

MID-KINGS RIVER GROUNDWATER SUSTAINABILITY AGENCY
JOINT POWERS AUTHORITY
REGULAR MEETING MINUTES
TUESDAY, OCTOBER 13, 2020

This meeting was held by conference call due to local Covid-19 requirements. Chair McCutcheon called the regular meeting to order at approximately 1:00 p.m.

DIRECTORS PRESENT: Art Brieno; Barry McCutcheon, Chair; Michael Murray (phone), Vice-Chair

DIRECTORS ABSENT: Steven P. Dias

OTHERS PRESENT: Dennis Mills, GM and Board Secretary
Ray Carlson, Legal Counsel (phone)
Steve Jackson, SWK GSA (phone)
Johnny Gailey, Delta View WA (phone)
John Doyel, Hanford (phone)
Karen Ormsby, Kings County Grand Jury (phone)

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 MAY 12, 2020 MEETING

Chair McCutcheon asked if there was a motion regarding the draft May 12, 2020 meeting minutes. It was noted that Attorney Carlson had provided a few minor corrections to the draft minutes. Director Brieno made a motion to approve the draft May 12, 2020 meeting minutes with the noted corrections. Vice-Chair Murray seconded the motion and the Board unanimously approved the meeting minutes of May 12, 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

Manager Mills relayed that he had received a copy of a letter from the Reclamation District 761 to the Kings River Water Association related to groundwater pumping by J.G. Boswell Land Co.

Manager Mills reported that the state Board had announced there will be a hearing on the Fully Appropriated Stream (FAS) designation for the Kings River.

Manager Mills reported he was contacted by Kaweah Subbasin interests about their efforts to engage the El Rico GSA on well field issues and the lack of response.

MANAGER'S REPORT

Financial Update

Manager Mills reported that the MKR GSA had received a \$150,000 reimbursement from DWR associated with the final closeout of the Round 2 SGM Grant on behalf of the Tulare Lake Subbasin. He relayed that the funds were sent out to the Tulare Lake Subbasin GSAs to reimburse a portion of the “seed” and “bridge” funds that were contributed. The amounts to each GSA was consistent with cost share provisions in the 2017 Interim Operating Agreement for the subbasin.

Manager Mills reported that he had received a memo from Calvin Monreal at Provost & Pritchard Consulting Group related to cost over-runs on the 2015-2019 Annual Report for the Tulare Lake Subbasin. The contract for the effort was for \$57,000, but they reported their total expenses at \$106,000. Manager Mills relayed that the additional expenses were not communicated during the effort, but instead after its completion. It was reported that Provost & Pritchard had been paid up to the existing authorized amount for the effort. Manager Mills relayed that he would be relaying this to the other GSAs, but that he had little confidence that they would approve any of the overage.

Manager Mills relayed that the current bank balance after today's approved expenditures would be roughly \$14,000. The JPA members have roughly \$18,400 in funds involved, so the JPA is carrying a small amount of Round 3 SGM grant administration costs. Manager Mills relayed that he planned to invoice JPA members for upcoming expenses. He also discussed Proposition 218 efforts that have been significantly delayed by Covid-19 and the desire to have a successful election when pursued.

DWR Grant Update

Manager Mills reported that the first Round 3 SGM Grant reimbursement request was in development for roughly \$367,000.

Discussion related to the TLS Interim Operating Agreement (IOA)

Manager Mills reported that over the summer the new Southwest King GSA representatives conveyed they were fine sticking with the 2017 IOA cost split. The subbasin GSAs have communicated that they wish to pursue a kind of Coordination Agreement in light of the parties moving towards multiple GSPs at the 2025 reporting period. The future Coordination

Agreement could supersede the current IOA. The SFK/TCWA/SWK GSAs seem to want this. The El Rico has suggested that it would be wise to wait until DWR weighs in on whether some of the submitted ones are acceptable. A draft has been supplied to the GSA Managers for consideration. The draft is very vague and would require significant effort to develop a meaningful agreement.

KRCD Subsidence Monitoring

Kings River Conservation District (KRCD) sent an Elevation Monitoring Cost-Sharing Agreement to the MKR GSA back in mid-June. The estimate is that the MKR GSA could participate in the KRCD Subsidence monitoring for roughly \$2,000/yr. If that is wanted, the Board needs to authorize either Manager Mills or Chair McCutcheon to sign the agreement on behalf of the MKR GSA. Director Brieno made a motion to authorize Manager Mills to sign on behalf of the MKR GSA to participate in the Elevation Monitoring Cost-Sharing Agreement. Vice-Chair Murray seconded the motion and the Board unanimously authorized Manager Mills to sign on behalf of the MKR GSA to participate in the Elevation Monitoring Cost-Sharing Agreement. 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

Manager Mills reported that Kings CWD pursued a survey along the alignment of the Independent Ditch, southeast of the City of Hanford, connected to the Last Chance Water DC system. The survey did not indicate uneven subsidence in the area. However, the head of the ditch is experiencing a capacity limitation that seems to be related to the available water level upstream. Another survey, further north on the East Branch is planned for early November.

Coordination with County on Well Permits

Manager Mills reported that he had met with Greg Gatzka on the lack of County interaction on well permits. It was discussed how GSAs might want the info and Mr. Gatzka committed to get it moving. Manager Mills conveyed that it sounds like the County built in a cost increase to the well permits that covers some administrative efforts related to the coordination. Since the meeting Mr. Gatzka conveyed that the SFK GSA made a similar request, and so they are trying to align the two requests and get this year's permits out to GSAs.

Well Registration Efforts

Manager Mills reported that he started work on well registration by working with a consultant to develop a table of parcels within each GSA in the County. He plans to link that spreadsheet of parcels with another spreadsheet of well permits identified by parcel. This will hopefully establish a database of most of the modern wells. The plan is to use the incomplete database along with meetings that would begin with the largest growers in the area. The hope would be to explain what records the GSA has and ask landowners to provide their understanding and perhaps certify the information. Also, during the efforts to identify areas that

weren't cropped, some time was spent identifying dairy facilities in the area. Manager Mills developed a list of facilities and rough locations along with ownership from County parcel data. The plan was to begin contacting these owners about their wells and if they aren't forthcoming, then see what other documents they are submitting to other regulators like the Regional Board.

Projects Update and Discussion

Manager Mills described three projects that are in some state of development. First, Manager Mills described the 80 acre Esajian Basin. The property is adjacent to Peoples Ditch and is near 7th and Excelsior Avenues. Kings CWD bought this property in 2019 and then processed CEQA and SMARA. The property was cleared of trees in the fall of 2019. Excavation of the basin started in April 2020. To date roughly 380,000 CY have been moved from the site.

Second, Manager Mills described the 80 acre Dias Property. This property is adjacent to East Settlers Ditch near 5th Ave. and Grangeville Blvd. Well completion reports in the area were evaluated. Kings CWD worked with ASR Geotechnical to evaluate 10 on-site borings. The borings showed a small amount of coarse sand in the samples and more dense soils than desired. The District ultimately decided not to pursue purchase of the property.

Third, Manager Mills described the 60 acre Griswold Basin. This property has been owned by Kings CWD for many years and is adjacent to Riverside Ditch. Well completion reports in the area were evaluated. An investigation in 2019 showed that on the southern half of the property, sandy soils are just a few feet below the top soils. Design options for the facility are currently being developed and evaluated.

Semitropic WSD Request for CEQA Notices and Meeting Documents

Manager Mills reported that Semitropic WSD, through their consultant Downey Brand, sent the MKR GSA a letter requesting notifications if the GSA circulates CEQA notices in the future for projects that involve Kings River water, and meeting materials for meetings held in 2020 and in the future. Manager Mills reported that he responded to the letter on behalf of the GSA within the required 10 day period, explaining that this information is on the GSA's website. Downey Brand responded that this response was not sufficient in their view, wanting paper documents mailed to them, citing a Public Records Request requirement. In Manager Mills' view Downey Brand is expanding the requirement past what was intended. Regardless, staff is working on producing the documents as time allows. The Board discussed the matter and asked that Manager Mills makes sure he recoups cost from Downey Brand or SWSD if they become significant.

State Board Hearing on Kings River Fully Appropriated Stream Designation

Manager Mills reported that on September 11, the GSA got word back from the State Board that they have decided to pursue a hearing related to the Fully Appropriated Stream designation for the Kings River, in light of the water rights application from Semitropic WSD and the Upper Kings River Units. The request from SWSD is viewed as likely a part of SWSD building an administrative record for the hearing related to project development that utilizes Kings River floodwater.

Land IQ Consumptive Use Proposal

After the May MKR GSA meeting, Kings CWD Board discussed this matter at a Board meeting. The thought was that although the GSA needed the information for Annual Report development, the ag area and not the municipal area was the only area where this was really needed. Also if Kings CWD pursued the information, it might be possible to get a consistent evaluation across the entire service area, rather than two different kinds of estimates in the adjacent subbasins.

Since then Kings CWD has worked with Land IQ to develop a proposal for that service area. The most recent update is for Water Year's '19-'20 at a cost of \$77,000 and for '20-'21 at a cost of \$90,000. After significant progress had been made on the Kings CWD proposal, it was discussed with the TLS GSA managers. There was interest in having this consultant service for the entire subbasin, so now that proposal is in development. Land IQ communicated they want to install several crop E(t) stations in the area, at their expense, to show the TLS GSAs how good their product is.

Water Year '19-'20 Annual Report

Manager Mills reported on the Water Year '19-'20 Annual Report for the Tulare Lake Subbasin. The group of GSA managers recently discussed the consultant for that effort. There were a few GSAs that viewed that Provost & Pritchard did not do a good job on the '15-'19 combined Annual Report. GeoSyntec is a consultant that has been involved in the TLS from the beginning and currently works for the South Fork Kings, the Southwest Kings and Tri-County WA. GeoSyntec submitted a proposal for the '19-'20 Annual Report which assumes crop demand work would be done by others. Manager Mills was a little unsure of the arrangement, but believed that GeoSyntec was retained by South Fork Kings GSA to accomplish the '19-'20 Annual Report for the subbasin.

Upcoming SGM Implementation Grant

Manager Mills reported that DWR has made parties aware that a GSP implementation grant is coming this fall. He relayed that there needed to be discussions with other GSAs in the subbasin about projects for submittal. Also he relayed that if the JPA members have projects in development, they should make GSA staff aware of them.

UPDATE ON ONGOING EFFORTS

None

SET NEXT MEETING DATE

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

ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 4:00 p.m.

Respectfully submitted,

Dennis Mills
MKR MIN 201013