

JPA Special Board Meeting Minutes
Kern Groundwater Authority
Wednesday, June 29, 2016

JPA DISTRICT REPRESENTATIVES AND ALTERNATES PRESENT

Kevin Pascoe, Arvin-Edison WSD
Michael James, City of Shafter
Royce Fast & Marty Milobar, KCWA
Supervisor Couch, County of Kern
Rich Tillema & Kevin Antongiovanni, Kern Delta WD
Andrew Pandol, Kern-Tulare WD
Bill Taube and Kim Brown, Kern Water Bank Authority
Kevin Andrew, North Kern Water Storage District
Jeff Siemens, Olcese WD
Jason Selvidge & Gary Unruh, Rosedale-Rio Bravo WSD
Rick Wegis, Semitropic WSD
Jim Regan, SSJMUD
Roger Riley, Shafter-Wasco ID
Allen Lyda, Tejon-Castaic WD
Gary Morris, West Kern WD
Joe MacIrvine, Westside District Water Authority

JPA DISTRICT REPRESENTATIVES AND ALTERNATES ABSENT

Dave Fenn, Cawelo, Cawelo WD
Michael Blaine, Wheeler Ridge-Maricopa WSD

OTHERS PRESENT

Steve Collup & Jeevan Muhar, Arvin-Edison WSD
Maurice Etchechury, Buena Vista WSD
Dave Ansolabehere, Cawelo WD
Mark Mulkay, Kern Delta WD
Steve Dalke, Kern-Tulare WD
Jon Parker, Kern Water Bank Authority
Dick Diamond, North Kern WSD
Eric Averett, Rosedale-Rio Bravo WSD
Lori Honea, Rosedale-Rio Bravo WSD
Dana Munn, Shafter-Wasco ID
Harry Starkey, West Kern WD
Greg Hammett, Westside District Water Authority
Rob Kunde, Wheeler-Ridge WSD
Deborah Wordham, Best, Best & Krieger
Troy Carrington, Bolthouse
Emmy Cattani, Cattani Farms
Jonathan Lilien, Chevron

Steve Teglia, City of Bakersfield
T. Mark Smith, Clifford & Brown
Dee Jaspar, Dee Jaspar & Associates
Larry Rodriguez & John Ayres, GEI Consultants
John Ayres, GEI Consultants
Patty Poire, Grimmway Farms
Supervisor Mick Gleason, Kern County
Supervisor Zack Scrivner, Kern County
Alan Christensen, Kern County
Phil Hall, Kern County
Beatris Sanders, Kern County Farm Bureau
Holly Melton, KCWA
Gene Lundquist, ID4
Dave Beard, ID4
Holly King, King & Gardiner Farms, LLC
Joe Hughes, Klein Law
Ravi Patel, Klein Law
Robert Kuhs, Kuhs Parker Law
Robert Hartsock, McMurtrey, Hartsock & Worth
Alex Shafer, Materra Farming
Doug Nunneley, Oildale Water
Todd Turley, South Valley Farms
Angelica Martin, Tejon-Castaic WD
Robert Goff, Wonderful Orchards
Tim Gobler, Wonderful Orchards
Ernest Conant, Young Wooldridge
Doug Gosling, Young Wooldridge
Scott Kuney, Young Wooldridge
Devon Yurosek, Yurosek Farming
Jon McQuiston
Clifton Lollar, Sun World
Joe Ashley, CRC
Rich Zimmer
Darren Filken

1. **Call to Order** – Director MacIlvaine called the meeting to order at 8:00 a.m. after it was confirmed there was a quorum. We meet the threshold under the JPA and will be operating under it.
2. **Public Comments** – None
3. **Minutes** – A motion was made by Director Riley and seconded by Director Wegis to approve the May 18, 2016 special board meeting minutes with the one minor correction. A roll call vote was taken and the motion was unanimously carried.

4. **Treasurer’s Report** –

- a. **Accounts Payable/Receivable** - Mr. Diamond presented the Treasurers Report to the Authority Board. A motion was made by Director Selvidge and seconded by Director Morris to accept the Treasurer’s Report and authorize disbursements of the accounts payable as of May 31, 2016. The motion was unanimously carried.

5. **Sustainable Groundwater Management Act – Manager and Committee Reports**

- a. **County of Kern – Discussion on Groundwater Sustainability Agencies** – Mr. Averett provided clarity on the definition of “Groundwater” under SGMA: “water that is *not* claimed/designated by others”. SGMA provides authority for naturally replenished, unclaimed groundwater; groundwater that is the result of surface water imports is NOT subject to SGMA. Mr. Averett reported that Land Use Planning will not infringe on water rights.

Mr. Christensen from the County gave an update on the Kern County Board of Supervisors position with the following 5 goals/concerns:

1. Fulfill County representation for non-districted areas under SGMA – voluntary basis only – will not attempt to shift County water supply obligations in white areas to Water Districts.
2. Provide representation for GSAs & GSPs – single residents under a GSA. i.e.: CSDs, Mutuals, Utilities, PUDs, citizens, etc. - This protects their rights against large landowners within Districts. The County will NOT make decisions regarding surface waters in lieu of other GSA agencies.
3. Protect existing police powers over well permitting, and to make sure the transfers of groundwater is allowed.
4. Ensure the County land use power is preserved – ensures that water allocation matches land use.
5. Protect oil/gas industry to extract minerals with respect to water districts and use of produced water.

After discussion, it was decided that we need a “collective approach” and that all future GSAs need to meet with the County to prevent additional filings over the top of GSAs. The County agreed to draft a document to identify concerns and will circulate for comments within 30 days.

- b. **Kern Groundwater Authority – Groundwater Sustainability Agency** – Mr. Averett reported that there are three (3) current GSAs formed in Kern and others are deciding – West Kern WSD will be forming their own GSA and will coordinate with BVWSD because of their exchange; Semitropic WSD is debating forming their own GSA; and Arvin-Edison WSD, Wheeler Ridge-Maricopa WSD, and Tejon-Castaic WD have sent in basin boundary modifications to DWR.
- c. **Update on Request for Proposals for Facilitation Servicers** – Mr. Averett reported that there are six (6) that are under consideration. He will be working with the Coordination Committee and bring back a recommendation. DWR has earmarked a budget of \$50K for this.

d. **Recommendation to Engage Legal Counsel for Kern Groundwater Authority** – Action will be taken under Agenda Item 7.

e. **GEI Update** – Mr. Rodriguez reviewed the Activity Report from GEI with the Authority Board. This report summarized activities performed by GEI Consultants, Inc. during the month of May, 2016. He reported on the following activities they've been working on:

Continued work on TO #'s 4, 6-9.

TO #4 – no report

TO #6 – no report

TO #7 – GEI's CY 2016 KGA work

i. Project Management

ii. KGA Meetings

TO #8 – Coordination White Papers

i. Work on a White Paper Presentation with the Coordination Committee and presented at the May 19, 2016 KGA Workshop

TO #9 – no report

f. **Committee Reports**

1. **Urban Committee Report** – Mr. Starkey reported the committee met on 06/16. There was an outreach meeting at the Shafter City Hall. The subject was an overview of SGMA and creating outreach to rural communities.

2. **Coordination Committee** – Mr. Mulkay reported the committee met on 06/06. The topics of discussion included:

- White Papers-on website
- Reviewing 4 more TO's from GEI
- Mr. Mulkay will be stepping down as chair. Looking at new chair for future meetings. The meetings will remain at the GEI office.

The next meeting is scheduled for 07/11/2016.

6. **Discussion on Approach to Implementation of Groundwater Regulations**

a. **Discussion on Basin Groundwater Model** – Mr. Averett reported that in the DWR Regulations there is one (1) model for the Basin. There will need to be a general understanding and agreement with all the GSAs in Kern. This is **NOT NEGOTIABLE!**

b. **Update on Special Activities Agreement No. 1** – Mr. Averett reported that all parties have signed the agreement with the exception of ID4. The total acreage will have to be recalculated and the % re-evaluated based on participation.

7. **Retention of Legal Counsel** – Mr. Averett reported that the committee met with the candidates and they recommend Valerie Kincaid. A motion was made by Director Wegis

and seconded by Director Andrew to accept the committee recommendation and retain Valerie Kincaid from O’Laughlin & Paris, LLC as new legal counsel for the KGA.

8. **Coordination Activities**

- a. **SB4** – Mr. Jonathan Lilien from Chevron gave an update to the Board. He reported the SWRQCB would like to present to this Authority on the expanded monitoring.
- b. **CASGEM** – No report
- c. **AB1390** – No report

9. **Old or New Business** – Mr. Averett reported on two items:

1. There is a 4-Basin Coordination meeting being held on 07/22 at the Tulare Ag Tech for anyone who would like to attend.
2. The KGA received a Grand Jury Fact Sheet. We will be preparing a response within their timeline.

Director Taube reported that ACWA has formed a Disadvantaged Community Task Force and he sits on this committee. Mr. Averett also sits on the Advisory Committeeboard. Mr. Taube pleaded that they would like additional representation for anyone else who would be interested.

10. **Attorney(s) Report** – No report

11. **Adjournment** – Director MacIlvaine adjourned the special board meeting at 9:15.