

**MID-KAWEAH GROUNDWATER SUSTAINABILITY AGENCY  
BOARD OF DIRECTORS MEETING**

**MINUTES**

November 8, 2021 – 3:00 p.m.

This Committee Meeting was held via teleconference with no physical location due to the COVID-19 Pandemic and the Governors Executive Order N-29-20.

MEMBERS PRESENT: David Bixler, Steve Nelsen, Greg Collins, Dave Martin, Howard Stroman, Dennis Mederos

MEMBERS ABSENT: None

GSA MEMBER STAFF PRESENT: Aaron Fukuda, Kathi Artis, Trisha Whitfield, Valerie Kincaid, Leslie Caviglia, James Fisher

PUBLIC ATTENDEES: Eric Osterling, Richard Garcia, Blake Wilbur, Derrik Williams, Eric Correia, Eric Furtado, Garrett Miller, Gene Kilgore, Geoff Vanden Heuvel, Janessa Iden, Jeff Wilbur, Jordon Leal, Kaylin Coelho, Noreen Livingston, Marc Mondell, Marlene Ferreira, Matt Klinchuch, Mark Larsen, Peter Cunha, Rhett Anderson, Steve Wilbur, Stuart Hall, Tim Leo, Tom Brassfield, Scott Steinbeck, Donald Ikemiya

**1. CALL TO REGULAR ORDER**

Chair Martin called the meeting to order at 3:00 p.m.

**2. PUBLIC COMMENT**

None

**3. GENERAL BUSINESS**

**a. Approval of Minutes of Regular Meeting on October 12, 2021\***. By a motion of Director Nelson, seconded by Director Bixler and carried by all directors present the minutes of the October 12, 2021 regular meeting minutes were approved.

**b. Financial Reports\***

*i. Financial Statements – Year-to-Date* K. Artis presented the financial statements. By a motion of Director Nelson and seconded by Director Stroman, the financial statement was approved.

**c. Legal Counsel Report**

Ms. Kinkaid presented the probationary process by the State Water Resources Control Board. After DWR reviews a GSP, there are 3 options they can recommend: adequate, incomplete, or inadequate. The GSA has 180 days to respond. If, after 180 days, DWR may provide a final ruling of ‘inadequate’, or they may allow further iterations to reconcile GSP deficiencies. If deemed ‘inadequate’, the State Water Resources Control Board may decide to pursue a probation notice, with a hearing occurring 90 days after the notice. SWRCB during probation then takes control of the GSA, and growers must pay fees (per well and per acre foot) and report annual extraction data to the SWRCB. If, after 180 days

following the probationary hearing (or 360 days, if granted an extension), the State Water Resources Control Board may create an interim Groundwater Sustainability Plan (GSP) to replace the deficient plan that could not be solved locally. However, the ‘180/360 day cure period’ after the probationary hearing is intended to allow GSA’s ample time to correct GSP deficiencies.

d. **MKGSA Advisory Committee Update**

Identified 6 areas of concern and alternative approaches with the proposed groundwater allocation and pumping cap emergency policy. All 6 items received a consensus (not just a majority vote). Fukuda stated the policy is ready to be drafted on paper for a more detailed review.

e. **MKGSA GSP Review Status**

No updates, but Ms. Kinkaid did state DWR is considering delivering preliminary feedback letters in December before the final decision letters in January.

f. **MKGSA GSP Implementation Workplan**

Fukuda summarized recent developments in the pumping cap.

- Measurement: We are using ET for year 1, not pumping as originally proposed.
- Implementation timeframe: The MKGSA will not retroactively implementing the allocation back to October 2021 due to the short notice and limited outreach prior to implementation.
- Transfer of groundwater: Early decisions on transfers of water could undermine the Water Marketing Strategy by Stantec, so the pumping cap policy will be informed by Water Marketing Committee decisions.
- Durability of Groundwater – Although water banking studies show you cannot recover 100% of the water you store and recharge, we will provide the most flexibility and incentivize deferring water use by allowing all the water stored to be recovered.
- Penalties for exceeding water use – growers will be provided one foot of mitigation water, which would be higher rate than tier 2, but would not result in a future loss of water.
  - Director Mederos asked what happens if you run to 0 in this year and next year (i.e. use double your allocation in year 1). Fukuda and Kinkaid described that the MKGSA has the power to put a cease-and-desist order (CDO) on that landowner.
- Pumping cap is recommended to be 2.5 AF/acre. TID and MKGSA gross acreage evapotranspiration is 2.5 and 2.1 AF/acre. LandIQ results show that the MKGSA acreage is 2.65 AF/acre. Because this is the first year implementing, we will err on the side of leniency, and because LandIQ results have a one-month lag. Therefore, a grower will not know whether they exceeded their cap until a month after the growing season.

Director Collins asked whether these penalties are punitive enough to disincentivize or strong enough to prevent solving the problem with more cash. Fukuda responded that this creates the right amount of disincentive for the first year as growers and the GSA are learning this new system.

Director Nelson asked how the MKGSA differed from the EKGSA. Fukuda responded the EKGSA is much lower, at 0.85 AF/acre in native yield, and 0.8 ft of relief pumping for a total of 1.65 AF/acre.

Fukuda did not ask for a motion but was looking for any comments of questions or concerns. None were forthcoming. Fukuda intends to draft a version on a white paper for a formal motion soon.

*Consider Task P&P Task Order 5.* Kaweah Subbasin water budget update and restructure for facilitating potential model updates and water accounting. P&P update water budget to 2021 (currently runs from 1997-2017) and include refinements that will assist moving towards a new MODFLOW model. Will develop an approach, schedule fees. Cost estimate is \$87k, cost shared by the 3 GSAs (\$29K each) with a scheduled completion by February 2022. By motion of Director Nelson approved and seconded by David Bixler, Task Order 5 was approved.

*Kaweah subbasin annual monitoring report for the water year 2021* – The Kaweah Subbasin Annual Monitoring Report for 2021 is due April 1, 2022. Fukuda determined preparing this monitoring report now. Cost estimate is \$75K by P&P, cost shared by the 3 GSAs (\$25k each). P&P can complete the report on time. By motion of Director Nelson approved and seconded by David Bixler, Task Order 6 was approved.

*Water dashboard proposal* – Scott Steinbeck of United Tracking Systems created a dashboard for the MKGSA for the water accounting dashboard. The MKGSA will leverage the work of Provost and Pritchard's work for the Irrigated Lands Regulatory Program (ILRP) and the Kaweah Basin Water Quality Association (KBWQA). The KBWQA agreed to take part in a licensing agreement and to share the data they put together for their dashboard. By motion of Director Nelson, and seconded by David Bixler, the water dashboard proposal was approved.

Donald Ikemiya of P&P said the water dashboard is an opt-in setup. They don't need to share their data or use the dashboard. Also, the water quality portion of the ILRP farm portion is completely separated from the water quantity side.

*United tracking systems water dashboard proposal* - Scott Steinbeck and Dominic Patino are agricultural regulatory compliance software designers. UTS worked with P&P on the ILRP Farm software used by the Kaweah Basin Water Quality Association. Therefore, UTS will provide proprietary source code and data base to the GSAs to manage the water dashboard. The cost estimate is \$75K for both GSA's (Greater Kaweah GSA), but the GKGSA is not official. By motion of Director Stroman and seconded by David Nelson, the UTS proposal was approved.

**g. Kaweah Subbasin Coordination**

i. *Kaweah Subbasin Management Committee*

Regular Kaweah Subbasin Management Committee took place October 20, 2021 meeting. EKGSA decided to implement the 1.65 AF/acre this year, retroactively to October 1<sup>st</sup>, 2021. GKGSA has not decided on a pumping cap and has the initial structure of the pumping cap outlined in case of emergency declaration.

ii. *Prop 68 Planning Grant*

No update.

iii. *Prop 68 Implementation Grant*

James Fisher preparing a quarterly report on the Okieville Recharge Basin.

- iv. *Water Marketing Strategy Grant*  
First meeting on October 27th, 2021. Introduced water markets and provided an outline of existing water markets. There were 52 participants in the discussion. Most of the community questions and concerns focused on unintended impacts to disadvantaged communities (DACs). The MKGSA will be hosting “office hours”, to offer public dialogue opportunities in smaller group settings.
- v. *Kaweah Water Foundation (CVSALTS)*  
No updates.
- vi. *Kaweah Interbasin Coordination*  
No updates.

4a. STAFF UPDATE, DISCUSSION AND RECEIVE DIRECTION, IF NECESSARY, COVID-19. On September 30<sup>th</sup>, the resolution to allow public agencies to operate under Brown Act and host remote meetings. Resolution 21-01 allows the MKGSA to extend this expired resolution and continue meeting virtually (modified Brown Act) provided the resolution is renewed every 30 days and if the Statewide Declaration of Emergency is in place. By motion of Director Nelson, and seconded by Chair Martin the motion was carried to continue meeting remotely.

#### 5. BOARD/STAFF UPDATES, FUTURE AGENDA ITEMS OR OTHER TOPICS OF INTEREST

No updates.

#### 6. CLOSED SESSION

##### **Gov't Code §54956.9 – Anticipated Litigation: One Case**

The board took action to direct staff to draft a letter with EKGSA toward GKGSA for continued compliance with the coordination agreement.

#### 7. ADJOURNMENT:

Martin adjourned the meeting at 5:22pm with the next regular meeting scheduled for December 14th, 2021.

Attest: \_\_\_\_\_  
GSA Board Secretary

\_\_\_\_\_  
Board of Directors Chair