

KINGS COUNTY WATER DISTRICT
BOARD OF DIRECTORS REGULAR MEETING MINUTES
THURSDAY, SEPTEMBER 9, 2021

As a results of the COVID-19 emergency, the public was able to participate through a conference call. Directors could choose to meet with Staff in the Board Room or participate through a conference call. President McCutcheon called the regular meeting to order at 1:00 p.m.

DIRECTORS PRESENT: Steven P. Dias, Barry McCutcheon, Ernest Taylor, Joseph Freitas (phone)

DIRECTORS ABSENT: Michael Murray

OTHERS PRESENT: Dennis Mills, General Manager
Ray Carlson, Attorney (phone)
Geoff VandenHuevel, Milk Producers Council
Johnny Gailey, Delta View WA (phone)
Shawn Corley, Lakeside IWD (phone)
Sebastian Silveira, Griswold-LaSalle (phone)

ESTABLISH QUORUM

It was determined that a quorum was present at the meeting. At the beginning of the meeting, Directors Freitas, McCutcheon and Taylor were present.

CONFLICT OF INTEREST

None.

PUBLIC COMMENT PERIOD

Director Freitas relayed that a local grower had questioned what the plan for maintenance of Weidman Basin was. The concern was that weeds and brush had grown since the basin was cleaned last winter. Manager Mills relayed that the basin had been the terminal basin for the Peoples system this season, so maintenance had not been possible until recently. He relayed that the plan was to disc the bottom of the basin soon after it was dry and staff was evaluating how to proceed on spraying weeds, removing brush and the dead trees that still need to be consolidated and burned.

APPROVAL OF MINUTES OF THE REGULAR AUGUST 5, 2021 MEETING

President McCutcheon asked if there was a motion regarding the minutes circulated in this month's Board packets. Manager Mills noted that Attorney Carlson had provided some minor edits to the draft minutes circulated. Director Taylor made a motion to approve the minutes of the regular August 5, 2021 meeting including the edits provided by Attorney Carlson. Director Freitas seconded the motion and the Board unanimously approved the regular August 5, 2021 meeting. The vote for all of the Directors was as follows:

AYES: Joseph Freitas, Barry McCutcheon, Ernest Taylor

NOES: None

ABSTAINED:None

ABSENT: Steven P. Dias, Michael Murray

At this point Vice-President Dias joined the meeting in person.

COMMUNICATIONS

Manager Mills reported that:

- The District received a lease payment for an additional month of temporary construction staging at Garner Basin from So Cal Gas.
- He had recently become aware of property that was for sale near 15th and Fargo. However, after review it didn't appear to be a good candidate for basin development.
- He had recently become aware that Pete Reikert was selling his property in Corcoran ID.
- State agencies had recently released a Draft Drinking Water Well Principles and Strategies document for comment. Manager Mills relayed that this document in combination with the State Board's surface water curtailment order appeared to be indicating a direction the State was moving in to prepare for a potential coming drought year.

GENERAL MANAGER

STAFF REPORT

Manager Mills reported on several health issues that had occurred over the last month related to various staff members. He then reported on the District's recent backhoe purchase and also reported that no progress had been made on the search for an Assistant General Manager.

WATER RUN AND RENTAL UPDATE

Manager Mills reported that renters had begun paying their water rental invoices over the last month. Manager Mills had questioned the Ditch Company on a few amounts that seemed questionable, but there were reasonable answers for each. There was an error that was found on the Griswold rental amount, and this seemed to be a calculation error by the Ditch Company. Also the Sanchez family returned their reimbursement check and requested it be re-issued to the business name, as they had recently made adjustments to parties involved.

Manager Mills reported that Doug Verboon had contacted him about selling the water he didn't use during the irrigation season. Manager Mills recommended purchasing the amount, as it would help cover part of the amount the District went into their Temperature Control Pool (TCP) obligation. Director Taylor made a motion to that effect, Vice-President Dias seconded the motion and the Board unanimously approve the purchase. The vote for all of the Directors was as follows:

AYES: Steven P. Dias, Joseph Freitas, Barry McCutcheon, Ernest Taylor

NOES: None

ABSTAINED: None

ABSENT: Michael Murray

G&J HEAVY HAUL LICENSE AGREEMENT

Manager Mills reported that he had recently reviewed the status of the G&J Heavy Haul License Agreement at Esajian Basin and found that the term of the agreement had expired. Also, the payment amount the District had received was less than the required minimum. Manager Mills reached out to G&J Heavy Haul and relayed his understanding. The information didn't seem to fit with their understanding. G&J Heavy Haul staff did some research and found that

they should have paid the District after a “true-up” survey had been done this spring. The District then received an \$187,000 payment in the mail on Wednesday, September 1. G&J Heavy Haul staff provided an update on expected schedule from CHSRA. Material for the alignment will be excavated around the end of 2021. However the portion they want for the Excelsior Xing won't be excavated until a utility conflict is resolved, estimated to be at the end of 2022. G&J Heavy Haul staff has requested an extension of the existing agreement through the end of CY 2022.

Manager Mills recommended that the District goals for this effort to be to finish the basin as soon as possible and to use the basin in 2022 if the weather produces wet conditions. He recommended to extend the license agreement through the end of 2021 and the Board discussed plans to relocate Peoples Ditch on the property and how G&J Heavy Haul might be involved. The Board generally agreed with Manager Mills' recommendation on priority and duration of license.

RAMBOLL BASIN INVESTIGATION UPDATE

Manager Mills reported that he had reviewed Ramboll's draft report and responded with some comments. The comments were discussed with their staff and Manager Mills believed that with a small amount of additional info, the study results are understandable. There are a few lingering questions, but Manager Mills was generally satisfied. There were a few things that were not expected:

- Coarser sand was generally found at the Last Chance, Griswold, Railsback and Cody sites, than was found at Esajian Basin.
- Last Chance, Railsback, Cody and Esajian were found to have very uniform soils.
- There didn't appear to be an observable A-Clay layer at Railsback or Cody.
- Although the central area of Griswold has denser soils at the surface, there appears to be significant sand beneath that layer. Also the far area to the north appears to be very sandy at the surface.

Ramboll recommends pursuing development of recharge projects at all sites except the Garner Basin because of denser soils at that location.

LAND IQ CROPPING INFORMATION UPDATE

Manager Mills reported that he was recently able to use the provided GIS Shapefiles to calculate Crop Et in acre-feet per month by field. The values initially seemed low for permanent crops, but high for fallow fields. Manager Mills provided comments to Land IQ and they reviewed the topics. Also, noted some fields (golf course, school grass areas) were not initially provided.

At a later date Manager Mills met with Land IQ by video conference and discussed the topics. Land IQ have had difficulty with estimating fallow field ET because the values approach zero, and the sensors produce noise at that limit. They are trying to address it, but it seems easier to exclude fields labeled as fallow. Also, after some consideration, permanent crops appeared reasonable given ET distribution though the year.

Manager Mills pursued applied water information from growers and Murray Farms and Louis Giacomazzi were willing to provide information. The Murray Farms information seems to be matching well for the almond orchards provided. The information set from Mr. Giacomazzi hasn't yet been evaluated.

Manager Mills sent the GIS Shapefile information to P&P and pursued efforts to make the information more useful. The following efforts were pursued:

- Segregated the Greater Kaweah GSA field areas and provide the info to Greater Kaweah GSA and Lakeside IWD for consideration.
- Unique identifier per field based on T/R/S for roughly 4,000 fields in the area.
- Develop summary spreadsheet by section for crop demand over the period.
- Modify Shapefiles to reflect crop by color, so they provide better understanding.
- Evaluate information to be able to identify fields with highest ET in WY 2020 easily.
- Eventually cross-reference fields to be linked to ownership and eventually usable with well locations.

STATE BOARD LETTER ON TULARE LAKE GSP

Manager Mills reported that he had received a letter, dated August 23, from State Board staff to Craig Altare of DWR's Sustainable Groundwater Management Office. This letter was not sent to the Tulare Lake GSAs, but was uploaded to a part of DWR's SGMA Portal. It is generally understood that State Board is not required under SGMA to review GSPs, but rather implement the "backstop" if DWR views the GSP is not fixable in the required time. However, it is expected, given that the State Board is a State agency that some parts of the comments will likely be in the review letter that comes from DWR. There were several sections referenced in the letter, several are described below:

WATER BUDGET

- The letter suggests that outlined GSP projects didn't completely stem groundwater level declines by 2040.
- This was always known. The decline in model results was understood to be from adjacent subbasins.

GROUNDWATER LEVELS AND POTENTIAL DRINKING WATER IMPACTS

- The letter suggests that the GSP does not describe how water levels at or near the Measurable Objectives (MOs) or Minimum Thresholds (MTs) may impact domestic wells, public water systems, other beneficial users or land use.
- The reviewer expressed concern about a potentially significant number of domestic wells that could be impacted if groundwater elevations decline to the MOs and MTs.
- The letter draws attention to publicly available sources of info on the topic (The Water Foundation, UC Davis, others).
- The reviewer suggests mitigating impacts to domestic wells by replacing or repairing impacted wells. The reviewer also suggests work to revise well permits and other work with Kings County.

GROUNDWATER QUALITY

- The letter suggests that there should be a plan to revisit the assertion that no causation can be drawn between GW levels and GW quality.
- The letter suggests that there should be a process to evaluate whether GSA implementation caused or exacerbated an MT exceedance for water quality.
- The letter suggests that there should be more explicit definitions of MTs and MOs for degradation of groundwater quality.
- The letter suggests that there should be monitoring for uranium and gross alpha because they show up in GAMA database in the area.

SUBSIDENCE - INCLUDE THE FOLLOWING IMPACTS NOT DISCUSSED IN THE GSP:

- The letter mentions the Corcoran levees needing to be raised for flood protection, the SWK GSA claims of subsidence impacts and a study connecting subsidence to increasing arsenic concentrations.

INTERCONNECTED SURFACE WATER

- The letter mentions the concerns about perched groundwater areas, groundwater dependent ecosystems (GDEs) and environmental uses of groundwater.

PROJECTS

- The letter suggests that the Project descriptions were too vague to understand whether their implementation is feasible and likely to prevent Undesirable Results (URs) in the subbasin.
- The letter suggests that there is no real criteria that would trigger implementation.
- The letter suggests that the funding for the efforts are unclear and suggests there is no clear commitment to implement projects.

Manager Mills suggested that a conceptual response be developed on these topics for the Board to consider at the next regular meeting, if time allows, and the Board agreed.

GSA RELATED TOPICS

Manager Mills reported that grant funding specifics are currently being developed by the State Legislature. The approach seems to be to make the same amount of funding available to all subbasins, and thereby avoid the application process.

Also, an adjudication case has been filed in the Cuyama subbasin. It seems to be an outcome from parties being treated differently in the GSA and some feeling the reasoning wasn't fair.

Mid-Kings River GSA

Manager Mills reported Director Murray's Mid-Kings River GSA Board seat plan is still being discussed. He also reported that DWR communicated that they did not like the adjusted SMC values that were loaded by the MKR GSA into the SGMA portal. However, Manager Mills didn't have any specifics on that, as he was still trying to connect with Amer Hussain.

Manager Mills reported that Steve Jackson was no longer with Sandridge Partners and he was replaced by Carlo Wilcox at TCWA GSA Board.

Manager Mills reported on a question from El Rico GSA on the MKR GSA's interest for a Native Yield study for the Tulare Lake subbasin being funded from future DWR grants.

Manager Mills recommended that the MKR GSA work to secure a consultant to help address coming GSP comments and the Board agreed.

Greater Kaweah GSA

Manager Mills reported that he had obtained well canvass information from the Greater Kaweah GSA developed from San Jose State University student intern with aerial photography. Manager Mills is beginning to consider similar services.

Manager Mills reported that he has been developing documents that describe the District's understanding of groundwater issues in the area, so that GK GSA will engage on specific topics. The hope is to bring the documents to the Kings CWD Board next month.

FACILITIES AND PROJECT UPDATES

Manager Mills reported on the contractor Lyles Utility's exit from the Garner Basin property. The Board discussed a proposal received from Lyles Utility and indicated how they wanted Manager Mills to proceed.

Manager Mills reported on the effort to develop a rail car bridge across Peoples Ditch and that he would be engaging a consultant to help move the effort forward.

Manager Mills reported on the effort to relocate the Peoples Ditch Channel on the Esajian Basin property in order to maximize the Esajian Basin size. The Basin diversion facilities have been conceptually designed. The East and West Branch diversion structure and measuring locations have also been conceptually designed, but the Ditch Company still has issues with those concepts.

Manager Mills reported on the Griswold Basin development effort. He relayed that he planned to end the current lease on southern fields and slough area this fall. He planned to have a contractor pull down the old walnut trees soon. He hoped to include the site on the District's burn permit to clean up slough and removed trees, similar to Weidman Basin. He also hoped to use both District backhoes to dig out a "path" for recharge from turnout to slough. While that was occurring, the design and construction of the new large capacity turnout with flow meter/stand would be pursued as well.

Lastly, Manager Mills reported that he had some discussions with a realtor claiming to represent the new owner of property around the Railsback Basin. Manager Mills reported that he hoped to have discussions with the new owner about the potential to expand the Railsback Basin as the property is being transitioned.

ON-GOING EFFORTS

Independent Ditch

Manager Mills reported efforts related to the Independent Ditch will be taken up after the water run is completed.

Land IQ Estimates

Manager Mills reported that comparison to grower applied water information continues. Also, that work with P&P on developing unique fields IDs is underway.

EXPENDITURE LIST APPROVAL & FINANCING STATEMENT ACCEPTANCE

On a motion by Director Taylor, with a second by Vice-President Dias, it was unanimously approved by the Board that the expenditure list and financial statement be accepted as submitted. The vote for all of the Directors was as follows:

AYES: Steven P. Dias, Joseph Freitas, Barry McCutcheon, Ernest Taylor

NOES: None

ABSTAINED: None

ABSENT: Michael Murray

TRANSFER OF FUNDS

Manager Mills reported that last month's transfer of \$100,000 from the District's LAIF account to the District's General Union Bank account needed to be increased to \$300,000

because of several bills after the Board meeting. He asked that the Board ratify the \$300,000 amount. On a motion by Director Taylor, with a second by Vice-President Dias, the \$300,000 transfer from the District's LAIF account to the District's General Union Bank account in August was unanimously ratified by the Board. The vote for all of the Directors was as follows:

AYES: Steven P. Dias, Joseph Freitas, Barry McCutcheon, Ernest Taylor

NOES: None

ABSTAINED: None

ABSENT: Michael Murray

BOARD MEMBER DISCUSSION/ANNOUNCEMENTS OR REPORTS

None.

SET NEXT MEETING DATE

The next regular Board of Directors meeting was set for October 7, 2021 at 1:00 p.m.

**CONVENE TO CLOSED SESSION PURSUANT TO GOVERNMENT CODE
54956.9 (A) AND 54956.9(D)(1)**

CLOSED SESSION

RECONVENE TO OPEN SESSION

President McCutcheon reported that there were no reportable actions taken during Closed Session.

ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 4:10 p.m.

Respectfully submitted,

Dennis Mills
MIN09.09.21