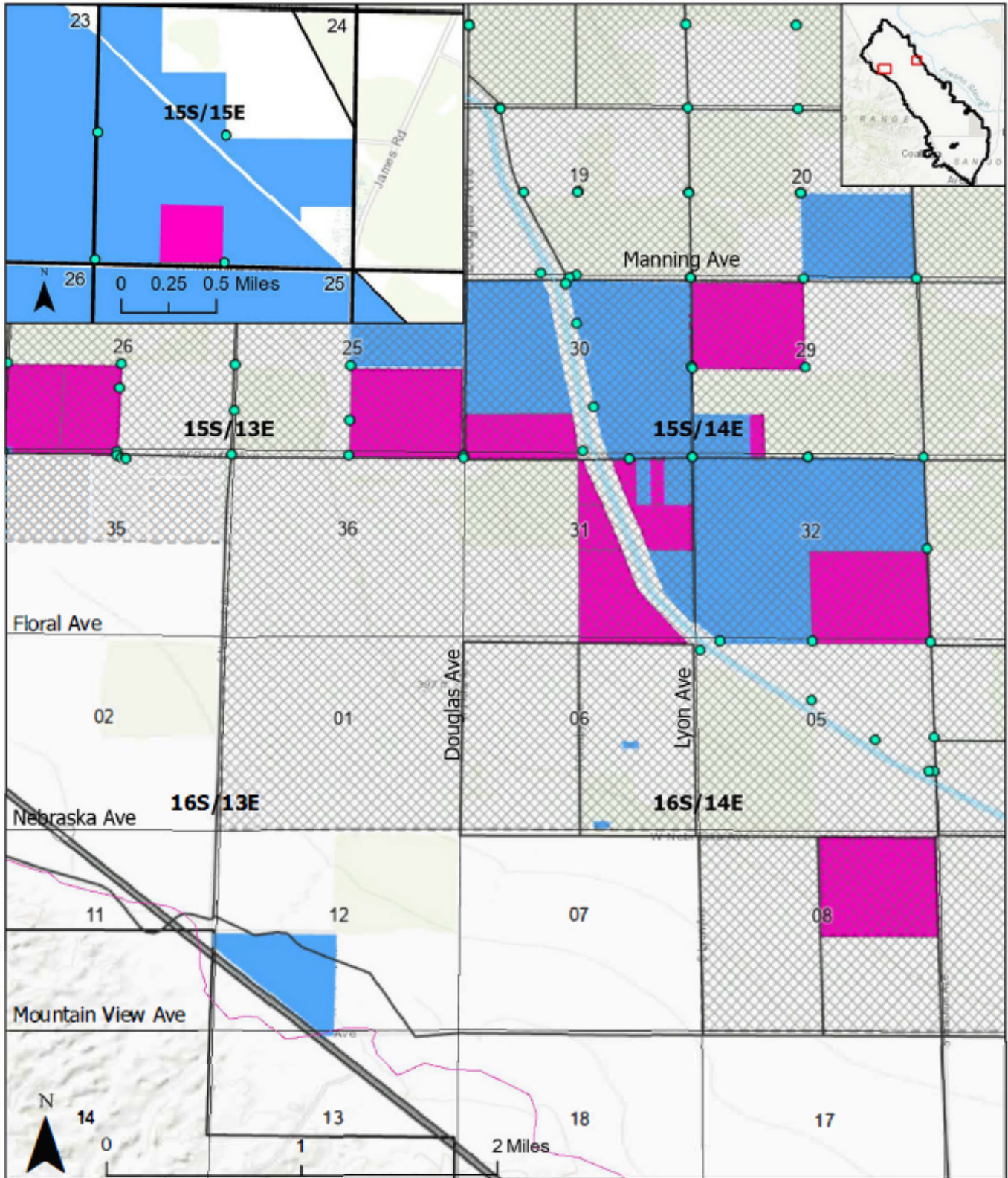
A handwritten signature in black ink that reads "Russ Freeman". The signature is written in a cursive, flowing style.

Russ Freeman
Deputy General Manager - Resources

cc: Karla Namath (by electronic mail)
Nancy Vogel (by electronic mail)
Tom Gibson (by electronic mail)

Maps of the Proposed Properties to be Acquired





- Westlands Boundary
- Road
- Sections
- District Owned Land
- San Luis Canal
- District Meter Turnouts
- Subsidence Prone Area
- Proposed Parcels
- Corcoran Clay Extent

Proposed Land Purchase
Crossland

Westlands Water District
 286 W. Cromwell Ave
 Fresno, CA 93755