November 17, 2026

VIA EMAIL (eo@kernlafco.org; info@kernlafco.org; analyst@kernlafco.org) AND DISTRIBUTION OF COPIES AT HEARING

Mr. Blair Knox, Executive Officer, and Honorable Chair and Commissioners
Kern Local Agency Formation Commission
5300 Lennox Ave, Suite 303, Bakersfield, CA 93309

RE: Protest and Opposition to the Formation of the Eastside Kern Water District and Sphere of Influence Determination — Proceeding Nos. 1847 & 1848; Public Hearing of November 18, 2026

AND: Standing Request for Future Notices as an Interested Party & Official Notice Roll Correction

Dear Mr. Knox and Honorable Commissioners:

I submit this letter on behalf of my family and our cattle ranch (the "Ranch") to protest and oppose the landowner petition to form the proposed Eastside Kern Water District (the "Proposed District") and the related development of a sphere of influence ("SOI"), now set for public hearing before the Kern Local Agency Formation Commission ("Kern LAFCO" or the "Commission") on November 18, 2026 (Proceeding Nos. 1847 & 1848). I respectfully request that the Commission adopt the Executive Officer's recommendation to deny formation of the Proposed District without prejudice (Proceeding No. 1847) — without waiving the one-year reapplication limitation under applicable provisions of the Cortese-Knox-Hertzberg Act — decline the proposed sphere of influence (Proceeding No. 1848), and reject the draft California Environmental Quality Act ("CEQA") Notices of Exemption, or, in the alternative, condition any approval as set forth below. I also ask that this letter be entered into the hearing record for both Proceeding Nos. 1847 and 1848 and that I be afforded the opportunity to appear and be heard.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (the "Act") requires the Commission to evaluate mandatory boundary, service-duplication, financial, and agricultural-preservation factors, and to advance the statutory purposes declared in the Act, when deciding whether to approve, conditionally approve, or deny a new district or sphere of influence. For the reasons below, those statutory factors and purposes weigh decisively against formation and SOI approval.

Our Family's Interest and Right to Be Heard

Our family has ranched in this area for over 40 years and some of us have lived along Poso Creek for more than 26 years. We manage approximately 6,400 acres as a working cattle ranch, of which our family owns roughly 3,600 acres — comprising all 17 fee parcels listed on Exhibit A (16 parcels held by Ocuya Creek Ranch, LLC plus APN 074-130-34-00-6 individually, all enrolled under Williamson Act contracts) — while the balance consists of cooperating separate grazing-lease lands held with our grazing partners.

As the enclosed map (Exhibit C and D) illustrate, the Proposed District excludes the Ranch yet wraps around and nearly surrounds it on three sides in an irregular, piecemeal pattern. In total, the Ranch shares more than seven miles (~7.5 miles) of boundary with the Proposed District across its ~16-mile outer perimeter, including over five miles (~5 miles) shared by our family's own land. All 17 Exhibit A family parcels already lie completely outside both the Proposed District and its proposed SOI; we are not asking to remove our parcels from today's boundary, because they are not inside it. Rather, to retain control over our land, our family's 17 parcels do not consent to inclusion or future annexation unless and until we affirmatively provide express written consent on an individual, parcel-by-parcel basis upon a verifiable net benefit, while any position regarding cooperating grazing-lease or partner parcels remains pending those respective owners' approval.

Although our land lies outside the Proposed District and its proposed SOI, we have standing across Proceeding Nos. 1847 and 1848 as an encircled adjacent landowner pursuant to applicable provisions of the Cortese-Knox-Hertzberg Act. We submit this letter as a written objection and evidentiary record under the Act, which directs the Commission to hear and receive any oral or written protests, objections, or evidence presented by any person at the hearing, and requires the Commission to weigh "[t]he effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests" as well as "[a]ny information or comments from the landowner or landowners, voters, or residents of the affected territory."

Formal Request for Future Notices as an Interested Party & Official Roll Update

Because adjacent landowners outside a proposed district lose automatic 300-foot mailed notice after the initial Part 3 hearing, please register Ocuya Creek Ranch, LLC and the undersigned as an interested party for all future notices and update the official mailing roll as set forth below:

1. **Standing Kern LAFCO Special Notice & CEQA Interested-Party Listing (Until Withdrawn in Writing):** Pursuant to applicable notice provisions of the Cortese-Knox-Hertzberg and, ***please place Ocuya Creek Ranch, LLC and Samuel David Wilson on Kern LAFCO's standing Special Notice and CEQA Interested-Parties lists*** — remaining active until withdrawn in writing — to receive timely written and email notice of all future hearings, staff reports, resolutions making determinations, reconsideration requests, Part 4 protest proceedings, Municipal Service Reviews ("MSRs"), SOI determinations or amendments, annexations or detachments, out-of-agency service agreements, latent-powers activations, CEQA notices or exemptions, or any current, re-filed, or successor proceedings or applications in Proceeding Nos. 1847 and 1848 or otherwise involving Eastside Kern Water District ("EKWD"), the Eastside Water Management Area ("EWMA"), or lands within one mile of the Ranch.
2. **Official Landowner Notice Roll Correction:** The mailed hearing notice for Proceeding Nos. 1847 and 1848 was addressed to my late brother, Steven Noel Wilson (deceased February 2022). Please update Kern LAFCO's official notice roll pursuant to applicable provisions of the Cortese-Knox-Hertzberg Act to direct all future notices to me as Managing Member of Ocuya Creek Ranch, LLC.
3. **Designated Notice & Service Address (Written & Email Service Requested):** Samuel David Wilson, Managing Member, Ocuya Creek Ranch, LLC, and Individually | 1401 19th Street, Suite 130, Bakersfield, CA 93301 | Email: sam@inlandarchitects.com | Written Mail and Email Service Only (No Telephone Calls).

4. **Separate SGMA Interested-Party Registration:** If EKWD is formed, Condition 3 on Exhibit B also requires EKWD to maintain Ocuya Creek Ranch, LLC and the undersigned on its permanent interested-parties and Board agenda distribution lists under applicable provisions of the Sustainable Groundwater Management Act until withdrawn in writing.

Irregular, Non-Contiguous Boundaries and Defective SOI Proceedings (No. 1848)

By the Commission's own notice, the Proposed District consists of 22 non-contiguous areas totaling roughly 40,000 acres scattered south of Famoso Road and east and west of Highway 65, alongside seven unsigned SOI pockets (Areas 3, 4, 8, 14, 20, 28, and 29; ~547.5 acres). That fragmented configuration carves around the Ranch on three sides without regard for natural watershed features or ownership lines. Applicable provisions of the Cortese-Knox-Hertzberg Act require the Commission to consider "[t]he definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries," and separately direct boundary review for definiteness, certainty, and ownership conformance.

A 22-piece, non-contiguous district nearly surrounding an excluded working ranch contradicts the "logical formation and determination of local agency boundaries" required to promote orderly development under the Cortese-Knox-Hertzberg Act. Five specific boundary and SOI defects require denial or strict conditions:

- **Carved-Out Communities, Six Existing Homes & Missing Pre-Vote Voter-Count Certification:** Residential pockets were carved out of the voting map, leaving Famoso Hills Estates (Exception Area 9K: 13 lots, 8 homes, 22 residents) surrounded on all sides with no vote or representation, while rural residential Parcel Map lots (Areas 14, 20, 28, and 29) were shifted into Proceeding No. 1848. Crucially, the Commission Packet contains zero independent proof — such as a Kern County Elections / Registrar of Voters certification or official registered-voter count — verifying fewer than 12 registered voters inside either the Proposed District or the SOI pursuant to the Cortese-Knox-Hertzberg Act, even though the 1847 Application Form expressly requires pre-vote verification ("LAFCo will verify registered voters with most current election data"). The Application admits current land use inside the Proposed District includes "rural residential," and at least six existing homes are visible inside the proposed District boundaries — meaning an average of just two registered voters per household reaches the 12-voter threshold for "inhabited" territory under the Act. Yet the Application left resident population and existing dwelling-unit counts blank and entered "N/A" for dwelling types; the Assessor's Report omitted its parcel breakdown; the Draft 1847 Formation Resolution itself recites that "registered voters of the affected area were notified"; and the Draft 1848 SOI Resolution declares all 29 areas "uninhabited" while citing the inhabited-territory definition in the Government Code. While uninhabited status turns on current registered voters rather than unregistered residents (and even inhabited status would not alter EKWD's landowner-voter governance under the California Water District Law, Water Code, nor do consent protest waivers apply to water district formations), skipping pre-vote election verification invalidates the uninhabited findings, strips registered-voter Part 4 notice and protest rights, and bypasses both the Act's environmental-justice mandate ("the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services") and required resident, infrastructure, and

affordability determinations under the Cortese-Knox-Hertzberg Act. More broadly, roughly 50 or more existing rural residences lie within one mile of these fragmented 22-island and SOI boundaries — triggering mandatory review of "proximity to other populated areas," verification that all 300-foot perimeter and interior-cutout parcels received mailed notice, and protection of shallower domestic wells — *while an official Registrar of Voters certified registered-voter count must be produced before any vote to determine whether the six existing homes and rural residential parcels inside the proposed District boundary reach 12 or more registered voters.*

- **Skipped Island Justification & Bundled Non-Unanimous Annexation Trap:** Although the LAFCO Application explicitly asks whether the boundary creates islands or corridors and requests a justification letter, none was supplied. The Legal Memorandum in the Commission Packet confirms a dangerous statutory asymmetry between formation and future annexations: while formation requires majority assessed-value support within each non-contiguous area and a mandatory confirmation election under the California Water District Law, applicant counsel expressly notes that statutory protest waivers and election-free boundary orders below 25% protest under the Cortese-Knox-Hertzberg Act do not apply to formation precisely because they apply to future annexations. Because protests in an uninhabited annexation are weighed across the entire proposed annexation area by assessed land value under the Cortese-Knox-Hertzberg Act, bundling our ~3,600 acres of lower-assessed Williamson Act grazing land inside a large (e.g., 10,000-acre) package of high-value irrigated orchards or oil properties would dilute our protest well below the 50% termination bar — and even below the 25% election threshold, **enabling annexation without any election** (as Proceeding No. 1878 on this very November 18 agenda proves). Likewise, while the Act requires weighing landowner preferences in annexations and the Staff Report requires the applicant to pay for any reduced-boundary mapping, excluded neighbors should not have to rely on case-by-case boundary fights against multi-thousand-acre bundles; only a binding, parcel-by-parcel written-consent condition protects both excluded neighbors and our right to decide later whether any individual parcel should opt in.
- **Unchecked Cawelo GSA Overlap, Omitted Kern River / Kern River GSA Analysis & Over-Two-Mile Leapfrogging Southern SOI Pockets (Areas 28 & 29):** The Feasibility Study checked only whether EKWD overlaps Cawelo Water District (~45,277 acres) — never Cawelo Groundwater Sustainability Agency ("CGSA"), which under an April 9, 2019 Kern County JPA and landowner cost-sharing agreements already exercises SGMA jurisdiction across ~62,937 acres including an ~18,598-acre non-district "Eastern Expansion Area" east and southeast of Highway 65 extending toward the Kern River (as shown in the Cawelo Water District July 2025 SGMA Rate Study). Likewise, while the Feasibility Study acknowledges "impacts to interconnected surface waters" as a Subbasin SGMA challenge and the Subbasin GSP maps Kern River GSA operating immediately along the Kern River corridor adjacent to Cawelo GSA and southern non-districted lands, the Feasibility Study's hydrologic setting discussion never mentions the Kern River, references "Kern River GSA" only once in passing without evaluating coordination or river-corridor effects, and Proceeding No. 1848 evaluates zero Kern River or interconnected surface-water implications. Meanwhile, the Feasibility Study admits some EWMA parcels failed the two-mile non-contiguity limit under the California Water District Law (Water Code § 34000 et seq.), and the packet contains zero distance verification table showing how far the seven SOI pockets lie from the District — even though southern SOI Areas 28 (9.3 acres) and

29 (22.7 acres) (subdivided Parcel Map lots along Adolphus Avenue and Mandy Street) sit roughly 3.8 to 4.7 miles south of the nearest proposed District tracts and leapfrog across Cawelo GSA's Eastern Expansion Area toward the Kern River corridor. Stranding Areas 28 and 29 more than two miles from the District across another active GSA cannot create overlapping GSA authority under the Sustainable Groundwater Management Act, bars direct District inclusion without stepping-stone annexations under the California Water District Law, contradicts the Feasibility Study, and violates applicable boundary and SOI requirements of the Cortese-Knox-Hertzberg Act.

- **Missing MSR & Omitted Area 4 Legal Description:** Proceeding No. 1848 lacks a completed MSR as required by applicable provisions of the Cortese-Knox-Hertzberg Act and completely omits any map or legal description for Area 4 (~29.9 acres), precluding substantial-evidence SOI findings and barring post-hearing insertion of Area 4 as a clerical fix under the Act.
- **Abuse of Separate SOI Proceeding & No Piecemealing of Nos. 1847 and 1848:** While assigning separate proceeding numbers for district formation (No. 1847) and a sphere of influence (No. 1848) follows the Cortese-Knox-Hertzberg Act (Gov. Code, normal practice for a new special district with no track record or water supply is a coterminous SOI matching the district boundary. Instead, proponents used Proceeding No. 1848 to dump seven unsigned pockets (~547.5 acres) outside Proceeding No. 1847 — bypassing the majority assessed-value signature requirement under the California Water District Law, shifting rural residential Parcel Map lots (Areas 14, 20, 28, and 29) out of No. 1847's voter count under the Cortese-Knox-Hertzberg Act into a no-protest SOI, and quarantining omitted Area 4 and 3.8-to-4.7-mile leapfrogging Areas 28 and 29. Proceeding No. 1848 cannot be treated as an abstract planning line divorced from Proceeding No. 1847; under applicable provisions of CEQA and the CEQA Guidelines, both proceedings form one interconnected action expanding the district's groundwater, assessment, and transfer footprint.

Formation Duplicates KNDLA Governance Without Conferring GSA Status

Before approving a new district, the Commission "shall determine whether existing agencies can feasibly provide the needed service or services in a more efficient and accountable manner" pursuant to the Cortese-Knox-Hertzberg Act . Groundwater within and around the Proposed District is already governed under the Sustainable Groundwater Management Act ("SGMA"), which requires high-priority basins — including the critically overdrafted Kern County Subbasin — to be managed under a groundwater sustainability plan implemented by an existing groundwater sustainability agency ("GSA"): the Kern Non-Districted Lands Authority ("KNDLA").

Layering a new water district over territory already managed by KNDLA duplicates administration across a shared aquifer. KNDLA governs 279,277 acres under its permanent September 4, 2025 Joint Powers Agreement ("JPA") with no sunset date and is actively refining Subbasin SGMA rules (already covering our Ranch). KNDLA's August 2026 SGMA 101 presentation confirms EWMA represents 46 landowners across 39,420 acres seeking GSA status solely "within its boundaries," yet carving out roughly 14% of KNDLA's service area is premature and cannot confer GSA authority without a 100% unanimous KNDLA Board vote under the KNDLA JPA — which is blocked by Kern-Tulare Water District's ("KTWD") opposition. Kern LAFCO has not approved a new California Water District since 1987 (Olcese Water District, which held imported water supplies), and dryland cattle ranches need protection

from neighboring overdraft, not redundant water agencies. When denying Proceeding No. 1847 without prejudice, the Commission should expressly decline to waive the one-year reapplication restriction under applicable provisions of the Cortese-Knox-Hertzberg Act until proponents resolve GSA consent, boundary certainty, and CEQA compliance.

No Demonstrated Water Supply, Concentrated Voting, and Unproven Finances

The Proposed District would be organized under the California Water District Law, whose statutory purpose is to produce, store, transmit, and distribute water, and whose formation petition must state the sources of water to be secured under that Law. On the record before the Commission, the Proposed District has no surface-water contract and no identified supply other than continued pumping from an overdrafted aquifer, triggering mandatory review of service cost and adequacy in the area and adjacent areas under the Cortese-Knox-Hertzberg Act.

Rather than demonstrating fiscal viability or equitable benefit, the Feasibility Study and packet raise four fundamental financial and governance flaws:

- **Disproportionate Dryland Tax, Inadequate $110,000 Combined Reserve & Proportionality Benchmarks:** The Feasibility Study's uniform $10.00–$13.75/acre assessment across 39,420 acres ($480,000 initial budget) would consume nearly all of a dryland cattle ranch's average ~$12.50/acre gross lease annual revenue despite minimal water use for stockwater use and 0 AFY of agricultural demand reduction for grazing land in the GSP water-budget tables (EWMA) — compared to irrigated acres extracting thousands of times more water per acre per year than dry grazing lands. By contrast, neighboring Cawelo Water District's July 2025 SGMA Rate Study expressly structured its Proposition 218 assessment "to develop an equitable distribution of the benefit assessments" and "achieve and maintain equity between landowners," exempting all parcels smaller than one acre because flat charges on minimal domestic users "might exceed a reasonable cost allocation proportionate to the special benefit conferred on that parcel." Likewise, the State Water Resources Control Board's January 2025 Final Staff Report urged Subbasin GSAs to "implement demand management equitably," adopt tiered fee structures, and "mitigate to offset impacts on small farmers or growers who have historically relied entirely on groundwater" under applicable provisions of the Sustainable Groundwater Management Act. Meanwhile, EKWD's budget allocates $300,000 to administration and consultants, $20,000 to monitoring, and $50,000 to GSP outlays, leaving only $110,000 combined for all operational contingencies and groundwater well mitigation — grossly inadequate to replace even one neighboring well such as Famoso Hills Estates' declining 1,180-foot domestic well, with zero binding obligation to bordering wells.
- **Two-Bloc ~61.3% Majority Control, Split Electorate & Self-Regulation Conflict:** Unlike resident-voter agencies, California Water District Law rejects equal voting in favor of one vote per acre (shifting to one vote per dollar of assessed land value) with no ownership-concentration cap for an at-large seven-member board. Consolidating affiliated LLCs shows that just the two largest landowner blocs (~15,350 ac; 38.4% and ~9,186 ac; 23.0%) hold ~61.3% majority control; the top three blocs (adding ~5,230 ac; 13.1%) hold ~74.4%; and the top 10 hold ~97% (~38,927 ac). That concentration directly undercuts the Feasibility Study's claim of an impartial "public agency" under the CEQA Guidelines and collides with applicable proportional-benefit requirements under Propositions 218 and 26 of the California Constitution, which cap

assessments at "the reasonable cost of the proportional special benefit conferred on that parcel" and weight assessment ballots by proportional financial obligation — triggering the Executive Officer's Report warning of "two different electorates," self-regulation conflicts, and proportionality challenges across mismatched grazing, oilfield, and irrigated lands, as well as statutory bars on including non-benefited lands under the California Water District Law and the Cortese-Knox-Hertzberg Act.

- **Unrestricted Acquisition Claims & Zero Service to the Ranch:** The Feasibility Study asserts broad "Property Acquisition" authority to acquire "property, water rights, and facilities" without owner-consent or boundary limits, while also anticipating future annexations without consent guardrails. Nor may any District formation, credit program, or SGMA action take, encumber, pool, reallocate, or diminish our family's overlying groundwater rights, surface or riparian Poso Creek rights, or native yield without express written owner consent. Moreover, the Proposed District provides zero service to our Ranch: oilfield "produced" water received more than seven years ago left some of our older troughs "serviced" but this water still contaminated to this day, and now we rely solely on clean groundwater and creek water — confirming our 17 Exhibit A parcels stay excluded (consistent with the Draft Resolution's valid-opposition exclusion clause) unless we affirmatively opt in on a parcel-by-parcel basis upon a verifiable net benefit, with zero assessments or standby charges without requested service.

Threat to the Ranch, Poso Creek, Agricultural Integrity, and CEQA Compliance

The Commission must weigh "[t]he effect of the proposal on maintaining the physical and economic integrity of agricultural lands" and advance state policies preserving open-space and agricultural lands pursuant to applicable provisions of the Cortese-Knox-Hertzberg Act. Water is the lifeblood of our Ranch: Poso Creek flows roughly 2.5 miles across our family's owned land and roughly four miles within the Ranch's overall grazing borders — year-round underground and roughly six months on the surface. That creek is hydrologically connected to the shared aquifer, and some of our stockwater and domestic wells tap shallow alluvial underflow rather than deep confined irrigation zones.

SGMA recognizes State intervention risks where extractions cause long-term overdraft or "significant depletions of interconnected surface waters" under applicable provisions of the Sustainable Groundwater Management Act. Permitting further groundwater development where irrigated lands extract severatl times past their AFY safe yield — threatens our Ranch, Poso Creek, and regional Subbasin stability.

The administrative record also refutes any claim that EKWD formation is a harmless "paper exercise" exempt from CEQA review:

- **The Packet's Own NOE Contradiction**

  KTWD documents ~4,000 EWMA acres planted to permanent crops extracting >2x to >4x KTWD's pumping rate from shared Santa Margarita and Olcese aquifers with "no progress" on pumping fees, and FHE warns of "more planted acreage or more pumping before new supplies arrive" as its sole 1,180-foot well declines.

- **Omitted Poso Creek Map Layer, Facilitated Foothill/Floodplain Conversions & Contamination Risks:** Remarkably, the official boundary maps in the Commission Packet omit Poso Creek entirely — failing to disclose to the Commission or the public that between Highway 65 and our Ranch, Proposed District Areas 9 and 9A physically crosses and encompasses more

than two miles of Poso Creek's intermittent (ephemeral) channel and floodplain across 1,888.8-acre and 244.0-acre corridor tracts, immediately downhill from 734.1-acre and 260.4-acre oilfield and buffer tracts as reflected on the assessment rolls (see Exhibits C and D). Although the Feasibility Study asserts land uses will remain unchanged and private landowners rather than the District plant crops, applicable provisions of CEQA and the CEQA Guidelines require evaluating reasonably foreseeable indirect physical changes facilitated by agency formation. While existing EWMA orchards sit miles away near dry Little Creek, including steep unplanted foothill and Poso Creek floodplain parcels inside Area 9A (USDA-NRCS Group "C" Chanac-Pleito and Chanac clay loam, 600–1,100 feet) while enabling oilfield produced-water blending (900 AFY, EWMA-1), surface runoff capture and recharge basins (3,220 AFY, EWMA-2), and deep drilling (EWMA-5) creates direct creek-corridor and uphill risks of oilfield produced-water contamination, topsoil erosion, floodplain plowing, and agrichemical runoff (fertilizers, pesticides, herbicides, fungicides) into Poso Creek — implicating mandatory drainage-basin review under the Cortese-Knox-Hertzberg Act, the Porter-Cologne Water Quality Control Act, and CEQA, as demonstrated downstream along Poso Creek in neighboring Cawelo Water District, where hillside citrus carved 8-foot gullies across an adjacent ranching parcel and sent a mud pond overflowing within 300 feet of Poso Creek. The runoff would have contaminated Poso Creek were it not for artificial berms.

- **Circumvented CDFW (Fish & Game) Consultation, Existing 1,888.8-Acre Corridor Basins, Dismissed GDEs & Floodplain Immunity Risks:** Because Areas 9 and 9A physically straddles Poso Creek between Highway 65 and our Ranch(see Exhibit C and D maps) — where two excavated basins sit approximately 100 feet from the creek on the 1,888.8-acre creek-corridor parcel — while the packet maps omit Poso Creek altogether, claiming District formation is a mere "paper" action exempt from CEQA ignores physical features already staged along the corridor and circumvents mandatory CEQA Trustee and Responsible Agency consultation with the California Department of Fish and Wildlife ("CDFW," formerly Department of Fish and Game) over Poso Creek's intermittent streambed and riparian corridor under applicable provisions of CEQA, the CEQA Guidelines, and the Fish and Game Code. The 2022 GSP Chapter dismisses DWR/TNC-mapped Poso Creek Groundwater Dependent Ecosystems (cottonwood, willow, ash, and elderberry on our Ranch) as "oilfield wastewater" artifacts with zero surface-water thresholds and monitors only TDS (500/750 mg/L). Regardless of whether those existing off-channel basins lie outside the mapped floodplain or hold prior private approvals, wrapping that 1,888.8-acre Poso Creek parcel inside a public water district confers new statutory stream-crossing and eminent domain powers under the California Water District Law and public-agency immunity claims from County floodplain and grading ordinances under the Government Code to connect, expand, or divert Poso Creek runoff into corridor basins for EWMA-2 surface-runoff capture (3,220 AFY) and EWMA-1 produced-water blending (900 AFY) — atop downstream claims by others — threatening shallow underflow, contracted Williamson Act lands, and intermittent streambed habitat requiring CDFW Streambed Alteration Agreements under applicable provisions of the Fish and Game Code for any future diversion, conveyance connection, or stream crossing affecting the creek's bed or banks. Compounding that gap, neither the Feasibility Study nor Proceeding No. 1848 analyzes interconnected surface-water depletion, alluvial recharge, or Kern River GSA coordination along the Kern River corridor where southern SOI Areas 28 and 29 sit 3.8 to 4.7 miles south of the District across Cawelo GSA

— even though both the Feasibility Study and Cawelo's July 2025 SGMA Rate Study expressly identify "Depletions of Interconnected Surface Water" as a core SGMA undesirable result.

- **Why CEQA Review Cannot Be Deferred or Exempted:** Because passive pumping and private orchard or well conversions trigger no future District EIR under the Staff Report's proposed conditions, CEQA review cannot be saved for later, and the Sustainable Groundwater Management Act exempts only GSP preparation and adoption — not water district formation. Indeed, if EKWD truly had no projects, assets, or active operations as a "paper" entity, relevant Senate Bills and applicable provisions of the Cortese-Knox-Hertzberg Act would treat it as an inactive district subject to mandatory dissolution; conversely, private wells, creek diversions, or credit transfers enabled by District water-credit accounting or entitlements are themselves discretionary projects under CEQA and the CEQA Guidelines. Under applicable provisions of CEQA, the CEQA Guidelines, and controlling California CEQA jurisprudence, formation and SOI approval constitute a discretionary CEQA "project" that cannot be insulated by the Staff Report's "not a project" theory, non-binding assurances, or piecemealing Proceeding No. 1848 from No. 1847 — leaving both Poso Creek underflow/GDEs and Kern River / southern SOI interconnected surface-water impacts unstudied. None of the claimed statutory or categorical CEQA exemptions (including common-sense, rate-setting, or natural-resource protection exemptions) applies where the record demonstrates a fair argument of potentially significant direct, indirect, and cumulative environmental impacts under CEQA and the CEQA Guidelines. By contrast, denying formation is statutorily exempt from CEQA (and the CEQA Guidelines).

Fairness, Record-Access Delays, and Unresolved Packet Contradictions

We must also place on the record a concern regarding procedural fairness. Applicable provisions of the Cortese-Knox-Hertzberg Act mandate the "orderly and fair conduct of hearings," excuse procedural defects only where they do not "adversely and substantially affect the rights of any person," and require substantial evidence in light of the whole record, while Kern LAFCO's own Commissioner orientation stresses "allowing a fair hearing, avoiding bias and conflicts of interest" and exercising independent judgment for the "public as a whole." Although boundary maps were provided readily to others, our repeated requests were delayed and we obtained the maps only after going to the office in person and speaking directly with the Executive Officer. As a directly affected adjacent landowner encircled by the proposal, we were entitled to timely and equal access to all formation records. Full formation materials were withheld until approximately November 5, 2026, leaving little time to fully audit a packet

Requested Relief

For the foregoing reasons, we respectfully request that the Commission:

1. **Primary Action — Deny Formation & Decline SOI:** Adopt the Executive Officer's recommendation to deny the petition to form the Proposed District without prejudice (Proceeding No. 1847, statutorily exempt from CEQA and the CEQA Guidelines) — and decline the related sphere of influence determination (Proceeding No. 1848).
2. **Alternative Binding Conditions on Proceeding Nos. 1847 & 1848 (Also Set Forth on Exhibit B):** If the Commission is inclined to proceed with Proceeding No. 1847 and/or Proceeding No. 1848 (rather than relying solely on the Draft Resolutions' general exclusion text or the Staff Report's

baseline conditions), bind all conditions below across both proceedings pursuant to applicable provisions of the Cortese-Knox-Hertzberg Act, conditioning any approval on:

(a) Exclusion, Parcel-by-Parcel Consent Control, Water-Rights Protection & Annexation Bar: Confirm all 17 Exhibit A family parcels remain outside the District (with cooperating grazing-lease and partner parcels pending those respective owners' approval); prohibit including or annexing any of the 17 Exhibit A parcels (whether individually or bundled within a larger multi-parcel annexation, and whether inside or outside any SOI, consistent with the protections requested by Famoso Hills Estates) absent express written owner consent and verifiable net benefit evaluated strictly on an individual, parcel-by-parcel basis — preserving our family's control to remain outside or voluntarily opt in with specific parcel(s) in the future; restrict all property, water-right, and facility acquisitions referenced in the Feasibility Study strictly to voluntary sales with express written consent of the landowner being acquired; confirm that neither formation nor any District or SGMA action shall take, condemn, reallocate, pool, encumber, or diminish any of the 17 Exhibit A parcels' overlying groundwater rights, surface or riparian creek rights, or native yield without express written owner consent; prohibit forced, non-unanimous, bundled, or island annexations under the Cortese-Knox-Hertzberg Act and extraterritorial eminent domain or pre-condemnation coercion under the California Water District Law, the Eminent Domain Law , and the Williamson Act via an irrevocable founding bylaw adopted within 60 days; and bar assessments, standby charges, or out-of-agency credit deals absent requested service, proportional special-benefit tiering, and LAFCO approval pursuant to applicable provisions of the Cortese-Knox-Hertzberg Act, the California Water District Law, and Propositions 218 and 26 of the California Constitution.

(b) Pumping, Credit-Pooling, Water-Rights, GDE & Floodplain Permit Safeguards: Restrict commercial irrigation pumping while exempting dryland stockwater and domestic wells; bar District opposition to County stock or domestic well permits and repairs on non-districted grazing land; preserve and protect without diminution all overlying groundwater rights, surface or riparian creek rights, native yield, Poso Creek underflow, and mapped GDEs on non-districted lands; and waive any statutory local-ordinance immunity under the Government Code so any earthwork, berm, pond, or basin within 1,000 feet of Poso Creek or its FEMA floodplain requires County floodplain and grading permits, a CDFW Streambed Alteration Agreement under applicable provisions of the Fish and Game Code (where applicable to creek bed, bank, or diversion works), and Regional Water Board clearance.

(c) Dedicated Well Mitigation Fund, Water-Quality Baseline & SGMA Notice: Require a dedicated, escrowed Well Mitigation Fund and FHE-modeled mitigation agreements (separate from operating contingencies and backed by at least the $110,000 reserve) protecting non-district domestic and stock wells, including stock wells under 200 feet within two miles of Poso Creek — including bi-annual monitoring with consent, immediate curtailment, 72-hour emergency water delivery, and well repair or replacement upon a >12-foot drop or yield impairment without fee or annexation — plus one-mile advance notice and non-TDS oilfield/agrichemical baseline testing before produced-water or runoff application, one-mile project/agenda notice, and permanent interested-parties and agenda listing under applicable provisions of the Sustainable Groundwater Management Act until withdrawn in writing.

3. **Alternative SOI Denial on Proceeding No. 1848:** Confirm all 17 Exhibit A parcels remain excluded from the SOI (with cooperating grazing-lease and partner parcels pending their owners' approval), and prohibit forcing any parcel — whether inside or outside any SOI — into the District or SOI, allowing entry solely upon express written owner consent on an individual, parcel-by-parcel basis pursuant to applicable provisions of the Cortese-Knox-Hertzberg Act
4. **Reject Draft CEQA NOEs & Require Environmental Review (Nos. 1847 & 1848):** Reject the draft CEQA Notices of Exemption in both Proceeding Nos. 1847 and 1848 and require full environmental review under applicable provisions of CEQA and the CEQA Guidelines — including mandatory Trustee Agency consultation with CDFW — of the proposals' direct and cumulative effects across both proceedings on adjacent lands, including the Ranch, Poso Creek, Kern River interconnected surface waters, and adjoining domestic and stockwater wells relying on the shared aquifer, before any action is taken on either proceeding.
5. **Existing-Agency Determination, Notice Roll & Standing Special Notice (Nos. 1847 & 1848):** Determine, pursuant to applicable provisions of the Cortese-Knox-Hertzberg Act, that existing agencies can feasibly provide any needed groundwater-management service in a more efficient and accountable manner than the Proposed District; update the landowner notice roll; and grant the ***Formal Request for Future Notices as an Interested Party set forth above by placing Ocuya Creek Ranch, LLC and the undersigned on Kern LAFCO's standing Special Notice and CEQA Interested-Parties lists*** (until withdrawn in writing) for Proceeding Nos. 1847 and 1848 and any current, re-filed, or future EKWD/EWMA action or filing within one mile of the Ranch pursuant to applicable provisions of the Cortese-Knox-Hertzberg Act and CEQA.

We value our relationships with our neighboring landowners, and this protest is submitted not out of personal opposition to any neighbor's agricultural operations, but strictly to protect our family's excluded ranch, Poso Creek, and our water rights from the statutory powers and long-term consequences of a new public agency surrounding three sides of our land.

This letter is not intended to set forth the entirety of our opposition across Proceeding Nos. 1847 and 1848, which was prepared in good faith under a compressed review window following the November 12th, 2026 release of the full hearing packet and in reliance upon assessment rolls and data reported in the Commission's record. To the extent any statutory citation, calculation, parcel ownership reference, or record citation herein contains an inadvertent clerical error or reflects ambiguities in the application materials or recent ownership transfers, our objections are intended to invoke the substance of the governing statutory provisions and administrative record in both proceedings pursuant to applicable provisions of the Cortese-Knox-Hertzberg Act and CEQA.

We also incorporate by reference into the record of both Proceeding No. 1847 and Proceeding No. 1848 the factual findings in the Executive Officer's Report and all written and oral objections submitted by other affected landowners and agencies (including Kern-Tulare Water District and Famoso Hills Estates), and we expressly reserve the right to submit additional written and oral comments and evidence, to appear and testify at the November 18, 2026 hearings and any continuance, and to pursue all rights and remedies regarding both the formation of the Proposed District (Proceeding No. 1847) and the proposed sphere of influence determination (Proceeding No. 1848).

Thank you for your consideration. Please keep all inquiries and follow-up communications strictly in writing; I do not wish to receive telephone calls from any party or representative unless we first arrange to speak in person or in writing.

Respectfully,



_____

Samuel David Wilson, Managing Member, Ocuya Creek Ranch, LLC, and Individually
1401 19th Street, Suite 130, Bakersfield, CA 93301 | sam@inlandarchitects.com | Written Only

Enclosures: Exhibit A (17 Family APNs & Standing Notice Confirmation); Exhibit B (Alternative Motion for Binding Conditions); Exhibit C (Map depicting the Ranch grazing area and shared borders relative to the proposed Eastside Kern Water District boundaries); Exhibit D (Land Use Reference Map-unofficial).

EXHIBIT A — SCHEDULE OF OCUYA CREEK RANCH FAMILY PARCELS (17 FEE APNs)

Proceeding Nos. 1847 & 1848 (Hearing: November 18, 2026) | Submitted by: Samuel David Wilson, Managing Member, Ocuya Creek Ranch, LLC, and Individually | 1401 19th Street, Suite 130, Bakersfield, CA 93301 | sam@inlandarchitects.com | Written Correspondence Only

Scope & Non-Consent Standing: Lists the 17 fee-title Assessor's Parcel Numbers (APNs 1–16 vested in Ocuya Creek Ranch, LLC per Doc# 223003985; APN 17, 074-130-34-00-6, held individually by Samuel David Wilson), totaling roughly 3,600 deeded acres enrolled under Williamson Act contracts within our ~6,500-acre dryland cattle ranch along Poso Creek. All 17 parcels lie completely outside Proceeding Nos. 1847 and 1848, and none consent to inclusion or future annexation absent express written owner consent and verifiable net benefit evaluated on an individual, parcel-by-parcel basis; cooperating separate grazing-lease and partner parcels remain strictly pending those respective owners' approval.

Standing Notice & Roll Update Update the official notice roll from late Steven Noel Wilson (deceased February 2022) to Samuel David Wilson, Managing Member, Ocuya Creek Ranch, LLC (1401 19th Street, Suite 130, Bakersfield, CA 93301; sam@inlandarchitects.com), and maintain Ocuya Creek Ranch, LLC and the undersigned on Kern LAFCO's standing Special Notice and CEQA Interested-Parties lists (until withdrawn in writing) pursuant to applicable provisions of the Cortese-Knox-Hertzberg Act and CEQA for Proceeding Nos. 1847 and 1848 and all current, re-filed, or future EKWD/EWMA actions within one mile of Exhibit A parcels.

Family Fee-Title Assessor's Parcel Numbers (17 APNs):

1. 074-050-22 (074-050-22-00-8)
2. 074-050-23 (074-050-23-00-1)
3. 074-110-08 (074-110-08-00-5)
4. 074-110-12 (074-110-12-00-6)
5. 074-110-21 (074-110-21-00-2)
6. 074-110-15 (074-110-15-00-5)
7. 074-110-16 (074-110-16-00-8)
8. 074-110-25 (074-110-25-00-4)
9. 074-110-26 (074-110-26-01-6)
10. 074-130-01 (074-130-01-00-0)
11. 074-130-07 (074-130-07-00-8)
12. 074-130-08 (074-130-08-00-1)
13. 074-130-12 (074-130-12-01-1)
14. 074-130-18 (074-130-18-00-0)
15. 074-130-19 (074-130-19-00-3)
16. 074-130-33 (074-130-33-00-3)
17. 074-130-34 (074-130-34-00-6)

EXHIBIT B — ALTERNATIVE MOTION FOR BINDING CONDITIONS OF APPROVAL

Submitted Strictly in the Alternative — Without Waiving Demand for Denial (Without Waiving the One-Year Reapplication Limitation Under the Cortese-Knox-Hertzberg Act), 60-Day Continuance, EWMA-9/Registrar/Boundary Verification, or CEQA EIR

1. **Strict Landowner-Consent Acquisition, Water-Rights Protection & Zero Extraterritorial Eminent Domain:** All property, water-right, and facility acquisitions referenced in the Feasibility Study require voluntary sale and express written consent of the landowner being acquired. Neither formation nor any District or SGMA action shall take, condemn, reallocate, pool, encumber, or diminish any of the 17 Exhibit A parcels' overlying groundwater rights, surface or riparian Poso Creek rights, or native yield without express written owner consent (consistent with the Feasibility Study's concession that "SGMA expressly does not adjust or create water rights"). EKWD shall not exercise, threaten, or adopt a Resolution of Necessity for eminent domain under the California Water District Law on any non-consenting outside parcel — including excluded islands, Williamson Act agricultural preserves, and Ocuya/ Poso Creek ranchlands — and any extraterritorial acquisition requires a written condemnation disclaimer, codified by irrevocable Board bylaw within 60 days pursuant to applicable provisions of the Cortese-Knox-Hertzberg Act.

2. **Physical Water, Produced-Water & Transfer Works Locked as Unactivated Latent Powers Pending EIR; KNDLA Remains:** Enforce the Executive Officer's Staff Report condition restricting active functions strictly to governance and SGMA administration, with KNDLA remaining the exclusive GSA absent unanimous KNDLA Joint Powers Agreement consent. All other powers under the California Water District Law— including surface-runoff capture (EWMA), recharge basins, produced-water blending (EWMA), deep extraction (EWMA), stream crossings, off-parcel "farm-unit" or native-yield credit transfers (EWMA), and extraterritorial works — are locked as unactivated latent powers requiring a certified cumulative-impact EIR and noticed LAFCO approval pursuant to applicable latent-powers provisions of the Cortese-Knox-Hertzberg Act.

3. **Poso Creek Shallow Alluvial Well Mitigation Fund, Monitoring & Dryland:** Before operating any well, diversion, weir, or recharge/recovery site within one miles of Poso Creek — or authorizing any credit transfer — EKWD shall fund a dedicated, escrowed Shallow Alluvial Well Mitigation Fund (separate from operating contingencies and backed by at least the $110,000 reserve) protecting non-district domestic and stock wells under 200 feet deep along Poso Creek (including Exhibit A parcels), with quarterly baseline monitoring (subject to owner consent). Upon a >12-foot static drop or yield impairment, EKWD shall as soon as reasonably possible, curtail the activity, and fund well repair or replacement at zero owner cost if EKWD determined to be at fault. EKWD shall exempt dryland stock/domestic wells, shall not oppose County stock/domestic well permits or repairs on non-districted grazing land, shall preserve and protect without diminution all overlying groundwater rights, surface or riparian Poso Creek rights, native yield, Poso Creek underflow, and mapped GDEs on non-districted lands, shall provide one-mile advance notice, semi-annual boundary data, and non-TDS baseline/ongoing water-quality testing before produced-water or runoff application, ***and shall keep Ocuya Creek Ranch, LLC and the undersigned on EKWD's standing interested-parties and agenda distribution lists under applicable provisions of the Sustainable Groundwater Management Act***.

4. **No Bypass of County Floodplain & Grading Permits Along Poso Creek:** EKWD waives any statutory local-zoning or building-ordinance immunity under the Government Code as to Kern County grading, drainage, and floodplain ordinances within 1,000 feet or the FEMA floodplain/alluvial terrace of Poso Creek, and shall obtain a County Floodplain Permit, a California Department of Fish and Wildlife Streambed Alteration Agreement under applicable provisions of the Fish and Game Code (for any diversion, conveyance connection, or stream crossing affecting Poso Creek's intermittent bed or banks), and Regional Water Board clearance proving zero base-flood rise, scour, or produced-water/agrichemical migration onto adjoining ranches.

5. **Exclusion of Family Parcels, Parcel-by-Parcel Consent Control & Bar on Non-Unanimous / Hopscotch Annexations:** All 17 Exhibit A parcels remain excluded from EKWD (No. 1847) and its SOI (No. 1848); cooperating separate grazing-lease and partner parcels remain pending those respective owners' approval. No parcel — including Exhibit A parcels, whether inside or outside any SOI (consistent with the protections requested by Famoso Hills Estates) — may be forced into EKWD or its SOI by non-unanimous or bundled annexation under the Cortese-Knox-Hertzberg Act, eminent domain, or coercion; inclusion or annexation requires express written owner consent and verifiable net benefit under the California Water District Law evaluated strictly on an individual, parcel-by-parcel basis (preserving our option to remain outside or voluntarily opt in with specific parcel(s) in the future), with zero fees, assessments, or standby charges without requested service and verifiable proportional special benefit and prior LAFCO approval under the Cortese-Knox-Hertzberg Act for any out-of-agency service or credit contracts affecting excluded Poso/ Ocuya Creek Ranch lands.

Map Exhibits Enclosed Concurrently: Exhibit C (Ranch Grazing Areas, Shared Borders & Poso Creek Corridor Map) & Exhibit D (Land Use, Poso Creek & SOI Master Map — 22 District areas, 7 SOI pockets, Poso Creek alignment, and excluded Ranch borders).

Suggested Verbatim Commissioner Motion: *"If Proceeding No. 1847 or 1848 is not denied (without waiving the one-year reapplication limitation under the Cortese-Knox-Hertzberg Act) or continued for an EIR, EWMA-9 rules, Registrar voter verification, and boundary/surface-water verification, I move to adopt the five binding Conditions on Objectors' Exhibit B pursuant to applicable provisions of the Cortese-Knox-Hertzberg Act (Gov. Code § 56000 et seq.) across Proceeding Nos. 1847 and 1848, to be recorded on the Certificate of Completion."*

EXHIBIT C — MAP DEPICTING OCUYA CREEK RANCH AREA & POSO CREEK CORRIDOR RELATIVE TO PROPOSED EASTSIDE KERN WATER DISTRICT BOUNDARIES (unofficial and for additional reference and comprehension only)

Map depicting the Ocuya Creek Ranch grazing area (green shaded parcels with solid red shared EKWD boundary lines, ~6,500 acres including all 17 Exhibit A family fee APNs and cooperating separate grazing leases) and the mapped alignment of Poso Creek flowing ~4 miles across the Ranch and continuing west directly into Proposed District Area 9A (1,888.8-acre and 244.0-acre tracts, omitted from the Commission Packet maps) along more than 7.5 miles (~7.55–7.68 miles) of shared border. Note: Unofficial illustrative map prepared by Ocuya Creek Ranch from public GIS, County Assessor, and Kern LAFCO packet records.

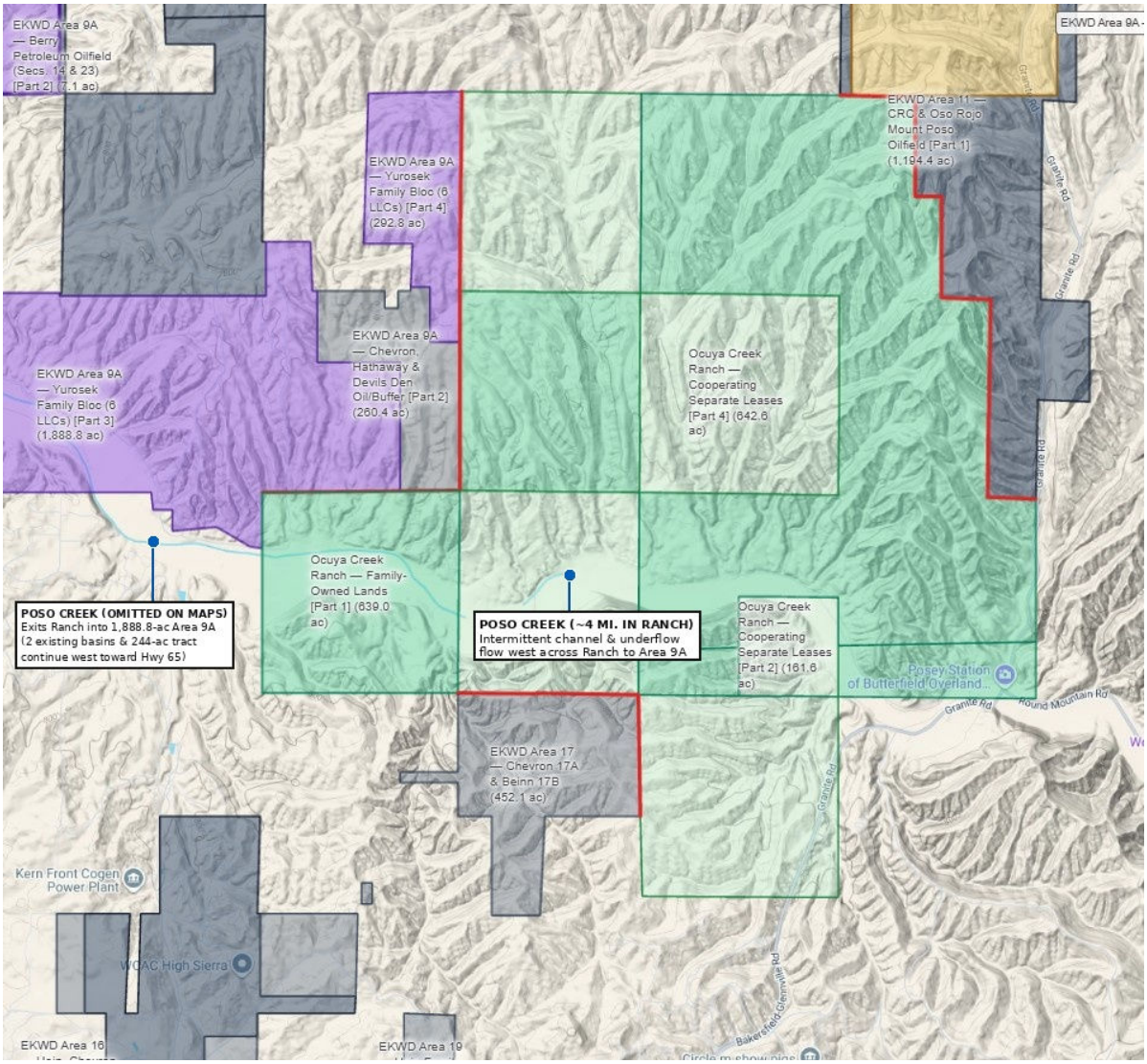


Exhibit C — Ocuya Creek Ranch Shared Borders (Red), Poso Creek Corridor & Adjacent Proposed EKWD Areas (Unofficial Illustrative CalTopo Boundary Map Prepared by Ocuya Creek Ranch)

EXHIBIT D — PROPOSED EASTSIDE KERN WATER DISTRICT: LAND USE, POSO CREEK & SOI MAP(unofficial and for additional reference and comprehension only)

Land Use, Poso Creek & SOI Master Map showing all 22 Proposed District Areas (~40,000 acres color-coded by ownership sector), 7 unsigned Sphere of Influence pockets (Areas 3, 4, 8, 14, 20, 28, and 29; ~547.5 acres hatched), Excluded Ocuya Creek Ranch Shared Borders. Note: Unofficial illustrative map prepared by Ocuya Creek Ranch from public GIS, County Assessor, and Kern LAFCO packet records.

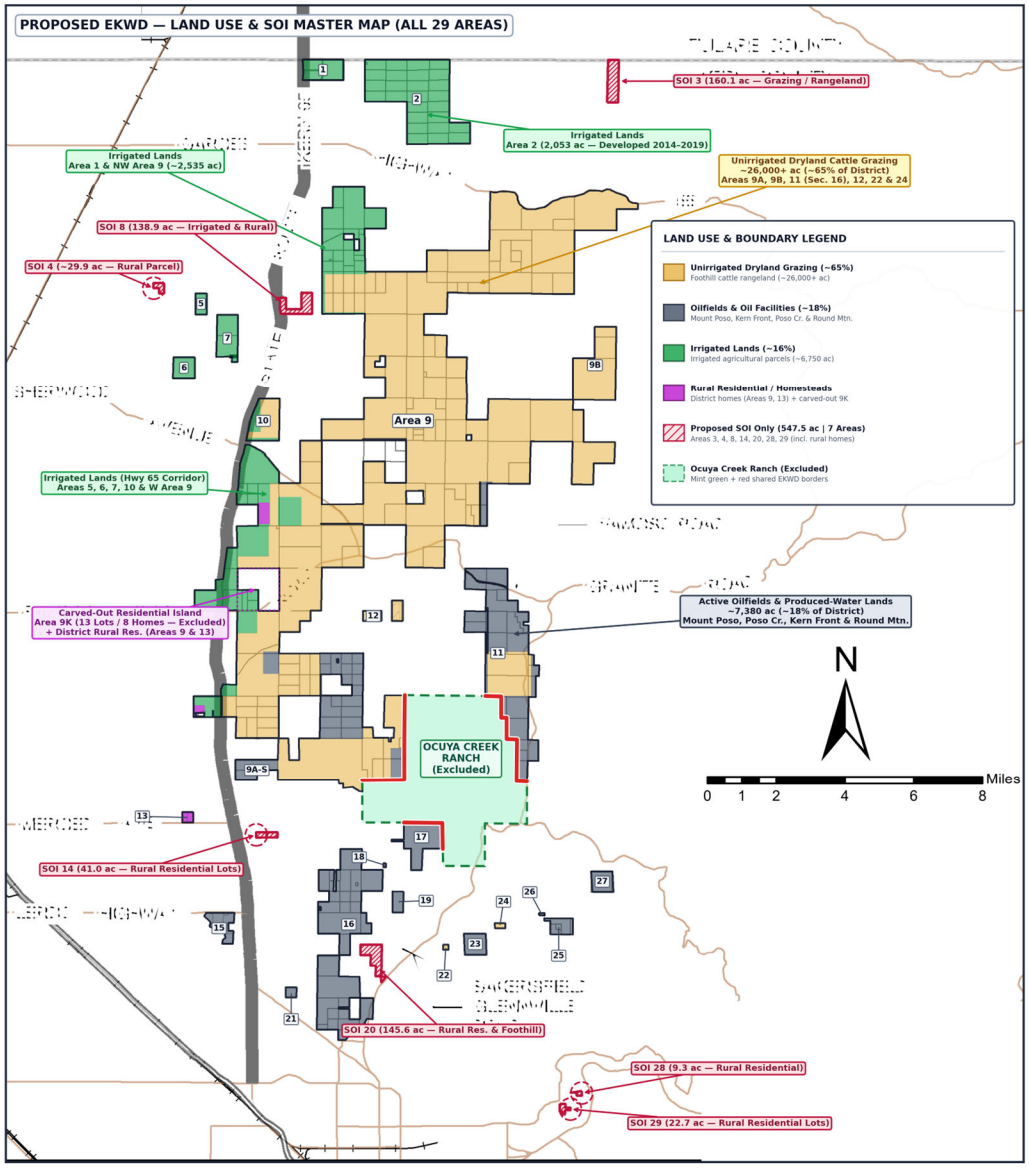


Exhibit D — Proposed Eastside Kern Water District: Master Ownership, Poso Creek Alignment & SOI Map (All 29 Areas — Unofficial Illustrative Map Prepared by Ocuya Creek Ranch)