

**MID-KINGS RIVER GROUNDWATER SUSTAINABILITY AGENCY  
JOINT POWERS AUTHORITY  
SPECIAL MEETING MINUTES  
MONDAY, AUGUST 21, 2023**

**DIRECTORS PRESENT:** Steven P. Dias; Barry McCutcheon, Chair; Dianne Sharp

**DIRECTORS ABSENT:** Michael Murray, Vice-Chair

**OTHERS PRESENT:** Dennis Mills, GM and Board Secretary  
Ray Carlson, Legal Counsel (phone)  
Shawn Corley, Lakeside IWD  
Johnny Gailey  
Karl teVelde  
Douglas Jackson  
Mary Silveira (phone)  
Geoff VandenHuevel, Milk Producers Council (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 THE REGULAR MAY 16, 2023 MEETING**

Chair McCutcheon asked if there was a motion regarding the minutes circulated in this month's Board packets. Director Sharp made a motion to approve the minutes of the regular May 16, 2023 meeting. Vice-President Dias seconded the motion and the Board unanimously approved the regular May 16, 2023 meeting. The vote for all of the Directors was as follows:

AYES: Steven P. Dias, Barry McCutcheon, Diane Sharp

NOES: None

ABSTAINED: None

ABSENT: Michael Murray

**COMMUNICATIONS**

None not covered in other agenda items.

**MANAGER'S REPORT**

**Local Conditions Report**

Manager Mills reported that the Kings River was currently running roughly 15,000 cfs at Piedra, and that inflow to Pine Flat Dam (PF) was roughly 5,300 cfs. Storage was 855 TAF in

PF and decreasing. The Kaweah River was currently running roughly 1,500 cfs, and that inflow to Terminus was roughly 3,500 cfs. Storage was 107 TAF in Terminus and was decreasing. Manager Mills also reported on a few recharge facilities in the area and their approximate rates of recharge.

### State Board Probationary Hearing

Timeline described by State Board staff:

- March 2023 – State Board Referral Letter
- June 2023 – State Board Probationary Hearing Schedule
- September 2023 – Draft State Board Staff Report on Tulare Lake Subbasin GSP Deficiencies
- December 2023 – Final Stat Board Staff Report on Tulare Lake Subbasin GSP Deficiencies
- January 2024 – Tulare Lake Subbasin Probationary Hearing
  - Start well registration with State – \$300 per well
  - Requirement to report groundwater pumping to State Board
  - Start pumping fees to State – \$40 per acre-foot

The Tulare Lake Subbasin GSA managers met with State Board staff on August 7 to better understand the Probationary Hearing process. State Board staff conveyed that their timeline was slipping to allow more internal review of things being developed. They conveyed that the hearing would now likely be held in January 2024. The big takeaway were State Board staff trying to manage local expectations. State Board staff made it sound more like there wasn't enough time to review much before the January State Board hearing. This would mean they will find the Tulare Lake Subbasin probationary at the hearing and then require pumpers to sign-up with them and pay fees. State Board staff talked some about the transition from the GSAs to the pumpers in terms of their efforts. They would develop an Interim Plan over the following 12 months and implement it as early as January 2025. They relayed that GSP Revisions might not avoid probation, because it would take State Board staff 4-6 months to review it. The State Board will now focus on landowners for enforcement rather than GSAs. The GSAs will need to develop a message to the State Board for Hearing in coordination with others. The GSAs will need to continue efforts to address GSP Deficiencies. After the meeting with State Board staff, Manager Mills had a meeting with County Staff to make them aware of what State Board staff have relayed.

### Potential GSP Revision Efforts

Manager Mills asked the Board to authorize consultant services from Brian Ehlers at Provost and Pritchard Consulting Group and presented information about the engagement. Chair McCutcheon asked if there was a motion the consultant engagement. Director Sharp made a motion to approve consulting service from Brian Ehlers at Provost and Pritchard Consulting Group. Vice-President Dias seconded the motion and the Board unanimously approved consulting service from Brian Ehlers at Provost and Pritchard Consulting Group as presented. The vote for all of the Directors was as follows:

AYES: Steven P. Dias, Barry McCutcheon, Diane Sharp

NOES: None

ABSTAINED: None

ABSENT: Michael Murray

Relative to water levels minimum thresholds (MTs) and domestic well mitigation, Manager Mills reported:

- From comparisons with other adjacent GSPs that were approved, it appears MTs can be modified to be acceptable. The change would be that if MT levels were reached once across most of the Subbasin, then that would be Significant and Unreasonable. The previous GSP had the condition occurring for two-three years before triggering anything.
- DWR drawing a direct relationship between wells that go dry above MTs and GSA mitigation for them.
- In the last year the MKR has processed roughly 65 domestic well permits
- If all of these were mitigated at \$60K/well, that would be roughly \$3.9 million per year.
- If the GSA can't afford to mitigate shallow domestic wells, then MTs would need to be raised to avoid the wells going dry. This would cause restricted pumping much sooner and much more significantly.
- DWR has communicated to others that they don't want restrictions on the mitigation programs, but I haven't heard that directly. I've also heard that they want mitigation back to 2015 and don't want GSAs to rely on SAFER funds.
- Also, in order for mitigation efforts to be accepted, the GSA needs a secured funding stream (assessments or fees).

#### Draft Domestic Well Mitigation Plan Discussion

Manager Mills updated the Board on efforts to date. Related to the amount of domestic wells in the MKR GSA:

- MKR Domestic GSA Verifications
  - 04/22-12/22 = 53 wells
  - 01/23-08/23 = 17 wells
- TO PROVIDE PERSPECTIVE - OSWCR Database = 4,213 in TLS (100%)
  - Aquifer Zones
    - 820 - A Zone (19%)
    - 2,192 - B Zone (52%)
    - 1,232 - C Zone (29%)
  - MKR GSA = 3,081 wells (~73%)
    - 1,629 are domestic (53%)
    - 526 - A Zone (17%)
    - 1,744 - B Zone (57%)
    - 811 - C Zone (26%)
  - SFK GSA = 727 wells (~17%)

- 269 - A Zone
    - 276 - B Zone
    - 182 - C Zone
  - ER GSA = 394 wells (~9%)
    - 25 - A Zone
    - 155 - B Zone
    - 214 - C Zone
  - SWK GSA = 22 wells
  - TCWA GSA = 20 wells
- Parcel evaluation
  - County APNs that have listed "rooms" used for property value
  - Roughly 2,300 parcels with "rooms" outside of public water systems, indicating at least this many domestic wells
- Well registry efforts with Haynes & Sons, B&B Well Drilling, Big River Drilling, Grabow Well Drilling, Myers Bros. Well Drilling, and Myers Well Drilling
- Current Draft Plan
  - Domestic Wells affected by GSA Actions, after Mitigation Plan is implemented/funded
  - \$5,000 to compensate for deepening of well
  - 3-year interest free loan for well development costs
  - Requirement that wells be drilled to a buffer below current MTs to qualify for funding
  - Legal Review
    - Attorney Carlson questions how the GSA could cause harm to a domestic well
    - Points out that wells can be old, and owners are responsible for maintenance as water levels decline
    - Views that no one has the right to a fixed water level
  - State Board desire for all domestic wells to be mitigated by GSA regardless of cause
    - View that ag/industry are pumping significantly more than domestic, so level declines are caused by ag/industry
    - GW levels can continue to decline if ag/industry mitigates
    - In this area, many rural owners use their home wells for domestic, limited ag (animals & fruit trees), recreation (pools) and landscaping.
    - This likely means that most rural homes pump more than 2 AF/year.
  - Questions that have arisen:
    - Are GSAs required to pay for all domestic wells since 2015 that go dry regardless of the reason? Hopefully, clarifications from State Board staff will help guide the effort.
    - Have shallow domestic wells been benefitting from surface water seepage/recharge for many years?
    - The answer appears to be yes, but it still seems that the overdraft of other users would be the major reason why wells would go dry.

- If the amount of domestic well mitigation can't be afforded by the users, how much would it affect MTs and pumping limitations over the next few years?
- How should the GSA address domestic wells inside public water system areas like Hanford or Armona CSD?
- Are domestic well owners responsible for their own choices in well operation and development or not?

Draft Groundwater Pumping Restriction Discussion

Manager Mills updated the Board on efforts to date.

- It appears that there will need to be an allocation in the upper aquifer and lower aquifers to manage undesirable results.
- Restrictions on the upper aquifer will be needed to reduce impacts to domestic wells.
- Restrictions on the lower aquifer will be needed to reduce subsidence.

Assessment and Pumping Charge Discussion

Manager Mills updated the Board on efforts to date.

- There are some indications that this funding stream will need to be approved by local landowners before the Revised GSP will be approved by State Board staff.
- Previous MKR GSA discussions have considered a land based assessment for GSA management and a groundwater pumping charge to focus on project and mitigation costs.

On-Going Efforts

None

**DIRECTOR REPORTS**

None

**SET NEXT MEETING DATE**

The regular September Board of Directors meeting was tentatively set for September 12, 2023 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 230821