

Minutes of the Quarterly Meeting of the Central Delta-Mendota GSA -- DRAFT
Monday January 23, 2023 10:00 AM

Santa Nella County Water District
12931 S. Hwy 33
Santa Nella, CA 95322

Central Delta-Mendota GSA Members and Alternates Present

Amy Montgomery, Member – Santa Nella County Water District
Randy Miles, Member – Eagle Field Water District
Danny Wade, Member/Alternate – Fresno Slough Water District/Tranquillity Irrigation District
Aaron Barcellos, Member – Pacheco Water District
Augustine Ramirez, Alternate – Fresno County
Chase Hurley, Alternate – Pacheco Water District
Steve Stadler, Alternate – San Luis Water District
John Bennett, Alternate – Eagle Field Water District
Wayne Western, Member – Panoche Water District
Lacey McBride, Member – Merced County

Others Present

Lauren Layne – Baker Manock & Jensen
Jessica Johnson – Baker Manock & Jensen*
Joe Hopkins – Aliso Water District/Provost & Pritchard*

*indicates participation by telephone conference line

San Luis & Delta-Mendota Water Authority Representatives Present

John Brodie

1. Call to Order

Aaron Barcellos called the meeting to order at 10:05am.

2. Pledge of Allegiance

Those in attendance recited the Pledge of Allegiance to the U.S.A.

3. Approval of the Agenda

There were no corrections or additions to the agenda of items.

4. Opportunity for Public Comment

There were no public comments offered.

5. Consent Calendar

- A. Minutes of the October 24, 2022 Quarterly Central Delta-Mendota GSA Meeting
- B. Quarterly Financial Report

The GSA considered approval of the consent calendar. Randy Miles (Eagle Field Water District) provided the motion and Augie Ramirez (Fresno County) seconded. The GSA voted by roll call and the motion was passed unanimously by those present.

6. **GSA to Discuss Administrative Policy Number Two**
Amy Montgomery (Santa Nella County Water District) discussed the reasons for the policy on well metering and reporting, primarily to make sure the GSA has accurate data that can both be reported for SGMA compliance and used in any new cost sharing formula.
7. **GSA to Consider Adopting Administrative Policy Number 2**
Augie Ramirez provided the motion to adopt and Randy Miles seconded. The GSA voted by roll call and the motion was passed unanimously by those present.
8. **GSA to Consider Adopting the Budget for the Fiscal Year Ending February 29, 2024**
Steve Stadler (San Luis Water District) provided the motion and Randy Miles seconded. The GSA voted by roll call and the motion was passed unanimously by those present.
9. **GSA to Discuss Draft Access Agreements for Administrative Policy Number 2**
Lauren Layne told Central GSA members use of the template is up to the individual GSAs. This will not be a Central GSA requirement. The draft letter included in the meeting packet can be used as a template if they wish.
10. **GSA to Discuss Draft Notice to Central GSA Member Agencies of Cost Share Revisions**
The draft included in the meeting packet was prepared for discussion. Further refinements will be made for discussion. The intent is to have the cost share plan in place by the fiscal year beginning March 1, 2024.
11. **GSA to Discuss Compliance with Governor's Executive Order N-7-22**
Any new or replacement well applications received from the counties are being forwarded to Steve Stadler, who locates where the well will be placed. Administrative Policy Number 2 will be added to the communications with the well owners.
12. **GSA to Discuss 2025 GSP Update Timeline and Coordination Committee Approach**
John Brodie referred GSA members to an updated timeline document in the meeting materials. He noted that the Subbasin is still awaiting a final determination from DWR on the amended Groundwater Sustainability Plans for the Subbasin.
13. **List of Upcoming Funding Opportunities**
John Brodie referred GSA members to a list of funding opportunities contained within the meeting packet. He told members to contact him for more information and to let him know whether they were interested in pursuing any of the available funding opportunities.
14. **Next Steps**
The following next steps were identified during the meeting:

- John Brodie will look at the Well Census and Inventory Report to determine if it includes domestic diminimus wells.
- Each individual GSA is to mail Administrave Policy Number 2 to their constituents/members.
- Amy will invoice for administrative costs the week of 3/1/23
- Draft cost share revisions will continue to be refined and brought back to the full GSA for adoption in September.
- John will add the next meeting date(s) to future agendas.

15. Reports Pursuant to Government Code Section 54954.2(a)(3)

There were no reports under this item.

16. Conference with Legal Counsel – Existing Litigation

The Committee exited the regular meeting to enter closed session to confer with legal counsel pursuant to Paragraph (1), Subdivision (d) of Government Code section 54956.9: (1 case).

California Sportfishing Protection Alliance v. All Persons Interested in the Matter of the Validity of the Northern and Central Delta_Mendota Regions Groundwater Sustainability Plan, et al., Stanislaus County Superior Court, Case No. CV-20-001748, Merced County Superior Court, Case No. 21CV-01691.

17. Report Out of Closed Session

The meeting was reopened after closed session. There was no reportable action taken during closed session.

18. ADJOURNMENT

Central GSA Chairman Aaron Barcellos adjourned the meeting at 11:10am

Central Delta-Mendota GSA
Statement of Income and Expenses

	A	B	C	D	E	F	G	H	I
1						4th			
2	Adopted Budget Fiscal Year 2022-23			December, January, February					<i>Remaining</i>
3		<i>Budget to Actual</i>		Budget		2022-23		FYTD	<i>Budget</i>
4	Operating Revenues								
5	4000	Member Contributions		\$ 37,000.00		\$ -		\$ 37,000.00	-
6	4100	Interest Income		-		4.76		8.57	(8.57)
7	4300	Other Income		-		-		-	-
8		Total Operating Revenues		37,000.00		4.76		37,008.57	
9									
10	Operating Expenses								
11		<i>Administration:</i>							
12	5275	Bank Fees		150.00		-		-	150.00
13	5300	Office Supplies		500.00		45.61		61.47	438.53
14	5325	Regulatory Fees		250.00		-		-	250.00
15	5500	General Liability Insurance		500.00		-		-	500.00
16									
17		Total Administration Expenses		1,400.00		45.61		61.47	
18									
19		<i>Professional Services:</i>							
20	5425	Auditor Fees		8,000.00		-		8,000.00	-
21	5450	Legal Fees/District		18,000.00		14,113.24		21,836.49	(3,836.49)
22	5475	Consultant Fee (SLDMWA)		7,668.00		1,228.03		3,239.17	4,428.83
23		Total Professional Services		33,668.00		15,341.27		33,075.66	
24									
25		Total Operating Expenses		35,068.00		15,386.88		33,137.13	
26									
27			Net Operating Revenue	\$ 1,932.00		\$ (15,382.12)		\$ 3,871.44	
28									

Draft Timeline: 2025 Plan Update for Coordination Committee

- January 9, 2022: Staff submits draft of example “simplified language” (from Common Chapter) for possible adjustments to 2025 Plan update. Review updated draft budgets for fund 63. Review of items needed for Annual Report. Review statutory requirements for the 2025 Plan updates and DWR’s latest Plan update recommendations.
- February 13, 2023: ~~Continue GSP draft simplified language review and make recommendations.~~ Begin discussions on how to address public comments received on GSP and revisions in the 2025 Plan Updates. Review of any released DWR GSP Determinations on other Subbasins for possible relevance to D-M Subbasin. Draft a workplan for 2025 GSP updates including assignments to specific GSAs and consultants. ~~Begin review of Annual Report Data for the 2025 Plan Updates. Refine 2025 GSP update workplan.~~
- March 13, 2023 ~~Continue GSP draft simplified language review and recommendations.~~ Refine workplan for 2025 GSP updates. Review and approve WY 2022 Annual Report. ~~Begin to analyze data from annual report for the 2025 Update.~~
- April 10, 2023: ~~Finalize review of DWR comments and recommended actions and incorporate into 2025 GSP update workplan. Finalize workplan including specific assignments for individual GSAs, GSP groups, and consultant tasks.~~ Draft RFP for selecting Plan Update consultant. Schedule meeting with DWR to discuss Plan Update process and procedures.
- May 1, 2023: ~~Issue RFP for Northern & Central Delta-Mendota Subbasin GSP 2025 Update. Staff/GSA/group analysis of “Basin” and “Setting” Chapters and DWR recommended actions. Further review of staff “simplified” text approach. Solicit feedback from DWR on simplified approach.~~
- May 31, 2023: Deadline for 2025 Update RFP Responses from Consultants. Continue discussions on Coordination Agreement revisions.
- June 1-15 2023: Subcommittee meets to select consultant(s) to interview for 2025 NCDMS Plan Update. Interview consultant(s) for 2025 NCDM GSP Update.
- June 15-30 2023: Select consultant to perform specific tasks for 2025 NCDM GSP Update. Execute Fiscal Year task order. Consultant performs analysis of (any) DWR Plan Update guidance documents, recommended actions, and task/subtask lists and assignments including responses to comments. If needed, schedule meeting with DWR staff to discuss Plan Update items.

July 10, 2023: Deadline for consultant data adjustments for 2025 CC Update “Plan Area” and “Settings” Chapters. Begin outline of responses to “general comments.” Begin review and discussions of Subbasin Water Budget and Sustainable Yield with Coordination Committee/TWG. Review of staff “simplified language” proposed changes. Review GSA/GSP group, staff, and consultant task list and timelines.

August 14, 2023: Continue Water Budget and Sustainable Yield discussions with CC/TWG. Address DWR recommended actions. Finalize WQ section if able and begin discussions on CC Interconnected Surface Water SMC and Table. Meet with DWR to discuss Update progress and proposed changes.

September 11, 2023: Finish water budget and sustainable yield with CC/TWG and incorporate into NCDM GSP. Incorporate WQ SMC and Table (if not already done) and/or Interconnected Surface Water SMC and table (see above). If able, begin discussions on Chronic Lowering of Groundwater. Address DWR recommended actions.

October 9, 2023: Finalize Interconnected Surface Water SMC and Table (if not already done) and/or Chronic Lowering of Groundwater SMC and Table. Review tasks lists for GSAs, GSP groups, staff, and consultants for schedule. Review and identify any new priorities for next fiscal year’s budget. Address DWR recommended actions. Meet with DWR to discuss Update progress and proposed changes. Review GSA/GSP group, staff, and consultant task list and timelines.

November 13, 2023: Finalize Chronic Lowering of groundwater SMC and table. Begin discussions of Reduction in Groundwater Storage SMC and Table. Continue review of budget. Address DWR recommended actions. Review items needed for Annual Report.

December 11, 2023: Continue discussions of Reduction in Storage SMC and Table. Approve next fiscal year’s budget. Continue to review simplified language efforts. Address DWR recommended actions (if needed). Meet with DWR to discuss Update progress and changes.

January 8, 2024: Finalize Reduction in Storage SMC and Table. Begin discussions of SMC and Table for Subsidence. Address DWR recommended actions (if needed). Review staff edits for simplified language. Review GSA/GSP group, staff, and consultant task list and timelines.

February 12, 2024: Continue discussions of SMC and Table for Subsidence. Address DWR recommended actions (if needed). Meet with DWR to discuss Update progress and changes.

March 11, 2024: Finalize SMC and Table for Subsidence. Begin planning public meetings on 2025 update. Finalize action on DWR recommended actions (if needed). Create draft presentation on Update changes. Meet with DWR to discuss Update progress and changes.

April 8, 2024: Buffer month for tying up loose ends. Possibly begin public meeting roadshow. Review simplified language changes and refine draft presentation. Review GSA/GSP group, staff, and consultant task list and timelines.

May 13, 2024: Begin holding public meetings on 2025 GSP update in Cooperation with the Coordination Committee. Note attendance and comments. Final review of GSA/GSP group task assignments and completion.

June 10, 2024: Continue public meetings. Finalize draft Coordination Agreement revisions. Continue GSP simplified language revisions. Meet with DWR to discuss Update progress and changes.

July 8, 2024: Continue Public Meetings. Continue individual GSP revisions. Coordination agreement out for GSA/GSP approval.

August 12, 2024: Deadline for final review of CC, GSPs, and response to comments. Continue public meetings.

September 9, 2024: Final approval of GSP 2025 Update.

Sept./Oct. 2024: Begin public notices, public hearings, and formal approval at GSA level for final 2025 Common Chapter and individual GSP updates.

January 23, 2025: Submit 2025 GSP Updates including Common Chapter, other appendices, and Coordination Agreement.

ACCESS AND INDEMNITY AGREEMENT

THIS ACCESS AND INDEMNITY AGREEMENT (this “Agreement”) is entered into as of this ____ day of _____, 202__ (“Effective Date”) by and between _____ (“Grantor”) and the _____, a _____ (“District”).

RECITALS

WHEREAS, the Central Delta-Mendota Groundwater Sustainability Agency (the “Agency”) is a joint powers authority formed to serve as Groundwater Sustainability Agency (“GSA”) to implement a Groundwater Sustainability Plan (“GSP”) as authorized pursuant to the Sustainable Groundwater Management Act of 2014 (Wat. Code, §§ 10720 *et seq.*) within a portion of the Delta-Mendota Subbasin (DWR Bulletin 118 No. 5-022.07); and

WHEREAS, the Agency’s member agencies are Eagle Field Water District, Fresno Slough Water District, Mercy Springs Water District, Pacheco Water District, Panoche Water District, San Luis Water District, Santa Nella County Water District, Tranquillity Irrigation District, the County of Fresno, and the County of Madera (each a “Member Agency” and collectively, “Member Agencies”); and

WHEREAS, the District is a Member Agency; and

WHEREAS, Grantor owns the certain real property within the District’s boundaries more particularly described below in the Exhibit “A” attached hereto and incorporated herein (the “Property”), on which there are one or more groundwater well(s) (each, a “Well”); and

WHEREAS, pursuant to the Agency’s Administrative Policy Number Two – Metering And Reporting, adopted on January 23, 2023, all Wells within the Agency’s boundaries must have a meter installed by December 31, 2023, subject to certain exceptions; and

WHEREAS, the Agency and its Member Agencies have the authority to conduct investigations of a person’s property or facilities to monitor SGMA compliance pursuant to California Water Code section 10725.4, with the person’s consent or upon inspection warrant; and

WHEREAS, Grantor and the Agency wish to memorialize Grantor’s willingness to provide the Agency, its Member Agencies, and their designees with access to and monitoring rights of the water meter(s) in exchange for the Agency’s willingness to indemnify Grantor for any damage done to the Property or the meter(s) being monitored as a result of the permitted access and monitoring pursuant to this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, obligations, and promises contained in this Agreement, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. The above Recitals are true and correct and made a part hereof.
2. Grantor does hereby grant to the Agency, its Member Agencies, their agents, employees, consultants, contractors, and designees the right to enter the Property in order to take Well

meter(s) readings.

3. Grantor shall not impair in any way accessibility to the Well meter(s) by the Agency, its Member Agencies, their agents, employees, consultants, contractors, or designees.

4. The term of this Agreement shall commence on the date of execution of this Agreement and shall continue for twenty (20) years, unless otherwise modified by mutual agreement of both parties in writing.

5. The District hereby agrees to indemnify Grantor and be responsible for any and all injuries, damages, and claims to persons or property arising out of its access to and monitoring of the meter(s) on the Property, except for any such claims arising out of the willful misconduct or sole negligence of the Grantor or its directors, officers, employees, authorized volunteers or contractors.

6. This Agreement shall “run with the land” and be binding upon and inure to the benefit of Grantor’s heirs, executors, administrators, assigns and successors.

7. The undersigned specifically represent that they are authorized to execute this Agreement and that the parties have the rights and capacities to perform the acts contemplated by this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the date set forth above.

DISTRICT
District Name
address
city state zip

GRANTOR
Landowner
Address
City State Zip

Signature

Signature

Printed Name

Printed Name

Title

Phone Number

E-mail

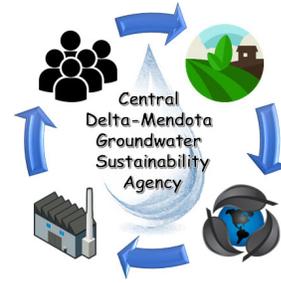
EXHIBIT "A"

Legal Description of the Property

_____ County Assessor's Parcel Number **xxx-xxx-xxx**, within Township **XXX**, Range **XXX**, Section **XX** MDB&M.

DRAFT

**CENTRAL
DELTA-MENDOTA
GROUNDWATER
SUSTAINABILITY
AGENCY**



Eagle Field WD ♦ Fresno County ♦ Fresno Slough WD ♦ Merced County ♦ Mercy Springs WD ♦ Pacheco WD ♦ Panoche WD ♦ San Luis WD ♦ Santa Nella County WD ♦ Tranquillity I.D.

Notice to Member Agencies

Dear Authorized Representative,

The Central Delta-Mendota Groundwater Sustainability Agency (“Central GSA”) is sending this letter to inform you of proposed upcoming changes to the Member Contributions for each Member Agency of the Central GSA. Pursuant to the Central GSA’s Joint Powers Agreement, costs to date are generally shared equally among all 10 Member Agencies, with each being responsible for 10% of the Central GSA’s costs. Member Contributions can be recalculated after adoption of the Groundwater Sustainability Plan (“GSP”).

As such, beginning March 1, 2024 for the 2024-2025 fiscal year, the Central GSA will propose to collect fees differently. The Central GSA adopted Administrative Policy #2 (Well Metering Policy) in January 2023, which will require all wells within the Central GSA (with limited exceptions) to have a meter and report annual extractions to the Central GSA. With metered information on groundwater extraction in hand annually, the Central GSA will propose to collect fees based on pumping.

For the first year, the total costs from the Central GSA’s annual budget will be split 50/50. The first 50% of the budget will continue to be split equally among all 10 Member Agencies. The second 50% of the budget will be allocated to each Member Agency based on the percentage of the prior year’s pumping estimate for land within that Member Agency (as reported in the GSP Annual Reports) compared to total pumping within the Central GSA, which amount will be trued up at the end of the year when actual measurements are reported by the well owners/operators within the respective Member Agency’s boundaries. Going forward, pumping estimates will be taken from the reported extractions pursuant to the Metering Policy for the prior year.

This notice is being provided to you in advance as you prepare the budget for your own agency. If you have any questions or concerns about the foregoing proposal, please do not hesitate to contact me at (209) 617-6380 or Central GSA legal counsel Lauren D. Layne at (559) 432-5400 or llayne@bakermanock.com.

Sincerely,

Aaron Barcellos, Chair of the Central GSA

Funding Opportunities – Updated 4/21/2023

Water Efficiency Technical Assistance Program

Funding for technical assistance for on-farm water use efficiency. Eligible activities include irrigation system efficiency evaluations, pump efficiency testing, and water use efficiency and nutrient management training. Grants of up to \$500,000. Total available \$14,250,000. California Dept. of Food and Agriculture. Deadline 6/6/2023

State Water Efficiency and Enhancement Block Grant Program

This program provides funding for further distribution to agricultural operations to provide for strategic use of funds to address regional water conservation and water use efficiency efforts. Minimum request of \$2,000,000 with a maximum award of \$5,000,000. Total available \$40,000,000. California Dept. of Food and Agriculture. Deadline 6/19/2023

Healthy Soils Block Grant Program

This program provides funding for further distribution to agricultural operations to promote the development of healthy soils on California farms and ranch lands. Minimum request of \$2,000,000 with a maximum award of \$5,000,000. Total available \$29,000,000. California Dept. of Food and Agriculture. Deadline 6/19/2023

County-Wide and Regional Funding Program

Funding for regional programs that address drought-related and contamination issues for small water systems and domestic wells serving DACs. No deadline. Funding is from the State Water Board.

Restoration Grant Program

Multiple funding programs including wetland restoration, wildlife corridors, and addressing climate impacts. Project categories include: planning, implementation, acquisition, monitoring, and scientific studies. Applications accepted on rolling basis. Funding from CA Dept. of Fish and Wildlife.

Riparian Habitat Conservation Program

The Wildlife Conservation Board is accepting concept proposals for projects that provide meaningful and sustainable improvements to riparian habitats. \$3 Million available on a rolling basis.

Fertilizer Research and Education Program

Total of \$225,000 available for projects on: improving input management, understanding plant-soil processes, and evaluating loss pathways. They are focused on nutrients in general with nitrogen/nitrates as a particular focus. It is a rolling deadline with funding awarded as projects are approved. CA Dept. of Food and Agriculture.