



ATTACHMENT 2 - ELIGIBLE APPLICANT DOCUMENTATION

Is the applicant a local public agency as defined in CWC 10701 (a)? Please explain.

The Kings County Water District is a local public agency. The District was organized on February 24, 1954 under the County Water District Law (Water Code 30000-33901). The Kings County Water District satisfies the definition of 'local agency', which is described in the CWC 10701 (a) as any city, county, district, agency, or other political subdivision of the state for the local performance of governmental or proprietary functions within limited boundaries.

What is the statutory or other legal authority under which the applicant was formed and is authorized to operate?

KCWD was formed in 1954 under the County Water District Law, set out in Water Code §§ 30000-33901, and the District has all the powers available under that act. The purpose of KCWD is to protect the water supplies in northern Kings County used by the small farmers in that area.

In 1956, the District was the prevailing party in the seminal case of Atchison, Topeka and Santa Fe Railway Co. versus Kings County Water District (1956) 47 Cal. 2d 140, in which the California Supreme Court recognized the validity of the purposes and functions of the District to protect the groundwater supplies of the District, and prevent appropriation and transportation of groundwater to areas outside the District.

The District also succeeded in ensuring Kings River flows into the Old River Channel, also known as the High-Flow Channel, by arguing its case before the State Water Rights Board resulting in Water Rights Decision D 1290, thus helping insure substantial groundwater recharge for the District which otherwise would not have taken place.

Does the applicant have the legal authority to enter into a grant agreement with the State of California?

Yes. Water Code § 31048 provides as follows:

'A district may cooperate, act in conjunction and contract with the State of California or any agency thereof, municipalities, public and private corporations of any kind, and persons with respect to the salvage, control, storage, spreading, distribution, treatment, purification, and recapture of any waters, including sewage and storm waters, and the construction of



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any works, the acquisition of any property, or the doing of any act with respect thereto, or for the protection of property, watersheds, water courses, and underground water supplies, and for the use, operation, management, or control of any public works or property.'

See also Water Code § 31049 which provides as follows:

'A district may make and perform any agreement with the State of California or any agency thereof, any public or private corporation of any kind, and any person, or any of them for the joint construction, acquisition, disposition or operation of any property or works of a kind which might be constructed, acquired, disposed of or operated by the district.'

The Kings County Water District has entered into grant agreements with the State of California in the past. In 1999 the KCWD was awarded a grant from the DWR under the Safe, Clean, Reliable, Water Supply Act (Proposition 204) for an off-channel reservoir feasibility study.

Describe any legal agreements among partner agencies and/or organizations that ensure performance of the project and tracking of funds.

Not applicable. KCWD is pursuing this grant independently, and therefore will have no project partners.