

**MID-KINGS RIVER GROUNDWATER SUSTAINABILITY AGENCY  
JOINT POWERS AUTHORITY  
REGULAR MEETING MINUTES  
TUESDAY, JANUARY 14, 2020**

Chair McCutcheon called the regular meeting to order at approximately 1:00 p.m.

**DIRECTORS PRESENT:** Art Brieno; Barry McCutcheon, Chair; Michael Murray, Vice-Chair

**DIRECTORS ABSENT:** Steven P. Dias

**OTHERS PRESENT:** Dennis Mills, GM and Board Secretary  
Ray Carlson, Legal Counsel Bill Giacomazzi  
Jim Maciel, Armona CSD Rebecca Quist  
Julianne Phillips, Kings Co. Trent Sherman, DWR

**ESTABLISH QUORUM**

It was determined that a quorum was present at the meeting.

**CONFLICT OF INTEREST**

None.

**PUBLIC COMMENT PERIOD**

None.

**APPROVAL OF MINUTES OF DECEMBER 10, 2019 MEETING**

Chair McCutcheon asked if there was a motion regarding the draft minutes. Attorney Carlson noted a few minor corrections to the draft minutes. Vice-Chair Murray made a motion to approve the draft December 10, 2019 meeting minutes with the noted corrections. Director Brieno seconded the motion and the Board unanimously approved the meeting minutes of December 10, 2019 with the noted corrections. The vote for all of the Directors was as follows:

**AYES:** Art Brieno, Barry McCutcheon, Michael Murray

**NOES:** None

**ABSTAINED:** None

**ABSENT:** Steven P. Dias

**COMMUNICATIONS**

- DWR's staff that deal with the CA Aqueduct requested a meeting related to subsidence along the Aqueduct. This meeting was set for Friday, Feb. 7.
- Manager Mills had a meeting with Geoff Vanden Huevel, Peter and EJ DeJong and Phillip Verway on Dec. 16 related to the Vidovich GSA Comment letters.
- Received a call from Supervisor Doug Verboon regarding potentially available State funding for projects. He asked that the GSA develop a letter to our local State Senator, Melissa Hurtado.

- Collection of Statewide NGOs sent letter to DWR titled “Inadequate Implementation of SGMA Threatens the Safe Water Needs of CA’s Most Vulnerable Communities”. Letter advocates that DWR require a number of things during GSP review and claims many GSPs will impact the new Safe and Affordable Drinking Water Fund that has been created by the Governor.

## FINAL GSP CONSIDERATION

### GSP Development Budget Update

Manager Mills reported that costs for the GSP Development had reached \$1,841,750 and that this month the GSA had received \$131,644.72 in reimbursement from DWR. The MKR GSA is carrying roughly \$30,000 of the TLS GSP Development effort, but part of that is the Round 3 GSP Grant that is being paid this month.

Related to a budget matter from last month, Manager Mills reported that just before the end of the year, four of the five TLS GSAs conveyed agreement on approving the requested budget increase from Wood. Consistent with the current TLS Interim Operating Agreement, this allowed Manager Mills to move forward and convey approval to the consultant.

### Vidovich Letters re Subsidence, Pumping Limits and GSP Approval

#### *Vidovich “GSA Comments” letter – 12/16/19*

Manager Mills reported that he received a call from Mike Nordstrom explaining that John Vidovich had developed a letter on GSA matters and was sending it to various parties. Mr. Nordstrom called to make me aware and emailed me a copy for my information. Manager Mills explained to Mr. Nordstrom that the Draft GSP comment period had already closed on Dec. 2, that the GSAs that primarily represent Mr. Vidovich’s lands had not expressed anything like what was now being relayed and that the Final GSP was already being finalized. Some of the contents of the letter are paraphrased below:

- States that cotton and feed crops depend on cheap water. Trees are better and can afford more expensive water.
- Names Brooks, Boswell, Newton, Howe, Sandridge and others as causing subsidence with new deep wells.
- Expresses his understanding that the GSP will allow status quo for next five years.
- Makes claim to have suffered impacts from subsidence (lift stations) along Blakely and between AWD and Wilbur. However, others have suggested the pump stations along the Blakely are related to where he is moving water too, rather than subsidence.
- Notes flood levee around Corcoran and the costs to that community.
- Conveys SWK and TCWA GSAs will require the following for the next 5 years:
  - MKR – pumping charge of \$15/acre-foot to be used to build recharge and retire land. Other subbasin GSAs have the right to develop banking facilities in this area with ten percent (10%) leave behind for MKR.
  - SFK – Deep pumping has limits and \$50/acre-foot charge. Funds will go to GSAs experiencing infrastructure needs, such as Reclamation District 761, Angiola WD, Stratford ID, and Empire West Side ID. Deep pumping limited to 0.25 acre-

- feet/acre/yr. Non-deep wells pay \$10/acre-foot going to groundwater bank development. Also TCWA, ER and SWK can develop banking in this area.
- SWK and ER – Deep wells have \$50/acre-foot charge and only 0.19 acre-feet/acre/year allowed pumping. Pumping beyond limit would illicit a \$1,000/acre-foot charge.
- TCWA – nothing listed.
- If requirements are not included in the TLS GSP, Mr. Vidovich will have his representatives in the TCWA and SWK vote against approving the TLS GSP so that the State Board will intervene.

Meeting at Tulare Lake Basin WSD – 12/27/19

Doug Verboon contacted Manager Mills and asked that he attend a meeting on Friday Dec. 27 with the other TLS GSA managers and John Vidovich to discuss his 12/16 letter. Steve Jackson, Doug Verboon and Dennis Tristao also attended this meeting. The meeting began with lots of accusations between Boswell representatives and Mr. Vidovich. After, there was discussion of many topics, but there was no agreement to change anything in the GSP. Towards the end of the discussion, Manager Mills tried to relay that more scientific work needed to be done before the area understood how to implement subsidence mitigation without creating arbitrary or disproportionate harm to individuals.

Vidovich “Proposed Motion – No Vote” letter – 01/03/20

On Jan. 3 Manager Mills received a call from Mr. Vidovich. Mr. Vidovich’s comments seemed supportive of the MKR area and he thought whatever happened, the MKR area would be fine. Mr. Vidovich explained that he had developed another letter and emailed it to Manager Mills for his consideration. Some of the contents of the letter are paraphrased below:

- Says it appears that Boswell is running the show in the TLS.
- Focuses on subsidence in Corcoran area and says Boswell’s greed is to blame.
- Talks about the El Rico increasing its farming footprint while TCWA and SWK have fallowed low value crops.
- Required management actions:
  - ER, SWK and TCWA – hard limit of 0.19 – 0.25 AF/acre/year for deep pumping on privately owned lands.
  - \$50/AF pumping charge on all deep wells. Funds to be held by County of Kings or another yet to be developed entity for building groundwater banking facilities.
  - \$10/AF for shallow wells, again to go to developing banks.
  - Meters must be put on all wells, priority on deep wells
- If requirements are not included in the TLS GSP, Mr. Vidovich will have his representatives in the TCWA and SWK vote against approving the TLS GSP so that the State Board will intervene.
- States that if nothing is done it will lead to destruction of farming.
- Alludes to contacting Assembly legislators about the issue.

Manager Mills reported that there were several other communications between TLS GSA parties on these matters. He highlighted that on January 13, DWR staff sent an email to the TLS GSA managers related to GSA Powers and Authorities. This email contained the following California water code reference, “Section 10725. Exercise of powers; submission of groundwater sustainability plan or prescribed alternative documentation required; purpose (a) A groundwater sustainability agency may exercise any of the powers described in this chapter in implementing this part, in addition to, and not as a limitation on, any existing authority, if the groundwater sustainability agency adopts and submits to the department a groundwater sustainability plan or prescribed alternative documentation in accordance with Section 10733.6.”

Manager Mills relayed this information for the Board’s information and explained that he had received no communications from either the TCWA or SWK regarding requested changes to the Final GSP. Mr. Vidovich’s efforts were being conducted after the Draft GSP comment period had closed and he was working around the GSAs that primarily represent his lands, rather than working through them. The Board expressed frustration and hoped that the GSA parties in other areas would choose to adopt the Final GSP and work on perceived issues in constructive ways.

#### Potential GSP Development Grant Issues

Manager Mills reported that he sent a letter to both TCWA and SWK related to the DWR Round 2 GSP Development grant funding and Manager Mills’ understanding that not adopting the TLS GSP could be viewed as a default on the conditions of the grant contract. Manager Mills also reported on a few other connected communications between various parties related to this topic.

#### Presentation on Final GSP

Manager Mills reported that, consistent with what was noticed to interested parties, the Final GSP documents were made available on the MKR GSA website on Friday afternoon. His understanding was that the Final GSA was also available on the SWK website. Manager Mills reminded the Board that this was not the GSP that the MKR would have developed on its own, but instead this was the GSP that the TLS GSAs could agree to over the last two years of development. Manager Mills relayed that he’d reviewed almost every part of the GSP for the concerns of the MKR and believed that they had substantively been addressed. He then highlighted the following changes from the Draft GSP to the Final GSP:

- Erroneous references to programmatic land following were removed;
- The reduction of available surface water was highlighted in several sections;
- The missing description of Sustainable Yield was developed and incorporated;
- A more robust description of planned efforts for the MKR GSA was incorporated into the Implementation Chapter;
- Efforts to clarify different sections of the GSP (Executive Summary, Chapter 4 – SMC, Chapter 7 –Implementation); and
- Comparison of relatively small annual overdraft to massive groundwater amount in storage conveyed more often and more clearly

Manager Mills relayed that significant efforts had been made to address issues in the TLS Groundwater Model. In particular these efforts included addressing water balance issues, making sure the modelers report described things appropriately and improving the way the model considered interior vs exterior subbasin conditions.

Manager Mills relayed that the Sustainable Yield for the TLS was connected to a few key pieces of information. First, on an average annual basis, groundwater recharge very nearly approximates groundwater pumping. Second, TLS overdraft is viewed as 73,800 AF/year, of which 24,300 AF/year is outflow to other subbasins. So the needed average annual change becomes 49,500 AF/year in overdraft as the responsibility of the TLS with an associated Sustainable Yield of 299,200 AF/year over a historical average of 310,800 acres. Manager Mills also noted that there is a typo in this Section 3.3.4 that needs to get addressed prior to DWR submittal.

On the topic of Water Level and Storage, Manager Mills reported that the Final GSP describes Representative Monitoring Site (RMS) locations were modeled into the future assuming no projects or efforts. Minimum Thresholds (MTs) were developed from the projected levels in 2035, plus one standard deviation for 50 feet, whichever was greater. If forty-five percent (45%) of RMS locations persist below MT levels for three years, the MT will be exceeded.

On the topic of Subsidence, Manager Mills reported that Final GSP describes two RMS locations for the subbasin. These areas were modeled into the future assuming no projects or efforts. Measurable Objectives (MOs) were developed from the projections based on levels in 2035, which equaled 5.5 feet (66 inches). Minimum Thresholds (MTs) were developed from the projected levels in 2070, which equaled 11.5 feet (138 inches). However, simulations with projects and efforts indicate subsidence is mitigated by 2040.

On the topic of Groundwater Quality, Manager Mills reported that the Final GSP describes that the GSAs will work with other lead agencies on groundwater quality, but will engage on this issue if efforts related to GSP implementation affect groundwater quality. Other lead agencies will continue to set their standards and require they be met. The GSAs will not add additional requirements beyond that.

Consideration of Resolution 2020-01, Adopt the Final Tulare Lake Subbasin GSP and Authorize Submittal to DWR

Manager Mills asked the Board to Consider Resolution 2020-01. The Board reviewed and discussed the contents of the prepared resolution to adopt the Final Tulare Lake Subbasin GSP and authorize its submittal to DWR. Director Brieno made a motion to adopt Resolution 2020-01 and Vice-Chair Murray seconded the motion. Chair McCutcheon called for a vote and the vote for all of the Directors was as follows:

AYES: Art Brieno, Barry McCutcheon, Michael Murray

NOES: None

ABSTAINED: None

ABSENT: Steven P. Dias

Consider Resolution 2020-02, Authorize Tulare Lake Subbasin GSP Plan Manager

Manager Mills asked the Board to Consider Resolution 2020-02. The Board reviewed and discussed the contents of the prepared resolution to authorize a GSP Plan Manager from an approved list of neutral third-party candidates. Manager Mills relayed that Dusty Ference of the Kings County Farm Bureau had agreed to be the TLS GSP Plan Manager and had been agreed upon by all the TLS GSAs. Director Brieno made a motion to adopt Resolution 2020-02 and Vice-Chair Murray seconded the motion. Chair McCutcheon called for a vote and the vote for all of the Directors was as follows:

AYES: Art Brieno, Barry McCutcheon, Michael Murray

NOES: None

ABSTAINED: None

ABSENT: Steven P. Dias

**2020 ANNUAL REPORT**

Manager Mills reported on this effort and described how things would likely move forward.

**UPDATE ON ONGOING EFFORTS**

None

**SET NEXT MEETING DATE**

The regular February Board of Directors meeting was set for February 11, 2020 at 1 p.m.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at approximately 3:30 p.m.

Respectfully submitted,

Dennis Mills  
MKR MIN 200114