

**MID-KINGS RIVER GROUNDWATER SUSTAINABILITY AGENCY
JOINT POWERS AUTHORITY
REGULAR MEETING MINUTES
TUESDAY, FEBRUARY 11, 2020**

Chair McCutcheon called the regular meeting to order at approximately 1:30 p.m., roughly 30 minutes past the normal start time.

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
Bill Tos Mike LaSalle
Julianne Phillips, Kings Co. Trent Sherman, DWR
MaryLou Silveira John Doyel, Hanford

ESTABLISH QUORUM

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

CONFLICT OF INTEREST

None.

PUBLIC COMMENT PERIOD

None.

REORGANIZATION OF THE BOARD

Director Brieno made a motion to have the previous year's Board positions maintained into the coming year. The Board positions for the previous year were Barry McCutcheon as Chair, Michael Murray as Vice-Chair, and Dennis Mills as Board Secretary. Vice-Chair Murray seconded the motion and the Chair McCutcheon called for a vote. 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

APPROVAL OF MINUTES OF JANUARY 14, 2020 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 January 14, 2020 meeting minutes with the noted corrections. Director Brieno seconded the motion and the Board unanimously approved the meeting minutes of January 14, 2020 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

None.

MANAGER'S REPORT

Final GSP Submittal to DWR

Manager Mills reported Mid-Kings River and El Rico GSAs adopted the Final Tulare Lake Subbasin GSP on Tuesday, 01/14/20. The South Fork Kings GSA adopted the GSP on Thursday, 01/16/20. The Tri-County Water Authority adopted the GSP on Wednesday, 01/22/20. And the South West Kings GSA adopted the GSP on Monday, 01/27/20. The SWK GSA also decided they would submit a letter to DWR during the 75 day comment period. Dusty Ference was established as TLS GSP “plan manager” by DWR on Monday, 01/27/20. The TLS GSP was successfully uploaded and submitted to DWR on 01/29/20 around noon that day.

Since the GSP submittal, the Tulare Lake GSAs have received a few notices. On Monday, 02/03/20, the Plan Manager received an email that said the TLS GSP was posted to the SGMA Portal. Beginning on that day there will be a 75 day comment period. DWR has said they will not respond to received comments, but will rather gather them and provide them to the GSAs.

On Friday, 02/07/20, the Plan Manager forwarded an email noticing the Subbasin of what was described as a Basin Boundary modification. After some expressed concern, TCWA followed up and explained that it was a misinterpretation of submitted information in their area that was being corrected. This means there was an 80 acre field included in the Tule Subbasin that was supposed to be in the Tulare Lake Subbasin.

Financial Update and Audit Discussion

Manager Mills reported that total Wood costs had been reported as \$1,851,487.35 at the end of January. Also the remaining things left to complete were the last reimbursement requests and the “final” grant report.

Manager Mills reported that DWR had released a preliminary funding list on 01/27/20 related to the Round 3 GSP Development Grant. The MKR GSA and the Tulare Lake Subbasin were preliminarily awarded \$350,000 out of requested \$500,000. DWR conveyed that they wanted some additional info on Disadvantaged Communities by the end of the week.

Manager Mills relayed that the financial picture was the same as the previous month because the GSA had not received any new invoices from Wood. He brought up the issue of whether an audit was something the Board wished that staff pursue. The Directors asked a few questions on the matter and then supported pursuing an audit for a reasonable price.

2020 Budget

Manager Mills reported on a draft GSA budget for 2020 that he had developed. The most significant financial efforts for the budget were described as the Proposition 218 election to establish GSA funding, staff related costs, monitoring costs and consultant costs related to a number of efforts. However, some of the issues that had recently come up like the DWR Round 3 Grant needed more evaluation before he was comfortable submitting it for approval. They discussed a number of topics regarding the information provided and Manager Mills committed to bringing the 2020 budget back for consideration next month.

Metering Policy Discussion

Well Registration

Manager Mills reported that Water Code, Division 6 (Conservation, Development and Utilization of State Water Resources), Part 2.74 (Sustainable Groundwater Management), Chapter 5 (Powers and Authorities), Section 10725.6 says “A groundwater sustainability agency may require registration of a groundwater extraction facility within the management area of the groundwater sustainability agency.” Manager Mills explained that he viewed this effort as a first step and that registration of all wells in the GSA was necessary to understand, monitor and manage groundwater resources in the GSA area. Manager Mills suggested that the GSA accomplish this by the end of calendar year 2020. Potential information collected through registration was also discussed.

Well Metering

Manager Mills reported on Water Code, Division 6 (Conservation, Development and Utilization of State Water Resources), Part 2.74 (Sustainable Groundwater Management), Chapter 5 (Powers and Authorities), sections 10725.8 and 10725.4 and the powers and authorities provided to GSAs through them. One section relates to the authority to require measuring devices on groundwater extraction facilities within the GSA and the other relates to the authorities to conduct investigations.

Manager Mills suggested that there be separate policies for groundwater well metering for new wells and existing wells. For new wells his suggestion was for the policy to outline the requirement that a flow meter of a certain accuracy was required, that it have an instantaneous indicator and a totalizer that read in certain units and that it be installed consistent with manufacturers’ specifications. Also he recommended that all new wells be required to have a sounding port to facilitate GSA groundwater level monitoring.

Manager Mills suggested that the policy for existing non-exempt wells require that these wells have flow meters by the end of Calendar Year 2021. He explained the suggested requirements for flow meters (accuracy, units, etc.) would be the same for new wells. The Board discussed the policies and their view of various aspects of them. After the discussion, Manager Mills indicated that he would attempt to have a more developed draft policy for the Board to consider at their next meeting.

Letter to State Senator Hurtado on Recharge Basin Efforts

Manager Mills reported to the Board that Kings County Supervisor Doug Verboon had contacted him and requested that he develop a letter to State Senator Melissa Hurtado making her aware of projects that might be funded locally. Manager Mills did this and the letter conveyed the GSA's plan to develop 1,500 acres of new basins for groundwater recharge.

Report on Subsidence Meeting with DWR's Aqueduct Staff

Manager Mills reported that DWR's Aqueduct staff met with the Tulare Lake GSA representatives at KCWD's office on Friday 02/07/20. DWR's aqueduct staff, who operate and maintain the State Water Project, were described as separate from the SGMA staff and often have different goals and priorities. In their words the two groups are divided by a bright red line. At the meeting DWR staff presented information on their efforts to address subsidence on the Aqueduct. They are projecting \$300 million in "temporary" fixes and \$2 billion for "permanent" fix. DWR views that the "temporary" fix cost is likely theirs to bear. They want subsidence to be eliminated by the end of the SGMA Implementation window and are interested in a one-to-two mile monitoring zone around the facility.

At the meeting, Manager Mills relayed that the TLS understanding is that there is almost no subsidence occurring in the TLS Aqueduct area, and DWR staff agreed with that view. He also relayed that given that no subsidence was occurring the TLS GSA didn't see the need to create a special zone around the facility, but rather wanted to share data to understand if anything changed. It was reported at the meeting that the general work DWR has done concludes that deep well pumping is connected to subsidence. DWR staff described an encroachment permit type process, and a legal process they would use to try to deal with "impacts" to their facility. At the meeting Manager Mills made the point that part of the facilities' purpose was to offset subsidence, and generally it was successful for a number of decades. But that when the operations of the facility were changed, then the subsidence returned. Also that the pump-in programs that had been permitted by DWR during drought times should likely not be permitted any longer.

Discussion on Inter-Basin Coordination

Manager Mills reported that the North Fork Kings and the South Fork Kings GSAs had requested a meeting regarding inter-basin coordination. A meeting to begin this discussion had been setup for Thursday 02/13/20.

Manager Mills also reported on a request for inter-basin coordination from the Westside Subbasin. Westlands WD had reached out to the SFK and SWK GSAs that share a boarder with the WWD GSA. WWD GSA was requesting the SFK and SWK GSAs enter into a tolling agreement. The tolling agreement was described as a tool to provide time for the development of a coordinate view of conditions along the shared boarder. The attorney for SWK GSA wanted all the GSAs in the TLS to sign this agreement because they were all party to the GSP. Manager Mills reported to the Board that he did not view the tolling agreement as something all GSAs in the Tulare Lake Subbasin needed to sign, and that it seemed to be an odd tool to begin the development of something like a Memorandum of Understanding. Manager Mills'

understanding was that SWK and SFK GSAs would be the parties that met and discussed issues in their areas with WWD GSA and for that reason they should pursue the agreements they view as appropriate for them. After this discussion Director Brieno made the motion that the agreement be tabled for now and that staff review the matter more fully and bring it back for further discussion in the future. Vice-Chair Murray seconded the motion and Chair McCutcheon called for a vote. 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

Discussion on Tulare Lake Subbasin Letter to DWR on NGOs Characterization of Inadequate SGMA Implementation to date

Manager Mills reported on communications from other Tulare Lake Subbasin GSAs requesting whether the MKR GSA was interested in signing on to a developed letter to DWR responding to another letter sent from a large group of NGOs regarding SGMA implementation to date. The Board discussed the tone and content of the letter and Manager Mills recommended that the MKR GSA develop a letter that reflected the issues that the agency feels are appropriate for this area, rather than participate in the broader letter. The Board agreed and asked Manager Mills to develop a draft letter for their consideration as time allowed.

2020 Annual Report

Manager Mills reported some information had been provided to the consultant producing the first annual report and that DWR was still working on providing the GSAs information on how to submit the report to them.

UPDATE ON ONGOING EFFORTS

None

SET NEXT MEETING DATE

The regular March Board of Directors meeting was set for March 10, 2020 at 1 p.m.

ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 4:05 p.m.

Respectfully submitted,

Dennis Mills
MKR MIN 200211