

Wheeler Ridge-Maricopa Water Storage District
Wheeler Ridge-Maricopa GSA
Regular Board of Directors Meeting
Wednesday, December 11, 2024 @ 8:00 A.M.

District Headquarters Board Room
12109 Hwy 166, 6.5 miles west of Mettler, CA

or

Physical Teleconference Location

2756 14th Street
Sacramento, CA 95818

Or via GoToMeeting

(Optional Remote Public Participation Only – See NOTICE Below)

Conference Line: +1 (872) 240-3212

Access Code: 211-452-397

<https://www.gotomeet.me/WRMWS>

NOTICE: Members of the public interested in participating remotely via GoToMeeting may do so using the call-in information above or by following this [link](#). Please note that this option is provided as a courtesy and at the participant's own risk. The District cannot guarantee that there will be no loss of connectivity or other technological obstacle to full participation through via GoToMeeting. By participating in this way, participants confirm that they understand this risk and that the Board is not obliged to delay any portion of the meeting due to such technological obstacles and thus via GoToMeeting participants may be unable to participate.

A G E N D A

8:00 1. Call to Order

2. Closed Session

Conference with Legal Counsel Re: Existing Litigation (Govt. Code § 54956.9(a)):

1. *DWR v. All Persons Interested, etc. "Complaint for Validation" Re: SWP Contract Extension Amendment (Sacramento County Sup. Ct., Case No. 34-2018-00246183, 3rd Appellate Dist., Case No. C096316, and related cases and appeals)*
2. *Sierra Club v. DWR v. All Persons Interested, etc., consolidated CEQA Case and "Complaint for Validation" Re: Delta Program Revenue Bonds, Sacramento County Sup. Ct., Case No. 34-2020-80003517, 3rd Appellate Dist., Case No. C100552*
3. *CDWR Environmental Impact [WaterFix] Cases, Sacramento County Sup. Ct., Case No. JCCP No. 4942, 3rd Appellate Dist., Case No. C100302*
4. *Rosedale-Rio Bravo Water Storage District v. Kern County Water Agency, et al., Kern County Superior Court, Case No. BCV-21-100418*
5. *Sierra Club, et al., v. DWR, Sacramento County Sup. Ct., Case No. 24WM000008, and related cases, challenging DCP EIR*
6. *State Water Resources Control Bd. Administrative Hearing Office (AHO) Proceeding Re Sites Project Authority Water Rights Applications*
7. *MFC Kern I LLC, et al. v. Wheeler Ridge-Maricopa WSD, Kern County Sup. Ct., Case No. BCV-24-100873*

Conference with Labor Negotiator Re: Public Employee Compensation/Performance Review (Govt. Code §§54957(b), 54957.6)

8. *District's Designated Representative: President*
- Annual Review of Performance, Salaries, and Benefits for Engineer-Manager*

Conference with Legal Counsel - Anticipated Litigation: Initiation of Litigation (Govt. Code § 54956.9(d)(4)):

9. *Two Matters*

Conference with Legal Counsel - Anticipated Litigation: Significant Exposure to Litigation (Govt. Code § 54956.9(d)(2)):

10. *Two Matters*

9:30 Open Session Pledge of Allegiance

3. Attorney's Report *Torigiani* (5 mins)

1. Report from Closed Session (Gov. Code § 54957.1)
2. Legislative, Executive, Regulatory, and Legal Matters

4. Minutes

- * 1. Approval of Minutes of the Regular Board Meeting November 13, 2024 *Atkinson* (2 mins)

5. Financial Reports *Mettler* (10 mins)

- * 1. Filing of Treasurer's Report
- * 2. Approve Payment of Accounts Payable
- 2.1 Director Compensation and Expense

6. Controller's Report

1. Delinquent Accounts Report for November 2024 *Smith* (10 mins)

- a. File List of Delinquent Tolls & Charges for GWSC – **Resolution Required**
2. Budget Expenditures Report for October 2024 *Whitby* (5 mins)
7. **President's Report** *Atkinson* (5 min)
8. **Engineer-Manager's Report**
 1. Filing of the Monthly Report *Nicholas* (5 mins)
 2. Water Supply – **2024 SWP Allocation of 40%** *McDaris* (10 mins)
 - a. **2025 SWP Initial Allocation - 5%**
 - b. 2024 Water Supply/Demand Estimate
 - c. 2025 Water Supply/Demand Estimate
 - d. Other Purchases/Exchanges
 - * 3. Valley Water – MOU *McDaris* (10 mins)
 4. State Water Project / Delta Conveyance Project *Nicholas* (10 mins)
 5. Sites Reservoir *Kunde* (10 mins)
 - * a. Amendment to Grower Funding Agreement
 - * b. Adopt 2025 Budget
 - * 6. Wheeler Ridge-Maricopa GSA *Staff* (60 mins)
 - * a. **PUBLIC HEARING:** Public Hearing to Consider Adoption of the 2024 Groundwater Sustainability Plan (GSP) for Kern County Subbasin
 - * 1. Adoption of 2024 GSP
 - * b. Consider Approving the Second Amended Kern County Subbasin Coordination Agreement Among Subbasin Groundwater Sustainability Agencies
 - * c. Consider Approving a Contract with Self-Help Enterprises to Administer the Kern County Subbasin Domestic Well Mitigation Program
 - * d. Consider Approving the First Amendment to the South of Kern River Memorandum of Agreement
 - * e. Consider Approval of Subsidence Management Actions
 1. Well Registration
 2. Well Drilling Moratorium
 3. Well Extraction Reporting
9. **Reports**
 1. Director's Reports on Meetings Attended
 2. Kern County Water Agency *McDaris* (5 mins)
 3. Kern Water Bank Authority/ Kern Water Bank GSA *Nicholas* (5 mins)
 4. South of Kern River GSP *Nicholas* (5 mins)
 5. Kern Non-District Lands Authority *Nicholas* (5 mins)
 6. Kern Coordination Committee *Blaine* (5 mins)
 7. White Wolf Groundwater Sustainability Agency *Nicholas* (5 mins)
 8. Kern River Watershed Coalition Authority *Blaine* (5 mins)
 9. Committee for Delta Reliability *Nicholas* (5 mins)
 10. South Valley Water Resource Authority *Nicholas* (5 mins)
10. **Unfinished and New Business**
 1. Ethics Training – AB1234 *Nicholas* (5 mins)
 2. Statement of Economic Interest (SEI/Form 700) FPPC Online Filing Requirement for GSA Board Members and Executive Directors *Nicholas* (5 mins)
11. **Public Comments**
12. **Adjournment**

*These items may require Board action and may be moved to earlier in the meeting to ensure the maximum number of Directors are present.

Posted pursuant to Government Code § 54954.2(a) at least 72 hours prior to said meeting.

By: Danyel Ruth

December 6, 2024

Per Govt. Code § 54953.2 and § 54961, requests for a disability-related modification or accommodation, including auxiliary aids or services, in order to attend or participate in this meeting should be made to the Administrative Assistant (phone 661-527-6068) in advance of the meeting to ensure availability of the requested service or accommodation.

****Per Govt. Code § 54954.3(a)**, A member of the public may comment on any matter on the agenda, before or during the Board's consideration of the matter (and in the case of a closed session matter immediately before the Board goes into closed session) upon being recognized by the President and subject to any time constraints the President may impose from time to time.



State Legislative Committee Supplemental 2024 Legislative Highlights

Meeting Date: November 22, 2024	Item No.: V.A.5.a.
Board Action Required: NO	Chairperson: Lauren Layne
Fiscal/Budgetary Impact: NO	Prepared By: Cindy Tuck, Adam Quiñonez, Julia Hall, Chelsea Haines, Soren Nelson, Kylie Wright, and Jen Stein

SECOND YEAR OF 2023 – 24 LEGISLATIVE SESSION - LEGISLATIVE HIGHLIGHTS

The 2023-‘24 Legislative Session came to a close on August 31, 2024. ACWA advocates represented public water agencies on a host of bills related to water rights, groundwater, and water management and other issues. Below is an update on some State legislation that ACWA successfully opposed, worked to fix, or supported.

OPPOSED BILLS

ACWA advocates worked on numerous bills that presented serious concerns to ACWA members. ACWA staff led and participated in a number of coalitions to oppose bills and block bad policies from becoming law.

AB 828 (Connolly, D – San Rafael) – Sustainable Groundwater Management: Managed Wetlands

This bill would have prohibited a groundwater sustainability agency (GSA) from establishing groundwater extraction allocations for small community water systems serving disadvantaged communities and managed wetlands extractors. This bill also would have prohibited a GSA from imposing a fee upon a small community water system serving a disadvantaged community or imposing a fee for managed wetland purposes.

ACWA adopted an “Oppose” position on the bill. ACWA was a principal architect and supporter of the Sustainable Groundwater Management Act (SGMA) and believed that this bill would harm the ability of local water agencies to successfully implement SGMA. The bill was enrolled on August 31, and ACWA submitted a letter of concern to the Governor’s office requesting a veto on the bill. The Governor vetoed the bill on September 25, 2024.

AB 2149 (Connolly, D – San Rafael) – Gates: Standards: Inspection

This bill would have required a new regulated gate, defined as any gate that meets specified height and weight requirements and is intended to be used by the public, an entire community or neighborhood, or

any considerable number of persons, to meet certain standards and inspection requirements. This bill sought to create a regulatory framework for the regulation of large heavy gates by creating maintenance standards, imposing administrative fines and declaring unrepaired gates a public nuisance.

ACWA adopted a “Not Favor” position on the bill, based on concerns that the lack of specificity and wide application of this bill’s requirements would lead to frivolous litigation and substantial costs to local public agencies. ACWA submitted coalition letters on behalf of ACWA and the California Special Districts Association to the Senate Judiciary Committee and the Senate Appropriations Committee in opposition to the bill and coordinated with other local government associations in opposition to the bill. AB 2149 was held under submission by the Senate Appropriations Committee on the suspense file on August 15, 2024.

AB 2557 (Ortega, D – San Leandro) – Local Agencies: Contracts for Special Services and Temporary Help: Performance Reports

This bill would have required, as of July 1, 2025, that contracts and any related documents be posted on local agencies’ websites. AB 2557 would have additionally required, as of July 1, 2026, each contract for functions that are currently performed by the local agency’s employees, or have been within the past five years, as specified, to include the objectives, desirables, and goals of the contract, among other things. Before beginning a procurement process to contract, the bill would have required that written notice be provided to the exclusive employee representative of the workforce affected by the contract.

ACWA adopted a “Not Favor” position on the bill. ACWA joined a broad coalition with representation from statewide county, city, and special district association partners to oppose the bill based on concerns regarding the burdensome and duplicative reporting requirements and the cost implications of the reporting, posting, and contracting requirements of the bill. The Senate Appropriations Committee held AB 2557 under submission on the suspense file on August 15, 2024.

BILLS THAT REQUIRED AMENDMENTS

For some bills that ACWA opposed, lobbying efforts resulted in amendments that improved bills. ACWA also adopts an “Oppose-Unless-Amended” position on bills that, while problematic as introduced, can be made reasonable through the successful negotiation of amendments. ACWA opposes the bill until the Author incorporates amendments that protect ACWA members’ interests and allows us to remove our opposition. ACWA also takes “Support if Amended” positions where ACWA generally supports the concept of a bill but requires additional amendments before moving to full support.

AB 460 (Bauer-Kahan, D – Orinda) – State Water Resources Control Board: Water Rights and Usage: Civil Penalties

In 2023 this bill would have granted the State Water Board the authority to issue an interim relief order to enforce the reasonable use doctrine, water rights, water quality standards, and other provisions of water law. The bill would have required the State Water Board to provide the water right holder subject to the interim relief order with a hearing prior to issuing the order, unless the State Water Board

determined the matter to be urgent, in which case no hearing would be required. The bill also would have increased the maximum amount of civil liability for specified violations from \$500 per day to \$10,000 per day in which a violation occurs, and \$2,500 per acre-foot of water illegally diverted.

ACWA adopted an “Oppose” position on AB 460 in 2023 and led a large coalition of more than 100 organizations, including water industry, agricultural, business, and labor interests in strongly opposing the bill. ACWA and its member agencies endorsed the concept of increasing fines as illegal diversions harm law-abiding water right holders and undermine the water rights system. Unfortunately, in 2023 AB 460 went far beyond increasing penalties and would have unfairly punished law-abiding water right holders, including ACWA member agencies.

Due to ACWA’s significant lobbying efforts in 2023, the bill failed to move forward in the Senate. This year, ACWA staff continued to engage with the author and coalition on appropriate amendments until the bill was amended and all problematic provisions were removed. The bill now focuses only on increased fines for illegal water diversions by increasing maximum potential penalties for various types of violations. In June, ACWA moved to a “Watch” position based on these amendments, and Governor Newsom signed AB 460 into law on September 22, 2024.

AB 1820 (Schiavo, D – Chatsworth) – Housing Development Projects: Applications: Fees and Exactions

This bill requires local agencies to provide developers with more information on fees and exactions at various stages of the housing development approval process. In relevant part, this bill requires a city, county, or special district to provide to a development proponent, upon request, a fee schedule for fees described in Chapter 7 of the Mitigation Fee Act, or for the cost of providing electrical or gas service from a local publicly owned utility.

Earlier versions of the bill included requirements to provide a preliminary estimate and total sum of fees and exactions, which includes fees for water and sewer connections and capacity charges. Based on this language, ACWA adopted an “Oppose Unless Amended” position on AB 1820. The inclusion of water and sewer connection fees and capacity charges within the requirements of the bill raised concerns as these fees operate differently than other fees included in the Mitigation Fee Act. Typically, fees for water or sewer connections and capacity charges are assessed upon receiving an application for a new service connection and preliminary applications for new housing development projects lack the requisite information that would allow water and sewer service providers to assess connection and capacity fees.

ACWA staff worked with the author’s office to address these concerns, and the bill was amended to remove the inclusion of water and sewer connection fees and capacity charges within the definition of “fee” for the purposes of the bill. The bill was also amended to instead require a city, county, or special district to provide to a development proponent, upon request, a fee schedule for water and sewer connection fees and capacity charges. With these amendments ACWA moved to a “Watch” position. Governor Newsom signed AB 1820 into law on September 22, 2024.

AB 2079 (Bennett, D – Ventura) – Groundwater Extraction: Large-Diameter, High-Capacity Water Wells: Permits

This bill would have required greater interagency coordination and public notice regarding applications to drill groundwater wells and prohibit a local agency from approving new “large-diameter, high-capacity” wells within one-quarter mile of domestic wells and areas experiencing a specified threshold of land subsidence, unless specifically exempted.

ACWA had serious concerns with the bill and adopted an “Oppose Unless Amended” position. The bill would have created unworkable statewide standards for groundwater well permitting that would have resulted in a moratorium on approving any new groundwater wells for agricultural or industrial usage throughout much of the state. ACWA worked with the author’s office and other interested parties to resolve concerns. Ultimately, the failed passage in the Senate Natural Resources and Water Committee on June 11, 2024.

AB 2614 (Ramos, D – Highland) – Water Policy: California Tribal Communities

AB 2614 proposed several amendments to the Porter-Cologne Water Quality Control Act relating to tribal water uses. AB 2614 would have included the defined term “tribal water uses” in the term “beneficial uses” of the waters of the state that may be protected against quality degradation. AB 2614 would have required that all water quality control plans throughout the state be amended to incorporate protections for tribal water uses. This process would have been exempt from the California Environmental Quality Act (CEQA). The bill also would have required the State Water Resources Control Board (State Water Board) to incorporate protection of tribal water uses into the water quality control plan for the San Francisco Bay and Sacramento-San Joaquin Delta watershed (Bay-Delta).

While the bill was intended to ensure that tribal beneficial uses and the voices of California tribal communities were considered in the development of water quality plans, the bill went far beyond this stated intent. ACWA initially adopted a “Watch and Amend” position on the bill due to the sensitivity and a perceived willingness by the author to address ACWA’s concerns. The bill would have imposed sweeping directives to the State Water Board and Regional Water Quality Control Boards and created significant uncertainty for water providers throughout the state. Additionally, the bill would have likely resulted in a significant delay to the ongoing update to the water quality control plan for the Bay-Delta.

ACWA submitted a letter of concern to the Assembly Water Parks and Wildlife Committee and provided amendments to the committee and author that would have addressed the concerns. The bill passed out of the committee with no amendments. At this point, ACWA adopted an “Oppose Unless Amended” position on the bill. ACWA submitted an “Oppose Unless Amended” letter to the Assembly Appropriations Committee and provided suggested amendments. Staff worked with staff of the Appropriations Committee, and that committee ultimately held the bill on the suspense file on May 16, 2024.

AB 3012 (Grayson, D – Concord) – Development Fees: Fee Schedule Template: Fee Estimate Tool

In relevant part, this bill requires a city or county that has a website, to make available on its website a fee estimate tool for the public to calculate an estimate of fees and exactions for a proposed housing development project including a fee or charge described in the Mitigation Fee Act (Chapters 5-9, except Government Code Section 66013), amongst other fees as specified. As introduced, this bill would have included Chapter 7 of the Mitigation Fee Act, which includes water and sewer connections fees and capacity charges, within the proposed requirement for cities and counties to have a fee estimate tool on their website.

ACWA staff worked with a coalition to educate the author of this bill on the challenges this would present. Water and sewer connection fees and capacity charges are calculated differently than other fees included in the Mitigation Fee Act as they are based on specific information about the development project, such as the pipeline size, meter sizes, and if additional infrastructure is necessary to serve a new development. On April 18, the bill was amended to remove water and sewer connection fees and capacity charges from the fees required to be included in the fee estimate tool. Following these amendments, on May 17, ACWA adopted a “Watch” position on AB 3012. Governor Newsom signed the bill into law on September 27, 2024.

SB 867 (Allen, D – Santa Monica) – Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024

This bill places a \$10 billion general obligation bond measure on the November 5, 2024, ballot to fund investments that will support California’s climate resilience. The bond, if approved by the voters, would allocate funding to eight broad categories, of which \$3.8 billion would be allocated for safe drinking water, drought, flood, and water resilience. A list of funding categories and amounts is available [here](#).

SB 867 was introduced in 2023 and ACWA staff engaged heavily on the bond for two years. A large working group of the 2022-’23 ACWA State Legislative Committee developed a list of ACWA’s priority categories for funding and corresponding funding amounts. This work guided ACWA’s advocacy and position for the bond. In 2023, ACWA’s State Legislative Committee adopted a “Support if Amended” position on SB 867, with the sought-after amendments being increased funding for ACWA’s water infrastructure categories. This bill became a two-year bill.

The Legislature continued to work on a climate resilience bond proposal in 2024 – with almost all of the activity happening behind the scenes. Due to the State’s budgetary shortfall and early discussions about the potential for three bonds for the November 2024 ballot (climate resilience, education, and housing), a \$15 billion climate resilience bond total (as had been proposed in 2023) was no longer on the table. Both the Senate and the Assembly created climate resilience bond working groups to work on how to recast the bond.

ACWA advocated in support of a climate resilience bond with significant funding for water infrastructure, consistent with ACWA’s suggested funding categories and amounts. ACWA organized a coalition of over 70 ACWA member agencies and partner organizations, including labor, and distributed

the Coalition's letters to the Legislature urging support for specified funding levels for water infrastructure to be included in the bond. ACWA convened a Climate Resilience Bond Lobby Team that advocated for ACWA's proposed bond funding. ACWA also coordinated with other interested parties regarding water funding, including environmental, environmental justice, and labor organizations.

An agreement between the Senate and the Assembly Working Groups went into print in SB 867 on the evening of Saturday, June 29, with no opportunity for amendments. ACWA's State Legislative Committee convened an emergency meeting on Monday, July 1 to take a position on the June 29 version of SB 867. ACWA adopted a "Watch" position on the bill. ACWA immediately communicated that position to legislative leaders, Senator Allen, and the Governor's Office. On July 3, the Legislature passed SB 867, and Acting Governor Mike McGuire signed the bill. The ACWA Board of Directors considered Proposition 4 at its September 20, 2024, meeting and did not take a position on the measure. The measure appeared on the November 5, 2024, ballot as Proposition 4 and was passed by the voters.

The state agencies that will administer the funding have some discretion around when and how funding is dispersed, as well as the criteria used to evaluate applications for grant funding. ACWA staff will work closely with relevant programs to advocate for efficient and timely disbursement of the funding.

SB 937 (Wiener, D – San Francisco) – Development Projects: Fees and Charges

The introduced version of this bill would have prohibited a local agency from requiring the payment of fees or charges until the date the certificate of occupancy is issued, including water and sewer connection and capacity fees. ACWA adopted an "Oppose Unless Amended" position on this version of the bill based on concerns that the bill would significantly delay an agency's ability to recover the cost of services provided for new connections, as agencies typically collect these fees at the time an application for a new service connection is submitted and approved.

ACWA staff raised concerns to the author's office on the inclusion of water and sewer connection fees and capacity charges in the bill's requirements. Requiring water and sewer districts to collect these fees and charges after the certificate of occupancy is issued, which could be years later, creates fiscal uncertainty and agencies would have to subsidize significant costs of constructing and maintaining infrastructure. The bill was amended on April 1 to resolve these concerns, removing water and sewer connection and capacity fees from the requirements of the bill. Following these amendments, ACWA adopted a "Watch" position on the bill on April 11.

On August 22, the bill was amended with language that creates uncertainty regarding a water or wastewater district's ability to charge connection fees and capacity charges, which raised concern from ACWA members. While ACWA was unable to formally take a position on the bill, due to the late timing of the amendments, ACWA staff submitted a letter of concern to the Governor's office expressing strong concerns regarding the ambiguity that would be created related to capacity and connection fees. The ACWA letter also cited the significant concerns from member agencies and included an attached coalition letter from many ACWA partner associations that requested a veto on the bill. Governor Newsom signed the bill into law on September 19, 2024.

SB 1147 (Portantino, D – Burbank) – Drinking Water: Microplastics Levels

As introduced, SB 1147 would have required the Office of Environmental Health Hazard and Assessment (OEHHA) to develop and deliver public health standards for a safe level of microplastics in drinking water by January 1, 2026, and the State Water Resources Control Board (State Water Board) to adopt those standards and goals on or before January 1, 2028.

The proposed requirements of the introduced version of the bill were premature as the State Water Board and public water systems are still meeting existing requirements for testing microplastics in drinking water. Currently standardized and validated sampling procedures and sample preparation procedures are not available and are still being developed by the State Water Board. In addition, there are no Environmental Laboratory Accreditation Program (ELAP) certified laboratories to analyze for microplastics. Based on these concerns, ACWA adopted an “Oppose Unless Amended” position on the bill and ACWA staff worked with the author’s office to address ACWA’s concerns.

The bill was amended to address ACWA’s concern that data is not currently available to inform a public health goal and a drinking water standard within the specified timeframes. Following these amendments, ACWA moved to a “Watch” position. The bill instead requires OEHHA to study the health effects of microplastics in drinking and bottled water to evaluate toxicity characteristics and levels of microplastics in water that are not anticipated to cause or contribute to adverse health effects, or to identify data gaps that would need to be addressed to establish those levels. The bill would authorize the State Water Board, after taking into consideration the findings, to request that OEHHA prepare and publish a public health goal for microplastics in drinking water. Governor Newsom signed SB 1147 into law on September 28, 2024.

SB 1188 (Laird, D – Santa Cruz) – Drinking Water: Technical, Managerial, And Financial Standards

This bill requires the State Water Resources Control Board to develop and adopt minimum standards related to the technical, managerial, and financial (TMF) capacity of community water systems serving fewer than 10,000 people or 3,300 service connections and nontransient noncommunity water systems that serve K–12 schools, as specified.

Earlier versions of the bill raised concerns as the bill’s requirements originally would have applied to small water systems with under 10,000 connections and included TMF standards that are inconsistent with or duplicative with existing regulatory efforts, criteria to receive state funding that did not align with interim and longer-term solutions under Safe and Affordable Funding for Equity and Resilience (SAFER) Program, and additional reporting requirements. ACWA adopted an “Oppose Unless Amended” position on the bill and provided amendments that would address ACWA’s concerns to the author and the Senate Environmental Quality Committee.

The bill was amended to incorporate most of ACWA’s suggested amendments. The bill would apply the proposed minimum TMF capacity standards to public water systems with fewer than 10,000 people or 3,300 service connections and align the requirements with existing state efforts to address TMF capacity concerns and with interim and longer-term SAFER solutions. Following these amendments, ACWA staff

moved to a “Watch” position on the bill. Governor Newsom signed SB 1188 into law on September 24, 2024.

SB 1210 (Skinner, D – Berkeley) – New Housing Construction: Electrical, Gas, Sewer, and Water Service: Service Connection Information

The bill requires, on or before January 1, 2026, for new housing construction, each utility to publicly post on its website the schedule of estimated fees for service connections for each housing development type. The bill would exempt a utility that continues to post a schedule of their fees with this information pursuant to Section 65940.1 of the Government Code. The bill also requires each utility to post on their website estimated timeframes for completing typical service connections needed for each housing development type.

As introduced, this bill would have prohibited a connection or capacity fee assessed on new housing development from exceeding one percent of the reported building permit value of that housing unit. Additionally, the bill would have required agencies to issue these fees over a period of at least 10 years commencing on the date when the housing unit is first occupied. On March 1, ACWA adopted an “Oppose” position based on significant concerns that the bill would result in revenue shortfalls by preventing agencies from recovering the costs of providing service to new housing developments. With limited revenue from connection and capacity fees, agencies may struggle to invest in essential infrastructure projects, such as expanding treatment plans, installing new pipelines, or upgrading distribution systems. This could result in deteriorating infrastructure, reduced service reliability, and compromised water quality over time.

ACWA formed a coalition of partner organizations to oppose this bill. The bill was amended on April 22 to address ACWA’s concerns with the previous provisions of the bill and ACWA moved to a “Watch” position on the bill. Governor Newsom signed SB 1210 into law on September 27, 2024.

SB 1255 (Durazo, D – Los Angeles) – Public Water Systems: Low-Income Water Rate Assistance Program

SB 1255, sponsored by Community Water Center, Clean Water Action, and Leadership Counsel for Justice and Accountability, originally proposed requirements limited to the State Water Resources Control Board (State Water Board) gathering data on affordability issues for community water systems (CWSs) with fewer than 3,000 connections. ACWA adopted a “Watch and Amend” position on this early version of the bill and submitted a letter of concern to the author and sponsors with suggested amendments, including that the bill’s provisions be limited to CWSs with 3,000 or fewer connections that serve disadvantaged communities.

After the bill had reached the second house (the Assembly), Senator Durazo amended the bill on June 3 to additionally propose a major new program – a low-income rate assistance (LIRA) program that would have applied to water suppliers that serve over 3,300 residential customers. This bill would have

required each system to establish a LIRA program with specified minimum requirements, and the proposed revenue source was voluntary contributions from ratepayers who were not eligible for the assistance. The approach for contributions would have been an “opt-out” program, so these ratepayers would have been committed to making the voluntary contribution unless they opted-out, as specified.

Guided by extensive work of the State Legislative Committee’s SB 1255 Working Group, the State Legislative Committee adopted an “Oppose-Unless-Amended” position on the amendments that went into print on June 3. ACWA submitted “Oppose Unless Amended” letters to the Legislature with a detailed mock-up of amendments that would address ACWA’s concerns. On June 19, the Author amended SB 1255 to include many of these suggested amendments, addressing ACWA’s concerns regarding the proposed program timeline, application of bill credits as it pertains to water use efficiency and flexibility for systems to determine to which element or elements of water charges the credit applied, and eligibility verification. While ACWA appreciated the author’s acceptance of those amendments, the amendments did not address other fundamental concerns and suggested amendments. ACWA still had serious concerns that SB 1255 could not be successfully implemented. For example, the bill included a funding mechanism that would have relied on voluntary contributions that would have created fiscal uncertainty and included an “opt-out” approach rather than ACWA’s suggested “opt-in” approach. In addition, funding the proposed rate assistance program would have been extremely challenging for communities where many of the noneligible ratepayers have annual household incomes that are not much above the eligibility threshold. Other concerns included the bill’s inclusion of an unworkable cap on administrative costs, bill credits for wastewater, and the usage of arrears data to estimate the funding need for a LIRA program for smaller systems.

ACWA continued to advocate for amendments to address these concerns and formed a coalition of over 30 organizations to oppose the bill, unless it was appropriately amended. ACWA and the coalition opposed the bill at the Assembly Appropriations Committee where the bill was ultimately held on the Suspense File on August 15, 2024. The bill failed passage.

State Budget for Fiscal Year 2024-2025

AB 107 (Gabriel, D – Encino) – Budget Act of 2024

SB 108 (Wiener, D – San Francisco) – Budget Act of 2024

With a historic multiyear deficit facing California, the Legislature and Governor proposed significant cuts to a variety of different issue areas. This included significant cuts to water infrastructure categories that ACWA has prioritized for additional funding including, recycled water, dam safety, and PFAS remediation.

Most concerning was a reversion of over \$500 million in funding for the Agreements to Support Healthy Rivers and Landscapes (Agreements) previously known as the Voluntary Agreements. The Agreements represent an unprecedented opportunity to improve California’s Sacramento-San Joaquin Bay-Delta ecosystem by creating a comprehensive program of habitat enhancement projects coupled with more water for fish and wildlife, managed in a collaborative, science-based manner.

Despite strong concerns from ACWA and other associations, the funding was rescinded in the main budget bill AB 107 (Gabriel). ACWA quickly formed a coalition of more than 40 organizations to advocate for the restoration of the funding. After many meetings with legislative leaders, testimony in Budget Committees, meetings with staff, the Governor’s Office, and others, ACWA was able to secure enough support to restore the funding in the follow up budget bill SB 108 (Weiner). SB 108 (Wiener), the [Budget Act of 2024](#), was signed into law in June, and restored nearly \$500 million for the Agreements.

SUPPORTED BILLS

ACWA’s support for good legislation improved the chances of passage for the following bills.

AB 1581 (Kalra, D – San Jose) – Conservation: Restoration Management Permit Act and California State Safe Harbor Agreement Program Act

This bill authorizes the California Department of Fish and Wildlife to issue a restoration management permit for qualifying restoration projects to allow for the take, possession, import, or export of any fish, wildlife, or plant species, and any impacts to fish and wildlife resources resulting from activities otherwise subject to a lake and streambed alteration agreement (LSAA). Qualifying projects include projects with the primary purpose of restoring and providing a substantial net benefit to native fish, wildlife, plants, or their habitat. These projects could have secondary or incidental benefits, including flood risk reduction and groundwater recharge.

ACWA adopted a “Favor and Amend” position on the bill. Staff expressed support for the bill, but indicated an interest in project mitigation work being included within the program. Unfortunately, despite the desire of the sponsors, Sustainable Conservation, to include this work, strong opposition from environmental groups narrowed the bill to its final form. However, even in its final form, the bill provides an additional, streamlined pathway for agencies to obtain a permit for restoration work. This alternative permit will expedite qualifying projects and reduce costs. ACWA sent letters of support to the Legislature and Administration. Governor Newsom signed AB 1581 into law on September 27, 2024.

AB 1827 (Papan, D – San Mateo) – Local Government: Fees and Charges: Water: Higher Consumptive Water Parcels

This bill allows local water agencies when imposing or increasing fees or charges for property-related water service pursuant to Proposition 218, to include the incrementally higher costs of water service due to, or any combination of, the higher water usage demand of parcels, the maximum potential water use, or projected peak water usage. The incrementally higher cost of water service associated with higher water usage demands, the maximum potential water use, or projected peak water usage may be allocated using any method that reasonably assesses the water service provider’s cost of serving those parcels. In addition to any other method consistent with Proposition 218, the incrementally higher cost of water service may be allocated among customer classes, within customer classes, or both, based on meter size or peaking factors.

ACWA took a “Support” position on this bill, as it affirms existing law that allows water suppliers to use these reasonable and well-accepted methods of assessing the incremental costs associated with higher water usage demands to high water users. This measure was needed as recent lawsuits have threatened California water providers’ ability to use these well-accepted methods of cost allocation that prevent costs from being passed on to low water users. ACWA joined a coalition led by the bill’s sponsor, Irvine Ranch Water District, in support of the bill. The coalition consisted of ACWA member agencies and other partner organizations. Governor Newsom signed AB 1827 into law on September 22, 2024.

AB 2257 (Wilson, D – Suisun City) – Local Government: Property-Related Water and Sewer Fees and Assessments: Remedies

AB 2257, sponsored by ACWA and introduced by Assemblymember Lori Wilson (D-Suisun City), aids public agencies in defending against Proposition 218 lawsuits. A rise in Proposition 218 litigation is making it increasingly difficult to ensure agencies can pass fair and reasonable rates to cover the costs of operations and investments. Oftentimes, these suits are filed without litigants first having raised alleged violations with the public agency during the public notice-and-comment process leading up to the decision to adopt rates or assessment. AB 2257 creates a robust optional public process that facilitates dialogue, transparency, and the opportunity to resolve issues and avoid costly litigation. If an agency elects to follow this public process, litigants will be required to participate and raise specific objections during the public administrative process in order to challenge the rates or assessments in court. This bill will also limit the administrative record to evidence presented to the agency during the ratemaking process.

ACWA worked extensively as the sponsor of AB 2257 to highlight the importance of having a more transparent rate making process and the benefits it would have for both water agencies and customers. ACWA led a broad coalition of over 60 members, consisting of ACWA member agencies and partner organizations, including environmental and labor interests, in support of the bill.

ACWA lobbied early in the year until late in the legislative session against opposition from the Howard Jarvis Taxpayers Association to ensure that legislators understood that the bill does not change Proposition 218 but simply creates another avenue for an open and transparent public process. ACWA submitted a number of coalition letters in support of the bill to the Legislature and ACWA staff provided lead testimony in support of the bill during its policy committee hearings. Governor Newsom signed AB 2257 into law on September 25, 2024.

AB 2276 (Wood, D – Healdsburg) – Forestry: Timber Harvesting Plans: Exemptions

AB 2276, sponsored by ACWA’s California Forest Watershed Alliance (CAFWA) partner California Forestry Association, extends and increases the utility of timber harvest plan exemptions, making it more economically feasible to complete wildfire mitigation projects that provide for healthier and more resilient forests. ACWA adopted a “Favor” position on the bill and sent letters of support to the Legislature and Administration. Governor Newsom signed AB 2276 into law on September 22, 2024.

AB 2302 (Addis, D – Morro Bay) – Open Meetings: Local Agencies: Teleconferences

This bill revises the limits on the number of meetings a member of the legislative body of a local agency may participate in solely by teleconference from a remote location. The bill also defines a meeting as any number of meetings of the legislative body of a local agency that begin on the same calendar day. ACWA adopted a “Favor” position as the bill is advantageous for local agencies and provided letters of support throughout the legislative process. Governor Newsom signed AB 2302 into law on September 22, 2024.

AB 2330 (Holden, D – Pasadena) – Endangered Species: Incidental Take: Wildfire Preparedness Activities

This bill, sponsored by the League of California Cities, would have established a voluntary, streamlined process for local agencies to submit wildfire preparedness programs to the California Department of Fish and Wildlife (CDFW) and seek approval to avoid, minimize, and mitigate the take of an endangered, threatened, or candidate species, incidental to conducting vegetative management activities in fire hazard severity zones located adjacent to communities. ACWA adopted a “Favor” position and signed on to a support coalition led by the League of California Cities. Unfortunately, this bill was vetoed by the Governor due to the costs associated with the bill.

AB 2599 (Committee on Environmental Safety and Toxic Materials) – Water: Discontinuation of Residential Water Service

ACWA-sponsored AB 2599 cleans up enacted legislation from 2023, SB 3 (Dodd, D-Napa), regarding discontinuation of water service due to nonpayment. SB 3 made various changes to the Water Shutoff Protection Act (Act), including the addition of a restitution authority. It authorized the Attorney General (A.G) to restore to any person any money or property, real or personal, that may have been acquired by any method, act, or practice declared by the Act to be unlawful. AB 2599 provides that this new authority: 1) does not cover personal property, as water systems do not have the authority to obtain personal property from their customers; and 2) applies only where there has been unlawful conduct as opposed to when there “may have been” unlawful conduct under the Act. ACWA and the A.G.’s staff negotiated the amendments in August last year. Due to timing concerns as the recess approached, Senator Dodd’s Office preferred for the amendments to be made in 2024.

ACWA staff coordinated with the Committee Consultant for the Assembly Committee on Environmental Safety and Toxic Materials to have ACWA’s bill language included in an omnibus bill carried by the Committee. AB 2599 did not receive any “no” votes in either house, and Governor Newsom signed the bill into law on September 22, 2024.

AB 2661 (Soria, D – Fresno) – Electricity: Westlands Water District

This bill authorizes Westlands Water District to provide, generate, and deliver solar photovoltaic electricity and to construct, operate, and maintain the associated infrastructure, including electrical transmission lines and energy storage systems. ACWA adopted a “Favor and Amend” position on the bill,

seeking amendments that would expand this authority to be utilized by other districts. While the authority in this bill was not expanded, this authority for Westlands Water District will enable the development of new solar generation and the needed transmission capacity in the Central Valley, further contributing to the state’s renewable energy goals. Governor Newsom signed AB 2661 into law on September 25, 2024.

SB 366 (Caballero, D – Merced) – The California Water Plan: Long-Term Supply Targets

This bill would have revised the California Water Plan (Plan) and require the Department of Water Resources (DWR) to develop longer-term water supply targets. The bill would have required DWR to expand the membership of the advisory committee, add to the list of strategies that DWR is required to discuss when updating the plan, require DWR to conduct public workshops to give interested parties an opportunity to comment on the plan, and require each update of the plan to include additional components. The bill would have required DWR, as a part of the 2028 update, to include an interim planning target of nine million acre-feet of additional water, water conservation, or water storage capacity to be achieved by 2040. The bill would have also required DWR, as a part of the 2033 update, to update the required planning target and requires subsequent updates to include a range of water supply targets that consider future water needs for all beneficial uses and ensure safe drinking water for all Californians, among other things.

ACWA adopted a “Support” position on the bill in 2023 and provided letters and testimony to relevant policy committees throughout the legislative process. This year, ACWA continued to support the bill and signed on to a support coalition led by the co-sponsors of the bill, California Municipal Utilities Association, California State Association of Counties and California Council for Environmental and Economic Balance. Unfortunately, the Governor vetoed the bill due to the ongoing costs for DWR, the State Water Resources Control Board, and other state agencies and departments to assist in the development of water supply planning targets.

SB 504 (Dodd, D – Napa) – Wildfires: Defensible Space: Grant Programs: Local Governments

This bill creates an incentive for local agencies to report defensible space data to the California Department of Forestry and Fire Protection (CalFIRE) central database by requiring CalFIRE to give priority to local governments that report defensible space assessments using the common reporting platform, when reviewing applicants for the local assistance grant program. This was a two-year bill and ACWA adopted a “Favor” position on the bill in 2023. When the bill began to move again this year, ACWA submitted a letter of support to the Assembly Appropriations Committee and to the Administration. ACWA also joined a letter of support with California Forest Watershed Alliance members, submitted to the Administration. Governor Newsom signed SB 504 into law on September 29, 2024.

SB 903 (Skinner, D – Berkeley) – Environmental Health: Product Safety: Perfluoroalkyl and Polyfluoroalkyl Substances

This bill would have, beginning January 1, 2032, prohibited the distribution, sale, or offering for sale a product that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS), with specified exemptions. ACWA adopted a “Favor” position on this bill as it would prevent further PFAS contamination in the environment and ultimately help mitigate the long-term contamination problem in drinking water supplies, reducing costs of treatment. ACWA advocated in support of this bill and submitted letters of support to the Legislature, but ultimately the bill died on the Senate Appropriations Suspense File on May 16, 2024.

SB 1072 (Padilla, D – San Diego) – Local Government: Proposition 218: Remedies

This bill provides that if a court determines that a fee or charge for a property-related service, including water, sewer, and refuse collection, violates Proposition 218, then the local agency shall, in the next procedure to impose or increase the fee or charge, credit the amount of the fee or charge attributable to the violation against the amount of the revenues required to provide the property-related service, unless a refund is explicitly provided for by statute. SB 1072, sponsored by Otay Water District and the City of San Diego, was introduced in response to recent class-action lawsuits that have sought multi-million-dollar refunds, which would have impacts on future ratepayers as rates would need to be increased to cover the refund costs. ACWA adopted a “Favor” position on the bill and joined a coalition led by Otay Water District in support of the bill. Governor Newsom signed SB 1072 into law on September 20, 2024.

SB 1101 (Limón, D – Santa Barbara) – Fire Prevention: Prescribed Fire: State Contracts: Maps

This bill is sponsored by the Pacific Forest Trust and streamlines contracting requirements for the provision of logistical support for large-scale prescribed fire operations by the California Department of Forestry and Fire Protection (CalFIRE). The bill also requires CalFIRE to map a comprehensive network of potential operational delineations for strategic wildfire response or the proactive use of prescribed fire and map the severity of wildfire impacts. ACWA adopted a “Favor” position on the bill and joined a coalition in support including the California Forestry Association, Rural Counties Representatives of California, Forest Landowners of California, the California Licensed Foresters Association, and the California Farm Bureau. Governor Newsom signed SB 1101 into law on September 27, 2024.

SB 1110 (Ashby, D – Sacramento) – Water Reports: Urban Retail Water Suppliers: Informational Order: Conservation Order

This bill, sponsored by the Regional Water Authority, sought to provide flexibility for the enforcement of the water use efficiency regulations by the State Water Resources Control Board (State Water Board). The bill would have permitted the State Water Board to adopt a policy to guide its enforcement of urban water use objective regulations, delayed enforcement of the objectives by two years, consolidated reporting on urban water use, and allowed water agencies to report on a calendar or fiscal year basis. ACWA adopted a “Favor” position on the bill and provided letters of support throughout the legislative

process. Ultimately, the Assembly Appropriations Committee held the bill on the Suspense File on August 7, 2024.

SB 1218 (Newman, D – Fullerton) – Water: Emergency Water Supplies

This bill, sponsored by Irvine Ranch Water District, would have declared that it is the established policy of the state to encourage, but not mandate, the development of emergency water supplies, and to support their use during times of drought or unplanned service or supply disruption, as provided. ACWA adopted a “Favor” position and signed on to a support coalition led by Irvine Ranch Water District. Ultimately, the Assembly Appropriations Committee held the bill on the Suspense File on August 7, 2024.

SB 1330 (Archuleta, D – Pico Rivera) – Urban Retail Water Supplier: Water Use

This bill, co-sponsored by Rowland Water District, Walnut Valley Water District, and Bellflower Somerset Mutual Water Company, would have altered the State Water Resources Control Board’s (State Water Board) regulations on water use efficiency. The bill sought to: delay State Water Board Enforcement of the water use objective; require Department of Water Resources (DWR) to analyze water efficiency performance of newly constructed residential and commercial, industrial, and institutional (CII) landscapes; require DWR to update the methodology for calculating residential and CII landscape areas; and require the Legislative Analyst’s Office to complete a report evaluating the implementation of the urban water use objective standards and reporting. ACWA adopted a “Favor” position on the bill and provided letters of support and testimony throughout the legislative process. Ultimately, the Assembly Appropriations Committee held the bill on the Suspense File on August 7, 2024.

REEB GOVERNMENT RELATIONS

MEMORANDUM

NOVEMBER 18, 2024

TO: Members of the Steering Committee
Valley Ag Water Coalition

FROM: Bob Reeb, Raquel Ayala Vargas, Esq. and Kenneth McKelvie
Reeb Government Relations, LLC

RE: 2024 Annual Report

This is the 18th year that Reeb Government Relations has had the honor and privilege to work with Valley Ag Water Coalition (VAWC or Coalition) to advance its interests on behalf of the Coalition's members through state-level legislative and regulatory advocacy in Sacramento. Our firm provides a full suite of lobbying services under the immediate direction of the Coalition's steering committee and enjoys working with Coalition staff and members. During the legislative session, we participate in bi-monthly meetings with the Coalition, submit weekly legislative status reports, as well as a monthly newsletter on issues of interest to VAWC's membership. We value the expertise, advice, and comments shared by senior staff and members in response to our inquiries.

This was the second year of the 2023-24 Regular Session and we are pleased to report that that the Coalition and our firm have continued to work with the Coalition's legislative delegation and their respective staff. All legislators were responsive to Coalition's positions on legislation and their staff continue to be accessible to our firm and the Coalition.

Fiscal Year 2024-25 State Budget

—A budget tells us what we can't afford, but it doesn't keep us from buying itⁱ

Governor Gavin Newsom introduced his \$291.4 billion budget proposal on January 10, 2024. Like last year, a deficit continued to challenge the Governor and Legislature, with the Governor's Department of Finance (DOF) projecting a \$37.86 billion shortfall. Governor Newsom proposed another round of fiscal maneuvering, such as cuts, delays, deferments, and withdrawing funds from budgetary reserves.

The 2021 and 2022 Budget Acts allocated about \$54 billion over five years to advance the state's climate agenda, including \$8.7 billion for drought resilience and response programs. The Governor's January proposal left most of this intact with over \$48.3 billion in multi-year climate funding, including \$7.3 billion over multiple years for water investments. It remains to be seen if the funding level is sustained as future state budgets are also projected to be in the red over the following two fiscal years.

To address the projected \$37.86 billion deficit, the Governor's proposed state budget included: a \$13.1 billion withdrawal from the budget stabilization and safety net reserve accounts; an \$8.5 billion cut from existing programs, including climate and water programs; delaying \$5.1 billion worth of spending; deferring \$2.1 billion to 2025–26; and \$5.7 billion in internal borrowing from special funds. Even after the proposed withdrawals, the proposed budget plan still reflected \$18.4 billion in remaining budgetary reserves, which includes \$11.1 billion in the Rainy-Day Fund.

For climate programs, proposed cuts included: reversing \$88.4 million and reduce \$350 million over the next two years for various watershed climate resilience programs within the Department of Water Resources (DWR) and the Wildlife Conservation Board; reversing \$174 million and delaying \$100 million until 2025–26 for water recycling and groundwater cleanup programs; reversing \$71.6 million and reducing \$30 million in 2024–25 for Per- and Polyfluoroalkyl (PFAS) support; reversing \$50 million from dam safety investments; shifting \$20.6 million from the General Fund to the Greenhouse Gas Reduction Fund (GGRF) for the State Water Efficiency and Enhancement Program; reversing \$12.9 million from the California Emergency Relief Fund for drought relief to small farmers; reducing \$6.75 million from ongoing funding for Forecast Informed Reservoir Operations; and reversing \$6 million from California Emergency Relief for on-farm water use and agriculture technical assistance. Despite these cuts, the Governor proposed \$159 million in *new* investments for flood protection, levee repairs, and Salton Sea restoration programs.

Further complicating discussions around the budget this year were the stark differences between Governor Newsom's deficit projections against those of the Legislative Analyst's Office (LAO). In December 2023, the LAO published its annual *Fiscal Outlook* report, projecting a \$68 billion budget deficit, nearly twice what the Governor projected in his proposal. Though the Newsom administration attributed such a gap in their prediction to being less concerned than the LAO about an impending recession, the

LAO believed that the Governor's revenue estimate was optimistic, and that the state faced significant deficits in future years. The LAO also pointedly noted that some of the solutions outlined the January proposal were unlikely to yield anticipated savings.

"Overall, the Governor's budget runs the risk of understating the degree of fiscal pressure facing the state in the future," the LAO wrote in its outlook. "The Legislature likely will face more difficult choices next year."

In February, the LAO released a deficit update, noting that recent revenue collections data indicated a \$15 billion increase to the budget problem, from an estimated \$58 billion to \$73 billion deficit. The LAO then identified one-time and temporary spending that could be pulled back and reduced, including funding for water resilience projects, flood and dam safety, urban flood risk reduction, and water conveyance and water storage projects.

By April, the Legislature preemptively addressed some of the budget issues by passing AB 106 (Gabriel), which amended the Budget Acts of 2022–23 and 2023–24 to reduce the budget shortfall by \$1.6 billion through myriad solutions, many of which were first introduced in the Governor's January budget proposal. Solutions included: reverting to the General Fund \$88 million for watershed climate resilience; reverting \$6 million for on-farm water use and agriculture technical assistance; reverting \$9.8 million for regional climate collaboratives; and reverting \$5 million for climate adaptation and resilience planning grants. The bill also reverted over \$60 million from the Wildfire Resilience Package. AB 106 enacted the Early Action agreement by Assembly Speaker Robert Rivas (D-Hollister), Senate President Pro Tempore Mike McGuire (D-Geyserville), and Governor Gavin Newsom to adopt approximately \$17.3 billion in budget solutions, including reducing previously appropriated funds, spending solutions, and statutory changes. The total Early Action package included \$3.6 billion in reductions, \$5.2 billion in revenue and borrowing, \$5.2 billion in delays and deferrals, and \$3.4 billion in shifts of costs from the General Fund to other state funds. Republicans in the Legislature heavily criticized the Early Action agreement as either unreliable or insufficient, with many labeling the agreement as a "gimmick," and arguing that Democrats have not been taking the growing budget deficit seriously.

By the time the May Revision forecast was finalized, DOF noted that weak cash receipts related to the 2023 tax year and upgraded growth assumptions going forward, have led to downgrades to the revenue forecast in the budget window—fiscal years 2022-23 through 2024-25—followed by upward revisions in the multiyear—fiscal years 2025-26 through 2027-28. Additionally, DOF believes that the immediate risks to their May Revision forecast remain driven by persistent inflation and elevated interest rates:

"If inflation is slow to return to the Federal Reserve's target rate of 2 percent, the Federal Reserve could maintain high target rates which would result in additional drag on interest-sensitive spending. The current high-interest rate environment could hamper economic activity by more than projected, especially given more cautious lending practices and if consumers curtail discretionary spending."

Escalating geopolitical conflicts would likely increase economic uncertainties for the U.S. and California...”

The Legislature passed a budget bill on June 15, 2024, to meet the constitutional deadline to pass a balanced state budget.

Governor Newsom signed the FY 2024-25 state budget, along with several budget trailer bills on June 26, 2024. The budget spends \$297.9 billion in total state funds, consisting of \$211.5 billion from the General Fund, \$84 billion from special funds, and \$2.4 billion from bond funds. The budget according to legislative leaders addresses an anticipated deficit of \$46.9 billion for the coming fiscal year, and an expected \$29.8 billion shortfall in FY 2025-26.

Spending-related solutions totaling \$39 billion represent about 70% of the of the total solutions in the budget, and include: \$14 billion in reductions, \$10 billion of which are one time or temporary, and \$4 billion are ongoing, which grow to \$6 billion over time; \$4 billion in fund shifts, where other fund sources are used to pay for a cost typically incurred by the General Fund; \$2 billion in delays; and \$1 billion in reverting unspent funds back to the General Fund. Additionally, the budget includes a \$5 billion withdrawal from the Budget Stabilization Account; a \$1 billion withdrawal from the Safety Net Reserve; \$2 billion in cost shifts; \$8 billion in revenue-related solutions, such as a temporary increase on corporation tax revenues by about \$6 billion in 2024-25; and the suspension of Proposition 98 requirements and reduced spending for schools and community colleges.

The 2024-25 budget agreements dedicate \$4.4 billion from the Greenhouse Gas Reduction Fund (GGRF) across multiple years to backfill some of the cuts made to the climate package, and to help offset potential programmatic impacts. Thus, though the multi-year package was not left unscathed from spending solutions, such a cost shift allows the budget to maintain roughly \$45 billion of the original \$54 billion climate package passed in 2021 and 2022.

Changes in Legislative Leadership Introduces Uncertainty

– People buy into the leader before they buy into the vision.ⁱⁱ

Senator Mike McGuire (D-Healdsburg) was sworn in on February 5, 2024, as the 52nd Senate President Pro tempore of the California State Senate. McGuire, a former county supervisor who was elected to the Senate in 2014, has served as Majority Leader since 2022, and has been integral to several legislative victories, including the 2022 climate package and the infrastructure streamlining package negotiated alongside last year's state budget. McGuire's term as Pro tempore will be short, as he reaches the end of his term limit in 2026.

McGuire announced his leadership team on February 8, 2024, rewarding key allies who helped him secure the leadership post. Senator Lena Gonzalez (D-Long Beach)

succeeded McGuire as Majority Leader for the 31-member Democratic caucus. Senator Monique Limon (D-Santa Barbara) will continue as the Democratic caucus chairperson, and Senators Angelique Ashby (D-Sacramento) and Aisha Wahab (D-Silicon Valley) were chosen to be the Assistant Majority Leaders. Overall, McGuire kept over half of all Senate committee chairpersons intact. Senator Anna Caballero (D-Merced) was selected as the new Appropriations chair, and Senator Scott Wiener (D-San Francisco) was selected as the Budget Committee chair.

McGuire succeeded Senator Toni Atkins (D-San Diego), who stepped down from her leadership post, having led the Senate since 2018. Senator Atkins reaches the end of her term limit this year and has entered the 2026 gubernatorial race.

On the Assembly side, Speaker Robert Rivas (D-Hollister) reorganized his leadership team in November 2023. Rivas initially tapped Assembly Member Cecilia Aguiar-Curry (D-Winters) to assume the role of Speaker Pro tempore and Assembly Member Isaac Bryan (D-Los Angeles) as the Majority Leader. When he announced the changes, he selected Assembly Member Jim Wood (D-Healdsburg) to take over as Speaker Pro Temp, and Assembly Member Aguiar-Curry was named Majority Leader. Assembly Member Bryan, meanwhile, would no longer be part of the Speaker's leadership team. Rivas additionally announced changes to committee leadership. Assembly Member Buffy Wicks (D-Oakland) replaced Assembly Member Chris Holden as Chair of the Appropriations Committee, with the latter being removed from the committee entirely. Rivas selected Assembly Member Jesse Gabriel (D-Encino) to replace Assembly Member Phil Ting as Chair of the Assembly Budget Committee.

Our firm has an established working relationship with Aguiar-Curry and her staff based on our representation of Solano County Water Agency.

Climate Resilience Bond Qualifies for the November Ballot

—*Resilience... is about accepting and preparing for new realities*ⁱⁱⁱ

Promoting climate resilience has been a top priority for Governor Newsom and legislative Democrats, but investment priorities have meant fewer General Fund dollars are available to spend on climate investments. Several legislators introduced climate resilience bonds in 2023 for inclusion in the November 2024 statewide election ballots. These included Senate Bill 638 by Senator Susan Eggman (D-Stockton) and Roger Niello (R-Roseville), Senate Bill 867 by Senator Ben Allen (D-Santa Monica), and Assembly Bill 1567 by Assembly Member Eduardo Garcia (D-Coachella).

SB 867 and AB 1567 had a price tag of just under \$16 billion, respectively; while SB 638, which was more geared towards climate resiliency and flood protection funding sought to approve \$6 billion in funding. Provisions were added to both SB 638 and SB 867 that would prevent each bond from going into effect unless the other is also enacted. All three bills passed their house of origin in 2023 and stalled in their sister house, thus becoming 2-year bills.

Last year, the Governor had indicated that he could only support a total of \$26 billion in new debt going before the voters this year, and a \$4.68 billion bond to build 10,000 new behavioral health beds and supportive housing units across the state appeared on the March primary election ballot. This year, Senate and Assembly staff began working behind closed doors to write a climate resilience bond that would total \$10 billion. The Newsom Administration, however, did not engage in this work, and indicated that it would not do so until the FY 2024-25 state budget was completed. This left little time to settle on a climate resilience bond before the June 27 statutory deadline for placing measures on the November 2024 ballot.

Our firm closely monitored the progress of all three bond bills and communicated District priorities to influence the content of the bills. Throughout this time, we leaned heavily on Senator Alvarado-Gil to press for funding categories and language that would benefit the District in terms of its ability to compete for state grant funding. In the first week of July 2024, after a year in stagnation, the Legislature swiftly released and passed SB 867 by Senator Ben Allen (D-Santa Monica). The bill, known as the Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024, or climate resilience bond, authorized a \$10 billion state general obligation bond for the November 5, 2024 state-wide ballot (Proposition 4) that would direct funding for safe drinking water and drought, flood, water resilience, wildfire and forest resilience, sea level rise, extreme heat mitigation, clean air, and protecting biodiversity and promoting nature-based solutions.

Specifically, the bond includes:

- \$3.8 billion for safe drinking water, drought, flood, and water resilience programs.
- \$1.5 billion for wildfire and forest resilience programs.
- \$1.2 billion for coastal resilience programs.
- \$450 million for extreme heat mitigation programs.
- \$1.2 billion for biodiversity protection and nature-based climate solution programs.
- \$300 million for climate-smart, sustainable, and resilient farms, ranches, and working lands programs.
- \$700 million for park creation and outdoor access programs.
- \$850 million for clean air programs.

For water, the \$3.8 billion includes: \$610 million for grants or loans that improve water quality or drinking water reliability; \$386 million for projects related to groundwater storage, banking, or recharge; \$200 million for the Multi-benefit Land Repurposing program for groundwater sustainability projects; \$386 million for grants and projects related to water reuse and recycling; \$75 million for projects under the Water Storage Investment Program; \$62.5 million for capital investments in brackish desalination, contaminant and salt removal, and salinity management; \$15 million for the improvement of water data management and stream gages; \$75 million for regional

conveyance projects or repairs; and \$75 million for projects that increase water conservation. Additionally, projects to reduce flood risk and improve stormwater management will receive around \$1.14 billion, which includes \$550 million for flood management projects, \$480 million for Dam Safety and Climate Resilience Local Assistance Programs, and \$110 million for grants for urban storm water management projects.

California voters approved Proposition 4 with 59.6% of the vote.

Legislation of Interest to the Coalition

— *“Men do not make laws. They do but discover them. Laws must be justified by something more than the will of the majority. They must rest on the eternal foundation of righteousness.”* — President Calvin Coolidge^{iv}

Following the review and approval of legislative positions by the Coalition Steering Committee, our firm actively monitored and engaged in direct lobbying on over 40 bills this year. The super-majority status for Democrats in the Legislature makes it particularly challenging to block or amend legislation. We are quick to note that the same would be true if the Republican Party held a super-majority status. Advocacy at the policy committee level becomes ever more important in terms of shaping the policy provisions of legislation, and it has always been a key part of our approach to advocacy in Sacramento to establish sound working relationships with policy committee consultants. In challenging fiscal years, we rely heavily on the respective Appropriations Committees to hold onto expensive, but lower priority legislation. Governor Newsom, of course, is the ultimate determiner of legislative success and he has become more skeptical of legislation that would increase state costs that has not already been accounted for in the state budget.

Below, we highlight some of the more impactful legislation on which our firm was active this year.

2023 Water Rights Legislation

Efforts to oppose radical changes to California’s water system continued to prove successful. Three bills were introduced in 2023 — AB 460 (Bauer-Kahan), AB 1337 (Wicks), and SB 389 (Allen) — which represented a package of water legislation based on recommendations contained in a 2021 white paper sponsored by the Planning and Conservation League (PCL) titled *“Updating California Water Laws to Address Drought and Climate Change”*.

VAWC opposed all three bills. Joining a coalition that consisted of business properties associations, the California State Association of Counties, the Association of California Water Agencies, the California Municipal Utilities Association, several other water districts, and building associations, (collectively referred to in this section as “Coalition”), our firm continuously engaged legislators and legislative staff as the bills moved through

the legislative process, aiming to halt their progress at every step or secure amendments that were offered by the Coalition.

VAWC removed its opposition to SB 389 on July 6, 2023, after the bill was amended to reflect a compromise reached between the Senator, bill sponsors, and opponents which addressed concerns with the legislation. Governor Newsom signed SB 389 into law on October 8, 2023 (Chapter 486, Statutes of 2023).

Assembly Members Bauer-Kahan (D-Orinda) and Wicks (D-Oakland), however, were more resistant to amendments. Because of this, our firm and the Coalition focused on stopping progress on both bills in the Senate Natural Resources and Water Committee. Both bills became two-year bills after opponents successfully secured commitments from all Republican, and three Democratic, members of the Committee to either abstain or oppose the bills.

This year our firm continued work with opposition interests to monitor activity on the two bills and work with ACWA and CMUA to engage the authors in discussions as the 2024 deadline for action approached.

Assembly Bill 460

Current law authorizes the State Water Board (Board) to investigate all watercourses, take testimony relating to the rights to water or the use of water, and ascertain whether water filed upon or attempted to be appropriated is appropriated under the laws of the state. The Board also has the authority to take appropriate actions to prevent waste or unreasonable use of water. Current law authorizes any party aggrieved by any decision or order of the Board to file a petition for a writ of mandate for judicial review of the decision or order. Current law requires a court to exercise its independent judgment on the evidence in any case involving the judicial review of certain cease and desist orders issued by the Board and in any other case in which the court is authorized by law to exercise its independent judgment on the evidence.

As introduced in 2023, AB 460 would have authorized the Board to issue, on its own motion or upon the petition of an interested party, an interim relief order to implement or enforce constitutional law, common law, and statutes regarding waste and unreasonable use, the public trust doctrine, and water quality objectives. The bill would have provided that a person or entity that violates any interim relief order issued by the Board would be liable to the Board for a civil penalty. The bill would have required an aggrieved party to file a petition for reconsideration with the Board to exhaust the party's administrative remedies before filing an action for judicial review of the Board's decision or order. The bill would have required the scope of review of a Board decision or order regarding interim relief to be the same as for a court of appeal review of a superior court decision granting or denying a preliminary injunction. The bill would have generally prohibited a legal or equitable process from issuing in any proceeding in a court against the Board to review, prevent, or enjoin certain adjudicative proceedings or a decision or order of the Board before a final decision or order of the Board is issued.

According to Assembly Member Rebecca Bauer-Kahan (D-Orinda), the intent behind the bill is to give the State Water Board an additional tool to enforce existing law and enhance penalties to deter unlawful behavior. The Coalition, along with the rest of the opposition coalition, argued against AB 460 stating that the bill was overly broad, significantly expanding the Board's existing enforcement authority, thus presenting a threat to law-abiding water right holders and water supply reliability; as well as raising several procedural issues and concerns.

Assembly Member Bauer-Kahan amended AB 460 in June to narrow the bill's scope, focusing on increasing the penalties for illegal diversions, which reflected opposition amendments proposed in 2023. Specifically, the bill would enact the following:

- 1) Beginning January 1, 2025, requires the SWRCB to annually adjust all civil and administrative liabilities or penalties related to water rights administration that are imposed by the Board for inflation.
- 2) Increases the penalty for a person who violates certain cease and desist orders issued by the SWRCB from \$1,000 to \$2,500 per day the violation occurs.
- 3) Increases the civil penalty to not to exceed \$1,000 from \$500 for each day the violation occurs for a person or entity who violates a term or condition of a permit, license, certification or registration issued by the Board; an order or regulation adopted by the Board; or a condition or reporting requirement for the diversion of floodwaters for groundwater recharge.
- 4) Provides that if the violation is of a regulation or order adopted by SWRCB that constitutes the diversion of water contrary to a curtailment order the person or entity may be liable for an additional \$10,000 for each day the violation occurs and \$2,500 for each acre-foot of water diverted in violation of the curtailment order.

With these amendments, several members of the Coalition, including VAWC, removed opposition on the bill. AB 460 passed the Senate Floor on a 38-2 vote, and the Assembly concurred on the Senate Amendments with a 65-5 vote. Governor Newsom signed AB 460 into law on September 22. (Chapter 342; Statutes of 2024)

Assembly Bill 1337

Under existing law, the diversion or use of water other than that authorized by specified provisions of law is a trespass. Existing law authorizes the Board to adopt emergency regulations if, among other things, the regulations are adopted to prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion, of water, to promote water recycling or water conservation, to require curtailment of diversions when water is not available under the diverter's priority of right, or in furtherance of any of the foregoing, to require reporting of diversion or use or the preparation of monitoring reports. Existing law also authorizes the Board to issue a

cease-and-desist order against a person who is violating, or threatening to violate, certain requirements relating to water use.

AB 1337 would authorize the Board to issue a curtailment order for any diversion, regardless of basis of right, when water is not available under the diverter's priority of right. Specifically, the bill would: (1) require the Board to adopt regulations governing implementation of curtailment orders; (2) authorize the Board to issue a cease-and-desist order when a water right holder fails to curtail diversions when water is unavailable under the water right holder's priority of right; and (3) expand the instances when unauthorized diversion or use of water is considered a trespass.

The Coalition, along with the rest of the opposition coalition, argued that AB 1337 would essentially hand the State Water Board unfettered authority to control water as it sees fit. The Board's use of curtailments to deal with water shortages during drought is a relatively new occurrence. With this unprecedented statutory authority, the Board would be able to curtail the legal diversion or use of water under any claim of right during any water year—even during years when the state receives record amounts of precipitation. There are also limited guardrails or guidance in the bill for how the Board would implement curtailments under the authority provided in this bill.

Curtailments have significant ramifications that extend far beyond the water right holders themselves. For example, the resulting reduction in anticipated water supply can disrupt agriculture, industry, and other water-dependent sectors, leading to job losses, revenue declines, and other economic hardships. Additionally, curtailment orders can disproportionately impact small and disadvantaged water users who may lack the resources to adapt to changing water conditions. Because of their effects, curtailments have historically—and should continue to be—reserved for use only during emergency drought conditions. By limiting curtailment to the most severe and urgent water shortages, the Board can ensure that this tool is used only when necessary and that its impacts are mitigated. Under AB 1337, curtailments could become an every-year water management tool, which would be an unnecessary task for the Board and threaten to create chaos in the way water is managed, diverted, and used.

ACWA and CMUA took the lead in engaging the author and her staff this year in an effort to achieve a compromise similar to that which was achieved for AB 460. In the end, however, an agreement was not reached and AB 1337 died in the Senate after failing to pass the July 3, 2024, deadline for policy committees to meet and report bills.

SGMA: Managed Wetlands

The Sustainable Groundwater Management Act (SGMA) was designed to ensure groundwater resources are managed sustainably for the long-term benefit of communities, farms, businesses, and the environment. In enacting SGMA, the Legislature expressed its intent to:

- Enhance local management of groundwater consistent with rights to use or store groundwater and Section 2 of Article X of the California Constitution. It is the intent of the Legislature to preserve the security of water rights in the state to the greatest extent possible consistent with the sustainable management of groundwater.
- Provide local groundwater agencies with the authority and the technical and financial assistance necessary to sustainably manage groundwater.
- Manage groundwater basins through the actions of local governmental agencies to the greatest extent feasible, while minimizing state intervention to only when necessary to ensure that local agencies manage groundwater in a sustainable manner.

Assembly Bill 828, by Assemblymember Damon Connolly (D-San Rafael), would prohibit a groundwater sustainability agency (GSA) from regulating small community water systems serving disadvantaged communities (DACs) and managed wetland groundwater extractions and from imposing fees on groundwater extraction. AB 828, however, would not prohibit the State Water Resources Control Board from imposing well registration fees or fees on groundwater extraction relating to these same users once the Board determines a basin is in probationary status.

According to the author: "Wetlands are a critical natural resource for our state, and small, rural communities are being hit the hardest by the state's depleting groundwater resources. These DACs usually depend on a single source for their water supply, leaving them vulnerable to drought and affordability challenges."

VAWC strongly opposed AB 828 as the bill represented a significant departure from legal protections afforded to all groundwater users, interfering with SGMA implementation. AB 828 picked winners and losers by establishing a higher priority for small community water systems and managed wetland groundwater users as compared to the access of all other groundwater users. This is inconsistent with the right to use groundwater under California law.

For example, SGMA authorized GSAs to impose regulatory and parcel fees following their formation in 2017. These local revenues provide the necessary funds to develop and implement SGMA. AB 828, if enacted, would reduce local revenues. According to AB 828 supporter California Audubon, the legislation exempts only 1.21% of the combined basin acreage. However, the groundwater pumping associated with those lands—nearly 110,000 acres in the San Joaquin Valley according to California Audubon, could pump a minimum of 330,000 acre-feet of groundwater annually. At \$20 an acre-foot, that constitutes a loss of \$6.6 million in support for local SGMA implementation efforts. At \$50 an acre-foot, that constitutes a loss of \$16.5 million. Relying on the combined percentage of wetland acreage to argue for support of AB 828 is misleading on two fronts: first, total managed wetland acres can approach nearly 10 percent of total land area in some GSAs; second, the focus should be on the financial hit to local agencies trying to achieve their groundwater sustainability goal under SGMA.

Further, by determining priority rights to groundwater extraction in exempting small community water systems and managed wetlands from reducing pumping in a basin and from paying groundwater extraction fees, AB 828 would incentivize other groundwater users to petition the trial court to adjudicate the basin and determine pumping rights. This is what the Legislature sought to avoid with SGMA. The same supporters of AB 828 claimed last year that adjudication proceedings were inherently unfair for disadvantaged communities and small farmers (see AB 799, Wilson, Chapter 665, Statutes of 2023) because they could not afford to fully participate in adjudication proceedings and argued that their needs would be overwhelmed by other groundwater pumpers. According to the Assembly Floor analysis of AB 779:

Despite this, AB 828 passed both houses of the Legislature and was eventually sent to the Governor's desk for his signature.

Our firm worked alongside other key interests in battling the bill, including the Association of California Water Agencies, CalChamber, Western Growers Association, and California Farm Bureau Federation. Other organizations joined our opposition coalition, but our colleagues with these named organizations worked actively with our firm this session and helped in making contact with the Governor's staff.

Governor Newsom returned AB 828 to the Assembly without his signature on September 25, 2024, writing, in part:

"While I appreciate the author's intent to address the needs of small water systems serving these communities, excluding some groundwater extractors from GSAs does not align with the goals of the Sustainable Groundwater Management Act (SGMA) to analyze groundwater basins comprehensively to ensure future long-term sustainability. Groundwater accounts for 40 to 60 percent of our water supplies, and many communities, especially in the Central Valley, are groundwater-dependent. SGMA serves as a critical buffer to protect drinking water supplies against the impacts of drought and climate change. Successful implementation of SGMA is also integral to protecting state infrastructure from the effects of subsidence. On September 16th, we marked the 10-year anniversary of the enactment of SGMA. While I am proud of all the milestones we have met, and the investments my Administration has made, I also recognize there is still much we need to accomplish. I believe we should continue to implement the SGMA framework as is without creating exceptions for certain groundwater extractors."

His veto message echoes the principal arguments raised in the legislative process by Valley Ag Water Coalition.

Tribal Ancestral Lands and Waters: Co-governance and Co-management

Assembly Bill 1284, by Assembly Member James Ramos (D-Highland), would encourage the California Natural Resources Agency (CNRA) and its departments, conservancies and commissions, to enter into co-governance and co-management agreements with federally recognized tribes for purposes of shared responsibility, decision-making, and partnership in resource management and conservation within a tribe's ancestral lands and waters.

VAWC opposed the inclusion of co-governance and co-management of waters of the state.

Governor Newsom's Statement of Administration Policy directive on Native American Ancestral Lands released September 25, 2020, sought "opportunities to support California tribe's co-management of and access to lands that are within tribal ancestral territories and under the ownership or control of the state." The purpose of the policy was "to partner with California tribes to facilitate tribal access, use, and co-management of State-owned or controlled natural lands and to work cooperatively with California tribes that are interested in acquiring natural lands in excess of State needs."

The policy statement, however, also included an important savings clause that is not included in AB 1284:

"Any action taken in accordance with this Policy shall: (i) comply with all applicable laws and regulations, including those governing surplus and excess lands; (ii) occur in consultation with California tribes pursuant to Executive Orders N-15-19 and B-10-11; and (iii) not conflict with the Governor's stated policy priorities, such as housing and homelessness and climate action."

Following release of that statement, California's 30x30 Initiative included a commitment to strengthening tribal partnerships, including the development of opportunities for "meaningful and mutually beneficial tribal management and tribal co-management within new and existing state lands, marine waters, and private lands, through formal agreements and other means." "Natural lands" is defined in Section 9001.5 of the Public Resources Code to mean lands consisting of forests, grasslands, deserts, freshwater and riparian systems, wetlands, coastal and estuarine areas, watersheds, wildlands, or wildlife habitat, or lands used for recreational purposes such as parks, urban and community forests, trails, greenbelts, and other similar open-space land. The 30x30 Initiative does not include inland waters.

The State Water Resources Control Board is recognized as the primacy agency for water quality under the Federal Clean Water Act. Moreover, Section 174 of the Water Code provides that the Board was established to provide for the orderly and efficient administration of the water resources of the state, and shall exercise the adjudicatory and regulatory functions of the state in the field of water resources. The Board is not in the Natural Resources Agency.

One of the key principles included in the Pathways to 30x30 California is to engage in “early, often, and meaningful government-to-government consultation with California Native American tribes for the protection, care, access, and stewardship of cultural landscapes, celestial-scapes, and seascapes, as well as other sacred sites and ceremonial places, within their traditional and culturally affiliated territory.” Therefore, there is no compelling need to codify government-to-government consultation in the Government Code for such purpose.

VAWC submitted amendments to the author either delete “waters” from the legislation or to include a savings provision that agreements entered into under the legislation would not alter or interfere with the rights of other legal users of water. Despite a commitment from the Assembly Member Ramos during meetings with our firm, and again at the bill’s June 11 hearing in the Senate Natural Resources and Water hearing, to work with the opposition to ensure that the bill’s provisions do not interfere with or alter water rights or the role of the State Water Board and the courts regarding concurrent jurisdiction over water use, Assembly Member Ramos rejected all our amendments. Notwithstanding our firm’s efforts to persuade others to engage on the bill, many were reluctant to oppose Native American groups, particularly gaming tribes with influence.

The Department of Finance also opposed AB 1284, estimating the fiscal impact as requiring 38.5 permanent positions and \$9.1 million General Fund (GF) in 2025-26 and \$9.4 million GF in 2026-27 and annually thereafter, largely associated with staffing, contract, and consulting costs. Costs that were not included in a difficult FY2024-25 State Budget.

AB 1284 ultimately passed both houses of the Legislature with zero NO votes. Governor Newsom signed the bill into law on September 27, 2024. (Chapter 657, Statutes of 2024)

In a signing message to the Legislature, Governor Newsom stated, in part:

“I am signing this bill to reflect my strong support of tribal-state collaboration as we work to create a healthier and more climate-adaptive California for future generations. My Administration will continue working with tribal governments and the Legislature to ensure we can collectively address outstanding issues or limitations in embracing and implementing these sovereign-to-sovereign agreements.”

Lake and Streambed Alteration Agreements Exemptions

Current law prohibits a person, a state or local governmental agency, or a public utility from substantially diverting or obstructing the natural flow of, or substantially changing or using any material from the bed, channel, or bank of, any river, stream, or lake, or depositing or disposing of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake, unless prescribed

requirements are met, including written notification to the Department of Fish and Wildlife regarding the activity. Current law requires the department to determine whether the activity may substantially adversely affect an existing fish and wildlife resource and, if so, to provide a draft lake or streambed alteration agreement to the person, agency, or utility.

Current law also establishes various exemptions from these provisions, including, until January 1, 2029, an exemption for the diversion of floodflows for groundwater recharge (SB 122, Chapter 51, Statutes of 2023). VAWC supported the latter exemption which modified and extended through January 1, 2029, the authority provided by Governor Newsom in Executive Order N-4-23 and N-7-23 to protect communities from possible flood damage as a result of a series of winter storms that struck California and support groundwater recharge.

Assembly Bill 2060, by Assembly Member Esmeralda Soria (D-Fresno), would, until January 1, 2029, exempt from these provisions the temporary operation of existing infrastructure or temporary pumps being used to divert water to groundwater recharge as long as certain conditions are met, including the use of protective screens on temporary pump intakes for diversions directly from rivers or streams, and implementation of appropriate species protection measures.

VAWC supported AB 2060 as the bill would facilitate the diversion of floodflows for groundwater recharge in the San Joaquin Valley during wet years to be better positioned to endure dry years.

According to the Senate Appropriations Committee Analysis, the State Water Resources Control Board estimated ongoing costs to implement the bill provisions of \$225,000 annually from the Water Rights Fund related to permit application review and permit oversight. Those annual costs may increase over time up to \$900,000 (Water Rights Fund with any remainder coming from the General Fund), depending on the number of permits issued and how the permits are used. Additionally, the Department of Fish and Wildlife estimated unknown, but potentially significant, ongoing costs from General Fund or special fund for consultation with permit applicants and making recommendations regarding appropriate species protection measures.

The bill was also opposed by the California Department of Finance due these costs.

Despite near-unanimous support in the Assembly, with the bill receiving zero NO votes, the bill ultimately died in the Senate on August 31, 2024, a day after the bill had been ordered to the inactive file.

Groundwater Extraction Permits

Passed in 2014, the Sustainable Groundwater Management Act (SGMA) provides a comprehensive framework to manage groundwater resources in overdrafted

groundwater basins (i.e., basins deemed high-or medium-priority). To comply with SGMA, local agencies in overdrafted basins had to form a groundwater sustainability agencies (GSA) by 2017 and develop groundwater sustainability plans (GSPs) by 2020 or 2022 that will lead to sustainable groundwater management over 20 years. SGMA defines sustainable groundwater management as the avoidance of “undesirable results”. SGMA’s explicit intent is to keep management of groundwater resources at the local level while allowing for state intervention if local agencies are unsuccessful or get off track in meeting their sustainability goals. SGMA also intends for GSAs to have flexibility to address conditions unique to their particular basin and states that it does not alter groundwater rights.

The Department of Water Resources (DWR) estimates there are two million groundwater wells in California at present and indicates that between 7,000 and 15,000 new wells are constructed each year. Permitting for construction, alteration, or destruction of groundwater wells is handled by local enforcement agencies (LEAs); typically this is a county department of environmental health, but cities and water agencies also exercise this authority in some cases. LEAs ensure compliance with well standards set by DWR (in Bulletin 74) before issuing a permit. Some agencies adopt standards for wells that surpass DWR guidelines. Others may require the application for a new well to be reviewed by an expert consultant to determine the likelihood of drinking well interference and other impacts. A permitting decision can be either discretionary or ministerial, depending on whether the agency is required to exercise judgment in the approval process. Currently, most groundwater well permits are issued ministerially in compliance with well construction standards that primarily address protections for groundwater quality.

Assembly Bill 2079, by Assemblymember Steve Bennet (D-Ventura) would require a LEA to perform specified activities at least 30 days before determining whether to approve a permit for a new large-diameter, high-capacity well. The bill would require, upon adoption or amendment of a GSP, the GSA to provide specified information to the local enforcement agency, including, but not limited to, the name of the applicable GSA, the agency manager and contact information, and the applicable sustainable management criteria related to groundwater levels, including the groundwater level measurable objectives and minimum thresholds. AB 2079 would also create statutory restrictions regarding the permitting of certain wells. These restrictions include prohibiting a local enforcement agency from approving wells with a diameter of 8 inches or more, and intended to extract more than 2 acre-feet per year, if that well is in an area with subsidence, or within a quarter mile of a domestic well. DWR was the sponsor of the bill.

According to the Author:

"SGMA was passed to establish a statewide framework to help protect groundwater basins from over-pumping and have them reach long-term sustainable pumping levels. In March of 2022, the Governor signed Executive Order (EO) N-7-22 to establish new well permitting requirements in order to

ensure new wells were evaluated for their impact on neighboring wells and land subsidence. Thousands of wells were permitted, with only a cursory ministerial approval process between the 2014 passage of SGMA and the governor's 2022 [EO]. Thousands of drinking water wells that often times served disadvantage communities went dry during that same period. [DWR] performed an extensive review followed by a thorough report on the implementation and effectiveness of the Governor's [EO]. [This bill] now implements the recommendations from DWR to ensure that new wells are evaluated for their impact on neighboring wells and land subsidence."

VAWC opposed AB 2079 on fiscal grounds for two reasons. First, the bill will result in upward pressure on the General Fund (GF) for DWR. Similar to executive orders issued in 2022 and 2023, AB 2079 had no mechanism to ensure compliance, but enactment of the bill will result in greater costs for data collection and management, and facilitation of support services to local agencies and community groups. Just last year, the Legislature approved \$14 million ongoing GF for 11 new positions and the support for 29 existing positions to address the emerging needs associated with SGMA implementation. The request was to support DWR in meeting all obligations under SGMA. AB 2079 will add to those obligations.

Second, AB 2079 will impose a costly unfunded mandate on cities, counties, and GSAs. The latter entities are already experiencing financial challenges in balancing the effects of their regulatory and plan implementation fees imposed on groundwater extractors with paying for the actions necessary to achieve their sustainability goals.

VAWC further argued the legislation represents an unnecessary intrusion into local control, interferes with the regulatory authority granted to GSAs under SGMA, and adds burdensome requirements on GSAs at a time when they are focused on implementation of GSPs—the majority of which have been approved by DWR.

Our firm, on behalf of VAWC, joined an opposition coalition (coalition) that worked on amendments to AB 2079. The coalition consisted of the California State Association of Counties, California Chamber of Commerce, Association of California Water Agencies, agricultural associations, and other water agencies. In April, our firm began directly communicating directly with Paul Gosselin, DWR's Deputy Director of SGMA, about the bill's shortcomings.

Gosselin stated that the purpose of the bill was to stop subsidence and well interference with small domestic wells and small water systems. Reeb, however, reminded Gosselin that DWR did not have the authority to adopt standards, and that subsidence and well interference were not a water quality concern. The nature of SGMA placed local agencies, through GSAs, at the forefront of achieving sustainability. Even if all drilling ceased, this would likely have no effects on water subsidence or well interference. Reeb also argued that the bill could result in adjudication, property rights issues, or affect current water banks. Though Gosselin signaled a willingness to accept amendments, the bill remained problematic through the Assembly, passing both the Water, Parks and

Wildlife and Appropriations Committees. The bill eventually passed the Assembly Floor 41–17, with 22 members not voting.

After moving to the Senate, the opposition coalition continued efforts to work with DWR and the Author to amend the bill. Gosselin, however, appeared to be on a mission to pass the bill without further amendments. With this realization, the coalition pivoted to stop the bill in the Senate Natural Resources and Water Commerce (SNRW).

The coalition targeted three SNRW Democrats asking them to join Republicans in stopping the bill from moving forward by either abstaining or opposing AB 2079: Senators Melissa Hurtado (D-Sanger), Susan Talamantes Eggman (D-Stockton), and Steve Padilla (D-San Diego). All three joined Republican Senators Seyarto and Meghan Dahle (R-Bieber) in voting against the bill. The bill failed passage on a 5-6 vote, effectively dying in committee.

Reeb noted that the Democratic senators agreed with the opposition’s assessment that AB 2079 would interfere with SGMA, which was supported by recent DWR information that demonstrated SGMA working the way it was originally designed. Gosselin, however, appears firm in his belief that the legislation is necessary and indicated interest on continuing conversations on the bill’s subject matter before the next session.

Water Quality Control Plans – Tribal Uses

Assembly Bill 2614, by Assembly Member James Ramos (D-Highland), would require the State Water Resources Control Board (State Water Board) to incorporate water quality standards to achieve reasonable protection of tribal water uses into the water quality control plan for the San Francisco Bay and Sacramento-San Joaquin Delta watershed. The bill would add consultations with California tribal communities and environmental justice considerations as factors for a regional board to consider in establishing water quality control objectives; as well as exempt adoption of tribal water uses within water quality control plans from the California Environmental Quality Act (CEQA). The bill would require, on or before January 1, 2028, that each regional board adopt water quality standards to achieve reasonable protection of tribal water uses into water quality control plans; codify legislative findings and declarations that tribal water uses must be protected through the statewide program for the control of the quality of all the waters of the state; and allow for tribal water uses to be a primary factor in determining the highest water quality that is reasonable in all regulatory decisions.

According to the bill sponsors, the Shingle Springs Band of Miwok Indians, “*Establishing tribal beneficial uses (TBUs) in statute would ensure that all California tribes can benefit from water quality management plans that place tribal water uses on equal footing with other uses, such as recreation and hydropower generation.*” This bill defines TBUs in statute and requires that the definition replace all other definitions of tribal water use adopted by a state agency. This applies to the State Water Board’s adoption of “tribal traditional cultural uses” and “tribal subsistence uses” via Resolution 2017-0027, which followed significant stakeholder input, including with tribal representatives.

VAWC strongly opposed AB 2614 for several reasons, but overall asserted that several provisions of the bill were duplicative and therefore unnecessary and inconsistent with provisions of existing law. For example, the legislation would require that environmental review conducted pursuant CEQA for any project or regulatory program subject to approval by the State Water Board or a regional board, to describe, with both quantitative and qualitative information, how the project or regulatory program will impact tribal water uses. This provision is unnecessary since Section 21080.3.1 of the Public Resources Code already requires, prior to the release of a negative declaration, mitigated negative declaration, or environmental impact report for a project, a lead agency to begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project if: (1) the California Native American tribe requested to the lead agency, in writing, to be informed by the lead agency through formal notification of proposed projects in the geographic area that is traditionally and culturally affiliated with the tribe, and (2) the California Native American tribe responds, in writing, within 30 days of receipt of the formal notification, and requests the consultation. Section 21080.3.2 specifies that, as a part of the consultation, the parties may propose mitigation measures capable of avoiding or substantially lessening potential significant impacts to a tribal cultural resource or alternatives that would avoid significant impacts to a tribal cultural resource. The consultation may include discussion concerning the type of environmental review necessary, the significance of tribal cultural resources, the significance of the project's impacts on the tribal cultural resources, and, if necessary, project alternatives or the appropriate measures for preservation or mitigation that the California Native American tribe may recommended to the lead agency.

Beyond being duplicative of existing law, AB 2614 would add two very troubling requirements relating to tribal water uses to the Water Code. First, that adoption of tribal water uses within a water quality control plan would be exempt from CEQA. Second, that each regional board would be required to adopt water quality standards to achieve reasonable protection of tribal water uses into water quality control plans. More specifically, AB 2614 would require the state board to incorporate water quality standards to achieve reasonable protection of tribal water uses into the water quality control plan for the Bay-Delta watershed.

The latter requirement—ensuring the reasonable protection of beneficial uses—is already provided for under Section 13241 of the Water Code, except that Section 13241 recognizes that “it may be possible for the quality of water to be changed to some degree without unreasonably affecting beneficial uses.” It is therefore unnecessary to add a new section to the Water Code—Section 13170.4—as proposed by AB 2614. Worse, it proposes a requirement for the State Water Board to incorporate water quality standards for one beneficial use into the Bay-Delta Water Quality Control Plan update, which is a regulatory process that has been underway for many years and has completed the first of three phases.

VAWC further noted that the provisions of AB 2614 are internally inconsistent in that while the legislation would require CEQA review of any project or regulatory program subject to approval by the State Water Board or a regional board to describe how the project or regulatory program will impact tribal water uses, while at the same time allow a California tribal community that elects not to publicly disclose its tribal water uses to confidentially disclose them to the State Water Board or a regional board.

AB 2614 would additionally require the California Water Quality Monitoring Council to formulate recommendations to: “Achieve and maintain tribal water uses through state board and regional board regulatory action and other programs, including, but not limited to, co-management of habitat restoration and management programs and consultations with California tribal communities.” The latter requirement would expand the scope of the monitoring council far beyond its stated purpose. AB 2614 would insert a policy standard to achieve and maintain tribal water uses. Such a standard is in conflict with the standard established in Section 13241 of the Water Code. Factors to be considered by a regional board in establishing water quality objectives already include past, present, and probable future beneficial uses of water, environmental characteristics of the hydrographic unit, and water quality conditions that could reasonably be achieved through the coordinated control of all factors which that affect water quality in the area. VAWC asserted that tribal water uses may already be provided reasonable protection, considering all other beneficial uses, and balancing competing uses.

Our firm was heavily involved in the opposition of this bill, meeting with the author, bill sponsor, and committee consultants. Our clients, in fact, were the sole opponents initially on AB 2614. Our firm worked hard to secure other opponents and to persuade ACWA to engage in terms of sharing concerns with the author.

AB 2614 died in the Assembly Appropriations Committee after being held under submission in the Committee’s Suspense File on May 15, 2024.

Water Resiliency Act of 2024

The California Constitution declares that the general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable, and that the right to the use of water does not extend to the waste or unreasonable use, method of use, or method of diversion of water.

Assembly Constitutional Amendment 2 (ACA 2) would require the annual transfer of 1.5% of all state revenues from the General Fund to the California Water Resiliency Trust Fund (Fund), which the measure would create. ACA 2 would continuously appropriate moneys in the fund to the California Water Commission (Commission) for its actual costs of implementing these provisions and for all of the following project categories: the development or expansion of groundwater aquifer storage, remediation, and recovery projects; recycling, purification and treatment of stormwater for water reuse, including for drinking water; expansion, repair, or replacement of existing surface

reservoirs and construction of new surface reservoirs; desalination plants; water conveyance development, maintenance or expansion; other projects designed to increase clean, safe, and affordable supply of water; and research and development of new technologies in relation to clean, safe, and affordable water supply.

ACA 2 would require the Commission to allocate and provide funding from the fund for part or all of a project, or, where applicable, additional funding in an amount necessary to complete a project, which will begin delivery of water to California's urban and agricultural consumers. The measure would authorize a project funded pursuant to its provisions to elect to be subject to a streamlined review pursuant to the California Environmental Quality Act (CEQA). Additionally, ACA 2 would provide that the California State Auditor is to annually conduct a programmatic review and an audit of expenditures from the fund and report those findings.

Similar to constitutional amendments that have previously been approved, such as Proposition 98, ACA 2 would allow state agencies and local agencies to easily access state financial assistance for infrastructure projects regardless of fluctuations in state revenues from year to year. Though this would reduce the flexibility of the Governor and Legislature to respond to economic downturns and their effects on state revenues, setting aside state revenues for infrastructure on a "pay-as-you-go" basis is more cost effective over time compared to issuing general bonds. Further, by ensuring there is continued funding available for critical infrastructure projects, ACA 2 would ultimately bolster overall climate resilience against the current and future impacts of climate change in the state.

VAWC held a support position on ACA 2. The bill was double referred to the Assembly Water Parks and Wildlife Committee and to the Natural Resources Committee. The bill's hearing in the first committee was canceled in March at the request of the Author. The bill died in the Assembly after failing to meet the August 31 legislative deadline for each house of the Legislature to pass bills.

The California Water Plan – Long-Term Supply Targets

The California Water Plan (Plan) is "the master plan which guides the orderly and coordinated control, protection, conservation, development, management and efficient utilization of the water resources of the state." As a part of updating the plan every five years, the Department of Water Resources (DWR) is required to include a discussion of various strategies, including those relating to the development of new water storage facilities, water conservation, water recycling, desalination, conjunctive use, and water transfers that may be used to meet future water needs of the state. Inclusion of a particular project or strategy does not constitute approval of or state financing for said project or strategy without further legislative action. DWR must also conduct, as part of the updating the plan, a study to determine the amount of water needed to meet the state's future needs and to recommend programs, policies, and facilities to meet those needs. The plan was last updated in 2018, and the next update is currently underway.

Senate Bill 366, by Senator Anna Caballero (D-Merced), would require DWR to coordinate with the California Water Commission, the State Water Resources Control Board, other state and federal agencies as appropriate, and a stakeholder advisory committee to develop a comprehensive plan for addressing the state's water needs and meeting specified long-term water supply targets established by the bill for purposes of the California Water Plan. The bill would require the plan to provide recommendations and strategies to ensure enough water supply for all beneficial uses; and require DWR to update the California Water Plan on or before December 31, 2028, and every five years thereafter. Each update will require the plan to include a discussion of various strategies that may be pursued to meet the water supply targets, and an economic analysis. The bill would also require DWR to submit to the Legislature an annual report between updates to the plan that includes progress made toward meeting the water supply targets once established.

The California Municipal Utilities Association is the sponsor of this legislation.

According to the author and bill sponsor: *“Despite decades of work to improve California’s water system, our infrastructure remains inadequate to meet present needs and is woefully unprepared to meet future needs. [This bill] would establish necessary water supply targets to capture and produce enough water for all uses, including communities, agriculture, and the environment, by modernizing the California Water Plan for a 21st century climate.”*

California has established numerous targets over the last decade, including for renewable energy generation and electric vehicles sales. In August 2022, Governor Newsom released the *“California’s Water Supply Strategy: Adapting to a Hotter, Drier Future,”* the Administration’s blueprint for enabling the state to cope with more extreme droughts, floods, and temperatures while addressing long-standing challenges, such as over-reliance on groundwater and lack of safe drinking water in many communities. The governor released this strategy to address a projected 10% decrease in water supply by 2040 due to climate change. To address this projection, the strategy sets various targets to generate new water supply, reduce demand, and develop additional water shortage.

SB 366 would codify and amplify the governor’s Water Supply Strategy, which admits that the ability to capture water in wet years for use in dry years and to supply water for groundwater recharge will depend on adding surface water and groundwater storage capacity. This is especially important if a warming climate results in more precipitation falling as rain instead of snow—adding surface water storage capacity will be needed to both maintain and increase water supplies.

VAWC maintained a support position on SB 366 all through 2023. The bill unanimously passed the Senate before it was sent to the Assembly, where it was referred to the Assembly Water, Parks, and Wildlife Committee. The bill was scheduled to be heard in the Assembly Water Committee on July 11. The hearing was canceled at the request of

the author, as the committee was requesting amendments Senator Caballero was not willing to take. The requested amendments included, (1) striking the economic analysis requirement from the bill and instead requiring DWR to analyze the costs of achieving the targets developed under the bill and a cost-benefit analysis of the projects and strategies needed to achieve them; and (2) removing the 2040 interim target and allow DWR to determine whether or not an interim target is necessary and feasible.

The bill then became a two-year bill and remained inactive until April 2024, when Senator Caballero accepted the water committee's suggested amendments. The committee then further requested that the author take additional amendments to strike references to the "co-equal goals for Delta." This would include replacing the original interim target requirement with a requirement that DWR include an interim planning target of 9,000,000 acre-feet of additional water, water conservation, or water storage to be achieved by 2040—a target that may be achieved through the development of new or expanded surface or groundwater storage, conservation efforts, or the development of stormwater capture, gray water, recycled water, or other water supplies.

In August, the bill was further amended to instead require the California Water Plan to, among other things, require the DWR to expand the membership of the advisory committee to include tribes, labor, and environmental justice interests. The bill would require DWR, as part of the 2033 plan update, to adjust the interim planning target for 2050. The bill would require the target to consider future water needs for all beneficial uses and ensure safe drinking water for all Californians, among other things. The bill would require the plan to include specified components, including discussions of environmental needs, urban sector water needs, and agricultural water needs, and a discussion of the estimated costs and benefits of any project type or action that is recommended by DWR within the plan that could help achieve the water supply targets. The bill would require DWR to report to the Legislature amendments, supplements, and additions included in the updates of the plan, together with a summary of the DWR's conclusions and recommendations, in the session in which the updated plan is issued. The bill would also require DWR to conduct public workshops to give interested parties an opportunity to comment on the plan.

VAWC maintained its support for SB 366 this year, and joined a coalition consisting of other water suppliers, agricultural groups, building associations, manufacturers' groups, and the California Chamber of Commerce.

In letter to sent to legislators in August, the support coalition wrote: *"Given the extreme climate impacts of the 21st century, an expanding economy, a growing population, the anticipated reductions from existing water resources, and the controls on the use of groundwater, California needs to align the state's water supply strategy and policies with a target that will result in an adequate and reliable water supply for all beneficial uses including the environment, agriculture, the economy and all Californians."*

SB 366 finally passed the Assembly on a 68–0 vote, with 11 members not voting, on August 26, 2024. The Senate concurred on the Assembly amendments with a 40-0 vote.

Governor Newsom vetoed the measure on September 29 stating, in part:

“While I appreciate the author’s intent, this bill would create substantial ongoing costs for DWR, the State Water Resources Control Board, and other state agencies and departments to assist in the development of water supply planning targets. A revision to the Plan of this magnitude, that creates such significant costs, must be considered in the context of the annual budget.”

In his veto message, Newsom also seemed to believe that the state currently has an adequate plan for water management. He stated, in part:

“My Administration recently released the 2023 Plan to lay out a statewide vision promoting climate resilience across regions, water sectors, and natural and built infrastructure. This Plan update includes clear goals, watershed-based climate resilience planning, and regional and interregional infrastructure modernization strategies.”

Flood-flow Diversion for Groundwater Recharge

In 2023, a series of atmospheric rivers brought record-breaking precipitation, snowpack levels, and flooding to the state. In response, Governor Gavin Newsom issued executive orders authorizing water agencies to divert excess floodflows from rivers and streams to both manage potentially destructive flood damage and for the purposes of groundwater recharge. Executive Orders N-4-23 (flood diversions began before June 1, 2023) and N-7-23 (for flood diversions after June 1, 2023), authorized water agencies to divert excess floodflows for the purposes of groundwater recharge without the need to obtain a water right under specific criteria. Previously a diverter would have had to apply to the State Water Resources Control Board (SWRCB) for a new water right permit or to change an existing water right permit. Between March and August of 2023, 78 diversions of floodflows were conducted for groundwater recharge under the executive orders.

The public resources budget trailer bill for FY2023-24 (SB 122, Chapter 51, Statutes of 2023) provided that the diversion of flood flows for groundwater recharge does not require an appropriative water right if specified conditions regarding the diversion are met, including, among other things, if a local or regional agency that has adopted a local plan of flood control or has considered flood risk as part of its most recently adopted general plan has given notice via its internet website, electronic distribution list, emergency notification service, or another means of public notice, that flows downstream of the point of diversion are at imminent risk of flooding and inundation of land, roads, or structures. The bill provided that these provisions apply only to diversions commenced before January 1, 2029. The bill provided that the state is not

liable for flood damages related to actions authorized pursuant to the provisions of SB 122.

Upon introduction, Senate Bill 1390, by Senator Caballero, would extend the application of permits through June 1, 2032, and expand the authority to divert to a local or regional agency that has a county emergency operations plan or a publicly available regional flood plan certified by DWR. This legislation also would expand SB 122 authority beyond where flows would inundate ordinarily dry areas in the bed of a terminal lake to a depth that floods dairies and other ongoing agricultural activities, or areas with substantial residential, commercial, or industrial development. This legislation would authorize the diversion of floodflows where they are projected to inundate ordinarily dry areas.

According to the author: *“SB 1390 is a simple bill that provides clarity to current flood planning requirements and builds on the momentum of SB 122 and the Governor’s Executive Order issued in March of 2023. SB 1390 will allow more groundwater projects to move forward during flood events by providing water agencies with information about when flood conditions begin and end by using sophisticated forecasting models to anticipate flood events, with increased accountability, public safety and water quality.”*

VAWC initially took a “support” position on SB 1390 upon its introduction in the Senate, noting that the bill would allow for the continued diversion of flood flows in the San Joaquin Valley to protect communities from possible flood damage and to support groundwater recharge.

The bill, however, was amended in the Assembly to further strike a balance between ensuring opportunities for recharge in the San Joaquin and Sacramento Valley streams while protecting California’s water rights priority system. These amendments, included, but were not limited to:

- 1) Adding a county emergency operations plan (EOP) and a local hazard mitigation plan to the list of plans that a local or regional agency may rely upon to determine there is an imminent risk of flooding to authorize the temporary diversion of floodflows for groundwater recharge.
- 2) Provide that “floodflows” may include measured flows that are “projected” by a local or regional agency to be in excess of the maximum design capacity of a flood project or flows “projected” by a local or regional agency to inundate ordinarily dry areas in the bed of a terminal lake.
- 3) Clarify that “imminent” means conditions that will begin or that are projected to begin within 72 hours.
- 4) Provide that a local or regional agency shall be responsible for determining when flood conditions have abated for purposes of ceasing the temporary diversion of floodflows for groundwater recharge.
- 5) Require a local or regional agency to issue a declaration that flood conditions are projected to end at least 48 hours beforehand to inform the public and diverters.

- Required a local or regional agency to notify the public and known diverters that flood conditions are abating, within 24 hours of the projected end of flood conditions.
- 6) Provide a local or regional agency may renew a temporary diversion of floodflows for groundwater recharge for an additional 14 days by notifying the State Water Resources Control Board (State Water Board) seven days before the authority to do so expires.
 - 7) Provide that floodflows may only be temporarily diverted for groundwater recharge when the Delta is in excess water conditions without restrictions. Requires a diverter exercising the authority to temporarily divert floodflows for groundwater recharge to monitor conditions daily using the Delta Operations Summary published on the Department of Water Resources' (DWR) website to determine whether the Delta is in excess conditions without restrictions.
 - 8) Define "excess water conditions" for purposes of #9, above, as those determined pursuant to the coordinated operation agreement (COA) for the federal Central Valley Project (CVP) and State Water Project (SWP), as amended.
 - 9) Define "without restrictions" for purposes of #9, above, as when Delta exports are not constrained by any requirements, including for the protection of water quality and endangered species per COA.

Later amendments also removed the extension of the 2029 sunset date.

The bill became more controversial after these amendments. Though they would protect legal water users of water in the Delta with respect to water rights permits and conditions; the language referring to the diversion of flood flows would prove a problem for state flood control and local flood control agencies that divert flood waters in order to avoid levee failure during high flood flow situations. Thus, the original intent of the bill was lost. During discussions with VAWC about the bill, Reeb further noted that the August amendments were included to ensure that the bill's provisions were enacted within the context of the water rights system that VAWC itself spent years fighting to protect.

Because of the differences within the Coalition's membership the Steering Committee ultimately voted to take a watch position on SB 1390 for the remainder of the year. After this, our firm communicated with Caballero's staff to hold the bill in order to search for a better compromise in the fall; however, staffers decided to move forward with the bill this session, albeit with a commitment to hold more discussions on the San Joaquin tributary in the fall.

The bill passed the Senate Floor unanimously, with 3 Senators not voting. SB 1390 died on the Assembly Floor after failing to reach the 41 vote threshold needed to pass, with 36 "aye" votes, 2 "no" votes, and 41 members not voting.

November Elections

— *Politics is not predictions and politics is not observations. Politics is what we do. Politics is what we do, politics is what we create, by what we work for, but what we hope for and what we dare to imagine.*^v

All members of the Assembly and one-half of the 40-member State Senate will stand for election this November. Twenty-three Assembly Members (19 Democrats; 4 Republicans) and 11 Senators (9 Democrats; 2 Republicans) will not be seeking reelection. Many are either termed-out or running for other offices.

Under the new maps, much of the San Joaquin Valley falls within Senate Districts 5, 12, 14, and 16; and Assembly Districts 8, 9, 13, 27, 31, 32, and 33.

Locally, Senator Susan Talamantes Eggman (D-Stockton) was among several legislators unable to run for reelection due to term limits. Running to fill the Senate District 5 seat this November were Jerry McNerney (D), former U.S. House Representative for California's 9th Congressional District, and Jim Shoemaker (R), business, trucker, and tradesman; with McNerney in the lead with 53.0% of the votes counted, at the time of this writing. The district includes San Joaquin County and the northeastern portion of Alameda County.

Senate Districts 12, 14, and 16, were not up for election this year.

In the Assembly, Assembly Member Jim Patterson (R-Fresno) was prevented from running for reelection in Assembly District 8 due to term limits. Vying for his seat were George Radanovich (R), former U.S. Representative for California's 19th congressional district, and David J. Tangipa (R), Field Representative for Fresno County Supervisor Nathan Magsig; with Tangipa leading on the ballot with 53.2% of the vote, over Radanovich's 46.8%. The District covers all of Inyo, Mariposa, Mono and Tuolumne counties as well as parts of Calaveras, Fresno and Madera counties.

In Assembly District 9, incumbent Heath Flora (R-Modesto) retained his seat having garnered 70.1% of the vote over challenger retired business owner Tami Nobriga's (AI) 29.9%.

In Assembly District 13, Rhodesia Ransom (D), Tracy City Council Member, won election with 57% of the vote, with opponent Denise Aguilar Mendez (R), conservative activist, receiving 43%. The District covers parts of San Joaquin County, including Mountain House, Tracy, and Stockton, and has been represented by Assembly Member Carlos Villapudua, who unsuccessfully sought the Senate District 5 seat in the March primary.

Incumbent Assembly Member Esmeralda Soria (D) won reelection in the contest for Assembly District 27 with 52.2% of the vote, with challenger Joanna Garcia Rose (R),

business manager for the California Department of Corrections and Rehabilitation, obtaining 46.8%. The newly redistricted seat represents Merced, Madera and Fresno counties.

In Assembly District 31, incumbent Assembly Member Joaquin Arambula (D-Fresno) won reelection with 59.2% of the vote, over challenger Solmon Verduzco (R), a journalist, who received 40.8% of the vote. The 31st Assembly District sits entirely within Fresno County and includes much of Fresno, part of Clovis, as well as Sanger, Selma, Fowler, Parlier, Orange Cove, and parts of rural Fresno County to the southeast of Fresno.

The ballot for the Assembly District 31st seat showed former Assembly Member Vince Fong (R) and Ken Weir (R) vying for the office. In the March primary, Fong was initially running for the State Assembly seat unopposed. Weir was one of four write-in candidates who joined the March primary after Fong announced he would not be running for reelection to the Assembly. Fong and Weir were the top two vote-getters, advancing them to the general election. Fong, however, also appeared in the run for the U.S. House of Representatives in the 20th Congressional District, a role he has served in for the last few months after he won a special election for the remainder of former Rep. Kevin McCarthy's term. Fong won the Assembly District seat with 58.9% of the vote, and the Congressional seat with 65.6% of the vote. Fong had previously stated that should he be elected to both seats, he will resign from the Assembly, triggering a special election for the 32nd Assembly District in 2025.

Assembly Member Devon Mathis (R-Poterville) did not seek reelection in the 33rd Assembly District, just two years shy of his legislative term limit. Vying for the seat were Republicans Xavier Avila, dairy farmer, and Alexandra Macedo, business owner. Macedo won the race with 63.1% of the vote, over Avila's 36.9%.

Election results will be certified by the Secretary of State on December 13, 2024.

ⁱ "A budget tells us what we can't afford, but it doesn't keep us from buying it." — William Feather

ⁱⁱ "People buy into the leader before they buy into the vision." — John C. Maxwell

ⁱⁱⁱ "Resilience, in today's context is definitely not about bouncing back to normal state, it is about accepting and preparing for new realities." — Arivudai Nambi Apparudai

^{iv} "Men do not make laws. They do but discover them. Laws must be justified by something more than the will of the majority. They must rest on the eternal foundation of righteousness." —President Calvin Coolidge

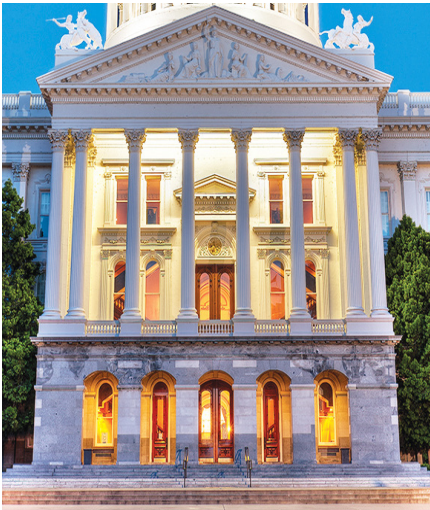
^v "Politics is not predictions and politics is not observations. Politics is what we do. Politics is what we do, politics is what we create, by what we work for, but what we hope for and what we dare to imagine." —Paul Wellstone

SACRAMENTO REPORT

November 2024



Volume 19, Issue 11



NEWS BRIEFS

Newsom Convenes a Special Session on Trump's 2nd Term

Governor Newsom has called for a special session of the Legislature, to run concurrently with the regular legislative session that begins on December 2, 2024, to “defend California values and fundamental rights”. The special session responds to the public statements and proposals put forward by President-elect Trump and his advisors, and actions taken during his first term in office.

continued on next page

General Election Results

All Assembly District seats and one-half of the 40 State Senate District seats were up for election on November 5, 2024. Twenty-three Assembly Members (19 Democrats; 4 Republicans) and 11 Senators (9 Democrats; 2 Republicans) did not seek reelection, many because they were prevented from doing so by term limits or because they were running for other offices.

Under the new maps, much of the San Joaquin Valley falls within Senate Districts 5, 12, 14, and 16; and Assembly Districts 8, 9, 13, 27, 31, 32, and 33. Only odd number Senate Districts were up for election this year, with Senators representing Districts 12, 14, and 16 currently in the middle of their term and up for election in 2026.

Locally, Senator Susan Talamantes Eggman (D-Stockton) was among several legislators unable to run for reelection due to term limits. Running to fill the Senate District 5 seat this November was Jerry McNerney (D), former U.S. House Representative for California's 9th Congressional District, and Jim Shoemaker (R), business, trucker, and tradesman. McNerney defeated Shoemaker with 53.1% of the votes.

See Election Results, page 2

Update on Healthy Rivers and Landscapes

Late last month, the Department of Water Resources (DWR), provided an update on the Healthy Rivers and Landscapes Program (also known as “voluntary agreements”), an eight-year initiative to improve environmental flows and restore habitats along California's key waterways.

Over two years ago, a collaborative effort between local, state, and federal agencies laid the groundwork for an innovative approach to water management and environmental restoration. Central to the effort is the Healthy Rivers and Landscapes Program, which ultimately seeks to reverse the decline in native fisheries throughout the Sacramento and San Joaquin rivers and their tributaries.

The framework for the Healthy Rivers and Landscapes initiative is currently under review by the State Water Resources Control Board. This proposed strategy

See Healthy Rivers and Landscapes, page 4

Inside Sacramento Report

New Permit Issued for California's State Water Project to Preserve Water Supply While Protecting Endangered Species 4

State Water Board Releases Proposed Revisions to Water Measurement and Reporting Regulations 6

The Governor has outlined several urgent priorities to be defended in this special session, including climate actions, by bolstering legal defenses against federal actions. The Governor's proclamation calls for legislation to provide additional resources to the California Department of Justice and other state entities to pursue robust affirmative litigation against any unlawful actions by the incoming Trump Administration, as well as defend against federal lawsuits aimed at undermining California's laws and policies. The funding will support the ability to immediately file litigation and seek injunctive relief against unlawful federal actions.

A press release on the proclamation can be found [HERE](#).

LAO Releases CA Fiscal Outlook for FY 2025-26

The Legislative Analyst's Office (LAO) has released the California Fiscal Outlook for Fiscal Year 2025-26, in anticipation of the upcoming budget season. The report finds the 2025-26 budget to be roughly balanced. This is due to proactive steps taken by the state earlier this year to reduce the size of its operational deficit and state revenues running slightly ahead of both budget revenue estimates and the broader state economy.

However, while the budget picture is fair for the upcoming year, the outlook suggests that the state faces double-digit operating deficits in the years to come, cautioning Legislators that this year's budget does not have capacity for new commitments, particularly ones that are ongoing.

continued on next page

"We deserve leaders who stand up for our children's future – a future with better healthcare, a better environment, and better opportunities for education and job creation right here in District 5. For 16 years, you trusted me to fight for that future in Washington. You can trust me to keep working for you in Sacramento," McNerney said regarding his priorities for the district.

Senate District 5 includes San Joaquin County and the northeastern portion of Alameda County.

In the Assembly, Assembly Member Jim Patterson (R-Fresno) was also prevented from running for reelection in Assembly District 8 due to term limits. Vying for his seat was George Radanovich (R), former U.S. Representative for California's 19th congressional district, and David J. Tangipa (R), Field Representative for Fresno County Supervisor Nathan Magsig; with Tangipa winning the seat with 53.2% of the vote, over Radanovich's 46.8%.

The District covers all of Inyo, Mariposa, Mono and Tuolumne counties as well as parts of Calaveras, Fresno and Madera counties. Tangipa has listed increase public safety, forest management and wildfire prevention, and lowering costs as his priorities for the District.

In Assembly District 9, incumbent Heath Flora (R-Modesto) retained his seat having garnered 70.1% of the vote over challenger retired business owner Tami Nobriga's (AI) 29.9%.

In Assembly District 13, Rhodesia Ransom (D), Tracy City Council Member, won election with 57% of the vote, with opponent Denise Aguilar Mendez (R), conservative activist, receiving 43%. Ransom has listed affordability and cost of living, housing and homelessness, safer communities, mental health, water, transportation, and quality education as issues she seeks to address while in office. The District covers parts of San Joaquin County, including Mountain House, Tracy, and Stockton, and has been represented by Assembly Member Carlos Villapudua, who unsuccessfully sought the Senate District 5 seat in the March primary.

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The ballot for the 31st Assembly District seat showed former Assembly Member Vince Fong (R) and Ken Weir (R), current member of the Bakersfield City Council, vying for the office. In the March primary, Fong was initially running for the State Assembly seat unopposed. Weir was one of four write-in candidates who joined the March primary after Fong announced he would not be running for reelection to the Assembly. Fong and Weir were the top two vote-getters, advancing them to the general election. Fong, however, also appeared in the run for the U.S. House of Representatives 20th Congressional District, a role he has served in for

Election Results, *continued from page 2*

the last few months after he won a special election for the remainder of former Rep. Kevin McCarthy's term.

In the November election, Fong won the Assembly District seat with 58.9% of the vote, and the Congressional seat with 65.6% of the vote. Fong had previously stated that should he be elected to both seats, he would resign from the Assembly, triggering a special election for the 32nd Assembly District in 2025.

Assembly Member Devon Mathis (R-Poterville) did not seek reelection in the 33rd Assembly District, just two years shy of his legislative term limit. Vying for the seat was Republicans Xavier Avila, a dairy farmer, and Republican Alexandra Macedo, a business owner. Macedo won the race with 63.1% of the vote, over Avila's 36.9%. Macedo has listed affordability, securing the border, water infrastructure, crime, and k-12 education as issues of importance to her campaign. The district represents parts of Fresno, Kings and Tulare counties

Election results will be certified by the Secretary of State on December 13, 2024.

Climate Resilience Bond

California voters also had the opportunity to approve or reject Proposition 4, a \$10 billion climate resilience bond that would direct funding for safe drinking water and drought, flood, water resilience, wildfire and forest resilience, sea level rise, extreme heat mitigation, clean air, and protecting biodiversity and promoting nature-based solutions.

The bond set aside \$3.8 billion for safe drinking water, drought, flood, and water resilience programs, which includes: \$610 million for grants or loans that improve water quality or drinking water reliability; \$386 million for projects related to groundwater storage, banking, or recharge; \$200 million for the Multi-benefit Land Repurposing program for groundwater sustainability projects; \$386 million for grants and projects related to water reuse and recycling; \$75 million for projects under the Water Storage Investment Program; \$62.5 million for capital investments in brackish desalination, contaminant and salt removal, and salinity management; \$15 million for the improvement of water data management and stream gages; \$75 million for regional conveyance projects or repairs; and \$75 million for projects that increase water conservation. Additionally, projects to reduce flood risk and improve stormwater management will receive around \$1.14 billion, which includes \$550 million for flood management projects, \$480 million for Dam Safety and Climate Resilience Local Assistance Programs, and \$110 million for grants for urban storm water management projects.

California voters approved Proposition 4 with 59.6% of the vote.

Healthy Rivers and Landscapes, *continued from page 1*

presents an alternative to traditional water quality regulations in the Sacramento-San Joaquin Delta and San Francisco Bay, aiming to restore ecosystem health while enhancing water reliability. According to DWR, the proposal's collaborative and adaptive focus seeks to protect both local wildlife and economies. The California Natural Resources Agency (CNRA), the California Environmental Protection Agency (CalEPA), and two critical departments—DWR and the California Department of Fish and Wildlife (CDFW)—are tasked with implementing and monitoring this initiative.

"Thanks to unprecedented collaboration with our local, state, and federal water partners, we're already making progress in restoring key habitats and ecosys-

*See **Healthy Rivers and Landscapes**, page 3*

NEWS BRIEFS *continued*

The report is available [HERE](#).

January 2025 Probationary Hearing for the Kaweah Subbasin Cancelled

The State Water Resources Control Board has canceled the January 7, 2025, Public Board Hearing for the [Proposed Designation of the Kaweah Subbasin](#) as a Probationary Basin (probationary hearing) to allow State Water Board staff to complete a thorough review of amended groundwater sustainability plans received for the subbasin. Local groundwater sustainability agencies (GSAs) in the Kaweah Subbasin released amended plans on June 13, 2024, and revised versions of those amended plans on October 3, 2024. Board staff has said to be optimistic about the amendments; however, that additional work needs to be done to determine if enough progress has been made for the subbasin to exit state intervention and return to the Department of Water Resources for plan review and oversight.

If the State Water Board schedules a new probationary hearing at a later date, the Board will release a new public notice at least 90 days prior to the scheduled hearing.

Next Monthly Lunch-MAR Webinar

Join the Flood-Mar Network's final Lunch-Mar Session of the year on Wednesday, December 4, 2024, from 12:30 pm to 1:30 pm. The session, titled "*Consideration of Groundwater Dependent Ecosystems in the Flood-MAR context*" will provide an overview of the latest research on ecological thresholds and how it can be used to quantify environmental benefits.

continued on next page

NEWS BRIEFS *continued*

Registration is available at this [link](#) to receive the Zoom information for this session.

Flood-MAR Study /Survey

The United States Army Corps of Engineers (USACE) and Arizona State University are conducting a study to understand people's knowledge and opinions of water management in their communities. Results from this study will inform the development of tools to assist water management planning (for flood control, groundwater, water supply, etc.) in ways that consider community needs and concerns. Once completed, this tool will be available to the community to help make water management decisions. The [survey](#) is web-based and takes no more than 15-minutes.

P3 Government Conference in Washington D.C., Dec. 5 and 6

Designed specifically for local, State, and federal agencies, this [Public-Private Partnership \(P3\) Government Conference](#) provides guidance on how to more effectively advance projects through today's evolving political environment. The [two-day conference](#) offers networking events and workshops focused on educating public agencies on how to strategically deploy private sector capital to leverage federal funding and accelerate the delivery of vital infrastructure to communities. [Registration](#) is open now.

Draft Adaptation Plan for the Council's Climate Initiative, Delta Adapts

The Delta Stewardship Council has published a draft [Adaptation](#)

Healthy Rivers and Landscapes, continued from page 3

tems through the Healthy Rivers and Landscapes program," said CDFW Director Charlton H. Bonham. "By staying focused on the science of restoration, and by continuing to develop important statewide partnerships, we can help ensure healthier habitats for California's fish and wildlife for years to come."

Earlier this year, the Legislature proposed to rescind critical funding to support the early implementation of the Agreements. VAWC joined a coalition letter urging Governor Gavin Newsom and legislative leaders to maintain funding.

As the State Water Board continues to refine the Bay-Delta Water Quality Control Plan, proactive measures are being implemented, including habitat restoration and water purchases to support native fisheries. A notable investment is the Instream Flow Water Purchase Program, recently launched by CNRA and DWR. This program, which will allocate \$360 million for environmental water flows during vital ecological periods, has already attracted proposals nearly three times greater than the available resources.

The habitat restoration efforts spearheaded by CDFW involve numerous projects, such as the Tide's End initiative, which aims to enhance over 2,200 acres of tidal and floodplain habitat, and the Little Egbert Tract, a substantial project that combines flood-risk reduction with habitat enhancement for several fish species. Additionally, the Prospect Island involvement is set to provide essential habitats for native Delta fish and migratory species, while plans are underway at Sunset Pumps to implement fish-protective devices to safeguard young salmon and sturgeon.

Integral to the Healthy Rivers and Landscapes Program is a comprehensive Science Plan designed to guide research and monitoring to support adaptive water management decisions. This collaborative model aims to evaluate ecosystem responses and fill knowledge gaps, allowing for real-time adjustments based on the latest scientific data.

Public Comment Sought on Bay Delta Plan Update

The State Water Board is currently considering updates to the Bay-Delta Plan focused on the Sacramento River and its tributaries, Delta eastside tributaries (including the Calaveras, Cosumnes, and Mokelumne Rivers), interior Delta flows, and Delta outflows, including consideration of proposed voluntary agreements.

On November 6, the State Water Board released a second revise notice of public comment and workshop of the Draft Sacramento/Delta Updates to the Bay Delta Plan. Draft changes to the Bay Delta Plan include options for incorporating either a regulatory pathway that would not include the Healthy Rivers and Landscapes Program, or a pathway that would include the voluntary agreements with regulatory provisions applying to parties not covered by the Voluntary Agreements and to Program parties if the Voluntary Agreements are approved but later discontinued.

Additionally, the draft updates include options for two modular alternatives. Alternative 5a, which relates to potential provision to protect base Delta outflows during drought periods, and Alternative 6a, which relates to potential provision to protect voluntary agreement flows and the base they are added to from new projects. Both of which that were also described in the draft Staff Report.

The State Water Board has not yet made a decision on how to move forward with the Sacramento/Delta Updates to the Bay-Delta Plan. Public workshops have been scheduled for this month and next month to discuss the potential updates. Writ-

continued on next page

See Healthy Rivers and Landscapes, page 5

Healthy Rivers and Landscapes, continued from page 4

ten comments are due December 19, 2024. Comments limited to Alternative 5a and Alternative 6a are due January 30, 2025.

Based on comments received on this draft, the State Water Board staff will develop a revised draft of proposed updates to the BayDelta Plan for additional public comment and Board consideration.

The second revised notice and workshop information can be found [HERE](#).

For more information on the Healthy Rivers and Landscapes Program, visit CNRA's [Agreements to Support Healthy Rivers and Landscapes](#) webpage.

New Permit Issued for California's State Water Project to Preserve Water Supply While Protecting Endangered Species

SACRAMENTO, Calif. – Addressing the dual challenges of climate change impacts and endangered species protections, the California Department of Water Resources (DWR) has received a new operating permit for the State Water Project (SWP) that will protect endangered fish species while ensuring a reliable water supply for 27 million Californians.

The permit, known as an Incidental Take Permit (ITP), was issued by the California Department of Fish and Wildlife (CDFW) following the certification of a [Final Environmental Impact Report](#) for long-term operations of the SWP. The permit covers five species protected under the California Endangered Species Act, including Delta smelt, longfin smelt, white sturgeon, winter-run Chinook salmon and spring-run Chinook salmon.

Since 2021, DWR has been working with the U.S. Bureau of Reclamation and partners at the state and federal fish agencies to update the operating rules for the SWP and the federal Central Valley Project following litigation against the federal rules in 2020, known as the Biological Opinions. As with the previous permits, DWR focused on meeting the requirements of the California Endangered Species Act (CESA) independent of the federal Biological Opinions. This allows for simpler processes for adaptively managing the system and ensuring CESA coverage remains in place independent of any future changes to the federal rules.

“The new Incidental Take Permit for the State Water Project issued today provides California with new tools and resources to better manage our water supply for endangered fish species and millions of Californians,” said DWR Director Karla Nemeth. “While the State Water Project is now operating under a permit independent of our federal partners, we continue to work together to make sure the rules that govern operations of both projects are aligned to the benefit of both fish and people.”

“In California, incidental take permits are an important way we regulate infrastructure projects that have the potential to cause harm to protected fish and wildlife,” said CDFW Director Chuck Bonham. “By requiring the State Water Project operation to avoid and minimize impacts, and to mitigate and counteract those impacts through habitat restoration, improved flow measures, monitoring, and hatchery production, we will make sure all fish and wildlife species impacted by the project have opportunities to thrive.”

The new operating plan for the SWP includes a portfolio of actions and new science tools designed to reduce and offset impacts to listed species, including commitments to:

*See **New Permit Issued**, page 6*

NEWS BRIEFS *continued*

[Plan](#) as part of its climate initiative, Delta Adapts. The draft details strategies and actions to improve regional resilience to climate change, including adaptation costs and governance recommendations.

The [draft Adaptation Plan](#) and [supporting documentation](#) are now available for a 60-day public review and comment through January 17, 2025. Comments may be emailed to climatechange@deltacouncil.ca.gov

Upcoming Diversion Measurement Qualified Individual Training Course in Davis, CA

The University of California Agriculture and Natural Resources (UCANR) Cooperative Extension service will offer a Water Measurement and Reporting course on January 30, 2025. The training will cover water diversion, monitoring, and reporting, as authorized by Assembly Bill 589. The training class is designed for parties who divert (or are authorized to divert) 100 acre-feet per year or more under the Water Measurement and Reporting Regulation (SB-88) and is open for anyone else who is interested. Diversers who complete this class are recognized as Qualified Individuals for measuring their diversions. The training class is in-person and will not be available online.

The course will be held at the UCANR Building at 2801 2nd Street, Davis, CA 95616. Registration is available at the [University of California Cooperative Extension webpage](#).

continued on next page

UPCOMING MEETINGS

State Water Resources Control Board

Public Workshop on Bay Delta Plan Updates

December 3, 2024; 9:00am

Joe Serna Jr. CalEPA Building
1001 I St., Coastal Hearing Rm
Sacramento, California 95814

[Revised Notice](#) | [Webcast](#) |
[Virtual Speaker Card](#)

Delta Independent Science Board

December 3-4, 2024

Location TBA

[Agenda and Participation Guide](#)
(Available Nov. 22)

Central Valley Flood Protection Board

December 6, 2024; 10am

Sacramento Area Council of Governments

1415 L Street, Suite 300

Sacramento, CA 95814

[Agenda](#) (Not Yet Posted) | [Zoom](#)
Call-in: 1 669-219-2599 (Webinar ID: 851 7916 4919)

State Water Resources Control Board

Public Workshop on Bay Delta Plan Updates

December 12, 2024, 9:00 am

Joe Serna Jr. CalEPA Building
1001 I St., Byron Sher Aud.
Sacramento, California 95814

[Revised Notice](#) | [Webcast](#) |
[Virtual Speaker Card](#)

Central Valley Regional Water Quality Control Board

December 13, 2024; 9:00 am

Regional Water Quality Control Board

11020 Sun Center Dr., Suite 200
Rancho Cordova, CA 95670

[Agenda and Participation Guide](#)
(Not Yet Posted)

New Permit Issued, continued from page 5

- Incorporate new genetic technology that allows real-time differentiation of listed salmonids from non-listed salmonids for real-time operational adjustments
- Complete tidal marsh and floodplain restoration projects that support spawning and rearing habitat for listed species
- Improve fish passage in critical migration corridors
- Support adaptive annual investments in salmon that are responsive to climate change stressors, including droughts
- Support hatchery production actions for listed species

The proposed operations also incorporate a robust adaptive management plan that will allow the SWP to incorporate new science to revise project components in a manner that more efficiently and effectively protects species.

“Extreme storms and extended droughts mean we need to be as nimble as possible in operating our water infrastructure. DWR remains committed to using the best available science to operate the State Water Project to support the water supply needs of California’s communities while protecting fish and wildlife,” Nemeth said.

The SWP operations plan was completed in coordination with partners from the Bureau of Reclamation, U.S. Fish and Wildlife Service, National Marine Fisheries Service, and CDFW. Efforts to complete the updated operations plan spanned three years and included regular engagement and feedback from interested parties.

The federal Central Valley Project Environmental Impact Statement and Biological Opinions are separate from the SWP Incidental Take Permit and Final Environmental Impact Report.

(Source: Department of Water Resources)

State Water Board Releases Proposed Revisions to Water Measurement and Reporting Regulations

Earlier this month, the State Water Resources Control Board (State Water Board) released proposed revisions to the Water Measurement and Reporting Regulations.

The intent of the proposed revisions is to standardize and better align measurement and reporting data with the modernization of the State Water Board’s water rights reporting database.

The State enacted Senate Bill 88 in 2015 authorizing the State Water Board to enact regulations requiring the measurement and reporting of diversions from water right holders that divert over 10 acre-feet per year. The State Water Board adopted the regulation in 2016, requiring water right holders with diversions greater than 10 acre-feet per year to install a measurement device and begin reporting their measurement data in 2018. The State Water Board has identified that diverter records have significant quality issues that impede analyses. As part of the Updating Water Rights Data for California (UPWARD) project, the State Water Board began developing a new water rights reporting platform—the California Water Accounting, Tracking, and Reporting System (Cal-WATRS), which will make the diversion reporting process more user-friendly. The first reporting

continued on next page

See Water Measurement, page 7

Water Measurement, continued from page 6

deadline in Cal-WATRS will be February 2026. The proposed changes to the Water Measurement and Reporting Regulation ensure a smooth transition to the new Cal-WATRS reporting platform.

The proposed changes would revise the SB 88 regulation to improve the quality and usability of the data submitted under the regulation, as well as to improve the overall clarity of the text. The proposed revisions are based on feedback from existing diverters and reporters, after substantial outreach and engagement over the previous two years. The Division is also proposing minor revisions to the “Appropriation of Water” and the “Water Diversion and Use Reports” regulations (chapters 2 and 2.7 of title 23 of the California Code of Regulations).

Key changes include:

1. Restructuring the Regulation: Sections have been reorganized using plain language for clarity.
2. Simplified Requirements: Some measurement frequency and accuracy standards will be relaxed, and additional exception criteria will be introduced for flexibility.
3. Standardized Datafile Format: A specific format for datafile submissions will be implemented to improve usability and systematic analysis.
4. Redefined Key Terms: Key definitions have been rewritten for clarity.
5. Clarification of Rediversion Points: The revised regulation will distinguish between initial diversion and rediversion points to prevent double counting.
6. Location Identification: Diverters will be required to identify the measuring device's location.
7. Updated Telemetry Requirements: The new regulation will apply to any diverters with a capacity to divert over 30 cubic feet per second year-round, expanding the requirement to additional water rights.

According to the State Water Board, these changes aim to make compliance easier and enhance the management of California's surface water resources.

State Water Board staff held an online public workshop on Wednesday November 13, 2024 to present information and solicit public input regarding the draft proposed revisions. A recording of the workshop and the slides presented by staff are available on the [Water Measurement and Reporting Regulation Rulemaking webpage](#). The deadline to submit written comments has been extended to 12:00 noon on Monday, December 2, 2024.

Additional information is available at the [Water Measurement and Reporting Regulation Rulemaking webpage](#).

*Sacramento Report is published monthly by Reeb Government Relations, LLC
1415 L Street, Suite 870, Sacramento, CA 95814, e-mail: bobr@water-warrior.com*

UPCOMING MEETINGS

continued

Central Valley Flood Protection Board

December 13, 2024; 9:00am
Sacramento Area Council of Governments
1415 L Street, Suite 300
Sacramento, CA 95814
[Agenda](#) (Not Yet Posted) | [Zoom](#)
Call-in: 1 669-219-2599 (Webinar ID: 844 1603 0237)

State Water Resources Control Board

December 17-18, 2025, 9:00 am
Central Valley Regional Water Control Board
11020 Sun Center Dr., Suite 200
Rancho Cordova, CA 95670
[Agenda and Participation Guide](#)
(Not Yet Posted)

California Water Commission

December 18, 2024; 9:30 am
State of CA, Resources Building
715 P St., First Floor Auditorium
Sacramento, CA 95814
[Agenda and Participation Guide](#)
(Available Dec. 6)

Delta Stewardship Council

December 19, 2024
Location TBA
[Agenda and Participation Guide](#)
(Available Dec. 9)

Valley Ag Water Coalition

The mission of the Valley Ag Water Coalition is to represent the collective interests of its San Joaquin Valley member agricultural water companies and agencies in California legislative and regulatory matters by providing leadership and advocacy on issues relating to the development and delivery of a reliable farm water supply.

**Minutes of the Regular Meeting
of the Board of Directors of the
Wheeler Ridge-Maricopa Water Storage District and
Wheeler Ridge-Maricopa Groundwater Sustainability Agency
Convened at 8:00 A.M., November 13, 2024**

The meeting of the Board of Directors of the Wheeler Ridge-Maricopa Water Storage District and Wheeler Ridge-Maricopa Groundwater Sustainability Agency was held at the District's office, with optional public participation made available through teleconference via GoToMeeting on Wednesday, November 13, 2024, at the hour of 8:00 A.M. President Atkinson declared a quorum was present and called the meeting to order.

Directors Present in Person. Atkinson, Blaine, Fry, Lyda, Marin, Reiter, Richardson, Valpredo.

Directors Absent. Mettler.

Others Present at 8:00 A.M. Engineer-Manager Sheridan Nicholas, Director of Water Resource Eric McDaris, Executive Assistant Danyel Ruth, and Attorneys for the District Steve Torigiani and Jerry Pearson.

Others Present at 9:31 A.M. Engineer-Manager Sheridan Nicholas, Attorney for the District Steve Torigiani, Director of Water Resource Eric McDaris, Staff Engineer Tom Suggs, Contract Administrator Flower Duenas, Assistant Controller Jennifer Whitby, Executive Assistant Danyel Ruth, Trey Irwin with Tejon Ranch, Angelica Martin with TCWD and Leftare Delis.

8:00 A.M. Closed Session. The Board convened in Closed Session to consider the following matters:

Conference with Legal Counsel Re: Existing Litigation (Govt. Code § 54956.9(a)):

1. *DWR v. All Persons Interested, etc. "Complaint for Validation" Re: SWP Contract Extension Amendment (Sacramento County Sup. Ct., Case No. 34-2018-00246183, 3rd Appellate Dist., Case No. C096316, and related cases and appeals)*
2. *Sierra Club v. DWR v. All Persons Interested, etc., consolidated CEQA Case and "Complaint for Validation" Re: Delta Program Revenue Bonds, Sacramento County Sup. Ct., Case No. 34-2020-80003517, 3rd Appellate Dist., Case No. C100552*
3. *CDWR Environmental Impact [WaterFix] Cases, Sacramento County Sup. Ct., Case No. JCCP No. 4942, 3rd Appellate Dist., Case No. C100302*
4. *Rosedale-Rio Bravo Water Storage District v. Kern County Water Agency, et al., Kern County Superior Court, Case No. BCV-21-100418*
5. *Friends of the River, et al., v. Sites Project Authority, Yolo County Sup. Ct., Case No. CV2023-2626 and related cases, 3rd Appellate Dist., Case No. C101361*
7. *Sierra Club, et al., v. DWR, Sacramento County Sup. Ct., Case No. 24WM000008, and related cases, challenging DCP EIR*
8. *State Water Resources Control Bd. Administrative Hearing Office (AHO) Proceeding Re Sites Project Authority Water Rights Applications*
9. *MFC Kern I LLC, et al. v. Wheeler Ridge-Maricopa WSD, Kern County Sup. Ct., Case No. BCV-24-100873*

Conference with Labor Negotiator Re: Public Employee Compensation/ Performance Review (Govt. Code §§ 54957(b), 54957.6)

10. *District's Designated Representative: President Annual Review of Performance, Salaries, and Benefits for Engineer-Manager*

Conference with Legal Counsel - Anticipated Litigation: Initiation of Litigation (Govt. Code § 54956.9(d)(4)):

11. *Two Matters*

Conference with Legal Counsel - Anticipated Litigation: Significant Exposure to Litigation (Govt. Code § 54956.9(d)(2)):

12. *Two Matters*

9:31 A.M. Open Session. Mr. Torigiani stated there was no reportable action taken in closed session.

Legislative, Executive, Regulatory and Legal Matters. Mr. Torigiani stated that he did not have anything to report at this time.

Minutes. Upon motion from Director Reiter, seconded by Director Richardson and unanimously carried with no abstentions, *The Minutes of the Regular Board Meeting of Directors ... Convened October 9, 2024*, were approved and filed.

Filing of the Treasurer's Report. Assistant Treasurer Fry presented and reviewed the *Treasurer's Report for the Month of October 2024*. Upon motion from Director Fry, seconded by Director Lyda and unanimously carried with no abstentions, the *Treasurer's Report for the month of October 2024* was approved and filed.

Approve Payment of Accounts Payable. Assistant Treasurer Fry presented and reviewed the *Accounts Payable for the month of October 2024*, and the *Reimbursements and Transfers for the month of October 2024*. Mr. Nicholas stated that three invoices, totaling approximately \$55,000, from consulting firm EKI were received after the AP deadline due to the holiday, and request to have them added in to this month's Accounts Payable. Upon motion from Director Valpredo, seconded by Director Fry and unanimously carried with no abstentions, the *Accounts Payable for the Month of October 2024*, including the EKI invoices, and the *Reimbursements and Transfers for the Month of October 2024* were approved and filed.

Approval of Budget, Water Rates, & Cash Forecast for 2025. Mr. Smith reviewed the Budget with the Board. Upon motion from Director Marin, seconded by Director Richardson and unanimously carried with no abstentions the Board approved the *Budget, Water Rates, & Cash Forecast for 2025*.

Controller's Report. Nothing to report.

Delinquent Accounts Report for October 2024. Mr. Smith reported that all contract and non-contract had been paid for the year. Mr. Smith then reported that there was about \$185,000 outstanding from January - July for the Groundwater Service Charge.

Budget Expenditures Report for September 2024. Ms. Whitby reviewed the Budget Expenditure Report for September 2024.

Audit Engagement Letter. Mr. Smith reviewed his November 13, 2024 memorandum to the Board entitled *2024 Audit Engagement Letter & Governance Letter*. Upon motion from Director Fry, seconded by Director Marin and unanimously carried with no abstentions the Board approved the continued use of BHK as its auditors for the 2024 audit.

President's Report. Nothing to report.

Engineer-Manager's Report. Mr. Nicholas noted that EM Report was in the packet for self-review.

2024 Water/Supply Demand Estimate. Mr. McDaris reviewed the 2024 Water/Supply Demand Estimate.

Other Purchases and Exchanges. Nothing to report.

Consider Approval of Groundwater Service Charge Delinquency Procedure. Mr. McDaris reviewed his November 7, 2024 memorandum to the Board entitled *Groundwater Service Charge Delinquency Procedure*. Upon motion from Director Fry, seconded by Director Marin and unanimously carried with no abstentions the Board approved that formal delinquencies procedures related to the District Groundwater Service Charge be initiated annually after - installment 7/8 has become delinquent; at any time the aggregate GWSC delinquencies total more than \$100,000; or if staff feels it necessary to initiate proceedings because time is of the essence. After such time, staff will present a resolution at the next available Board meeting authorizing the filing of the Delinquency List for the delinquent properties,

subject to the exception that staff may file such list without prior adoption of a resolution by the Board if staff determines time is of the essence and the filing needs to be made prior to Board approval.

Consider Approval of Updated Publicly Available Pay Schedule. Mr. Nicholas reviewed his November 7, 2024 memorandum to the Board entitled *Consider Approval of Updated Publicly Available Pay Schedule* and attached Pay Schedule. Upon motion by Director Marin, seconded by Director Lyda and unanimously carried with no abstentions the Board adopted the Publicly Available Pay Schedule effective October 1, 2024.

Proposed Add/Exclude for West Coast Grape. Director Richardson abstained from participation in this item. Mr. McDaris reviewed his October 31, 2024 memorandum with the Board entitled *West Coast Grapes - Request for Water Service Contract Amendments: Exclusions from SWSA Affecting Contract 124D; Additions to the SWSA Affecting Turnouts CG29A* and attachments. Upon motion from Director Reiter, seconded by Director Marin and unanimously carried, with abstention from Director Richardson, the Board approved Resolution No. 2024-14 in the matter of:

AUTHORIZING AMENDMENTS TO WATER SERVICE CONTRACT NO. 124D AND CHANGES IN SURFACE WATER SERVICE AREA

State Water Project/Delta Conveyance Project. Msrs. Nicholas and Kunde referenced the included October 24, 2024 memorandum from Craig Wallace to the Kern County Water Agency, and the attached DCP Schedule. Mr. Nicholas discussed the possible schedule for the Board to determine its continued participation the DCP planning and permitting, and mentioned the Board may consider a special meeting in late February 2025 for that discussion.

Mr. Nicholas also reviewed and discussed the included October 24, 2024 letter from Metropolitan Water District of Southern California to Karla Nemeth of DWR regarding their requirements for continued DCP participation.

Sites Reservoir - Amending Grower Funding Agreement. Mr. Kunde reviewed his November 8, 2024 memorandum with the Board entitled *Sites Reservoir Project - Extension of Phase 2C Grower Participation Agreement to June 2026* and attached agreement. Upon motion from Director Lyda, seconded by Director Blaine and unanimously carried with no abstentions the Board authorized the Engineer-Manager to execute the First Amendment substantially in the form attached as modified by Counsel.

Mr. Kunde also referenced information included in his portion of the Engineer-Manager's Report.

Sites Reservoir - Adopt 2025 Budget. This item was tabled.

WRMGSA. Mr. Nicholas reviewed the status of meetings with State Water Resource Control Board (SWRCB) members and staff, and the progress of the Kern Subbasin in adopting its 2024 plan in December. He noted the October 1, 2024 letter to the State Board from Kern Subbasin GSA counsels regarding the State intervention process and schedule probationary hearing, and the October 18, 2024 response letter from Eric Oppenheimer, the Executive Director of the SWRCB.

WRMGSA - Consider GSA Reserve for Domestic Well Mitigation. Mr. Nicholas reviewed his November 8, 2024 memorandum to the Board entitled *Consider GSA Reserve for Domestic Well Mitigation*. Upon motion from Director Valpredo, seconded by Director Marin and unanimously carried with no abstentions the Board approved Resolution No. 2024-15 in the matter of:

ESTABLISHING WRMGSA DOMESTIC WELL MITIGATION FUND

WRMGSA - Consider Subsidence Projects & Management Actions. Mr. Nicholas reviewed a PowerPoint presentation with the Board regarding the CASP letter to Kern Subbasin / State Water Resources Control Board. Included within the discussion were three specific management actions that would be included in the Kern Subbasin GSP, and plan to be approved at an upcoming Board meeting. Those actions within the subsidence zone of California Aqueduct were: well registration, well drilling moratorium, and well extraction reporting.

Directors Meeting Attended. Nothing to report.

Kern County Water Agency. Mr. McDaris reported that the Kern County Water Agency had approved two water transfers that concerned the District. He also mentioned that there was little risk of San Luis Reservoir spill based on information available at this time.

Kern Water Bank Authority/KWBGSA. Mr. Nicholas reported that the Chairman of the Board Bill Phillimore would be resigning as a director of both Boards at the end of December, and that Kim Brown was appointed to replace him on both Boards. He also reported that the 2023 KWBA reconciliation had been approved.

South of Kern River GSP. Mr. Nicholas reviewed the technical report from the October 10 meeting, and noted the November meeting would be held tomorrow.

Kern Non-District Lands Authority. Mr. Nicholas stated the last meeting was held on October 28th. He also stated the Authority had circulated a RFP for an Executive Director.

Kern Coordination Committee. Mr. Nicholas stated this was discussed earlier in the meeting.

White Wolf Groundwater Sustainability Agency. Mr. Nicholas stated that the last meeting was held November 5, 2024. He also mentioned that a letter was sent to California Aqueduct Subsidence Program about the “sawtooth” pattern shown in a chart of the 2020-2024 elevation change between mile posts 281 and 284. He also noted the December meeting will be cancelled, and the next meeting will be January 7, 2025.

Kern River Watershed Coalition Authority. Nothing to report.

Committee for Delta Reliability. Mr. Nicholas reported there was no meeting, but there were two handouts in the packet for self review.

South Valley Water Resource Authority. Mr. Nicholas reported that the meeting consisted of demonstration project updates, a discussion of the Fall X2 standard modification and approval of the 2025 budget (\$0.05 per acre-foot of Table A entitlement).

Unfinished and New Business. Mr. Nicholas reminded the Board of the upcoming ACWA Fall Conference in December in Palm Desert, and to notify staff if they would like to attend. Executive Assistant Danyel Ruth announced that Ethics training needed to be completed by the end of the year in order for the Board to stay in compliance. She noted that she was working with Young-Wooldridge to get it scheduled for a time after next month’s Board meeting.

Public Comments. None.

Adjournment. With no further business the meeting was adjourned at 11:10 a.m.

Respectfully submitted:
[Seal]

Secretary of the Board

List of Abbreviations:

ACWA	Association of California Water Agencies
ADM SSC	Administrative Service Charge, for basic administrative costs, non-project in nature, benefitting both SWSA and groundwater service area
AECA	Agricultural Energy Consumers Association
Agency	Kern County Water Agency
AWMP	Agricultural Water Management Plan
BDCP	Bay Delta Conservation Plan
BDS	Bond Debt Service
CAW	Contract Amount of Water totaling 200,818 acre-feet between the District & Water Users
CEQA	California Environmental Quality Act
CFWC	California Farm Water Coalition
COBRA	Consolidated Omnibus Budget Reconciliation Act
CVC	Cross Valley Canal
CVP	Central Valley Project (operated by the U.S. Bureau of Reclamation)
CWF	California WaterFix delta conveyance program (previously DHCCP)
DCA	Delta Conveyance Authority
DCF	Delta Conveyance Facility
DCP	Delta Conveyance Project
DFW	California Department of Fish and Wildlife
DHCCP	Delta Habitat Conservation and Conveyance Program - the conveyance element of the BDCP - renamed the California
District	Wheeler Ridge-Maricopa Water Storage District
DOG	California Division of Oil & Gas
DWR	California Department of Water Resources
DYTP	Dry Year Transfer Program
EIR	Environmental Impact Report
FAA	Final Accounting Adjustment
FO	Fixed Obligation water rate
FWS	U.S. Fish and Wildlife Service
GEN	GSC General Service charge, for recovery of Bond Debt for general purposes in the District
GL	General Ledger
GSA	Groundwater Sustainability Agency
GSP	Groundwater Sustainability Plan
GWSC	Groundwater Service Charge
ILRP	Irrigated Lands Regulatory Program
IRWMP	Integrated Regional Water Management Plan
ITRC	Irrigation Training and Research Center
JPIA	Joint Powers Insurance Authority
KCWA	Kern County Water Agency or Agency
KFMC	Kern Fan Monitoring Committee
KGA	Kern Groundwater Authority
KNDLA	Kern Non-Districted Lands Authority
KRGSA	Kern River Groundwater Sustainability Agency
KRWCA	Kern River Watershed Coalition Authority
KWB	Kern Water Bank
KWBA	Kern Water Bank Authority
KWBGSA	Kern Water Bank Groundwater Sustainability Agency
ITP	Incidental Take Permit
MOU	Memorandum of Understanding
MWD	Metropolitan Water District
NoD	North of the Delta
NonC	Non-Contract Charges
OMR	Operations, Maintenance and Repair, not to be confused with OMR of Old Middle Rivers
OMR	Old and Middle Rivers in the Sacramento-San Joaquin Delta
OSHA	Occupational Safety and Health Administration
PEF	Pastoria Energy Facility
PoE	Probability of Exceedance
PROJ	SSC Project Service Charge, for project costs related to, but not specific to a particular system
RWQCB	Regional Water Quality Control Board
SGMA	Sustainable Groundwater Management Act
SLR	San Luis Reservoir
SoD	South of the Delta
SOKR	South of Kern River
SSC	Special Service Charge, consists of ADM SSC, GEN SSC and PRO SSC
SSJWQC	Southern San Joaquin Valley Water Quality Coalition
SVWRA	South Valley Water Resources Authority
SWC	State Water Contractors
SWP	State Water Project (operated by DWR)
SWRCB	State Water Resources Control Board
SWSA	Surface Water Service Area or contracted acreages
WAC	Water Availability Charge, consists of BDS, OMR & FO
Water User	A landowner holding a Water Service Contract with the District
WD	Water District
WRMWS	Wheeler Ridge-Maricopa Water Storage District
WS5	Westside 5 Water Districts - Belridge, Berrenda Mesa, Dudley Ridge, Lost Hills & Wheeler Ridge
WSC	Water Service Contract
WSD	Water Storage District
WUC	Water Use Charge, consists of State Pumping/Variable and District Pumping/Variable
WWGSA	White Wolf Groundwater Sustainability Agency

**WHEELER RIDGE - MARICOPA WATER STORAGE DISTRICT
TREASURER'S REPORT FOR THE MONTH OF NOVEMBER 2024**

FUNDS ON DEPOSIT:		12/11/2024-Packet GENERAL FUND
BALANCE AS OF:	10/31/2024	76,748,805.01
PLUS CASH RECEIVED FOR: (cash receipts/laif/camp interest)	NOV. 2024	1,531,188.65
LESS CASH EXPENDED DURING MONTH FOR: (nov, pr, ap, cdr, ach, mnl, fees - nov pr burdens, ee net, taxes, inv)	NOV. 2024	(2,373,242.59)
FUNDS ON RECONCILED DEPOSIT AT END OF MONTH:		75,906,751.07
THE ABOVE FUNDS ARE ON DEPOSIT AS FOLLOWS:		
WELLS FARGO BANK NA - (GL) CASH BALANCE		351,303.24
KCT-POOLED INVESTMENTS - (G/L) CASH BALANCE		38,457,696.28
LAIF-POOLED INVESTMENTS - (GL) CASH BALANCE		2,058.37
CAMP-POOLED INVESTMENTS - (GL) CASH BALANCE		37,095,693.18
		75,906,751.07
INTEREST APPORTIONMENT PERCENTAGE (ANNUALIZED)	CAMP	
MONTH ENDING NOVEMBER 30, 2024	4.870%	
MONTH ENDING OCTOBER 31, 2024	5.030%	
MONTH ENDING SEPTEMBER 30, 2024	5.290%	
MONTH ENDING AUGUST 31, 2024	5.410%	
INTEREST APPORTIONMENT PERCENTAGE (ANNUALIZED)	KCT	
QUARTER ENDING SEP 30,2024	3.528%	
QUARTER ENDING JUN 30,2024	3.464%	
QUARTER ENDING MAR 31,2024	3.370%	
QUARTER ENDING DEC 31,2023	3.146%	
ALL FUNDS ARE PLACED IN ACCORDANCE WITH THE DISTRICT'S INVESTMENT POLICY AND GUIDELINES. SUFFICIENT CASH FLOW EXISTS TO MEET BUDGETED OBLIGATIONS FOR THE NEXT SIX MONTHS.		
CASH RECEIVED (KERN COUNTY TREASURER/LAIF/WELLS FARGO/CAMP) DURING MONTH AS FOLLOWS:		
MANUAL INVOICES		26,082.39
GROUND WATER SERVICE CHARGES		542,608.61
MISCELLANEOUS		5,336.17
CDR CASH CALL		691,068.00
WRM GSA		14,554.73
SPECIAL SERVICE CHARGES ADMINISTRATION - kern county auditor/controller		9,223.89
SPECIAL SERVICE CHARGES GENERAL - kern county auditor/controller		510.01
INTEREST APPORTIONMENT - kern county auditor controller		94,299.64
CAMP - interest month ending 11/30/2024		147,505.21
Cash Receipts Summary for KCT & CAMP		1,531,188.65
OPERATING RESERVE FUND BALANCE: audited 12/31/2023		24,054,786.00

WHEELER RIDGE - MARICOPA WATER STORAGE DISTRICT
AUDITED RESERVE FUND BALANCES AS OF DECEMBER 31, 2023 PLUS ESTIMATED ADJUSTMENTS

12/11/2024 Board Packet

<u>INTERNALLY CONSTRAINED RESERVES</u>	<u>AUDIT</u> <u>12/31/2023</u>	<u>2024</u> <u>Adjustments</u>	<u>Adjusted</u> <u>10/31/2024</u>
OPERATING RESERVE FUND	24,054,786		24,054,786
EQUIPMENT REPLACEMENT RESERVE FUND	3,510,064		3,510,064
GROUND WATER REPLENISHMENT RESERVE FUND	9,382,547		9,382,547
CONTINGENCY RESERVE FUND	10,084,004	717,103 (1)	10,801,107
WATER BANKING CAPITAL RESERVE FUND	4,959,306		4,959,306
WATER BANKING REPLACEMENT RESERVE FUND	2,184		2,184
WELL REPAIR AND REPLACEMENT RESERVE FUND	11,095	(18,958) (2)	(7,863)
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TOTAL RESERVE FUNDS INTERNALLY CONSTRAINED	52,003,986	698,145	52,702,131
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THIS AMOUNT IS SHOWN AS AN UNCONSTRAINED RESERVE. THIS IS MISLEADING AS THE BOARD HAS NOT DESIGNATED SUCH A RESERVE, AND IT IS NOT A CASH ASSET (COMPARE THE \$105.4 MILLION OF TOTAL RESERVES TO THE \$43.9 MILLION OF CASH EQUIVALENTS ON PAGE 11 OF THE 2023 AUDIT).	53,445,141	(698,145)	52,746,996
<hr/>			
UNRESTRICTED NET ASSETS	105,449,127	0	105,449,127

(1) CalPERS - UAL (paid in 2023 and refunded in 2024 with OM&R/SSC charges) less annual CDR cash call

(2) 2024 well repairs to date

WHEELER RIDGE-MARICOPA WATER STORAGE DISTRICT

5.2

ACCOUNTS PAYABLE

NOVEMBER 2024

ID	NAME	DATE	INVOICE	AMOUNT	DESCRIPTION	5,000+
B125	ROBERT CLAFFY	11/30/2024	NOV 2024	25.00	WATER TREATMENT - NOV 2024	73,004.07
B136	MARK DELEON	11/30/2024	NOV 2024	341.70	TRANSPORTATION	
B137	KEVIN EATON	11/30/2024	NOV 2024	281.40	TRANSPORTATION	
B211	ADRIAN MARTINEZ	11/30/2024	NOV 2024	422.10	TRANSPORTATION	
B214	KELLY MIELKE	11/30/2024	NOV 2024	20.10	TRANSPORTATION	
B214	KELLY MIELKE	12/31/2024	DEC 2024	20.10	TRANSPORTATION	
B222	ANGIE MONTES	11/13/2024	11.13.24	95.00	BOARD MEETING FOOD	
B261	RICHARD RICE	9/30/2024	SEP 2024	20.10	TRANSPORTATION	
B261	RICHARD RICE	10/31/2024	OCT 2024	20.10	TRANSPORTATION	
B261	RICHARD RICE	11/30/2024	NOV 2024	60.30	TRANSPORTATION	
B280	DANYEL RUTH	11/30/2024	NOV 2024	20.10	TRANSPORTATION	5,208.15
B301	COREY WILKERSON	11/30/2024	NOV 2024	25.00	SAFETY MEETING - NOV 2024	
C1064	AFTW HOLDINGS, LLC	11/22/2024	"AFTW"10-2024	73,004.07	WHEELER #1 SOLAR CHARGES	
C1116	APEX INDUSTRIAL SUPPLY INC.	11/13/2024	005802	380.42	GLOVES, SAFETY GLASSES, TAPE	
C1116	APEX INDUSTRIAL SUPPLY INC.	11/14/2024	005812	51.14	HARD HATS (2)	
C1116	APEX INDUSTRIAL SUPPLY INC.	11/25/2024	005837	279.97	GLOVES, RESPIRATOR	32,500.00
C1183	ARVIN EDISON WATER STORAGE DISTRICT	11/12/2024	24-31	733.98	ERNEST CONANT RETIREMENT	
C1183	ARVIN EDISON WATER STORAGE DISTRICT	11/14/2024	24-41	4,474.17	SOKR GSP	
C1187	AT&T 831-001-4061 150	12/7/2024	N/A	310.13	FIRE ALARM LINES	19,035.43
C1192	AVADINE	11/30/2024	114613	1,000.00	LATIS MAINTENANCE & SUPPORT	
C1192	AVADINE	12/8/2024	114652	31,500.00	SCADA - SITE CUTOVER	
C1210	B.S.& E. CO., INC.	11/7/2024	378370	171.04	CONCRETE	7,180.00
C1240	BAKERSFIELD ELECTRIC MOTOR REPAIR INC	11/20/2024	L81469	19,035.43	400 HP REWIND & OVERHAUL	
C1247	BAKERSFIELD ICE	10/31/2024	8812029	991.78	ICE / BOX RENTAL	
C1250	BAKERSFIELD PAINT AND WALLPAPER	11/13/2024	L0031791	50.27	SPRAY HEAD SOCKS	809,000.00
C1250	BAKERSFIELD PAINT AND WALLPAPER	11/18/2024	L0031937	616.07	PAINT (8 GALLONS)	
C1272	B & B SURPLUS INC	11/13/2024	1186089	804.14	ROLLED CYLINDER FOR 5PDLAT	
C1272	B & B SURPLUS INC	11/15/2024	1186797	491.54	BLIND FLANGE FOR 5PP4	
C1272	B & B SURPLUS INC	11/20/2024	1187642	471.97	ROLLED CYLINDER FOR 9LAT	
C1272	B & B SURPLUS INC	11/21/2024	1187865	525.01	PIPE	
C1286	BARBICH HOOPER KING DILL HOFFMAN	10/31/2024	155165	7,180.00	AUDIT 2024	
C1295	THOMSON REUTERS - WEST	11/1/2024	851060359	525.12	ANNUAL SUBSCRIPTION	133,323.85
C1337	BEST BEST & KRIEGER, LLP	11/29/2024	1013225	1,671.00	LEGAL SERVICES	
C1339	BERMAD INC.	11/26/2024	75602056	3,669.71	AIR VALVES (36)	
C1342	BERRENDA MESA WATER DISTRICT	11/26/2024	BM 24 SGPWA	809,000.00	2024 SAN GORGONIO WATER	
C1358	BOOT BARN INC.	11/9/2024	126072	194.84	BOOTS - WILLIAMS	133,323.85
C1358	BOOT BARN INC.	11/21/2024	127851	219.20	BOOTS - COLVIN	
C1390	JIM BURKE FORD	11/12/2024	1595615	70.35	TRUCK PARTS	
C1390	JIM BURKE FORD	11/22/2024	266455	795.50	REPAIR IGNITION	
C1451	CALIFORNIA INDUSTRIAL RUBBER	11/1/2024	B-046825	974.25	BLACK UHMW L-PROFILE	
C1456	CANON FINANCIAL SERVICES, INC	12/11/2024	N/A	820.57	LEASE 2 CANON COPIERS	
C1540	HERITAGE-CRYSTAL CLEAN, LLC	11/25/2024	19036861	272.50	USED OIL DISPOSAL	
C1576	CONEXUS SG	11/9/2024	241109WHEESU	150.00	IT SERVICES	
C1576	CONEXUS SG	11/16/2024	241116WHEESU	100.00	IT SERVICES	
C1601	CORE & MAIN LP	11/18/2024	W008411	6,048.91	VICT CLAMPS (3)	
C1601	CORE & MAIN LP	11/19/2024	W005846	5,358.38	VICT CLAMPS (6)	133,323.85
C1601	CORE & MAIN LP	11/15/2024	V479780	75,017.25	GATE VALVE BURIED SERVICE (2)	
C1601	CORE & MAIN LP	11/15/2024	V479902	46,899.31	GATE VALVE BURIED SERVICE	
C1604	CRANE SERVICE INDUSTRIES	11/26/2024	8270	1,210.00	ANNUAL INSP #366A & SHOP CRANE	
C1625	DANIELS TIRE SERVICE	11/12/2024	240186327	218.12	TIRES (2)	
C1625	DANIELS TIRE SERVICE	11/15/2024	240186595	2,774.76	TIRE REPLACEMENT #699B	133,323.85
C1633	DAVID JANES COMPANY	11/19/2024	0441654-IN	696.52	TAPER PLUGS, COUPLINGS	
C1633	DAVID JANES COMPANY	11/19/2024	0441655-IN	429.54	SLIP ON FLANGE (2)	

WHEELER RIDGE-MARICOPA WATER STORAGE DISTRICT

5.2

ACCOUNTS PAYABLE

NOVEMBER 2024

ID	NAME	DATE	INVOICE	AMOUNT	DESCRIPTION	5,000+
C1633	DAVID JANES COMPANY	11/19/2024	0441656-IN	301.21	SLIP ON FLANGE	
C1692	EKI ENVIRONMENT & WATER, INC.	12/5/2024	C20055.06-04	386.99	SOKR SCEP DEVELOPMENT	
C1692	EKI ENVIRONMENT & WATER, INC.	12/5/2024	C20055.07-04	14,695.20	SOKR GSP	
C1692	EKI ENVIRONMENT & WATER, INC.	12/5/2024	C20055.08-04	53,060.02	SOKR GSP DEFICIENCY RESPONSE	68,142.21
C1714	EWING IRRIGATION PRODUCTS INC	11/21/2024	013850917	340.52	PVC PIPE, HOT GLUE, ETC.	
C1714	EWING IRRIGATION PRODUCTS INC	11/1/2024	23991953	106.16	SLND ASSY (2)	
C1716	EQUIPMENT SHARE	11/11/2024	4541500-000	23,917.84	NEW AIR COMPRESSOR	23,917.84
C1750	FARWEST CORROSION CONTROL	11/8/2024	0407201-IN	1,025.34	COATING KITS (16)	
C1755	FASTENAL	10/30/2024	CABGV1762	619.64	GRINDERS (2)	
C1755	FASTENAL	11/18/2024	CABGV1785	1,735.75	DRILL KIT, NUTS & BOLTS	
C1765	FAST UNDERCAR	12/2/2024	08SA4634	1,129.88	BATTERIES (6)	
C1765	FAST UNDERCAR	12/2/2024	08SA5282	(64.95)	BATTERY CORE RETURN	
C1775	FERGUSON ENTERPRISES, INC.	11/6/2024	0011171-1	45,378.44	GATE VALVES (4)	
C1775	FERGUSON ENTERPRISES, INC.	11/1/2024	0015488	7,805.88	COUPLERS FOR 6LAT (4)	
C1775	FERGUSON ENTERPRISES, INC.	11/1/2024	0015489	5,177.86	COUPLERS FOR 6LAT (2)	
C1775	FERGUSON ENTERPRISES, INC.	11/21/2024	0019120	2,410.92	VALVE BOXES (25)	
C1775	FERGUSON ENTERPRISES, INC.	11/4/2024	0014354	9,206.52	COUPLERS (2)	
C1775	FERGUSON ENTERPRISES, INC.	11/6/2024	0014359	5,810.21	COUPLERS (2)	75,789.83
C1815	FLYERS ENERGY, LLC	11/27/2024	24-238372	24,337.64	GASOLINE	24,337.64
C1955	GOLDEN STATE PETERBILT	11/22/2024	03P229883	198.32	SUPPORT-HOOD, BUMPER #385	
C1969	GRAPEVINE MSP	11/15/2024	44504	5,185.00	IT SERVICES	5,185.00
C2017	H & S BODY WORKS & TOWING	11/14/2024	118661	385.00	TOW #377 TO FORD	
C2129	JMP OFFICE TECHNOLOGIES	11/26/2024	INST438662	216.21	INK - POSTAGE MACHINE	
C2150	JERRY & KEITH'S INC	11/22/2024	01 453438	81.19	33MM CHROME NUTS	
C2150	JERRY & KEITH'S INC	12/4/2024	01 454076	176.32	RACHET BIN (4)	
C2158	JIM'S STEEL SUPPLY	11/14/2024	252515	72.74	HALF COUPLINGS (8)	
C2168	JORGENSEN COMPANY	11/14/2024	6162333	18.00	INSTRUMENT CALIBRATION	
C2168	JORGENSEN COMPANY	11/15/2024	6162491	177.90	REPAIR AIR MOTOR	
C2213	KEN'S OPTICAL	11/21/2024	9472	274.00	SAFETY GLASSES - UNDERWOOD	
C2250	KERN COUNTY WATER AGENCY	11/8/2024	41991	1,925.00	SJR EXCHANGE CONTRACTORS 2024	
C2250	KERN COUNTY WATER AGENCY	11/8/2024	41994	4,617.00	XFR LTRID/PID TO WRMWSD	
C2250	KERN COUNTY WATER AGENCY	11/8/2024	42006	750.00	2024 PWD	
C2250	KERN COUNTY WATER AGENCY	11/8/2024	42012	1,925.00	2024 SAN GORGONIO	
C2250	KERN COUNTY WATER AGENCY	11/27/2024	42061	7,700.00	HVID XFR OBO BOOTH RANCHES	
C2250	KERN COUNTY WATER AGENCY	11/27/2024	42068	1,475.00	XFR FROM SAN BERNARDINO VMWD	
C2250	KERN COUNTY WATER AGENCY	11/27/2024	42096	1,475.00	XFR FROM SOLANO COUNTY TABLE A	
C2250	KERN COUNTY WATER AGENCY	11/27/2024	42098	1,475.00	XFR FROM SOLANO COUNTY ART 56	
C2250	KERN COUNTY WATER AGENCY	12/2/2024	42164	33,403.62	CVC 1ST QTR 2025	54,745.62
C2252	KERN DELTA WATER DISTRICT	12/3/2024	KD-200	2,500.00	KERN SUBBASIN LEGAL REPRESENT	
C2310	KERN WATER BANK AUTHORITY	11/1/2024	RCHG 2024-10	5,724.60	RECHARGE OCT 2024	5,724.60
C2327	KMS MECHANICS INC	10/9/2024	10924WMS	1,716.29	REPAIR CLUTCH LINKAGE #366A	
C2330	KNIGHTS PUMPING SERVICE	11/1/2024	0000217151	229.66	PORTABLE TOILET SERVICES	
C2330	KNIGHTS PUMPING SERVICE	11/15/2024	0000218657	252.46	PORTABLE TOILET SERVICES	
C2330	KNIGHTS PUMPING SERVICE	11/22/2024	0000219365	252.46	PORTABLE TOILET SERVICES	
C2330	KNIGHTS PUMPING SERVICE	11/29/2024	0000220044	229.66	PORTABLE TOILET SERVICES	
C2412	LOWE'S BUSINESS ACCOUNT	11/30/2024	NOV 2024	849.51	ROOF SEALANT, TOOLS, HEADLAMPS	
C2449	THE MARCOM GROUP	11/15/2024	65237	95.00	WEBSITE HOSTING	
C2496	MONTGOMERY HARDWARE CO	11/29/2024	769294	58.08	BLDG ACCESS NOV 2024	
C2582	QUADIENT	11/20/2024	NOV 2024	250.00	POSTAGE	
C2690	P G & E #1	11/30/2024	NOV 2024	242,660.34	NOVEMBER POWER	
C2691	P G & E #2	11/30/2024	NOV 2024	136,579.48	NOVEMBER POWER	
C2692	P G & E #3	11/30/2024	NOV 2024	6,299.63	NOVEMBER POWER	
C2693	P G & E #4	11/30/2024	NOV 2024	236.32	NOVEMBER POWER	

WHEELER RIDGE-MARICOPA WATER STORAGE DISTRICT

5.2

ACCOUNTS PAYABLE

NOVEMBER 2024

ID	NAME	DATE	INVOICE	AMOUNT	DESCRIPTION	5,000+
C2694	P G & E #5	11/30/2024	NOV 2024	2,912.48	NOVEMBER POWER	388,688.25
C2800	LINDE GAS & EQUIPMENT INC.	11/22/2024	46491979	1,086.59	CYLINDER RENTALS	
C2800	LINDE GAS & EQUIPMENT INC.	11/23/2024	46550904	68.31	NITROGEN	
C2808	PRICE DISPOSAL INC	10/31/2024	N4855135235	1,261.86	2 - 40 YD ROLL OFFS	
C2812	PROVOST & PRITCHARD	11/8/2024	114528	171.50	WS5 WATER SUPPLY	
C2812	PROVOST & PRITCHARD	11/13/2024	114671	3,308.33	MONITORING WELL WORK	
C2812	PROVOST & PRITCHARD	11/19/2024	114894	2,860.60	WHITE WOLF IN LIEU BANKING	
C2812	PROVOST & PRITCHARD	11/25/2024	115142	3,623.59	WELL FLOWMETER REVIEW PROGRAM	9,964.02
C2840	QUINN COMPANY	11/8/2024	PC080549879	1,082.99	ROOF TOP, LAMP #699B	
C2893	RINGCENTRAL INC.	12/1/2024	CD_000974619	794.88	TELEPHONES	
C2898	READY REFRESH by NESTLE	11/29/2024	14K0028964179	1,102.76	DRINKING WATER	
C3082	SPARKLE UNIFORM & LINEN SERVICE	11/7/2024	0999717	695.21	UNIFORM CLEANING	
C3082	SPARKLE UNIFORM & LINEN SERVICE	11/14/2024	1000753	606.08	UNIFORM CLEANING	
C3082	SPARKLE UNIFORM & LINEN SERVICE	11/21/2024	1001648	620.53	UNIFORM CLEANING	
C3082	SPARKLE UNIFORM & LINEN SERVICE	11/28/2024	1002794	616.03	UNIFORM CLEANING	
C3097	G.H. SLACK & SON	11/22/2024	2411-166700	884.05	METAL DOOR	
C3100	SMART & FINAL	11/13/2024	11.13.24	31.02	BREAKROOM SUPPLIES	
C3100	SMART & FINAL	11/26/2024	11.26.24	51.75	BREAKROOM SUPPLIES	
C3100	SMART & FINAL	11/27/2024	11.27.24	22.74	BREAKROOM SUPPLIES	
C3170	SOUTHERN CALIFORNIA GAS COMPANY	11/21/2024	NOV 2024	335.29	NATURAL GAS	
C3200	STINSON'S	11/26/2024	312303-0	570.29	TONER, OFFICE SUPPLIES	
C3458	VANGUARD CLEANING SYSTEMS OF THE SOU	12/1/2024	78859	1,565.00	JANITORIAL SERVICES	
C3459	VAST NETWORKS	12/1/2024	60240	1,450.00	INTERNET	
C3461	VERIZON WIRELESS	12/1/2024	6100036619	276.38	IPAD DATA	
C3461	VERIZON WIRELESS	12/1/2024	6100036620	163.45	CELL PHONES / SIM CARDS	
C3470	VULCAN MATERIALS	11/15/2024	2230222	797.37	ROCK	
C3547	WELLS FARGO - MCDARIS 8085	11/30/2024	NOV 2024	239.88	ADOBE ANNUAL RENEWAL	
C3549	WELLS FARGO - LOVELESS	11/30/2024	NOV 2024	300.00	ANNUAL O&M TEAMUP CALENDAR	
C3552	WELLS FARGO - OFFICE	11/30/2024	NOV 2024	354.71	ANNUAL TEAMUP CALENDAR	
C3555	WELLS FARGO - T SUGGS 4566	11/30/2024	NOV 2024	99.95	ADOBE MONTHLY (5)	
C3558	WELLS FARGO - OFFICE #2	11/30/2024	NOV 2024	1,328.33	SHUT OFF VALVES (100), TOOLS	
C3559	WELLS FARGO - NICHOLAS	11/30/2024	NOV 2024	1,003.72	ACWA BOARD MEETING	
C3562	WELLS FARGO - SMITH	11/30/2024	NOV 2024	165.96	ADOBE, WSJ, PASSWRD PROTECTION	
C3588	WESTERN EXTERMINATOR COMPANY	12/5/2024	71186997	252.73	PEST CONTROL	
C3630	WIENHOFF DRUG TESTING INC	11/15/2024	126522	935.00	DRUG TESTING MEMBERSHIP	
C3670	YOUNG WOOLDRIDGE	11/30/2024	NOV 2024	65,232.66	LEGAL SERVICES	65,232.66
D10133	ANDY HESTAND	12/4/2024	12.4.24	21.31	REFUND 2023 FAA BALANCE	
D10174	MUNGER FARMS	11/15/2024	11.15.24	1,500.00	REFUND OLD DEPOSIT	
D10380	TEJON RANCH CORP	12/6/2024	12.6.24	844.04	REIMBURSE SOKR DOMAINS & SSL RENEWAL	
SUBTOTAL				1,856,620.19		
MANUAL CHECKS ATTACHED				984.86		
VOUCHER TOTAL				1,857,605.05		

WHEELER RIDGE-MARICOPA WATER STORAGE DISTRICT
ACH AND MANUAL CHECKS PAYMENTS
OCTOBER 2024

							<u>5.2</u>
NOVEMBER	ID	NAME	DATE	INVOICE	AMOUNT	DESCRIPTION	5,000+
	C1187	AT&T	12/6/24	6370946908	310.13	FIRE ALARM LINES	
	C1456	CANON	12/6/24	36232781	674.73	COLOR COPY OVERAGES	
				Total	984.86		

**WHEELER RIDGE-MARICOPA WSD
FISCAL AGENT FOR COMMITTEE FOR DELTA RELIABILITY
CUSTODIAL FUNDS-REPORT OF EXPENDITURES AND TRANSFERS
NOVEMBER 2024 FOR THE DECEMBER 11, 2024 BOARD MEETING**

NAME	INVOICE NUMBER	DESCRIPTION	AMOUNT
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TRANSFERS AUTHORIZED BY WRMWSD BOARD

NOVEMBER 13, 2024 BOARD AUTHORIZATION	NOVEMBER	VOUCHER	79,430.45
VOUCHER TOTAL REQUESTED			79,430.45

EXPENDITURES AUTHORIZED BY COMMITTEE AND PAID BY WRMWSD MANUAL CHECK

Center for CA Water Resources	304	Murphy / Hamilton - September 2024	24,308.28
Cramer Fish Sciences	SIN009365	Science Program - October 2024	7,700.00
Nossaman	568851	ESA/Water Quality Counseling - Sep 2024	34,792.25
Water & Land Solutions, LLC	4235	Representation - October 2024	12,629.92
TOTAL PAID			79,430.45

INVOICES AWAITING COMMITTEE APPROVAL

INVOICES APPROVED BY WRMWSD BOARD @ DECEMBER 11, 2024 BOARD MEETING (VOUCHER)

Center for CA Water Resources	305	Assn Mgmt - October 2024	120.00
Cramer Fish Sciences	SIN009491	Science Program - November 2024	4,881.25
Nossaman	570358	ESA/Water Quality Counseling - Oct 2024	16,216.50
Water & Land Solutions, LLC	4297	Representation - November 2024	7,415.63
VOUCHER TOTAL REQUEST			28,633.38

**Wheeler Ridge-Maricopa Water Storage District
Revolving Account Check Listing**

NOVEMBER 2024

Check	Date	Payee	Amount	Description
BALANCE AS OF 10/31/2024			7,000.00	
Deposit			0.00	
			<hr/>	
			7,000.00	

No Activity for November 2024

Total Checks Issued **0.00**

Ending Balance	<hr/>	7,000.00
Balance Limit	<hr/>	7,000.00

Replenish Amount 0.00

**WHEELER RIDGE-MARICOPA WATER STORAGE DISTRICT
BOARD OF DIRECTORS & MANAGEMENT BENEFITS BREAKDOWN**

November 2024 for the December 11, 2024 BOARD MEETING

NAME	ACWA BLUE CROSS OF CA			DENTAL-HEALTHEDGE		HARTFORD	TOTAL
	MED	VISION	LIFE/AD&D	CLAIMS	ADM	DISABILITY	
ATKINSON	1,644.92	17.21	9.77	***	18.15	0.00	***
BLAINE	2,179.52	17.21	5.50	***	18.15	0.00	***
FRY	2,179.52	17.21	4.30	***	18.15	0.00	***
LYDA	1,644.92	17.21	9.50	***	18.15	0.00	***
MARIN	2,179.52	17.21	5.50	***	18.15	0.00	***
METTLER	1,644.92	17.21	5.50	***	18.15	0.00	***
REITER	822.46	17.21	4.30	***	18.15	0.00	***
RICHARDSON	2,179.52	17.21	2.80	***	18.15	0.00	***
VALPREDO	1,644.92	17.21	5.50	***	18.15	0.00	***
LOVELESS	2,179.92	17.21	36.50	***	18.15	72.32	***
MCDARIS	1,644.92	17.21	14.00	***	18.15	72.32	***
NICHOLAS	2,179.92	17.21	26.00	***	18.15	72.32	***
SMITH	2,179.92	17.21	78.50	***	18.15	72.32	***
SUGGS	2,179.92	17.21	78.50	***	18.15	72.32	***
WHITBY	1,644.92	17.21	36.50	***	18.15	72.32	***
	28,129.74	258.15	322.67	103.20	272.25	433.92	
						TOTAL BENEFITS	\$29,519.93

*** INDIVIDUAL CLAIM AMOUNTS ARE CONFIDENTIAL PER THE HEALTH INSURANCE PORTABILITY ACCOUNTABILITY ACT (HIPAA)

WHEELER RIDGE-MARICOPA WATER STORAGE DISTRICT
BOARD OF DIRECTORS/MANAGEMENT *COMPENSATION & EXPENSE* BREAKDOWN
NOVEMBER 2024 for the DECEMBER 11, 2024 BOARD

NAME	DATE	TOTAL	PAYEE	MEMO
Atkinson	11/06/2024	125.00	Atkinson	WAKC Annual Dinner
Atkinson	11/13/2024	129.00	Atkinson	Regular Board Meeting
Blaine	11/04/2024	125.00	Blaine	Kern Subbasin Meeting
Blaine	11/07/2024	125.00	Blaine	KRWCA Board Meeting
Blaine	11/11/2024	125.00	Blaine	Kern Subbasin Meeting
Blaine	11/13/2024	128.00	Blaine	Regular Board Meeting
Blaine	11/14/2024	125.00	Blaine	SOKR Executive Committee Meeting
Blaine	11/18/2024	125.00	Blaine	Kern Subbasin Meeting
Blaine	11/25/2024	125.00	Blaine	KNDLA Board Meeting
Fry	11/05/2024	125.00	Fry	WWGSA Board Meeting
Fry	11/13/2024	125.00	Fry	Regular Board Meeting
Lyda	11/13/2024	129.00	Lyda	Regular Board Meeting
Marin	11/13/2024	125.00	Marin	Regular Board Meeting
Mettler	11/05/2024	128.00	Mettler	WWGSA Board Meeting
Reiter	11/13/2024	139.00	Reiter	Regular Board Meeting
Richardson	11/13/2024	128.00	Richardson	Regular Board Meeting
Valpredo	11/13/2024	129.00	Valpredo	Regular Board Meeting
DIRECTORS		2,160.00		

WHEELER RIDGE-MARICOPA WATER STORAGE DISTRICT
BOARD OF DIRECTORS/MANAGEMENT *COMPENSATION & EXPENSE* BREAKDOWN
NOVEMBER 2024 for the DECEMBER 11, 2024 BOARD

NAME	DATE	TOTAL	PAYEE	MEMO
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Loveless McDaris Nicholas Smith Suggs	11/01/2024	78.05	Verizon	Communication - cell
MANAGEMENT		78.05		

Kunde				
*** note: retired annuitant costs are expense reimbursements not compensation				
RETIRED ANNUITANT		0.00		

Board	11/13/2024	95.00	Montes	November 13, 2024 Board Meeting - burritos
BOARD		95.00		

TOTAL EXPENSE	2,333.05
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**WHEELER RIDGE - MARICOPA WSD
PAYROLL FUND
NOVEMBER 2024
DECEMBER 11, 2024 BOARD MEETING**

	EMPLOYEES	DIRECTORS	RETIREES	COBRA	SUPPLEMENTAL	TOTALS
SALARIES Pay Period Ended: (11/9/2024 ee) (10/31/2024 dir)	111,017.07	2,085.04				113,102.11
SALARIES Pay Period Ended: 11/23/2024	116,552.77					116,552.77
PAYCHEX Federal, SSI, Medicare Taxes	78,670.24	349.64				79,019.88
PAYROLL PEOPLE State Tax / SDI / SUI	16,330.62	58.99				16,389.61
PERS (EMPLOYEE PORTION) RETIREMENT	24,568.28					24,568.28
PERS (EMPLOYER PORTION) RETIREMENT	39,397.84					39,397.84
NATIONWIDE DEFERRED COMPENSATION Deferred Compensation #1 Deductions	200.00					200.00
LINCOLN LIFE Deferred Compensation #2 Deductions	5,190.00					5,190.00
WRM WSD EMPLOYEES' FUND Employees' Fund Deductions	430.00					430.00
ACWA-HEALTH BENEFITS Medical/Vision Insurance Premium (+cobra)	84,295.29	16,275.11	20,086.80			120,657.20
ACWA-LIFE/AD&D Life/supplemental Insurance Premium	1,472.40	52.67				1,525.07
HEALTH EDGE ADMINISTRATORS INC Dental Insurance Administrative Fees (+cobra)	816.75	163.35	490.05			1,470.15
HEALTH EDGE ADMINISTRATORS INC Dental Insurance Claims	4,346.21		2,759.15			7,105.36
THE HARTFORD GROUP Long Term Disability Insurance	3,254.19					3,254.19
IWO (income withholding orders)	36.82					36.82
PAYROLL PEOPLE P/R Processing Fees, monthly and w-2 fees	1,118.32	147.10				1,265.42
TOTAL PAYROLL FUND:	487,696.80	19,131.90	23,336.00	0.00	0.00	530,164.70

**WHEELER RIDGE-MARICOPA WATER STORAGE DISTRICT
REIMBURSEMENTS AND TRANSFERS
DECEMBER 11, 2024 BOARD MEETING
NOVEMBER/DECEMBER 2024/JANUARY 2025**

GENERAL/REVOLVING ACCOUNT:

FUND #

60710	WRM-WSD WELLS FARGO BANK GENERAL ACCOUNT TRANSFER TO PROVIDE FUNDS FOR: <u>November 2024 Accounts Payable</u>	1	\$ 1,857,605.05
60710	WRM-WSD WELLS FARGO BANK GENERAL ACCOUNT TRANSFER TO PROVIDE FUNDS FOR: <u>Accounts Payable</u>	1.1	\$ 0.00
60710	WRM-WSD WELLS FARGO BANK GENERAL ACCOUNT TRANSFER TO PROVIDE FUNDS FOR: November 2024 Accounts Payable		<hr/> 1,857,605.05 \$
60710	WRM-WSD WELLS FARGO BANK GENERAL ACCOUNT TRANSFER TO PROVIDE FUNDS FOR: <u>Committee for Delta Reliability</u>	2	\$ 28,633.38
60710	WRM-WSD WELLS FARGO BANK REVOLVING ACCOUNT TRANSFER TO PROVIDE FUNDS FOR: <u>November 2024 Revolving Account</u>	3	\$ 0.00
TOTAL GENERAL/REVOLVING ACCOUNT:			\$ <u>1,886,238.43</u>

PAYROLL ACCOUNT:

FUND #

60710	WRM-WSD WELLS FARGO BANK PAYROLL ACCOUNT TRANSFER TO PROVIDE FUNDS FOR PPE: <u>December 21, 2024</u>	4	191,000.00
60710	WRM-WSD WELLS FARGO BANK PAYROLL ACCOUNT TRANSFER TO PROVIDE FUNDS FOR PPE: <u>January 4, 2025</u>	5	334,000.00
60710	WRM-WSD WELLS FARGO BANK PAYROLL ACCOUNT TRANSFER TO PROVIDE FUNDS FOR PPE: <u>January 18, 2025</u>	6	0.00
TOTAL PAYROLL ACCOUNT:			\$ <u>525,000.00</u> <u>525,000.00</u>

COUNTY TRANSFERS: 2025 SWP Payment 1 of 2 due 12/20/24	15,077,928.00
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TOTAL REIMBURSEMENTS AND TRANSFERS:	\$ <u><u>17,489,166.43</u></u>
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5.2.1

**WHEELER RIDGE-MARICOPA WATER STORAGE DISTRICT
TRANSFERS
DECEMBER 11, 2024 BOARD MEETING
Due January 3, 2025**

GENERAL ACCOUNT:

FUND #

FROM:

60710 **Wheeler Ridge - Maricopa Water Storage District - General Account**
Transfer to Provide Funds for: **2025 SWP Cost (payment 1 of 2)** \$ **15,077,928.00**
Kern County Water Agency for: January 2025 SWP Obligation-60% less deferral
Total bill \$24,909,600 less deferral of \$9,831,672 due April 2025)
Due: **01/03/2025 (will submit to the county on 12/20/2024)**

TO:

60220 Kern County Water Agency (KCWA) General Account
Transfer to Provide Funds for: 2025 SWP Cost (payment 1 of 2)
Kern County Water Agency for: January 2025 SWP Obligation-60% less deferral
Due: 01/03/2025 (will submit to the county on 12/20/2024)

\$ 15,077,928.00

TOTAL TRANSFERS: \$ 15,077,928.00

◀ WHEELER RIDGE-MARICOPA WATER STORAGE DISTRICT ▶

MEMORANDUM

TO: Board of Directors

FROM: James Smith, Controller
Flower Duenas, Contract Administrator

DATE: December 11, 2024

SUBJECT: Resolution Ordering the Filing of List of Delinquent Tolls and Charges for December 2024 Groundwater Service Charges (GWSC)

As of December 11, the District has six landowners who are delinquent on their 2024 GWSC. Upon adopting the attached resolution, staff will file the resolution and Exhibit A with the Kern County Recorder's Office establishing a lien on the delinquent lands.

Delinquent Invoices	\$277,333.33
Penalties	\$27,733.34
Interest	<u>\$1,953.47</u>
Total	<u>\$307,020.14</u>

The delinquent invoices through August 2024 are 9.8% of the total invoices through August 2024.

These delinquent account balances will be adjusted to conform with those actions taken in closed session.

Recommendation. Staff recommends that the Board approve and adopt the resolution "Ordering the Filing of List of Delinquent Tolls and Charges not established by Contract (December 2024) (Water Code Section 47183).

WHEELER RIDGE-MARICOPA WATER STORAGE DISTRICT
Ground Water Service Charges (GWSC)
DELINQUENCY REPORT
2024

DRAFT

Customer Number	Water User/Operator	Landowner	Invoice #	Invoice			Grand Total DLNQ	ATN #	Legal Description
				Amount	Penalty	Interest			
1090	New Sunny International, LLC	New Sunny International, LLC	2024021090	\$ 995.67	\$ 99.57	\$ 11.06	\$ 1,106.30	295-100-39, 295-100-40	Section 20, T32, R27
1090	New Sunny International, LLC	New Sunny International, LLC	2024031090	894.77	89.48	9.94	994.19	295-100-39, 295-100-40	Section 20, T32, R27
1090	New Sunny International, LLC	New Sunny International, LLC	2024041090	987.61	98.76	10.86	1,097.23	295-100-39, 295-100-40	Section 20, T32, R27
1090	New Sunny International, LLC	New Sunny International, LLC	2024051090	1,200.26	120.03		1,320.29	295-100-39, 295-100-40	Section 20, T32, R27
	New Sunny International - total			\$ 4,078.31	\$ 407.84	\$ 31.86	\$ 4,518.01		
1130	Westland Farms	Westland Farms	2024011130	\$ 2,898.21	\$ 289.82	\$ 32.20	\$ 3,220.23	295-240-05, 06, 295-060-25, 295-050-02, 03, 04, 06	Section 32, T32, R26 and Section 27, T32, R26
1130	Westland Farms	Westland Farms	2024021130	37,888.02	3,788.80	420.94	42,097.76	295-240-05, 06, 295-060-25, 295-050-02, 03, 04, 06	Section 32, T32, R26 and Section 27, T32, R26
1130	Westland Farms	Westland Farms	2024031130	43,468.37	4,346.84	482.93	48,298.14	295-240-05, 06, 295-060-25, 295-050-02, 03, 04, 06	Section 32, T32, R26 and Section 27, T32, R26
1130	Westland Farms	Westland Farms	2024041130	43,892.11	4,389.21	482.81	48,764.13	295-240-05, 06, 295-060-25, 295-050-02, 03, 04, 06	Section 32, T32, R26 and Section 27, T32, R26
1130	Westland Farms	Westland Farms	2024051130	42,620.52	4,262.05		46,882.57	295-240-05, 06, 295-060-25, 295-050-02, 03, 04, 06	Section 32, T32, R26 and Section 27, T32, R26
	Westland - total			\$ 170,767.23	\$ 17,076.72	\$ 1,418.88	\$ 189,262.83		
2091	Marshall Ranch Farm	Marshall Ranch Farm	2024052091	\$ 3,802.33	\$ 380.23		\$ 4,182.56	238-081-01, 238-081-06, 238-081-07, 238-081-08, 238-081-10	Section 30, T11, R19
2091	Marshall Ranch Farm	Marshall Ranch Farm	Credit	(483.71)	(48.37)		(532.08)		
	Marshall Ranch Farm-total			\$ 3,318.62	\$ 331.86	\$ -	\$ 3,650.48		
2150	Old River Farm	Old River Farm	2024042150	\$ 5,461.15	\$ 546.12	\$ 60.07	\$ 6,067.34	295-270-29, 295-270-19, 295-270-07, 295-210-01, 295-270-04, 295-270-05	Section 26, T12, R21, Section 27, T12, R21, & Section 34, T12, R21
2150	Old River Farm	Old River Farm	2024052150	27,826.09	2,782.61		30,608.70	295-270-29, 295-270-19, 295-270-07, 295-210-01, 295-270-04, 295-270-05	Section 26, T12, R21, Section 27, T12, R21, & Section 34, T12, R21
	Old River Farm - total			\$ 33,287.24	\$ 3,328.73	\$ 60.07	\$ 36,676.04		
2175	Santa Paula Hay and Grain	Santa Paula Hay and Grain	2024042175	\$ 3,606.63	\$ 360.66	\$ 39.67	\$ 4,006.96	220-231-08	Section 32, T 32, R 25
	Santa Paula Hay and Grain - total			\$ 3,606.63	\$ 360.66	\$ 39.67	\$ 4,006.96		
2180	Almond Blossom Ranch, LLC	Almond Blossom Ranch, LLC	2024042180	\$ 36,635.22	\$ 3,663.52	\$ 402.99	\$ 40,701.73	295-270-17, 295-270-11, 295-270-12, 295-270-13, 295-270-09, 238-400-05	Section 26, T11, R19 and Section 34, T12, R21
2180	Almond Blossom Ranch, LLC	Almond Blossom Ranch, LLC	2024052180	25,640.08	2,564.01		28,204.09	295-270-17, 295-270-11, 295-270-12, 295-270-13, 295-270-09, 238-400-05	Section 26, T11, R19 and Section 34, T12, R21
	Almond Blossom - total			\$ 62,275.30	\$ 6,227.53	\$ 402.99	\$ 68,905.82		
	Total GWSC Delinquencies			\$ 277,333.33	\$ 27,733.34	\$ 1,953.47	\$ 307,020.14		

**BEFORE THE BOARD OF DIRECTORS OF THE
WHEELER RIDGE-MARICOPA WATER STORAGE DISTRICT**

RESOLUTION NO. 2024-XX

IN THE MATTER OF:

**ORDERING THE FILING OF LIST OF DELINQUENT TOLLS AND CHARGES NOT
ESTABLISHED BY CONTRACT
(DECEMBER 2024) (WATER CODE SECTION 47183)**

WHEREAS, Water Code section 43006 authorizes the District to “fix tolls or charges for the use of water, including the use of groundwater”; and

WHEREAS, on July 07, 2023, the District’s Board of Directors passed Resolution 2023-07, declaring the results of a Proposition 218 majority protest process and adopted as ordinance provisions to District Rules and Regulations, authorizing the Groundwater Service Charge be collected on each acre-foot of groundwater consumptively used on each parcel in the District; and

WHEREAS, Section 47182 of the Water Code provides that: "In case any toll or charge remains unpaid for a period of thirty (30) days after it becomes payable, it becomes delinquent and a penalty of 10% shall be added thereto, and shall bear interest at the rate of 12% per year"; and

WHEREAS, Section 47183 of the Water Code provides in part that "After any toll or charge becomes delinquent, the Board may file in the office of the County Recorder of the county in which is situated the land as to which such tolls or charges are delinquent”, a list setting forth the particulars therein mentioned and further provides that “upon the filing of the list, the tolls and charges so listed, together with the penalties and interest thereon, shall become a lien upon the land as to which such tolls and charges are delinquent in the same manner and of the same character as the lien of a district assessment"; and

WHEREAS, Section 47184 of the Water Code provides an alternative procedure for the collection of delinquent tolls and charges, namely that a suit may be brought in the name of the District against the delinquent to enforce collection of the delinquent tolls or charges, together with penalties, interest and costs of suit; and

WHEREAS, pursuant to Section 46759.5 of the Water Code, the Board is authorized to file a resolution with the County Treasurer, on or before the time of sale, ordering the Treasurer to sell all property to the District for the amount due; and

WHEREAS, it is found that the matters mentioned in the said List of Delinquent Tolls and

Charges (Calendar Year 2024) are true and correct; that it is to the best interest of the District to order that the procedure established by Section 47183 of the Water Code be followed in collecting the delinquent charges mentioned in the List of Delinquencies attached hereto and that no order be filed pursuant to said Section 46759.5 of the Water Code.

NOW THEREFORE BE IT RESOLVED by this Board of Directors as follows:

1. That the foregoing recitals and findings are true and correct.-
2. It is ordered that on or after December 11, 2024, the List Of Delinquent Tolls And Charges Not Established By Contract in the form attached hereto be filed and that a lien thereby be established upon the land(s) as provided in Section 47183, and be enforced as provided in Sections 46730 through 46761, all of the Water Code;
3. That the District, its officers, agents, employees, attorney and the County Treasurer, and each of them, are hereby ordered and authorized to do all things necessary and proper to collect said delinquency (and each of them) in accordance with law and the terms hereof.

ALL THE FOREGOING being on motion of Director _____, seconded by Director _____, and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

I HEREBY CERTIFY that the foregoing resolution is the resolution of said District as duly passed and adopted by said Board of Directors on the 11th day of December 2024.

WITNESS my hand and seal of said Board of Directors this 11th day of December 2024.

Benjamin (Jose) Melendrez-Marin
Secretary of the Board of Directors

(SEAL)

No.1130
WESTLAND FARMS LLC

**EXHIBIT A TO LIST OF DELINQUENT
GROUNDWATER SERVICE CHARGES (DECEMBER 2024)**

District Parcel No. 2024-01

In accordance with Section 6 of the District's Rules and Regulations and pursuant to Section 47182 of the Water Code, Water User WESTLAND FARMS LLC, is delinquent with respect to the following described real property, and said Water Users constituting the ones to whom the tolls and charges mentioned herein are assessed, namely:

- **Parcel No. 29524005005:** Section 32, Township 32, Range 26
- **Parcel No. 29524006017:** Section 32, Township 32, Range 26
- **Parcel No. 29506025001:** Section 32, Township 32, Range 26
- **Parcel No. 29505003004:** Section 27, Township 32, Range 26
- **Parcel No. 29505004007:** Section 27, Township 32, Range 26
- **Parcel No. 29505006003:** Section 27, Township 32, Range 26
- **Parcel No. 29505002001:** Section 27, Township 32, Range 26

in payment of water tolls and charges, in the total of the following amounts, namely:

(A) Delinquent tolls and charges in the sum of:	\$	\$ 170,767.23
(B) Plus penalties of 10% in the sum of:	\$	17,076.72.
(C) Plus interest at 12% per annum on the monthly installments due July 10, 2024 through December 10, 2024 or any of them, as of December 11, 2024, in the sum of:	\$	1,418.88
(D) Plus interest thereafter at the rate of 12% per annum on the delinquent tolls and charges until paid.		

No. 1090
NEW SUNNY INTERNATIONAL LLC

**EXHIBIT A TO LIST OF DELINQUENT
GROUNDWATER SERVICE CHARGES (DECEMBER 2024)**

District Parcel No. 2024-02

In accordance with Section 6 of the District's Rules and Regulations and pursuant to Section 47182 of the Water Code, Water User NEW SUNNY INTERNATIONAL LLC, is delinquent with respect to the following described real property, and said Water Users constituting the ones to whom the tolls and charges mentioned herein are assessed, namely:

- **Parcel No. 29510039003:** Section 20, Township 32, Range 27
- **Parcel No. 29510040005:** Section 20, Township 32, Range 27

in payment of water tolls and charges, in the total of the following amounts, namely:

(A) Delinquent tolls and charges in the sum of:	\$	4,078.31
(B) Plus penalties of 10% in the sum of:	\$	407.84
(C) Plus interest at 12% per annum on the monthly installments due July 10, 2024 through December 10, 2024 or any of them, as of December 11, 2024, in the sum of:	\$	31.86
(D) Plus interest thereafter at the rate of 12% per annum on the delinquent tolls and charges until paid.		

No. 2175
SANTA PAULA HAY & GRAIN RANCHES

**EXHIBIT A TO LIST OF DELINQUENT
GROUNDWATER SERVICE CHARGES (DECEMBER 2024)**

District Parcel No. 2024-03

In accordance with Section 6 of the District's Rules and Regulations and pursuant to Section 47182 of the Water Code, Water User SANTA PAULA HAY & GRAIN RANCHES, is delinquent with respect to the following described real property, and said Water Users constituting the ones to whom the tolls and charges mentioned herein are assessed, namely:

- **Parcel No. 29510039003:** Section 20, Township 32, Range 27
- **Parcel No. 29510040005:** Section 20, Township 32, Range 27

in payment of water tolls and charges, in the total of the following amounts, namely:

(B) Delinquent tolls and charges in the sum of:	\$	3,606.63
(B) Plus penalties of 10% in the sum of:	\$	360.66
(C) Plus interest at 12% per annum on the monthly installments due July 10, 2024 through December 10, 2024 or any of them, as of December 11, 2024, in the sum of:	\$	39.67
(D) Plus interest thereafter at the rate of 12% per annum on the delinquent tolls and charges until paid.		

**No. 2150
OLD RIVER FARM INC**

**EXHIBIT A TO LIST OF DELINQUENT
GROUNDWATER SERVICE CHARGES (DECEMBER 2024)**

District Parcel No. 2024-04

In accordance with Section 6 of the District's Rules and Regulations and pursuant to Section 47182 of the Water Code, Water User OLD RIVER FARM INC, is delinquent with respect to the following described real property, and said Water Users constituting the ones to whom the tolls and charges mentioned herein are assessed, namely:

- **Parcel No. 29527029004:** Section 27, Township 12, Range 21
- **Parcel No. 29527019005:** Section 34, Township 12, Range 21
- **Parcel No. 29527007000:** Section 34, Township 12, Range 21
- **Parcel No. 29521001004:** Section 26, Township 12, Range 21
- **Parcel No. 29527004001:** Section 27, Township 12, Range 21
- **Parcel No. 29527005004:** Section 27, Township 12, Range 21

in payment of water tolls and charges, in the total of the following amounts, namely:

(A) Delinquent tolls and charges in the sum of:	\$	33,287.24
(B) Plus penalties of 10% in the sum of:	\$	3,328.73
(C) Plus interest at 12% per annum on the monthly installments due July 10, 2024 through December 10, 2024 or any of them, as of December 31, 2024, in the sum of:	\$	60.07
(D) Plus interest thereafter at the rate of 12% per annum on the delinquent tolls and charges until paid.		

No. 2180
ALMOND BLOSSOM RANCH LLC

**EXHIBIT A TO LIST OF DELINQUENT
GROUNDWATER SERVICE CHARGES (DECEMBER 2024)**

District Parcel No. 2023-05

In accordance with Section 6 of the District's Rules and Regulations and pursuant to Section 47182 of the Water Code, Water User ALMOND BLOSSOM RANCH LLC, is delinquent with respect to the following described real property, and said Water Users constituting the ones to whom the tolls and charges mentioned herein are assessed, namely:

- **Parcel No. 29527011001:** Section 34, Township 12, Range 21
- **Parcel No. 29527012004:** Section 34, Township 12, Range 21
- **Parcel No. 29527013007:** Section 34, Township 12, Range 21
- **Parcel No. 29527009006:** Section 34, Township 12, Range 21
- **Parcel No. 23840005004:** Section 26, Township 11, Range 19

in payment of water tolls and charges, in the total of the following amounts, namely:

(A) Delinquent tolls and charges in the sum of:	\$	62,275.30
(B) Plus penalties of 10% in the sum of:	\$	6,227.53
(B) Plus interest at 12% per annum on the monthly installments due July 10, 2024, through December 10, 2024, or any of them, as of December 31, 2024, in the sum of	\$	402.99
(D) Plus interest thereafter at the rate of 12% per annum on the delinquent tolls and charges until paid.		

No. 2091
MARSHALL RANCH GROUP LLC

EXHIBIT A TO LIST OF DELINQUENT
GROUNDWATER SERVICE CHARGES (DECEMBER 2024)

District Parcel No. 2023-06

In accordance with Section 6 of the District’s Rules and Regulations and pursuant to Section 47182 of the Water Code, Water User MARSHALL RANCH GROUP LLC, is delinquent with respect to the following described real property, and said Water Users constituting the ones to whom the tolls and charges mentioned herein are assessed, namely:

- **Parcel No. 23808106002:** Section 30, Township 11, Range 19
- **Parcel No. 23808107005:** Section 30, Township 11, Range 19
- **Parcel No. 23808108008:** Section 30, Township 11, Range 19
- **Parcel No. 23808110003:** Section 30, Township 11, Range 19
- **Parcel No. 23808101007:** Section 30, Township 11, Range 19

in payment of water tolls and charges, in the total of the following amounts, namely:

(C) Delinquent tolls and charges in the sum of:	\$	3,318.62
(B) Plus penalties of 10% in the sum of:	\$	331.86
(D) Plus interest at 12% per annum on the monthly installments due July 10, 2024, through December 10, 2024, or any of them, as of December 31, 2024, in the sum of	\$	0.00
(D) Plus interest thereafter at the rate of 12% per annum on the delinquent tolls and charges until paid.		

WHEELER RIDGE-MARICOPA WATER STORAGE DISTRICT
BUDGET EXPENDITURES REPORT
PERIOD ENDING OCTOBER 2024
(UNAUDITED)

BUDGET CLASS	ANNUAL BUDGET	ANTICIPATED TO DATE	ACTUAL SPENT TO DATE	UNDER/(OVER) BUDGET TO ACTUAL DIFFERENCE	% OF ANTICIPATED TO DATE
PAYROLL SALARIES	4,139,536	3,502,684	3,403,271	99,413	97.16%
PAYROLL TAX	311,538	263,609	263,959	(350)	100.13%
PAYROLL PERS	512,951	434,035	417,486	16,550	96.19%
PAYROLL HEALTH	1,099,693	916,411	922,823 (a)	(6,412)	100.70%
TOTAL PAYROLL & BENEFITS	6,063,718	5,116,740	5,007,538	109,201	97.87%
FUEL & OIL	494,792	412,327	254,678	157,649	61.77%
MATERIALS & SUPPLIES	1,244,220	1,036,850	879,173	157,677	84.79%
SMALL TOOLS & INSTRUMENTS	50,100	41,750	2,223	39,527	5.32%
WELL MAINTENANCE STANDBY POWER	30,000	30,000	98,406	(68,406)	328.02%
COMMUNICATIONS	65,034	54,195	42,962	11,233	79.27%
DIRECTORS FEES & EXPENSES	36,000	30,000	24,480	5,520	81.60%
DIRECTORS HEALTH	190,000	158,333	176,194 (a)	(17,861)	111.28%
INSURANCE & BONDS	286,400	238,667	183,446 (1)	55,221	76.86%
RETIREEES-OPEB	308,000	256,667	231,763 (a)	24,904	90.30%
MEMBERSHIPS	102,480	92,783	92,783	0	100.00%
MISC SERVICES & SUPPLIES	206,700	172,250	82,617	89,633	47.96%
OFFICE SERVICES & SUPPLIES	55,825	46,521	29,549	16,972	63.52%
COMPUTER SUPPLIES	53,865	44,888	38,569	6,319	85.92%
MAINT. & REPAIR BY OTHERS	255,614	213,012	190,851	22,161	89.60%
PROFESSIONAL & SPECIALIZED-LEGAL	125,000	104,167	82,916	21,251	79.60%
PROFESSIONAL & SPECIALIZED-ACCT:					
AUDIT	50,900	50,900	55,980	(5,080)	109.98%
WELLS FARGO FEES	0	0	0	0	
PROFESSIONAL & SPECIALIZED-OTHER	177,783	148,153	183,728	(35,576)	124.01%
SGMA - SOKR/KERN GW AUTHORITY	230,000	191,667	252,553	(60,886)	131.77%
SGMA - WHITE WOLF GSA	150,000	125,000	59,269	65,731	47.42%
LEGAL NOTICES & PUBLICATIONS	17,200	14,333	6,912	7,421	48.22%
RENTED EQUIPMENT	66,900	55,750	40,285	15,465	72.26%
SPECIAL DEPARTMENT EXPENSE	19,100	15,917	10,065	5,852	63.24%
TRANSP & TRAVEL EXPENSE	62,320	51,933	27,414	24,519	52.79%
UTILITIES	103,000	85,833	106,786	(20,953)	124.41%
JUDGEMENTS & CLAIMS EXPENSE	6,600		0	0	0.00%
CALPERS UNFUNDED LIABILITY	914,191	914,191	914,191	0	100.00%
CURRENTLY FUNDED ASSETS	1,381,000	1,095,039	1,095,039	0	100.00%
RESERVE FUNDED ASSETS	5,710,000	27,912	27,912	0	100.00%
TOTAL SERVICES AND SUPPLIES	12,393,024	5,709,036	5,190,744	518,292	90.92%
KCWA F.O.	65,253,160	65,253,160	62,306,842	2,946,318	95.48%
KCWA VARIABLE	7,695,124	7,695,124	7,219,685	475,439	93.82%
DISTRICT POWER-PUMPS	12,165,717	12,165,717	11,741,585	424,132	96.51%
TOTAL WATER COSTS	85,114,001	85,114,001	81,268,112	3,845,889	95.48%
GRAND TOTAL	103,570,743	95,939,777	91,466,394	4,473,382	95.34%
(a) Health Insurance combined	1,597,693	1,331,411	1,330,780	631	99.95%

(1) Includes an RPA refund of \$45,036

CAPITAL EXPENDITURES BUDGET - PERIOD ENDING OCTOBER 2024											
		BUDGET				ACTUAL (net of trade or sale)					# of ITEMS
		BGT COST	TOTAL	CURRENT	RESERVE		TOTAL	CURRENT	RESERVE	%	PURCH of
QTY	DESCRIPTION	PER ITEM	BUDGET	FUNDED	FUNDED	2024	TO DATE	FUNDED	FUNDED	OF BGT.	BUDGET
ADMINISTRATION 2023: (last year's Capital Budget)											
1	Server Replacement (remaining balance)	16,155	16,155	16,155		20,459	20,459	20,459		127%	
	SUBTOTAL		16,155	16,155	-	20,459	20,459	20,459	-		
ADMINISTRATION 2024:											
1	Screen and Projector for Board Room	25,000	25,000	25,000		22,322	22,322	22,322		89%	
	SUBTOTAL		25,000	25,000	-	22,322	22,322	22,322	-		
ENGINEERING 2023: (last year's Capital Budget)											
1	10P Lateral Repair Kit	120,000	120,000	120,000		86,487	86,487	86,487		72%	
	SUBTOTAL		120,000	120,000	-	86,487	86,487	86,487	-		
ENGINEERING:											
1	Capacity Improvement - 4P Lateral	50,000	50,000	50,000		-	42,167	-		0%	
1	Drilling Two Replacement Supply Wells	3,570,000	3,570,000		3,570,000	18,958	93,515		18,958	1%	(1) and (2)
1	A5X/B5X Intertie Facilities	460,000	460,000		460,000	8,954	87,627		8,954	2%	(1)
8	WRM10 Large Pump Units, 17 & 44 CFS	210,000	1,680,000		1,680,000		-				
	SUBTOTAL		5,760,000	50,000	5,710,000	27,912	223,309	-	27,912		
OPERATIONS AND MAINTENANCE:											
1	4-door SUV	40,000	40,000	40,000		36,449	36,449	36,449		91%	1 of 1
1	1/2 Ton Crew Cab Pickup	40,000	40,000	40,000			-				
1	1/2 Ton Crew Cab 4X4 Pickup	50,000	50,000	50,000		40,426	40,426	40,426		81%	1 of 1
1	1/2 Ton Reg Cab Pickup	35,000	35,000	35,000		24,405	24,405	24,405		70%	1 of 1
1	Mid Size Crew Cab 4x4	35,000	35,000	35,000		29,610	29,610	29,610		85%	1 of 1
1	1 Ton Cab/Chassis Utility	50,000	50,000	50,000		46,968	46,968	46,968		94%	1 of 1
1	3/4 Ton Crew Cab 4X4 Pickup	50,000	50,000	50,000		37,634	37,634	37,634		75%	1 of 1
1	Portable Air Compressor	30,000	30,000	30,000			-				
1	Door Lock system for District Office	40,000	40,000	40,000		26,033	26,033	26,033		65%	
1	Equipment Trailer	40,000	40,000	40,000		38,088	38,088	38,088		95%	
1	SCADA System	866,000	866,000	866,000		686,158	686,158	686,158		79%	
1	Security Measures	30,000	30,000	30,000		21,735	21,735	21,735		72%	
	SUBTOTAL		1,306,000	1,306,000	-	965,771	965,771	965,771	-		
TOTAL CAPITAL EXPENDITURES											
			7,227,155	1,517,155	5,710,000	1,122,951	1,318,348	1,095,039	27,912		
(1)	Work Order balance as of 10/31/2024										
(2)	Collected through water charges over multiple years										



ENGINEER-MANAGER'S REPORT

NOVEMBER
2024



WHEELER RIDGE – MARICOPA WATER STORAGE DISTRICT

12109 Highway 166, Bakersfield, CA 93313-9630, 661-858-2281

MEMORANDUM

TO: BOARD OF DIRECTORS

FROM: SHERIDAN NICHOLAS

DATE: DECEMBER 6, 2024

SUBJECT: ENGINEER-MANAGER’S MONTHLY REPORT FOR NOVEMBER 2024

During the month of November, the District delivered 4,150 acre-feet consisting of the water types described below. Of the total quantity delivered, 120 acre-feet was delivered for industrial use, with the remainder being delivered for agricultural use. This compares to the projected deliveries of approximately 4,546 acre-feet, based on the typical average surface water demand estimated in September 2024. The total quantities of water delivered during the month as well as the year-to-date water supply by source and type of water delivery are summarized in the following tabulation:

Quantities (Acre- Feet)

Source of Supply	Jan-Oct	Nov	YTD
2024 SWP Entitlement (a)	49,307	3,503	52,810
2023 Carryover (estimate) (b)	16,031	-	16,031
Pastoria/TRC	2,533	107	2,640
Granite/TRC	98	8	106
Supplemental Supplies	41,010	-	41,010
Kern Water Bank Recovery (c)	14,397	-	14,397
Kern Water Bank - 2nd Priority Recovery	743	30	773
Pioneer Project Recovery (c)	-	-	-
Berrenda Mesa Recovery (c)	-	-	-
Landowner Water Transfer	6,109	500	6,609
User Input-District Wells	365	-	365
User Input-Private	2,963	-	2,963
Type of Delivery			
Irrigation	130,710	4,030	134,740
Industrial Contract	2,641	116	2,757
Other Industrial	91	4	94
Deliveries Total	133,442	4,149	137,591

(a) Assumes a 2024 allocation of 78,835 acre-feet (40%)

(b) At 01/01/2024, an estimated 16,000 acre-feet of 2023-2024 Carryover was available; 8,041 acre-feet represents Water User Carryover. These figures are subject to further reconciliation as additional information becomes available.

(c) Estimates based on KCWA daily Summary of Deliveries

ENGINEER-MANAGER’S REPORT – S. NICHOLAS

Solar Update. WhitePine Renewables, our partner in the our solar projects, is planning a “flip the switch” event in early December for Wheeler #2. We are still looking at dates for this meeting.

White Wolf GSA. The December meeting is cancelled, and the next meeting is scheduled for January 7.

South of Kern River GSP.

Coordination between SOKR districts

- November 14 Executive Committee Meeting (packet included)
 - Technical Report
 - Update on Amended Plan timeline
 - Discussion on monitoring network and sustainable management criteria
- Weekly meetings with SOKR agency staff, EKI, Legal
- December 9 - next scheduled Executive Committee Meeting

Kern Subbasin Coordination

- July 25 - Release of SWRCB Draft Staff Report on Kern Subbasin

Kelly Mielke Retirement. Kelly Mielke retired from the District on December 6th. She has been a stalwart employee in the Accounting Department for 9 years, always had a smile as she performed her duties. She could always be found during break time riding a bike around the District office and surrounding fields. We wish her the best in her future endeavors.

Meetings in addition to weekly Member Unit and Westside 5 calls, (held either in person or via teleconference):

Nov 01	Kern Subbasin Managers	Nov 14	SOKR Executive Committee
Nov 01	Kern Water Collaborative	Nov 14	White Wolf P/MA Committee
Nov 04	Kern Subbasin Subsidence Subcommittee	Nov 14	Pioneer Participants
Nov 04	Kern Subbasin Coordination Committee	Nov 14	Member Unit Managers
Nov 06	SOKR Managers	Nov 14	Kern Subbasin Subsidence Subcommittee
Nov 06	Water Association of Kern County Annual Dinner	Nov 15	Kern Subbasin Managers
Nov 07	Kern Fan Project	Nov 15	John Moore
Nov 07	Kern GSA/SWRCB Staff Subsidence Technical Meeting	Nov 18	CVC Advisory Committee
Nov 08	Kern Subbasin Managers	Nov 18	Kern Subbasin Coordination Committee
Nov 08	DCP Workgroup	Nov 19	Kern Subbasin Subsidence Subcommittee
Nov 11	Kern Subbasin Coordination Committee	Nov 20	Enterprise Fleet Services
Nov 12	CVC Litigation	Nov 20	ACWA Region 6&7 Pre-ACWA Board
Nov 12	Landowner Meeting	Nov 22	Kern Subbasin Managers
Nov 12	Kern Water Bank Authority Board	Nov 22	Kern Subbasin Subsidence Subcommittee
Nov 13	WRMWSO Board	Nov 22	Jon Yarborough (DWR)
		Nov 25	Kern Subbasin Coordination Committee
		Nov 27	SOKR Managers

RETIRED ANNUITANT REPORT – R. KUNDE

Delta Conveyance Project (DCP) - Planning Costs. DWR needs additional funds starting in 2025 to complete the planning/permitting phase of the DCP i.e. permit activities, 30% engineering, water right activities and other matters. The DWR, DCA and the State Water Contractors developed a cost estimate, yield summary from the EIR, and a financial model. Staff are reviewing the model for presentation at a future District Board meeting. This information will be useful to inform the Board decision on whether to provide its share of the additional funds. The Kern County Water Agency intends to make a decision on additional funding at its February 2025 meeting, so Member Units will need to make their decisions in the January to mid-February time frame. Discussions are ongoing between Member Units and KCWA to address DCP affordability concerns.

On November 18, the Metropolitan Water District held a lengthy public meeting that included a DCP planning cost panel and discussion with both supporters and opponents of the Project. This was in preparation for a December vote by the MWD Board of Directors on funding their share of planning costs. Selected slides from that presentation will be provided to the District Board at its December meeting. One slide notes the delay in federal certification of the Environmental Impact Statement and corresponding Record of Decision until January 2025, but this matter is not on the critical path for the Project.

Delta Conveyance Project - Water Right Application. On November 18, the State Water Resources Control Board amended its Public Hearing Schedule for DWR's Petition (Change in Point of Diversion) for the DCP as follows:

“The Public Hearing will begin on February 18, 2025 at 9:00 a.m. and continue on March 24 & 25, and April 1, 4, 7, 8, 9, 14, 17, 22, 23, & 24, 2025, and additional dates as necessary”

A decision on the Petition is expected in mid-2026, but the SWRCB is famous for delays in water right hearings.

Sites Reservoir - Water Right Hearing Schedule. *(Unchanged from October)* Formal Hearings continued before the Administrative Hearing Officer of the State Water Resources Control Board on the Sites Water Right Application. The current hearing schedule is as follows:

August-September 2024	Hearings on Evidentiary Submittals, Case-In-Chief for the Sites Project completed
October 2 - Nov 4, 2024	up to 8 Hearing Days for additional Sites Case-In-Chief after submittal of CDFW approved Incidental Take Permit
December 6, 2024	Deadline for filing of Rebuttal Exhibits
January 24 to Feb 12, 2025	Rebuttal Testimony with additional dates to be added as necessary
April 2025	Closing Briefs
June-July 2025	Hearing Officer recommendation to SWRCB
August-October 2025	SWRCB Decision

The original schedule proposed a February 2025 decision on the water right application, but the Administrative Hearing Officer revised the schedule in May resulting in a significant delay to the Project.

Sites Reservoir – November Joint Meeting of Sites Project Authority (SPA) and Reservoir Project Committee (RPC). At its November 15, 2024 meeting, the SPA and/or RPC took actions as follows:

1. approved the Consent Agenda (6 items) including the 2024 3rd Quarter Financial Report and payment of \$385,000 to the California Independent System Operator for Interconnection Application Cluster 15 resubmission fees; this payment is in addition to a prior payment of \$650,000;
2. authorized the Executive Director to issue a Request for Qualifications for a Construction Manager at Risk (CMAR) to begin work in 2025 on the Reservoir and Roads package (estimated total cost of about \$2 billion); the current budget for this work is \$250,000 through the end of the current Phase 2 of the Project; this is NOT a low bid process - Sites will select a contractor in conjunction with open book pricing and independent cost estimate at the 30% design phase;
3. approved an updated Procurement and Contract Policy to allow the CMAR approach and comply with new October 2024 federal procurement requirements;
4. approved adjusting total consultant contract authority for specified consultant contracts to cover revised Fiscal Year 2025 scope items; and
5. approved a monthly compensation adjustment and extending the term of the contracts to June 30, 2026, for the consulting contracts with the Executive Director and Authority Agents.

Discussion items were as follows.

6. Staff described the terms in the California Department of Fish and Wildlife Incidental Take Permits issued to the Sites Project in late October.
 - a. The Construction Permit was issued through 2034.
 - b. The Operations Permit was issued through 2039.
 - i. Staff have not fully modeled a term that takes away some small short term peak diversions e.g. a 24 hour diversion.
 - ii. One term implies a Sites obligation to fund species studies broader than the Sites "footprint". It will be up to Sites to find funding partners for studies with broader applications (e.g. delta smelt and longfin smelt).
 - iii. Staff determined the permit complied with Board direction regarding yield for the Project.
 - c. Future state water issues could trigger reconsultation or coordination with CDFW.
7. The Project's Conflict of Interest Code was reviewed.
8. The Executive Director reported:
 - a. he executed a property purchase agreement with Jensen Ranch for 1255 acres for the Golden Gate Dam site; a few early land acquisitions are on the critical path for construction; and
 - b. the Proposition 1 Los Vaqueros Reservoir Expansion is officially dead; this results in the return of about \$450 million of funds to the WSIP pool; this could mean an additional \$150 million to the Sites Project primarily as an construction inflation boost, and not as an increased State share of the Project.

A closed session was held regarding the water right application and property acquisition,

The next regular joint Sites Project Authority/Reservoir Project Committee Meeting will be held on December 20, 2024.

Sites Reservoir - Communications. Email communications were provided to the District Participating Water Users on:

- November 6 - the favorable conclusion of litigation challenging the Environmental Impact Report; the Plaintiffs did not file an appeal to the California Supreme Court; and
- November 7 - extending invitations to meet with Sites' staff at the December ACWA Conference.

Sites Reservoir - 2025 Budget. Staff developed the "*First Amendment to Wheeler Ridge-Maricopa Water Storage District Second Amended 2019 Sites Reservoir Project, Phase 2A and Phase 2B and Phase 2C Grower Participation Agreement*" which was approved by the Board, subject to modification by legal counsel, at its November meeting. The First Amendment extends the period for collection of the District Administrative charge from participating Water Users through June 30, 2026. Staff continued work on a budget for this charge for 2025.

Sites Reservoir – Other Activities. In addition to activities described above and meetings described below, the Retired Annuitant (as Chair of the Operations and Engineering Workgroup) called a Special Meeting for November 22 to review the proposed policies regarding priority to and wheeling charges for Sites "downstream capacity". Such capacity through the proposed Dunnigan Pipeline and existing Colusa Basin Drain is necessary to convey Sites water into the Delta and thence to South of Delta participants. Issues of importance to the next funding decision were identified.

State Water Contractors. The SWC Board met on November 17 with two items of note:

1. Golden Mussels, an invasive species, was recently discovered in the Delta and threatens SWP facilities; DWR is implementing a monitoring and control plan; and
2. the State Water Project costs for transmission system access were projected to increase 100% over the next 10 years under the current Independent System Operator fee structure; this would affect a portion of the District's State Variable charge; DWR and the SWC are lobbying for a different fee structure less impactful to the SWP variable charge.

Meetings. The Retired Annuitant attended the following meetings during the month including nine meetings for the Sites Project:

Nov 14	Delta Conveyance Project - Policy Briefing
Nov 15	Sites Reservoir - Joint Sites Authority/Reservoir Committee Board of Directors
Nov 07	Sites Reservoir - Ad Hoc Governance Committee
Nov 19	Sites Reservoir - Benefits and Obligations Contract Appendix - Legal Team
Nov 19	Sites Reservoir - Benefits and Obligations Contract Appendix - Review Team
Nov 08	Sites Reservoir - Budget and Finance Committee
Nov 06	Sites Reservoir - Coordination Committee
Nov 07	Sites Reservoir - Governance Committee Subgroup
Nov 06	Sites Reservoir - Operations and Engineering Work Group
Nov 19	Sites Reservoir - Operations and Engineering Work Group Agenda Planning
Nov 22	Sites Reservoir - Special Operations and Engineering Workgroup
Nov 05	Sites Reservoir - Operations Plan Comment Review
Nov 21	State Water Contractors - Board of Directors
Nov 13	WRMWSD - Board of Directors

DIRECTOR OF WATER RESOURCES REPORT – E. MCDARIS

2024 State Water Project Allocation.

DWR announced the initial 2024 State Water Project allocation of 10% on December 1, 2023; this allocation was subsequently increased to 15% and to 30% on January 21st, and March 22nd, respectively. The allocation was increased for a final time on April 23rd 2024, raising the allocation to 40% for 2024.

2024 State Water Project Allocation.

On December 2nd, 2024, DWR announced the initial 2025 State Water Project allocation of 5%, where it remains at this time. DWR's allocation analysis considered several factors including existing storage in SWP conservation reservoirs, SWP operational constraints such as the conditions of the Biological Opinions for Delta Smelt and Salmonids, and the Longfin Smelt Incidental Take Permit, and the 2025 contractor demands. DWR may revise the initial and subsequent allocations if warranted by the year's developing hydrologic and water supply conditions.

The 5% allocation is consistent with the 90% probability of exceedance study with moderate Old and Middle River (OMR) restrictions in DWR's most recent "*Allocation Analysis for 2024*" (Analysis). The *Analysis* includes different ranges of impacts from the Delta Smelt and Salmon Biological Opinions as well as the Longfin Incidental Take Permit (the *Analysis* uses existing Delta Smelt Biological Opinion standards).

The December 2nd DWR analysis results for 2025 are as follows (values in acre-feet).

Source/SVI	Above Normal	Above Normal	Above Normal	Above Normal
SWP Allocation	6%	13%	54%	61%
OMR Restriction [a]	Moderate	Moderate	Moderate	Moderate
Prob. Of Exceedance [b]	90%	75%	50%	25%
District Supply	11,825	25,621	106,428	120,224

- [a] Average Old and Middle River reverse flow restrictions (cfs) from December 2023 to July 2024.
- [b] Example: a 90% Probability of Exceedance means there is a 9 in 10 chance conditions will be wetter than assumed, and 1 in 10 chance conditions will be conditions will be drier than assumed.

Note that precipitation is not runoff, and runoff is not Delta export pumping for the District. Under normal conditions, an average precipitation year equates to a 65% to 75% SWP allocation depending on timing and proportions of snow and rain.

Water and Snowpack Conditions.

The "Northern Sierra 8-Station Precipitation Tabulation" index of rain and snow water content for the Sacramento, Feather, Yuba and American River Basins in October was 13.5 inches of the monthly average of 5.3 inches. *Accumulation* of the season is as follows:

Current Amount – October 1, 2024 – September 30, 2025,	14.2"
Seasonal Average to Date	8.8"
Seasonal Percent of Average to Date	161%
Average (historic) for the entire Water Year (Oct. 1 through Sep. 30)	53.2"

The “*San Joaquin 5-Station Precipitation Tabulation*” index for the month of November was 4.2 inches, which is 116% of historical average (3.6 inches). *Accumulation* for the season is 4.4 inches, which is 72% of the seasonal average of 6.1 inches.

Carryover and Spill Conditions.

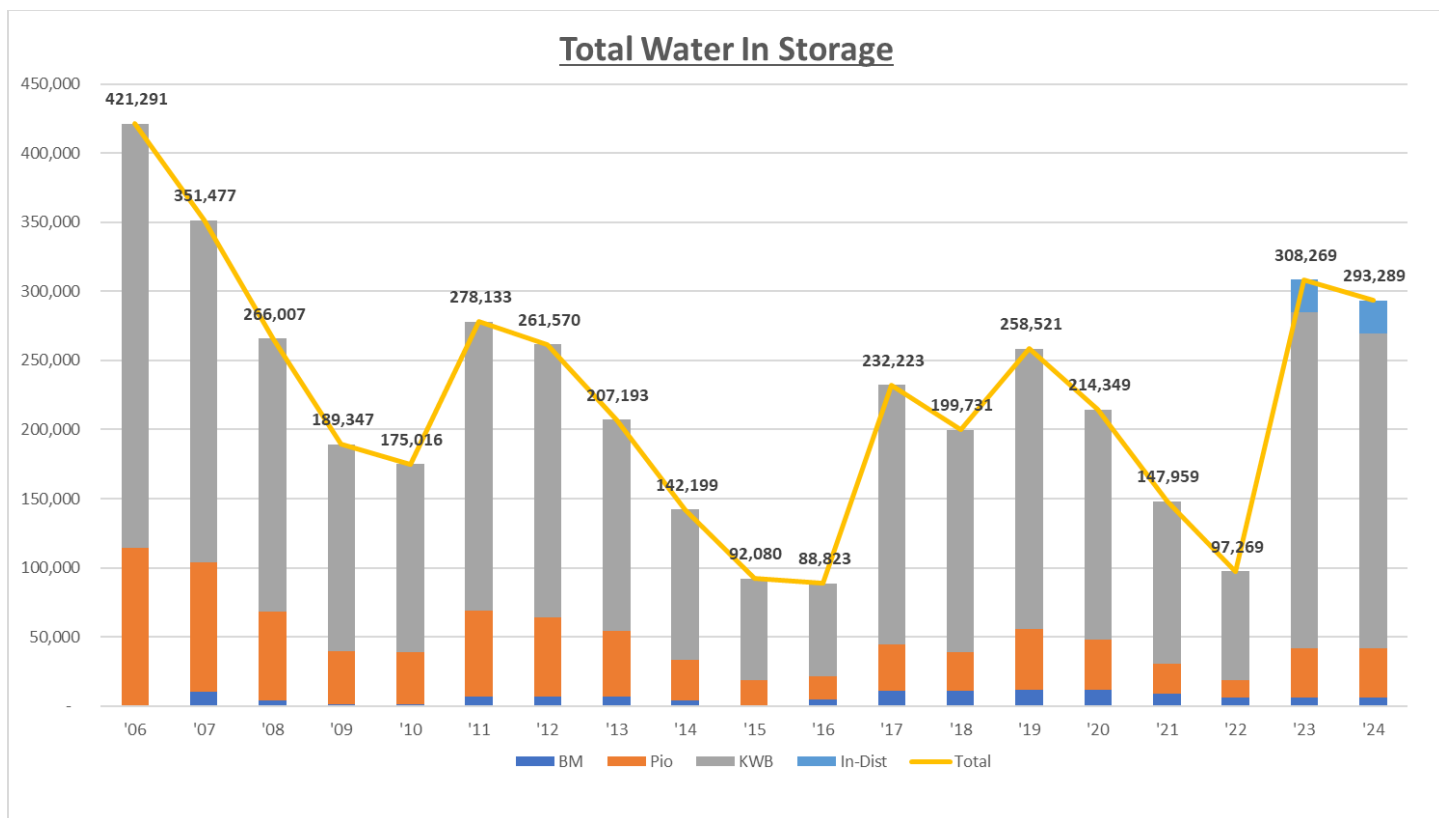
The District continually reviews current San Luis Reservoir (SLR) storage levels (November 30th -57% capacity, 111% of average) to determine optimum carryover amounts. End of month San Luis Reservoir conditions were as follows:

<u>Description</u>	<u>Million Acre-feet (MAF)</u>
SLR Capacity	
SWP Share	1.062
CVP Share	<u>0.966</u>
SWP + CVP subtotal	2.028
Actual December 31, 2014 storage	0.820
Actual December 31, 2015 storage	0.436
Actual December 31, 2016 storage	1.259
Actual December 31, 2017 storage	1.638
Actual December 31, 2018 storage	1.503
Actual December 31, 2019 storage	1.286
Actual December 31, 2020 storage	0.955
Actual December 31, 2021 storage	0.616
Actual December 31, 2022 storage	0.688
Actual December 31, 2023 storage	1.147
November 30, 2024, storage	
SWP Share	0.757
CVP Share	<u>0.415</u>
SWP + CVP subtotal	1.172

The amount of State Water Project water stored during the month of November increased approximately 29,882 acre-feet, going from 727,291 acre-feet at the end of October to 757,173 acre-feet at the end of November. On November 30th, 2024, SLR overall storage was approximately 856,000 acre-feet from full.

Meetings. The Water Resources Manager attended the following meetings in-person or remotely during the month:

- ☐ 11/15 —ACWA JPIA Leadership
- ☐ 11/5, 11/12, 11/19, — KCWA Ops Call
- ☐ 11/5, 11/12, 11/19, — District Supervisor Meeting
- ☐ 11/6, 11/13, 11/20, 11/27 —Westside Weekly Call
- ☐ 11/1—Valley Water Grant Discussion
- ☐ 11/14 — SWC BOD
- ☐ 11/4, 11/8, 11/11, 11/15, 11/18, 11/22, — Kern Subbasin Meeting
- ☐ 11/21 — SWC Ops Call
- ☐ 11/26 — KCWA Board



The Contract Administrator’s Work Included:

Contract/ Water Allocation Work.

- Contract 124A13 & 124A18A

- ☐ Pending Recording at the Recorder’s Office

- Contract 93A, 124A07A, 69001A, 69002A, 69002B

- ☐ Completed post-recording procedures

- Contract 140, 12102, & 124A07B

- ☐ Pending post-recording procedures

- Contract 124D

- ☐ Add/Exclude Amendment Request Reviewed by Director of Water Resources
- ☐ Board approved Resolution of this add/exclude amendment request
- ☐ Finalized/Mailed Contract Amendment Agreement pursuant to Board approval
- ☐ Pending Notarized signatures from the Landowner

Landowner Assistance.

- Assisted 02 Water User’s with Farming Unit Operation Changes for the 2025 Water Year

- Assisted Water Users with information regarding water ledger—YTD use, acre-feet remaining, carryover, user input agreement questions/balances, water allocations/costs, water returns, etc.

- ☐ Assisted 05 Water User(s) with 2024 SWP Allocation/Supp/Return Water questions.
- ☐ Assisted 08 Water User(s) with Carryover/Water/Usage
- ☐ Assisted 08 Water User(s) with 2024 Water Costs/Allocation/Other questions.
- ☐ Assisted 03 Water User(s) with APN District verification (Appraiser Requests)
- ☐ Assisted 03 Non-contract User(s) with general allocation/cost associated with The District.
- ☐ Assisted 03 Water User(s) with Farming Unit Operation Agreement questions.

- ☐ Assisted 04 Water User(s) with Second Priority Sub-Account Program
- ☐ Assisted 08 Water User(s) with GWSC Questions/Information
- ☐ Assisted 03 Potential Water User(s) with Water District Information/Water Allocations/Costs
- ☐ Assisted 00 Water User(s) with Seller's Contact information
- Processed 02 Water Transfer(s)
- Processed 02 Second Priority KWB Sub-Account Request(s)

Other Tasks.

- Important Notices via email to Landowners/Water Users
- Completed weekly water schedule updates, reconciling variances with Dispatch and Controller.
 - ☐ Low Water Balance Notices
 - ☐ Worked with Controller & Operations on End of Month Water Reports & Non-Contract Accounts.
 - ☐ Worked with Dispatch/Accounting to resolve low/negative Water User Accounts
 - ☐ Continuing to monitor carryover balances for at risk Water Users
- GWSC Delinquencies
 - ☐ Worked with Controller/Accounting & Engineer Departments to revise/collect delinquency accounts
 - ☐ I began reviewing the GWSC Delinquency Documentation Process after the Board approved the staff's recommended formal procedure for both annual and balance threshold timeframes.
 - ☐ Worked with the Accounting Department on collecting delinquent accounts, including sending District courtesy certified letter notices to current accounts almost to the threshold policy and collecting attempt phone calls.
- Assisted in current/ongoing discussions:
 - ☐ Power Lease Agreement for the CCATT Cell Tower lease
 - ☐ Calculations worksheet for requested one-time lump sum payment
 - ☐ Reviewed red lines from Legal Counsel
 - ☐ 11/06/24 Team Meetings
- 2025 Board Director's Reappointment or Election Process
 - ☐ Updated Elections files with Proof of Publication- Notice of Election
 - ☐ Provided Electronic copies of the Nomination Petition Packets upon request
 - ☐ Worked through the Nomination Petition Packets in the order received
- Reviewed the monthly Accounts Payable and distributed Board and Annuitant payables.
- Managed Petty Cash Fund and EC stamp cash fund
- Prepared monthly report for Board Meeting packet
- 11/13/24 Attended Board Meeting
- 11/19/24 Initiated and attended Contracts/FUO Changes meeting with the District's Controller and Controller's Assistant
- 11/12/24, 11/19/24, and 11/26/24: Landowner In-person or By Phone Meetings

ACCOUNTING ACTIVITIES – J. SMITH

Controller's Report:

2024 Water Allocations, Deliveries, and Billings. The November water reports were mailed on December 2. On December 1, 2023, DWR announced an initial SWP allocation of 10% of CAW. The DWR announced a revised allocation of 15% on February 21, 30% on March 22, and 40% on April 23. The Board approved a revised allocation at its May 14 Board meeting. The District's current allocation is 40% SWP and 32% Supplemental. Current allocations are:

	<u>Acre-Feet</u>
• SWP	78,835.00
• Supplemental	65,328.00
• Subscription supplies	12,593.73
• User Input (Jan-Oct)	2,963.27
• Carry Over	8,041.07
• Transfers	6,211.98
• Pooling	<u>-19,103.01</u>
• Total Supply	154,870.04
• Deliveries (Jan-Oct)	<u>-134,739.87</u>
• Unused	<u>20,130.17</u>

- All contract and non-contract charges for 2024 have been billed and paid.
- Mailed 2025 Contract Water Charges on November 22.
- On December 2, The Department of Water Resources announced the State Water Project initial 2025 allocation is 5%.

Ground Water Service Charge Invoicing. The Ground Water Service Charge invoicing for September groundwater extraction was mailed on November 20. The delinquency date for August invoicing is December 10. One customer is delinquent on their January through June billing and five customers are delinquent on their May through July billing. As of December 6, eight customers have outstanding invoices for the August billing.

Controller Report-Smith:

- Began the process of updating the accounting department's tasks and procedures.
- Assisted the Assistant Controller with preparing the Board treasurer's report and accounting packet.
- Reviewed the accounting for payroll. Determine if payroll journal entries can be prepared with the payroll software.
- Assisted the accountant with questions raised regarding the accounting procedures.
- Scheduled the audit walkthrough and audit fieldwork with BHK
- Staff Accountant Kelly Mielke retired from the District effective December 6.

The Assistant Controller's activities included:

- Processed accounts payable
- Processed cash receipts
- Completed November end-of-month procedures and distributed water reports
- Prepared GWSC billing statements
- Processed cash call for CDR
- Mailed the 2025 Contract Water Charges

- Continued set up of new water year in Access database
- Completed reports for the December Board packet

The Accountant's activities included:

- **Accounting/Payroll:**

- Prepared and Posted Monthly Journal Entries.
- Maintained District's Accounts Payable Fraud Protection Software.
- Prepared Monthly Bank Reconciliations Balance to General Ledger.
- Prepared Bi-Weekly Burden Rate/Register Fund Worksheet.
- Reviewed Banking Client Analysis Statement for validity of charges.
- Prepared Monthly Employee Receivables Reconciliation Worksheet.
- Reviewed Daily Kern County and Wells Fargo Fund Activity.
- Prepared Monthly Miscellaneous Invoices for Cattle, Short Run, and Industrial.
- Revised ACWA JPIA PR Actuals.
- Assisted Employees with PR questions.
- PR Bank Reconciliation to Jr. Accountant to review.
- Provided Mr. Smith/Mr. Nicholas with my accounting duties.
- Reviewed Void/SafePay procedures with Mr. Smith.
- Reviewed Journal Entry Binder procedures with Mr. Smith.
- Prepared/filed governmental compliance reports.
- Attended Weekly Accounting Meetings.

- **Board Preparations:**

- Prepared Monthly Cell Tax Worksheet.
- Prepared Monthly Expenditure Report.
- Prepared Treasurer's Report and Supporting schedules and Documents.
- Prepared Estimated PR voucher worksheet for board.
- Prepared Monthly PR Fund Report.
- Assisted Operations Superintendent with Safety Incentives.
- Prepared Board Payroll Float Reconciliation Worksheet.
- Prepared & Sent Board Vouchers for AP, CDR, and Payroll.
- Prepared Monthly Board Certification.
- Prepared Board Bank Balances for Kern County, LAIF, Wells Fargo, CAMP.
- Prepared Board A/P Reconciliation Worksheet.
- Start preparations for audit.
- Prepared ACH/Manual Report.
- Prepared Bi-Weekly PR Distribution by employee worksheet.

- **CalPERS/Benefits/Miscellaneous:**

- Reviewed CalPERS correspondence.
- Assisted Employee with CalPERS retirement questions.
- Prepared CalPERS payroll data transmitted along with payments.
- Reviewed PERS annual report for classic tier.
- Maintained Life Insurance Supplemental Worksheet.
- Assisted employee with Family Leave, Maternity Leave.
- Family Leave conference call with Mr. Pearson.
- Assisted employment with EDD SDI.

The Junior Accountant's activities included:

- **Payroll**
 - Faxed payroll vouchers
 - Updated payrates, half sheet and vacation/sick worksheets
 - Calculated timesheets
 - Compared timesheets to the Paychex system
 - Processed and submitted the biweekly payroll
 - Reviewed and saved payroll reports
 - Reviewed the payroll distribution reports
 - Updated the salary schedule
 - Updated the transportation and floating holiday logs
 - Updated November 50k life worksheet
 - Prepared burden checks
 - Made online burden payments
 - Submitted registration forms for the new Lincoln website
 - Entered the 10/12 CalPERS data and submitted the payment
 - Entered the 11/9 CalPERS data and submitted the payment
 - Generated the 10/12 and 11/9 CalPERS report breakdown
 - Scanned and filed payroll
 - Requested October meetings from the directors
 - Prepared and submitted the monthly payroll
 - Created a detailed procedure for the director's monthly payroll
 - Started a detailed procedure for the burden payments
 - Performed two notaries
- **Employee Committee**
 - Collected cash from snack stations
 - Reviewed November's bank statement
 - Deposited cash and check
- **Meetings/Training**
 - Attended employee committee meeting
 - Attended accounting department meetings
 - Attended CA paid family leave meetings
 - Attended EM lunch

ENGINEERING ACTIVITIES – T. SUGGS

South of Kern River (SOKR) GSP: During November, water levels were recorded in 14 out of 14 monitoring wells and uploaded to a common SharePoint site accessible to EKI and AEWS.

White Wolf Basin GSA: Water levels were observed in nine out of 12 SGMA monitoring wells and uploaded to a common SharePoint site as a routine matter. Two of the wells not sounded were known to be collapsed and one was running.

Groundwater Service Charges (GWSCs):

- September groundwater extraction amounts were computed and GWSC invoices totaling \$420,182 were mailed out to 74 farm operators on November 20th.
- Staff worked with a landowner's farm manager and Provost & Pritchard Consulting to schedule field testing of two well meters.
- Staff worked to clarify who manages the farming operations on various parcels. After arriving at a good understanding, GWSC charges going back to the beginning of the year were recalculated for five affected growers, and billing adjustments were provided to the Accounting Department.
- Staff continued to work with an additional eight landowners to help them declare and certify that they have no wells and no access to groundwater.
- Staff held a meeting with Provost & Pritchard Consulting on November 4th to review applications to use landowner well meters, and to work through the criteria needed to approve them.

Recomputing Groundwater Extraction During 2022 and 2023: The Staff Engineer made modifications to the District's GWSC calculator needed to estimate groundwater use during 2022 and 2023 on a monthly time step. Based on conversations with EKI, it was felt that this effort could help confirm the amount of groundwater extraction as computed by EKI's numerical flow model of the local basin.

Fall 2024 Groundwater Level Survey: About 20 wells that were found pumping in October were revisited during November, concluding the 2024 fall water level survey. By month's end, 161 wells were visited and 144 were successfully sounded.

2024 Crop Survey: Field checks continued for the 2024 fall crop survey, requiring about eight man-days of effort.

Maps and Records:

- The Assistant Engineer began a project to simplify the process for generating the annual crop survey report.
- The Staff Engineer made a few further revisions to the easement legal description and exhibits for a new Verizon cell tower lease.

Underground Facilities and Turnouts: The following field activities and/or research were conducted related to underground facilities:

- Engineering Department staff responded to 212 underground services alerts (USAs) during this period, eventually marking a total of 3.7 miles of District pipelines.
- Scour and erosion have long been a problem within the Pastoria Creek channel, especially in the vicinity of Laval Road and Rancho Road where the District's 850C Lateral crosses under the creek. During November, staff surveyed the creek bottom, finding 2 feet of soil cover over the pipeline, which is about 2 feet less than we would like to see. For the last 10 years, two rock and wire check structures have helped stabilize erosion in the creek bottom in this location, and the O&M Department is on track to install two additional gabion baskets during December.

- A deep ripping firm was advised about its obligation to notify the District before making any changes to its ripping plans in the vicinity of the 850D Lateral, and an agreement to that effect was sought.
- A field meeting was held with a Water User's contractor in anticipation of a new irrigation pipeline across the 850C-A-A Lateral.

Corrosion Protection: The following activities took place in support of corrosion protection:

- Pure Technologies was authorized to complete electromagnetic inspection of about 2,200 feet of 10P Lateral pipeline that was inaccessible when Pure Technologies mobilized out two years ago. The work is planned for January 2025 during the regular annual maintenance shutdown.

Annual Maintenance Inspections: A number of facilities were inspected during annual maintenance in November with the following observations:

Facility	Findings
Hydropneumatic (HP) tank at the WRM 4 Pumping Plant	The tank interior, which was recoated in 2014, was found to be in excellent condition and all cathodic protection system equipment was found intact. The reference cell was replaced.
HP tank at the 4P-P2 Pumping Plant	Two large coating blisters were found inside the tank; however, all cathodic protection system equipment was found to be intact. The tank interior was last recoated in 2014.
HP tank at the 5P-P4 Pumping Plant	The tank interior, which was recoated in 2018, was found to be in excellent condition and all cathodic protection system equipment was found intact.
HP tank at the 5P-P3 Pumping Plant	The tank interior, which was recoated in 2017, was found to be in excellent condition; the reference cell cable had to be untangled, but the cathodic protection system was okay otherwise.
HP tank at the 15G-P2 Pumping Plant	The tank interior, which was recoated in 2013, was found to be in excellent condition; the rectifier needs to be connected to the anodes.
Stand tank at the WRM 4 Pumping Plant	The original bituminous coating was observed to be badly deteriorated and lacking adhesion, but the cathodic protection system equipment was found to be in order.
Stand tank at the 4P-P2 Pumping Plant	Same as above.
Stand tank at the 5P-P4 Pumping Plant	Same as above.
Stand tank at the 5P-P3 Pumping Plant	Same as above.
Stand tank at the 15G-P2 Pumping Plant	Same as above.









Energy: Only 29 out of 51 PG&E bills were received in time to make the November A/P cutoff. This is an unusually low number, and it is assumed that the Thanksgiving holiday interfered with PG&E's normal meter read schedule. Prior to this, nearly all accounts were current.

Meetings Attended:

November 5 KCWA Operations Conf. Call
November 5 White Wolf GSA Board Meeting
November 19 KCWA Operations Conf. Call
November 19 Meeting with EKI on ET and Groundwater Extraction
November 12 KCWA Operations Conf. Call
November 14 SOKR Executive Committee Meeting
November 14 ACWA SGMA Implementation Subcommittee










District Well Status Summary

As of December 6, 2024

Well Name	Status / Description of the Problem	Most Recent Activity	Next Planned Activity
Not in Running Condition			
 #A2	A new submersible electric pump/motor unit (Goulds 7CHC, 8-stage pump plus 150-hp, 3600-rpm electric motor) was installed 10/12/2023. Found dead with power to the motor on 5/28/2024. SWL was 629' on 11/19/2024.	L.O. Lynch completed removing the pump/motor unit and transported the equipment back to their shop for further inspection 10/29/2024.	At this time, it is assumed that needed repairs will be covered by the warranty.
 #C3	Off line for wire theft. L.O. Lynch completed installation of Goulds-made 12CLC, 13-stage pump assembly rated at 775 gpm 10/12/2023. SWL was 571' on 11/19/2024.	Electrical wires were stolen in summer 2023, replaced in October 2023, and stolen again in November 2023. Tested 11/1/2023 and found to run very smoothly, producing 840 gpm with 9' of drawdown at good (71%) pump efficiency.	Because the well is subject to vandalism and wire theft, a decision was made to not replace wires until the well is again scheduled to operate. Wires can be replaced on short notice if needed.
 #C2	Off line for wire theft. SWL was 587' on 11/19/2024.	Tested 3/5/2024 and found to run at 800 gpm with 18' of drawdown at 65% efficiency.	Because the well is subject to vandalism and wire theft, a decision was made to not replace wires until the well is again scheduled to operate. Wires can be replaced on short notice if needed.
Currently in Running Condition			
 #A1	Currently off for lack of demand. SWL was 673' on 11/22/2024.	New wires were pulled in May 2024 after being stolen sometime in early 2024. Tested 2/29/2024 and found to produce 1480 gpm with 62' of drawdown at 76% efficiency.	
 WRM7	Currently off. SWL was 512' on 11/26/2024.	Tested 2/27/2024 and found to produce 1060 gpm with 288' of drawdown at 71% efficiency. Redeveloped in Feb 2023. FPI completed installing a new Flowise-made pump unit rated 950 gpm at 910' TDH 3/17/2023.	
 PA-1	Currently off. SWL was 706' on 11/19/2024.	Tested 3/29/2024; found to produce 960 gpm with 23' of drawdown at good efficiency. New pump assembly rated 1007 gpm at 887' TDH was installed 6/28/2021.	
 #A4	Currently off. SWL was 584' on 11/19/2024.	Tested 3/12/2024; found to produce 650 gpm at 23' of drawdown but at relatively low (57%) efficiency. New bowl assembly rated 800 gpm was installed 2/22/2021. Placed back in service 4/13/2021.	
 #B1	Currently off. SWL was 735' on 11/19/2024.	Tested 3/11/2024 and found to produce 890 gpm with 25' of drawdown at 68% efficiency. New pump assembly (rated 1005 gpm at 868') installed 6/17/2021.	
 #B2	Currently off. SWL was 773' on 11/19/2024.	Tested 3/19/2024 and found to produce 1080 gpm with 95' of drawdown at 71% efficiency. Redevelopment was completed 2/2/2023. On 3/2/2023 FPI completed installing a new Simflo-made pump unit rated at 950 gpm at 900' TDH.	

District Well Status Summary

As of December 6, 2024

Well Name	Status / Description of the Problem	Most Recent Activity	Next Planned Activity
Currently in Running Condition			
 #C1	Currently off. SWL was 642' on 10/8/2024.	Air line was found to be leaking 5/28/2024. Tested 3/5/2024 and found to produce 1480 gpm with 26' of drawdown at 63% efficiency. Shock treated with chlorine 7/25/2022.	
 #C5	Currently off. SWL was 568' on 11/19/2024.	Tested 3/22/2024; found to produce 1,540 gpm with 43' of drawdown at excellent (74%) overall plant efficiency. PG&E energized the transformer 9/2/2022.	
 #C6	Currently off. SWL was 722' on 11/19/2024.	Tested 3/14/2024; found to produce 1504 gpm with 167' of drawdown at excellent (75%) efficiency. A long-standing phase imbalance issue (i.e., low amperage on one leg) was partly resolved by PG&E in late July 2021.	
Out of Service			
 6P-P2	Off line for excessive drawdown. Appears to be even more clogged than in 2018. Has a new Simflo SR10C-20-stage pump ass'bly, but drew down to 1000' at 100-200 gpm 3/15/2021. SWL was 478' on 10/14/2024.	Listed in the SOKR GSP as a SGMA water level monitoring well.	Should probably remain idle until a substitute monitoring well can be found. It is likely that any viable option to improve the well will involve significant expense for little water.
 7P-P2	Currently unequipped. Shut down 7/9/2018 for vibration and low PWL (926') and a sudden loss of flow rate. Pump removed 8/13/2018. Upon inspection, impellers showed clear signs of cavitation. SWL was 594' on 11/18/2023.	Listed in the SOKR GSP as a SGMA water level monitoring well.	Should probably remain unequipped until a substitute monitoring well can be found.
 PB-1	All of the old column pipe was removed 3/23/2022. Part of the old pump assembly was also removed, but the bottom eight pump stages broke off and the hole remains full of sand fill below 785' of depth. SWL was 687' on 4/27/22.	Kaweah Pump air lifted approx. 2-3 feet of sand on 10/22/2022 before encountering a hard obstruction at 785'. Video logged 10/26/2022, revealing only a sandy bottom; nothing could be seen sticking up.	The chances of removing the stuck bowls are very small. Nevertheless, the site location is very favorable and it is recommended that the well be properly abandoned by grouting and that a replacement well be drilled in 2024.
 #A3	Began pumping sand and gravel on 4/21/2016. Video logged on 7/27/2016 and again 11/2/2016. A large casing split measuring up to 5" wide x 20' long was seen at 613' of depth together with 240' of sand fill.	Per advice of the GW Committee, staff began pursuing replacement of this well in June 2021. GEI Consultants was retained to assist in August 2021 and provided draft specifications and well designs in 2024.	It is recommended that this well be converted to a monitoring well and that a replacement well be drilled in 2024.
 #C4	Failed 4/17/04. Equipment stuck down hole. Suspect collapsed casing at about 120'.	Same as above.	The hole should be properly abandoned by grouting. It is believed that it may not be economic to replace this well due to the limited pumping season in C Reach of the 850 Canal. Moreover, the site is located within one half mile of two active District wells.
 #WRM6	Non-operational since 2000. Always produced < 1,000 gpm. Probably never properly developed. SWL was 458' on 10/14/2024.		

CLIMATOLOGICAL DATA FOR GREENLEE'S PASTURE

Parameter	November 2024	Since 10/01/2024	Days Occurred in November
Maximum Temperature	75°	105°	8th, 22nd
Minimum Temperature	30°	40°	18th, 20th
No. Days at or over 100° F	0	6	
No. Days at or under 32° F	4	4	13th, 18th-20th
Precipitation (inches)	0.75	0.78	5th, 11th, 15th, 26th
Evaporation (inches)	2.40	8.55	----
Wind Run	1,794	4,147	----

STORAGE IN MAJOR RESERVOIRS (Acre-Feet)

Reservoir	Capacity	Storage at End of November	
		2023	2024
Shasta	4,552,000	3,074,654	2,769,771
Oroville	3,538,000	2,330,433	1,901,608
San Luis (Total)	2,028,000	1,149,651	1,171,931
San Luis (State Share)	1,062,000 (a)	441,616	757,173
Folsom	977,000	483,222	332,127
Isabella	361,250 (b)	204,247	154,111
Millerton	520,000	180,831	207,249
TOTALS	11,976,250	7,423,038	6,536,797

(a) The San Luis (State Share) is included in San Luis (Total) but not included in total capacity or storage.

(b) US Army Corps Of Engineers' authorized capacity = 568,075 AF on May 1, 170,000 AF November 1 - January 1

NR Not reported as of this publication

OPERATION & MAINTENANCE ACTIVITIES – G. LOVELESS

Safety/Administrative Training

Tailgate Safety Meeting on *Code of Safe Practices, Confined Space Entry*.

Field/System Maintenance

- Completed various Trouble Reports across the District.
- Applied epoxy coating to MC building roofs.
- Replaced 14” mainline valve for 4P-C lateral.
- Replaced 24” mainline valve and relocated air valve for 5P-D lateral.
- Replaced 24” mainline valve for 9G-2 lateral.
- Applied pre-emergent herbicide at pumping plant yards.
- Cleared debris and tumbleweeds from 850 Canal.

Annual Maintenance

- 11/5/24 – WRM-4, 4P-P2 completed.
- 11/10/24 – 5P-P3, 5P-P4 drained, 11/16/24 - completed.
- 11/17/24 – WRM-9, WRM-9A drained, 11/22/24 - completed.
- 11/27/24 - 15G-P1, 15G-P2 drained.



5P-D



5P-D



Pipeline Repair

11/4/24 – Repair completed D-6 lateral.

Power Outage

- 11/06/24, 0730 hours – WRM-13A, WRM-13B, WRM-14, WRM-15 power outage. Service restored 1750 hours.
- 11/11/24, 1820 hours – WRM-9 power outage. Service restored 11/12/25, 0730 hours,
- 11/14/24, 1930 hours – WRM-9 power outage. Service restored 2000 hours.
- 11/15/24, 1215 hours – WRM-13A, WRM-13B, WRM-14, WRM-15 power outage. Service restored 1410 hours.
- 11/17/24, 0610 hours – WRM-9 power outage. Service restored 0730 hours.

SCADA Communication Failure

- 11/8/24, 1331 hours - Radio reset PB-1, PB-2.
- 11/9/24, 1910 hours - Radio reset PB-1.
- 11/11/24, 1330 hours - Radio reset PB-1, PB-2.
- 11/12/24, 1700 hours - Radio reset PB-1.
- 11/19/24, 0445 hours - Radio reset PB-1, PB-2.
- 11/26/24, 1600 hours - Radio reset PB-1.
- 11/26/24, 0445 hours - Radio reset PD-1.
- 11/27/24, 2345 hours - Radio reset PD-1.
- 11/28/24, 2145 hours - Radio reset PB-1.

Pump/Electrical

- Repaired actuator on 185B radial gate.
- 5P-P4 – Repaired leak on HP tank float canister.
- 5P-P4 unit #1 - Replaced hour meter.
- 7P-P2 unit #1 - Replaced ram cap and gasket on check valve.
- 8P-P2 – Repaired leak on dresser coupling.
- WRM-9 - Repaired control switch on gravity gate.
- WRM-9A – PLM power failure. PG&E replaced fuse and restored service.
- WRM-9 unit #1 – Replaced packing on units #1, #2, #3.
- WRM-10 unit #3 pump fail. Replaced PLC card and returned to service.
- WRM-10 unit #3 broken pump shaft. Pump is scheduled to be pulled and rebuilt.
- PA-1 - Replaced light at east gate and photocell on fixture at north fence.
- PC-1 – Cleared debris from HP tank float canisters and returned compressor to service.

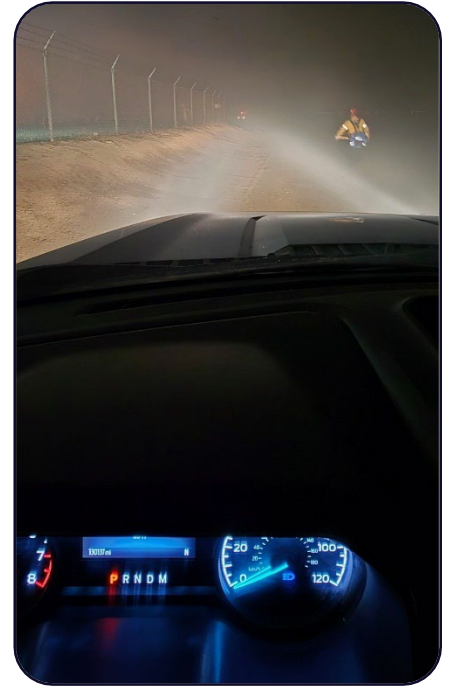
SCADA upgrade progress for November:

WRM-7, 7P-P2, 7P-P3 cutover completed

Equipment Maintenance

9 regular vehicle services.

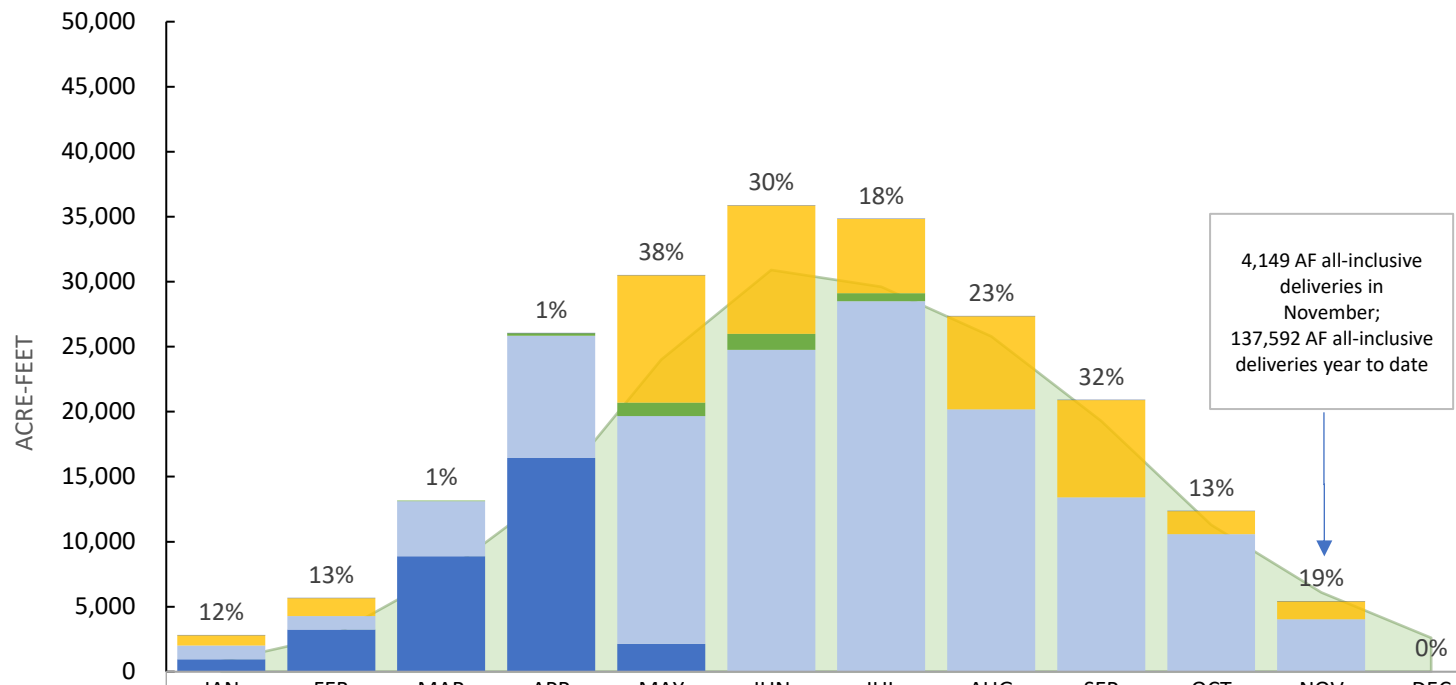
- Unit #377 had ignition system repaired.
- Unit #366A Crane and shop conveyor crane passed annual inspection.
- Unit #699B had rear tires replaced.
- Unit #155 had the driver's side window switch replaced.
- Unit #151 had the front and rear brakes replaced.
- Unit #162 had the rear brakes replaced.
- Unit #384 had the rear brakes replaced.



Brush Fire Near PB-1

**Current gasoline bulk purchase prices for the District are:
\$3.81 per gallon for gasoline and \$3.57 per gallon for diesel.**

IN-DISTRICT WATER DEMANDS AND SURFACE WATER DELIVERIES THROUGH November 2024



Typical Avg. SW Demand (AF)	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Est. % of Crop Water Dem. from GW	12%	13%	1%	1%	38%	30%	18%	23%	32%	13%	19%	0%
Est. add'l landowner GW pumping (AF)	801	1,369	0	0	9,781	9,860	5,698	7,158	7,469	1,779	1,373	0
User Input GW Applied (AF)	0	0	58	194	1,047	1,236	629	0	0	0	0	0
District Non-indust. Deliveries (AF)	1,043	1,039	4,230	9,407	17,514	24,763	28,494	20,172	13,420	10,579	4,030	0
Calc'd Effective Precip. (AF)	960	3,240	8,880	16,440	2,141	0	0	0	0	0	0	0

Notes and Assumptions:

- November crop water use was estimated, because Land IQ shapefiles were not available as of this writing. Here, it was assumed that crop water demands would typically reduce by about 6,300 AF between October and November.
- It was assumed that the following percentages of rainfall were lost to evaporation or deep percolation (Jan 20%, Feb 30%, Mar 50%, Apr 70%, May 80%).

Wheeler Ridge-Maricopa Water Storage District

Monthly Deliveries in Acre-Feet

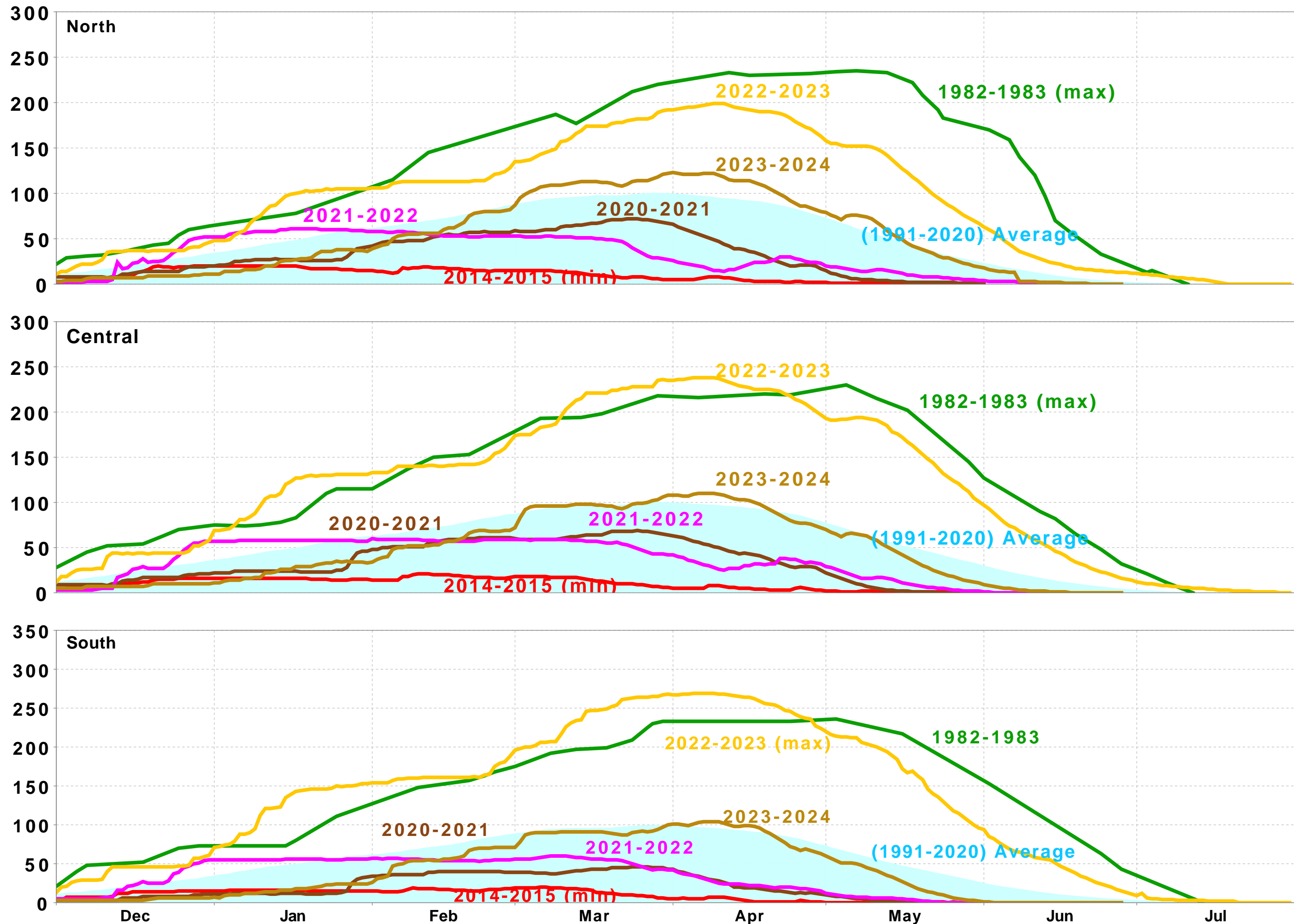
(Includes water from the State Water Project, banking projects, District wells, and User input.)

Month	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017*	2018	2019	2020	2021	2022	2023	2024
January	1,962	5,258	1,615	1,265	894	1,613	6,108	2,213	3,367	2,210	1,223	2,425	1,785	3,055	1,386	1,785	1,094	1,357	1,277
February	7,588	7,269	6,933	2,952	3,440	5,333	8,128	6,387	6,380	4,666	3,077	1,454	7,704	1,667	4,641	4,188	4,131	2,204	1,243
March	9,315	12,557	12,392	10,151	8,440	7,938	10,696	10,695	9,627	10,157	10,218	8,184	3,174	5,494	5,170	6,838	6,387	2,572	4,377
April	10,572	15,665	17,770	17,717	12,966	13,935	10,521	16,999	13,994	17,102	13,133	14,731	13,500	14,824	7,084	13,797	11,546	8,606	9,555
May	20,700	25,488	24,384	24,151	20,664	21,545	23,320	25,754	23,317	20,936	21,496	25,759	21,858	16,441	20,278	19,202	17,606	21,338	17,654
June	26,542	29,940	27,348	26,379	29,411	27,534	29,261	29,894	25,128	24,540	29,390	32,629	28,802	27,146	24,279	26,995	23,445	25,453	25,050
July	29,107	28,394	29,661	30,156	32,124	29,719	28,259	28,599	23,476	21,401	29,546	33,290	28,233	30,633	26,042	26,560	23,709	32,167	28,953
August	25,078	21,817	22,680	22,153	23,873	24,461	25,027	24,554	17,490	18,220	26,948	26,639	26,029	27,793	22,464	18,539	17,855	23,440	20,612
September	16,897	13,924	16,050	17,453	18,335	17,923	16,678	17,090	15,244	14,908	15,452	17,376	17,705	18,343	15,043	13,169	12,837	16,813	13,794
October	9,033	9,385	10,797	11,953	8,156	12,343	13,075	13,440	13,394	10,715	11,135	14,974	13,896	12,444	10,551	7,351	7,179	11,992	11,298
November	5,438	5,609	6,093	5,669	5,872	4,699	4,895	6,485	5,412	4,862	4,957	5,351	5,867	6,300	5,171	2,689	3,190	6,035	4,149
December	4,788	7,424	3,245	2,739	2,515	6,315	3,354	6,615	4,231	3,055	2,520	4,449	4,626	5,266	3,796	1,569	1,557	5,155	

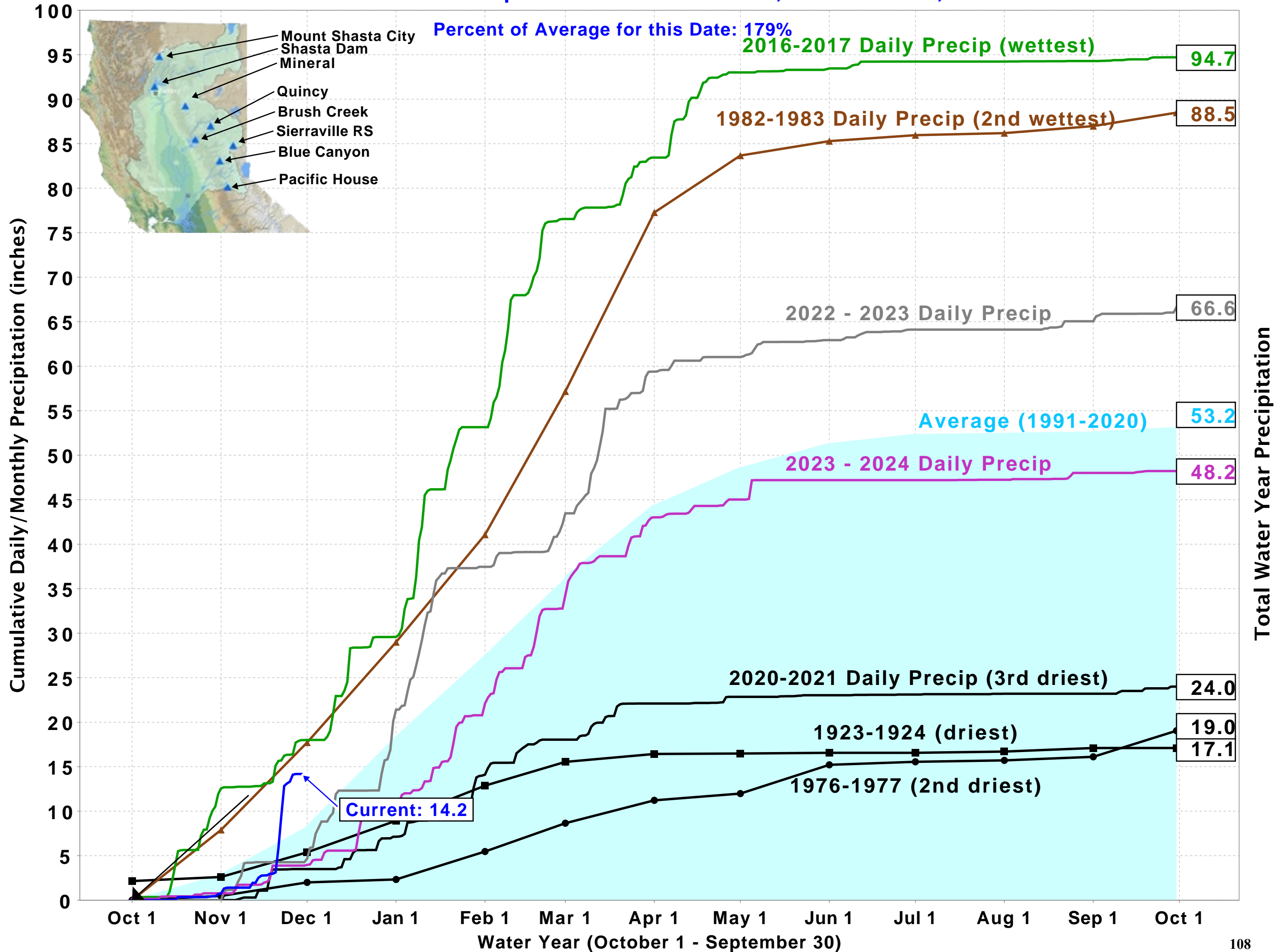
Accumulated Monthly Deliveries in Acre-Feet

Month	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
January	1,962	5,258	1,615	1,265	894	1,613	6,108	2,213	3,367	2,210	1,223	2,534	1,785	3,055	1,386	1,785	1,094	1,357	1,277
February	9,550	12,527	8,548	4,217	4,334	6,946	14,236	8,600	9,747	6,876	4,300	3,879	9,489	4,722	6,027	5,973	5,225	3,561	2,520
March	18,865	25,084	20,940	14,368	12,774	14,884	24,932	19,295	19,373	18,191	14,518	12,063	12,663	10,216	11,197	12,811	11,612	6,132	6,897
April	29,437	40,749	38,710	32,085	25,740	28,819	35,453	36,294	33,367	35,293	27,651	26,794	26,163	25,040	18,281	26,608	23,158	14,738	16,452
May	50,137	66,237	63,094	56,236	46,404	50,364	58,773	62,048	56,684	55,071	49,147	52,553	48,021	41,481	38,559	45,810	40,764	36,076	34,106
June	76,679	96,177	90,442	82,615	75,815	63,014	88,034	91,942	81,812	79,611	78,537	85,182	76,823	68,627	62,838	72,805	64,209	61,529	59,156
July	105,786	124,571	120,103	112,771	107,939	107,617	116,293	120,541	105,288	101,012	108,082	118,472	105,056	99,260	88,880	99,365	87,918	93,696	88,110
August	130,864	146,388	142,783	134,924	131,812	132,078	141,320	145,096	122,778	119,232	135,030	145,111	131,085	127,053	111,344	117,904	105,773	117,136	108,722
September	147,761	160,312	158,833	152,377	150,147	150,001	157,998	162,186	138,022	134,140	150,482	162,487	148,790	145,396	126,387	131,073	118,610	133,950	122,516
October	156,794	169,697	169,630	164,330	158,303	162,344	171,073	175,626	151,416	144,855	161,617	177,461	162,686	157,840	136,938	138,424	125,789	145,941	133,814
November	162,232	175,306	175,723	169,999	164,175	167,043	175,968	182,111	156,828	149,717	166,574	182,812	168,553	164,140	142,109	141,113	128,979	151,976	137,963
December	167,020	182,730	178,968	172,738	166,690	173,358	179,322	188,726	161,059	152,772	169,094	187,261	173,179	169,406	145,905	142,682	130,536	157,131	
SWP Allocation%	100%	60%	35%	40%	50%	80%	65%	35%	5%	20%	60%	85%	35%	75%	20%	5%	5%	100%	40%
SWP Allocation (AF)	197,088	118,253	68,981	78,835	98,544	157,670	128,107	68,981	9,854	39,418	118,253	167,525	68,981	147,816	39,418	9,854	9,854	197,088	78,835

California Snow Water Content, June 28, 2024, Percent of April 1 Average



Northern Sierra Precipitation: 8-Station Index, November 29, 2024



WHEELER RIDGE-MARICOPA WATER STORAGE DISTRICT 2024 WATER SUPPLY/DEMAND ESTIMATE As of Dec 01, 2024		Current Conditions	
		40% SWP ALLOCATION	
		Supply	Shortage or (Excess)
Capacity Values in acre-feet			
[1] Sacramento Valley Water Year Index (40-30-30)		Above Normal	
[4] Probability of Exceedance		90%	P.O.E.
[5] Assumptions		40% Allocation	
Estimated Demand			
[6] -- WRMWSD in-District deliveries (b)			181,200
[7] -- less demands over the CAW			-
[8] -- Common Landowner Transfer from WRM			-
[9] -- Actual Groundwater Recharge			-
[10] -- SWP Table A Banking Deliveries			-
[11] Total Estimated Demand			181,200
Surface Supplies			
[12] SWP Table A Entitlement	197,088	78,835	102,365
[13] SWP Supply		78,835	40%
[14] Lyndal Water	-	-	102,365
[15] Lower River Water Banking deliveries	-	-	102,365
Supplemental 1 Supplies - District			
[15] District Carryover (estimate)	8,002	8,002	94,363
[16] Long Term- Butte County **	4,375	1,180	93,183
[17] Long Term- Western Hills Water District**	2,973	1,189	91,994
[18] Long Term- Mojave Water Agency**	8,091	5,394	86,600
[19] Long Term- Palmdale Water District **	2,158	-	86,600
[20] Two Year- Exchange Contractors**	7,000	1,888	84,712
[21] Kern Water Bank - estimate to date (c)	14,397	14,397	70,315
[22] Kern Water Bank - estimated through end of year	25,308	-	70,315
[23] Pioneer Project - estimate to date (c)	-	-	70,315
[24] Pioneer Project - estimated through end of year	-	-	70,315
[25] District & BRID Wells - actual	365	365	69,949
[26] District & BRID Wells - estimated through EOY	-	-	69,949
[27] Berrenda Mesa Project - estimate to date (c)	-	-	69,949
[28] Berrenda Mesa Project - estimated thru end of year	-	-	69,949
[29] Buena Vista Water Storage District	12,000	12,000	57,949
[30] Supplemental 1 Water Capacity	69,906		
[31] DISTRICT ALLOCATION		123,251	61.37%
[32]		1.736	AF/Ac
Additional Supplemental Supplies			
[33] Fresno Irrigation District **	11,875	4,101	53,848
[34] San Geronio Pass Water Agency **	6,000	1,618	52,230
[35] Palmdale Water District **	3,500	944	51,286
[36] Solano County Water Agency **	8,000	2,158	49,129
[37] San Luis Obispo County Flood Control & Water Conservation District **	8,500	6,492	42,636
[38] San Bernardino Valley Municipal Water District **	10,000	2,697	39,939
[39] Napa County Flood Control & Water Conservation District**	5,000	1,349	38,591
Additional Supplemental Water Capacity		52,875	
Supplemental Supplies - Water User			
[41] Water User - Carryover from 2023 (estimate)	8,041	8,041	30,550
[42] Kern Water Bank Second Priority - estimate to date (Recharge)/Recovery	773	773	29,777
[43] Kern Water Bank Second Priority - estimated through EOY	-	-	30,550
[44] User Input - actual	2,963	2,963	27,586
[45] User Input - estimated through EOY	-	-	27,586
[46] Landowner Transfer	6,609	6,609	20,977
[47] Available Supply		141,636	
[48] Estimated Demand		181,200	
[49] Shortage (Excess)		39,564	

** WS5 Deal

(b) Based upon estimated average deliveries. Lyndal Water not yet calculated.

(c) Based on KCWA daily Summary of Water Supply Rights

WATER IN STORAGE @ 6-Dec-24	
LOCATION	AF
Kern Water Bank	
District	197,199
Water User 2nd Priority	31,636
KWB Tot	228,835
KCWA	41,550
In-District	23,568
SemiTropic	7,500
TOTAL KERN FAN	301,453
PRELIMINARY- SUBJECT TO REVISION	

NOTICE TO STATE WATER PROJECT CONTRACTORS**Date: December 2, 2024****Number: 24-06****Subject: State Water Project Initial 2025 Allocation of five (5) Percent****From:**

**John Yarbrough
Deputy Director, State Water Project
Department of Water Resources**

Water year 2024 closed with above average water supplies in California. Although California reservoirs entered the new water year with average storage amounts, October and early November were largely dry. To make the initial 2025 allocation, the Department of Water Resources (DWR) used the November 1 forecast data, which did not include the wetter conditions that began on November 20, and which forecasted water supplies available if the dry pattern continued through the remainder of the water year. As a result, DWR is initially allocating five (5) percent of most State Water Project (SWP) contractors' requested Maximum Annual Table A Amounts for 2025, as shown in Attachment A – 2025 SWP Allocation. DWR may revise the SWP allocation if water supply conditions change.

To determine the available SWP water supplies, DWR considers factors including SWP contractors' anticipated carryover supplies into 2025, projected 2025 demands, existing storage in SWP conservation facilities, estimates of future runoff, SWP operational and regulatory requirements from the Federal Endangered Species Act and California Endangered Species Act, and water rights obligations under the State Water Resources Control Board's authority.

To schedule SWP water deliveries under this allocation, DWR will develop the five-percent water delivery schedules by prorating the 10-percent schedules submitted by the contractors in October 2024 (as part of initial requests) or as revised with any subsequent updates. If a contractor foresees any changes to their water delivery schedule, please communicate such changes to DWR in a timely manner.

State of California

DEPARTMENT OF WATER RESOURCES
CALIFORNIA STATE WATER PROJECT

California Natural Resources Agency

If you have any questions or need additional information, please contact Molly White, Assistant Division Manager, Water Management, SWP Division of Operations and Maintenance, at Molly.White@water.ca.gov.

Attachment A: 2025 State Water Project Allocation - Initial

Attachment A
2025 STATE WATER PROJECT ALLOCATION

Initial
December 2, 2024

SWP Contractors	Maximum Annual Table A Amount (Acre-Feet)	Approved Table A Allocation (Acre-Feet)	Approved Allocation as a Percentage of Maximum Annual Table A Amount (3) = (2)/(1)
(1)	(2)	(3) = (2)/(1)	
<u>FEATHER RIVER</u>			
County of Butte	27,500	3,000	~11%
Plumas County FC&WCD	2,700	135	5%
City of Yuba City	9,600	960	10%
Subtotal	39,800	4,095	
<u>NORTH BAY</u>			
Napa County FC&WCD	29,025	2,903	10%
Solano County WA	47,756	4,776	10%
Subtotal	76,781	7,679	
<u>SOUTH BAY</u>			
Alameda County FC&WCD, Zone 7	80,619	4,031	5%
Alameda County WD	42,000	2,100	5%
Santa Clara Valley WD	100,000	5,000	5%
Subtotal	222,619	11,131	
<u>SAN JOAQUIN VALLEY</u>			
Oak Flat WD	5,700	285	5%
County of Kings	9,305	466	5%
Dudley Ridge WD	41,350	2,068	5%
Empire West Side ID	3,617	181	5%
Kern County WA	982,730	49,137	5%
Tulare Lake Basin WSD	86,854	4,343	5%
Subtotal	1,129,556	56,480	
<u>CENTRAL COASTAL</u>			
San Luis Obispo County FC&WCD	25,000	1,250	5%
Santa Barbara County FC&WCD	45,486	2,275	5%
Subtotal	70,486	3,525	
<u>SOUTHERN CALIFORNIA</u>			
Antelope Valley-East Kern WA	144,844	7,243	5%
Santa Clarita Valley WA	95,200	4,760	5%
Coachella Valley WD	138,350	6,918	5%
Crestline-Lake Arrowhead WA	5,800	290	5%
Desert WA	55,750	2,788	5%
Little Rock Creek ID	2,300	115	5%
Metropolitan WDSC	1,911,500	95,575	5%
Mojave WA	89,800	4,490	5%
Palmdale WD	21,300	1,065	5%
San Bernardino Valley MWD	102,600	5,130	5%
San Gabriel Valley MWD	28,800	1,440	5%
San Geronio Pass WA	17,300	865	5%
Ventura County WPD	20,000	1,000	5%
Subtotal	2,633,544	131,679	
TOTAL	4,172,786	214,589	~5%



FOR FURTHER INFORMATION CONTACT:
Tracy Leach or Isabelle Guillory (661) 703-5639
December 3, 2024
For Immediate Release

California Department of Water Resources Announces Initial State Water Project Allocation for 2025—5 Percent

BAKERSFIELD – Yesterday, the California Department of Water Resources (DWR) announced that the State Water Project (SWP) initial water allocation is five percent of contracted amounts. This means fewer than 50,000 acre-feet of water would be delivered to Kern County water users from the SWP in 2025—compared to the contracted amount of about one million acre-feet.

“The devastatingly low initial allocation is very concerning for Kern County residents, farms and businesses given the hydrology of the last two years,” said Kern County Water Agency (Agency) Board of Directors President Ted Page. “It’s unfortunate that DWR was so conservative with the initial allocation. While we appreciate the challenges they face, balancing environmental regulations with water operations, we ask that they don’t lose sight of the primary purpose of the SWP, which is to deliver water to its customers.”

The Agency contracts with DWR for approximately one million acre-feet of SWP water and despite receiving only a five percent allocation of SWP water supplies, the Agency and its participant local water districts are still contractually obligated to make their full operations and maintenance payment.

“A five percent allocation is incredibly disappointing and provides no hope for replenishment of groundwater banking reserves that provide agricultural and urban water during low allocation years,” said Page.

Agency staff are working with local water districts to find ways to minimize the impacts of a potential drier than average year. Stewardship and conservation are always important, especially when water supplies are critically low. Agricultural water-use efficiency has been a high priority in Kern County for decades. However, conservation alone cannot solve California's long-term water supply issues. The current low allocation underscores the importance of addressing California's chronic water supply reliability issues through new water supply infrastructure, including conveyance and storage.

###

The Kern County Water Agency (Agency) was created in 1961 by a special act of the State Legislature and serves as the local contracting entity for the State Water Project. The Agency, which celebrated its 60th anniversary in 2021, participates in a wide scope of management activities, including water quality, flood control and groundwater operations to preserve and enhance Kern County's water supply—the main ingredient for the well-being of an economy.

WHEELER RIDGE-MARICOPA WATER STORAGE DISTRICT
2025 WATER SUPPLY/DEMAND ESTIMATE
As of Dec 01, 2024

				5% SWP ALLOCATION	13% SWP ALLOCATION	54% SWP ALLOCATION	61% SWP ALLOCATION
	Capacity Values in acre-feet	Supply	Shortage or (Excess)	Supply	Shortage or (Excess)	Supply	Shortage or (Excess)
[1]							
[2]							
[3]	Sacramento Valley Water Year Index (40-30-30)			Above Normal	Above Normal	Above Normal	Above Normal
[4]	Probability of Exceedance			90% P.O.E.	75% P.O.E.	50% P.O.E.	25% P.O.E.
[5]	Assumptions			5% Allocation	13% Allocation	54% Allocation	61% Allocation
	Estimated Demand						
[11]	Total Estimated Demand			181,200	181,200	181,200	181,200
	Surface Supplies						
[12]	SWP Table A Entitlement	197,088	9,854 171,346	25,621 155,579	106,428 74,772	120,224 60,976	
[13]	Article 21 In-district deliveries	-	- 171,346	- 155,579	- 74,772	- 60,976	
[14]	KR Lower River Water	-	- 171,346	- 155,579	- 74,772	- 60,976	
[15]	DWR Turnback Pool A	-	- 171,346	- 155,579	- 74,772	- 60,976	
[16]	DWR Turnback Pool B (c)	varies	- 171,346	- 155,579	- 74,772	- 60,976	
[13]	SWP Supply		9,854 5%	25,621 13%	106,428 54%	120,224 61%	
[17]	Supplemental 1 Supplies - District						
[18]	District Carryover (estimate)	8,048	8,048 163,298	8,048 147,531	8,048 66,724	8,048 52,928	
[19]	Long Term- Butte County **	-	- 163,298	12 147,519	1,786 64,939	2,088 50,840	
[20]	Long Term- Western Hills Water District**	2,973	149 163,149	386 147,132	1,605 63,334	1,813 49,026	
[21]	Long Term- Mojave Water Agency**	8,091	- 163,149	- 147,132	6,743 56,591	6,743 42,284	
[22]	Long Term- Palmdale Water District **	2,158	- 163,149	- 147,132	- 56,591	539 41,745	
[23]	Two Year- Exchange Contractors**	7,000	1,888 161,261	1,888 145,244	1,888 54,703	1,888 39,857	
[24]	Kern Water Bank - estimate to date (c)	-	- 161,261	- 145,244	- 54,703	- 39,857	
[25]	Kern Water Bank - estimated through end of year	25,000	25,000 136,261	25,000 120,244	25,000 29,703	25,000 14,857	
[26]	Pioneer Project - estimate to date (c)	-	- 136,261	- 120,244	- 29,703	- 14,857	
[27]	Pioneer Project - estimated through end of year	7,000	7,000 129,261	7,000 113,244	7,000 22,703	7,000 7,857	
[28]	District & BRID Wells - actual	-	- 129,261	- 113,244	- 22,703	- 7,857	
[29]	District & BRID Wells - estimated through EOY	5,000	5,000 124,261	5,000 108,244	5,000 17,703	5,000 2,857	
[30]	Berrenda Mesa Project - estimate to date (c)	-	- 124,261	- 108,244	- 17,703	- 2,857	
[31]	Berrenda Mesa Project - estimated thru end of year	-	- 124,261	- 108,244	- 17,703	- 2,857	
[32]	Supplemental 1 Water Capacity	65,269					
[33]	DISTRICT ALLOCATION		56,939 28.35%	72,956 36.33%	163,497 81.42%	178,343 88.81%	
[34]			0.802 AF/Ac	1.027 AF/Ac	2.268 AF/Ac	2.474 AF/Ac	
	Additional Supplemental Supplies						
[35]			- 124,261	- 108,244	- 17,703	- 2,857	
	Additional Supplemental Water Capacity	-					
[42]	Supplemental Supplies - Water User						
[43]	Water User - Carryover from 2023 (estimate)	17,882	17,882 106,379	17,882 90,362	17,882 (179)	17,882 (15,025)	
[44]	Kern Water Bank Second Priority - estimate to date (Recharge)/Recover	-	- 106,379	- 90,362	- (179)	- (15,025)	
[45]	Kern Water Bank Second Priority - estimated through EOY	-	- 106,379	- 90,362	- (179)	- (15,025)	
[46]	User Input - actual	-	- 106,379	- 90,362	- (179)	- (15,025)	
[47]	User Input - estimated through EOY	-	- 106,379	- 90,362	- (179)	- (15,025)	
[48]	Landowner Transfer	-	- 106,379	- 90,362	- (179)	- (15,025)	
[49]	Available Supply		74,821	90,838	181,379	196,225	
[50]	Estimated Demand		181,200	181,200	181,200	181,200	
[51]	Shortage (Excess)		106,379	90,362	(179)	(15,025)	

** WS5 Deal

(b) Based upon estimated average deliveries. Lyndal Water not yet calculated.

(c) Based on KCWA daily Summary of Water Supply Rights

WATER IN STORAGE @ 6-Dec-24	
LOCATION	AF
Kern Water Bank	
District	197,972
Water User 2nd Priority	30,863
KWB Tot	228,835
KCWA	41,550
In-District	23,568
SemiTropic	7,500
TOTAL KERN FAN	301,453
PRELIMINARY- SUBJECT TO REVISION	

WHEELER RIDGE-MARICOPA WATER STORAGE DISTRICT

MEMORANDUM

TO: Board of Directors

FROM: Eric McDaris

DATE: December 9, 2024

SUBJECT: Memorandum of Understanding – Valley Water Management Company

In June, the Board authorized staff to submit a grant funding application under the state's Water Recycling Funding Program to complete a feasibility study for a produced water treatment and reuse project in coordination with Valley Water Management Company (VWMC). Staff worked with VWMC to submit the initial application, and we were assigned a project manager, however, we received notice that no funds were then available and we should pause our full application process. Since then, our project manager notified us that funds could become available, and we should continue with the submittal.

VWMC has engaged Kennedy Jinks Consultants Inc. (KJ) for assistance on the application and feasibility study and KJ has developed a budget and scope of work for the application (attached), totaling \$4,500. VWMC will incur and pay all costs associated with KJ's services for the development and submission of the grant application, as well as the costs for the development of the feasibility study should the application be successful; work on the feasibility study is predicated strictly on the availability of grant funds.

The attached draft MOU outlines the grant reimbursement process for feasibility study related costs and allows the costs to develop and submit the grant application be eligible for reimbursement under the grant. As the District will be acting as the grant administrator, VWMC will submit copies of invoices for all reimbursable costs, which District staff will then include in the grant reimbursement request to the funding agency.

Recommendation. Staff recommend that the Board authorize the Engineer-Manager to execute the attached Memorandum of Understanding with Valley Water Management Company for the development of a Water Recycling Funding Program planning grant application, subject to final approval of the Engineer-Manager and review by counsel as to form.

Attachments: None

Filename: 8.3 Memorandum of Understanding – Valley Water Management Company

**MEMORANDUM OF UNDERSTANDING FOR THE DEVELOPMENT OF WATER
RECYCLING FUNDING PROGRAM – PLANNING GRANT APPLICATION
WHEELER RIDGE–MARICOPA WATER STORAGE DISTRICT AND VALLEY WATER
MANAGEMENT COMPANY PRODUCED WATER REUSE PROJECT**

December [], 2024

This Memorandum of Understanding (“MOU”) for the development and submission of a Planning Grant Application (“Grant Application”) under the California State Water Resources Control Board’s (“Water Board”) Water Recycling Funding Program for the possible Wheeler Ridge–Maricopa Water Storage District and Valley Water Management Company Produced Water Reuse Project (“Project”) is made and entered into by and between Valley Water Management Company (“Valley Water”) and Wheeler Ridge-Maricopa Water Storage District (“WRMWSD”) (each a “Party” and collectively, as the “Parties”).

RECITALS

This MOU is based on the following facts, understandings, and intentions of the Parties:

- A. WHEREAS, WRMWSD is a California Water Storage District formed and existing pursuant to the California Water Code section 39000, et seq.
- B. WHEREAS, WRMWSD is a member unit of the Kern County Water Agency (“KCWA”) and, through a contractual agreement with KCWA, currently holds entitlement for up to 197,088 acre-feet (“AF”) per year (“AFY”) of SWP Table A supply delivered via the California Aqueduct.
- C. WHEREAS, Water supplies annually allocated to SWP contractors have become increasingly unreliable, resulting in additional costs and water supply management challenges for WRMWSD.
- D. WHEREAS, Valley Water is a 501(c)(4) nonprofit organization committed to safely and economically managing oilfield produced water across 12 facilities throughout Kern County, California, including its Maricopa East and West Facilities in the Midway Sunset Oil Field, located near the town of Maricopa and adjacent to the WRMWSD boundary.
- E. WHEREAS, the Parties are mutually interested in the development of a study to examine the feasibility (“Feasibility Study”) of a Produced Water Reuse Project to improve local water supply reliability and generate a new source of freshwater.
- F. WHEREAS, the Parties recognize that this MOU is intended to govern only the development and submission of the Grant Application for the purpose of the Feasibility Study, and said Parties further recognize that, regardless of the determination of feasibility, any Project will require more definitive agreement(s) which formalize the terms and conditions by which the proposed Project will operate (“Definitive Agreement”) and neither Party is approving any Project at this time or in the absence of the Definitive Agreement.

TERMS AND CONDITIONS

NOW, THEREFORE, in consideration of the mutual benefits to be derived by the Parties and of the promises herein contained, Parties hereby agree as follows:

1. **Purpose.** The purpose of this MOU is to acknowledge the agreement of the Parties with respect to basic terms and conditions of a proposed Grant Application and Feasibility Study and more specifically intended to address funding and reimbursement for costs which may be incurred by Parties during the development and submission of the Grant Application, before any potential grant funds are disbursed and in the event grant funds are available for reimbursement of such costs.
2. **Cost Share Funding.** Valley Water has retained engineering consultants Kennedy-Jenks Consultants, Inc. ("KJ") for assistance on the Grant Application and Feasibility Study.

2.1. Grant Application Costs

- 2.1.1. KJ has developed a budget for the preparation of the initial Grant Application submission for the Feasibility Study, not exceeding \$_____4,500.00.
- 2.1.2. Valley Water will incur and pay all costs associated with KJ's services for the preparation and submission of the Grant Application. Valley Water will submit copies of invoices paid to WRMWSD, who will include these costs in the grant reimbursement request to the funding agency. Upon receipt of grant funds, WRMWSD will reimburse Valley Water for these costs. In the absence of receipt of grant funds, WRMWSD shall have no obligation to reimburse Valley Water for any costs.

2.2. Feasibility Study Costs

- 2.2.1. The budget for the Feasibility Study will be developed by KJ upon the availability of grant funding and will require approval by both Parties before any work commences. The Feasibility Study is anticipated to proceed only if grant funds become available.
- 2.2.2. Costs incurred for the Feasibility Study prior to the availability of grant funds will only be incurred upon mutual agreement of both Parties. Such costs will be incurred and paid by Valley Water and reimbursed by WRMWSD upon receipt of grant funds, consistent with the process described in Section 2.1.2.

2.3. Non-Reimbursable Costs

- 2.3.1. The Parties agree that any costs incurred related to their own respective staff time attributable to the submission of the Grant Application or the Feasibility Study shall not be eligible for reimbursement by the other party. Only costs related to KJ (or other

mutually authorized consultants) shall be recognized for the purpose of reimbursement.

2.4. Risk of Unsuccessful Grant Application

2.4.1. It is expected that all costs incurred by the Parties will be refunded to the Parties with funds made available from the grant. However, each Party acknowledges and accepts the risk that the Grant Application may not be successful and therefore no funds being distributed. In such a case, neither of the Parties will seek reimbursement from the other for unrecovered costs, including, but not limited to, the costs associated with K-J's services.

3. **Payment.** Valley Water will incur the initial costs for hiring a consultant to assist with the grant application, and Valley Water will submit reimbursement requests to WRMWSD based on paid invoices provided by Valley Water. Upon receipt of grant funds from the Water Board, WRMWSD will reimburse Valley Water for eligible expenses within 30 days.
4. **Term.** The term of this MOU shall begin on its day of execution and shall extend through the submission of the Grant Application and may be extended as mutually agreed upon by the Parties.

Each Party agrees that this MOU is not a binding commitment and does not and shall not be interpreted to create an agreement to form a binding contract and may not be relied on by any Party as a basis for a contract by estoppel or otherwise, or as a basis for taking any action, foregoing any opportunity or incurring any costs related to the Definitive Agreements. Unless and until each Party's authorized representative (having the express authority to bind such Party) executes such definitive documentation, neither Party shall have any obligation (contractual or otherwise) to conclude a transaction.

ACCEPTED:

Valley Water Management Company

Name: Jason Meadors, General Manager

Date: _____

Signature: _____

Wheeler Ridge- Maricopa Water Storage District

Name: _____

Date: _____

Signature: _____

DEPARTMENT OF WATER RESOURCES

P.O. BOX 942836
SACRAMENTO, CA 94236-0001
(916) 653-5791



November 5, 2024

TO: All State Water Project Contractors

As we begin Water Year 2025, I wanted to introduce myself, provide an initial outlook for 2025, and highlight some key efforts occurring within the State Water Project (SWP). I took over the role of SWP Deputy Director in May 2024 after four years as the Assistant Deputy Director. I'm excited for this new role and I'm determined to continue our work to improve the reliability, affordability, and safety of the SWP.

Our surface water storage is in good shape following an average water year. However, the pathway to average cut through extremes. Only a handful of very large storms kept us from returning to dry conditions. The SWP filled Lake Oroville to capacity in late spring. However, operational restrictions implemented to help protect threatened and endangered fish species limited the SWP to a 40% allocation. A lot of interaction and coordination occurred this year with the regulatory agencies to improve exports when possible, using the best science available to support decisions. A positive result of this close coordination includes the recent modifications to the Fall X2 requirements. This adaptive management experience during Water Year 2024 also has informed the new permits for SWP long-term operations. We expect these new permits to be in effect at the end of the year, and I believe they will provide better outcomes for both water users and the environment.

As we approach the time for an initial allocation, please bear in mind the two long-standing prerequisites for a substantial initial allocation: Full reservoirs and significant fall precipitation. Current reservoir storage is good, but autumn has been largely dry across Northern California. Without significant precipitation this fall, January storms – should they arrive – will not boost the SWP allocation to the same degree they would in the aftermath of a wet fall.

The state climatologist is following the climate signals that drive wintertime weather patterns, including La Niña, and will keep you and staff informed as the wet season evolves. At DWR, we are planning for a dry 2025 punctuated by extreme storms. But a hyper-wet year punctuated by dry spells is possible, too, and we must be prepared for any scenario. Increasingly, water-year classifications of wet, dry, and normal fail to capture the week-by-week terrain of our extreme-driven hydrology. We do know that we start the water year lagging. Record heat this summer and in early October parched the landscape. We must take dry soils into account in our runoff forecast and in the initial SWP allocation.

The ability to incorporate soil moisture into runoff forecasts is one of many recent DWR improvements, and we keep regulatory agencies informed of this expanding capacity. Investments in [Forecast Informed Reservoir Operations](#) and improved data collection through DWR's \$7 million [California Stream Gage Improvement Program](#) will also help DWR and other agencies to incorporate the best available science and data into water management decisions.

State Water Project Contractors

November 5, 2024

Page 2

To provide you all with better information about the likely effects on project operations of future conditions, DWR recently released its [2023 SWP Delivery Capability Report \(DCR\)](#). The DCR presents a new and enhanced analysis of current and future expectations for the SWP water supply if no new adaptation actions are taken. In a few months, the DCR will be followed by the SWP Climate Adaptation Plan, which will identify how several current initiatives can help avoid the future of reduced water deliveries shown in the 2023 DCR. These key initiatives already underway include improved asset management practices, repair of subsidence damage to major canals, implementation of Forecast Informed Reservoir Operations, the Delta Conveyance Project, and new storage capacity. Expect to see this analysis in early 2025 and to continue the discussion of how we adapt the SWP to a hotter, drier future of extreme precipitation.

The water landscape in California is changing, presenting us with new regulations, technologies, challenges, and possibilities. We are committed to provide safe, reliable, and affordable water for the well-being and prosperity of California. Thank you for your continued partnership.

Sincerely,

A handwritten signature in black ink that reads "John Yarbrough". The script is cursive and fluid.

John Yarbrough
Deputy Director
State Water Project



THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

Office of the General Manager

October 24, 2024

EMAIL: Karla.Nemeth@water.ca.gov

Director Karla Nemeth
Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236-0001

Dear Director Nemeth:

Continued Delta Conveyance Project Planning Funding

Over the last 50 years, the Department of Water Resources (DWR), through its State Water Project (SWP), has delivered over 44 million acre-feet of water to Metropolitan and has been vital in supporting the region's development and growth. Because of the critical role SWP supplies play in our District's supply portfolio, Metropolitan has always been a strong supporter of DWR and its efforts to protect and improve the reliability of the SWP.

Most recently at the end of 2020, Metropolitan's Board of Directors showed support for DWR and the SWP by voting to advance \$160.8 million dollars to fund the environmental review, planning and associated preconstruction design and engineering of the Delta Conveyance Project (DCP). This vote and Metropolitan's ongoing development of its Climate Adaptation Master Plan for Water demonstrates Metropolitan's commitment to meeting the challenges of a changing climate.

Prior to supporting the current preconstruction activities of the DCP, Metropolitan committed funds to advance planning for the California WaterFix and the Bay-Delta Conservation Plan. Including Metropolitan's own internal costs to advance said projects, Metropolitan to date has invested over \$300 million dollars in planning related to Delta conveyance solutions.

At Metropolitan's October 7, 2024, One Water and Stewardship Committee, Metropolitan directors asked important questions related to the DCP. Many of those questions must be resolved for Metropolitan to better understand the DCP's path towards implementation and prior to the Metropolitan Board of Directors considering whether to commit additional funds for DWR's preconstruction activities planned for 2026-2027.

1. Secure Key Permits and Certifications

A number of key permitting milestones have been met for the DCP, including DWR certifying a Final Environmental Impact Report. However, important planning processes are outstanding, including the issuance of an incidental take permit under the State Endangered Species Act and biological opinions under the Federal Endangered Species Act, the issuance of an order by the State Water Board permitting new diversion points required for the DCP, and the determination by the Delta Stewardship Council that the DCP is consistent with the Delta Plan. Metropolitan is seeking a clearer understanding of how DWR plans to navigate the remaining permitting and certification processes, as they are foundational to determining the ultimate viability of the DCP.

2. Demonstrate Proportional and Complete Planning Funding

It is understood that some participating SWP contractors, specifically agricultural contractors, may not commit to fund preconstruction activities for the DCP up to their proportionate share. Consequently, a planning and preconstruction funding gap for 2026-2027 has been identified, and while it is estimated to be approximately twelve percent, it is uncertain what the final percentage will be. Metropolitan cannot be expected to make up this difference. It is critical that DWR ensures that Metropolitan does not pay more than 47.2% of the planning funding.

3. Provide a Plan to Fund and Finance Delta Conveyance Project Implementation

Although the above planning and preconstruction funding gap is in the millions, if it persists to construction, the gap will be billions of dollars due to the current estimated implementation costs of approximately \$20.1 billion. Also, at this stage of the project, Metropolitan cannot be expected to increase its participation amount beyond its proportionate share. It is incumbent on DWR to demonstrate how it will ensure construction of the DCP will be fully financed and funded. Metropolitan is also seeking further clarification on how the initial rulings in the validation action will allow for the ability to fund the project, which should include an explanation of how the pending validation action will be resolved in a timeframe that would allow for certainty for financing and funding.

4. Resolve Protest Items Related to Metropolitan's Statement of Charges

In October 2023, Metropolitan submitted a letter to DWR detailing unresolved protest items identified more than two decades ago. These outstanding claims have a significant financial impact on Metropolitan, its member agencies, and ultimately the ratepayers. Resolution of these items is complex. Some protest items can be resolved through a direct credit back to Metropolitan while others would require DWR to recover funds through rebilling of other State Water Contractors. Understanding these dynamics, and specifically to avoid at this time DWR making decisions that could require rebilling of others, Metropolitan requests that DWR resolve those issues raised in the protest that could result in funds being directly credited to Metropolitan. Based on audit results detailed in Metropolitan's October 2023 letter, these directly refundable protest items are tied primarily to overcollection of the Water System Revenue Bond Surcharge and total approximately \$180 million dollars. Metropolitan is seeking

Director Karla Nemeth

Page 3

October 24, 2024

resolution of this issue to offset the financial impact of DWR's request for additional preconstruction funds for the DCP, if the Metropolitan Board of Directors decides to commit to providing its share of those funds.

5. Improve Near-Term State Water Project Reliability

According to DWR's most recent Delivery Capability Report, a changing climate could reduce the reliability of the SWP by as much as 23 percent over the next two decades. Reasonable estimates do not have the DCP completed and operational until at least 20 years from now. In the near term, it is important for DWR to demonstrate what actions it proposes to take to mitigate for the changing climate and its impact on the SWP's reliability.

In closing, thank you for your understanding and consideration of these key questions raised by Metropolitan's Board of Directors. We hope that with additional clarity and resolution of some of these issues, that Metropolitan can advance its vote in 2024 in response to DWR's request for additional preconstruction funds for the DCP.

Sincerely,



Deven Upadhyay
Interim General Manager

cc: Jennifer Pierre, GM of the State Water Contractors

DEPARTMENT OF WATER RESOURCES

P.O. BOX 942836
SACRAMENTO, CA 94236-0001
(916) 653-5791

10/29/2024



Mr. Deven Upadhyay
Interim General Manager
Metropolitan Water District
of Southern California
700 North Alameda Street
Los Angeles, California 90012-2944

Re: State Water Project Billing Claims

Dear Interim General Manager Upadhyay:

As you know, The Metropolitan Water District of Southern California (Metropolitan) and other State Water Project Contractors (Contractors) have asserted various protests related to the annual Statement of Charges (SOC) issued for the State Water Project (SWP). The Department of Water Resources (Department) has been engaged in good faith discussions with the Contractors to address these protests as expeditiously as possible, and a significant number have now been resolved.

The final debits and credits associated with these protests is still being determined and will necessitate further discussions with the Contractors. Nonetheless, the Department's preliminary analysis of these protests in combination with other one-time credits for Metropolitan's share of the debt service reserve fund related to the Devil Canyon Powerplant and its share of the Replacement Account System fund supports issuing a refund to Metropolitan of \$75 million.

Although some additional work is required to confirm and process this refund, the Department is prepared to issue it to Metropolitan no later than December 1, 2025.

The Department's issuance of this initial refund represents a significant step toward resolving the various protests asserted by Metropolitan related to the annual SOC's. The Department looks forward to continuing its work with Metropolitan and the other Contractors to resolve all outstanding protests in a fair and equitable manner. Doing so will promote our shared goal of improving and enhancing of the financial management of the SWP moving forward, but also will help position the Department and Metropolitan to meet the long-term water supply challenges California is likely to face in the coming years.

Sincerely,

Karla Nemeth

Karla Nemeth
Director

❁ WHEELER RIDGE-MARICOPA WATER STORAGE DISTRICT ❁

MEMORANDUM

TO: Board of Directors

FROM: Robert Kunde

DATE: December 9, 2024

SUBJECT: Sites Reservoir Project - Adoption of 2025 District Administrative Cost Rate

Background. By action at its October 18, 2024 meeting, the Sites Project Authority approved continued development of the Project for the period from January 1, 2025 to June 30, 2026. No amendment to the Sites/District funding agreement is necessary.

However, the existing District/Grower Agreement terminates on December 31, 2024. An extension of the Agreement is necessary to conform to the Sites extension and allow continued collection of the District's administrative costs. There will be no increase in the Sites billed charges authorized in the existing Agreement.

Amendment to Grower Funding Agreement. At its November 13, 2024 meeting, the Board of Directors authorized the Engineer-Manager to execute a two page "First Amendment" to the Grower Participation Agreement that would extend the current funding phase, and authorize billing of Sites Participating Growers for the 2025 and 2026 District Administrative costs at rates established by the Board. As directed by the Board, Counsel made a few clarifying changes to the First Amendment and it is now in final form and attached hereto.

2025 Budget. Staff reviewed the 2023 and 2024 revenues and expenses and found the District undercollected about \$3000 for that period. Staff then developed a proposed 2025 budget for the District administrative costs that included the undercollection at item 3. of the attached "*Sites Reservoir Project - Consideration of District Administrative Cost and Rate - December 6, 2024 Update for 2025 Budget*". As shown at item 7., the proposed 2025 estimated costs are \$77,881. If all Participating Growers sign the Amendment, the budget rate would be \$25.75 per acre-foot of participation.

The *December 6, 2024 Update* was provided to Participating Growers on December 6, and a video conference with those Growers was held on December 9. Four of the five Growers were supportive of signing the Amendment and establishing the \$25.75 per acre-foot rate for 2025. (The fifth grower has not yet responded).

Recommendation. It is recommended the Board adopt the \$25.75 per acre-foot rate for the 2025 District's administrative cost.

Attachments (2)

Sites Reservoir Project Consideration of District Administrative Cost and Rate
December 6, 2024 Update for 2025 Budget
 by Robert Kunde

1. At the January 2024 Workshop, feedback from Sites Participating Water Users was generally supportive of the \$27/AF rate for 2025 provided that opportunities for savings should be identified.
2. In October 2024, the Sites Project extended the period for the current funding Phase 2C through June 30, 2026. The only remaining billing from the Sites Project will be \$40/AF in the first quarter of 2025 which was the amount deferred (not collected) in 2023.
3. A recap of 2023 and 2024 budget versus actual costs (2024 Oct-Dec costs are estimated) shows a shortage of:

	2023	2024	Combined
Billed Rate	\$13/AF	\$17/AF	
Revenue	\$ 39,650	\$ 51,850	
Materra Credit	\$ 13,333	\$ 13,333	
<u>Expenses</u>	<u>\$-57,169</u>	<u>\$-63,981</u>	
Net	\$ -4,185	\$ 1,203	\$ -2,982
	Shortage	Surplus	shortage (2.5% over budget)
4. For 2025, I project my hours as:
 - a. 2024 hours were 34.2 hours per month
 - b. For 2025:
 - i. add 1 hour per month (12 hours in 2025) as Chair of the Reservoir Project Committee
 - ii. Add 2 hours per month (24 hours in 2025) to Chair the Value Engineering effort
 - iii. Add 3 hours per month (36 hours in 2025) for development of the Benefits and Obligations Contract
 - c. Also, District legal counsel time is included at \$5000 for general activities and \$15,000 for development of the Benefits and Obligations Contract.
5. The resulting District Administrative Costs and Rates (excluding B&O Contract development) would be:

a. Carryover Shortage	\$ 2,982
b. Kunde 38 hours per month level	\$48,234
c. Travel	\$ 2,800
d. Legal Counsel	\$ 5,000
e. <u>Total</u>	<u>\$59,016</u>
f. Rate at 3050 AF total participation	\$ 19.35/AF
g. Round to	\$ 19.50/AF

6. When Benefits and Obligations Contract costs are included:
- | | | |
|----|--|-----------------|
| a. | Add Kunde 36 hours per year | \$ 3,865 |
| b. | <u>Add Legal Counsel 55 hours per year</u> | <u>\$15,000</u> |
| c. | SubTotal | \$18,865 |
| d. | Rate at 3050 AF total participation | \$ 6.19/AF |
7. Total costs
- | | | |
|----|-------------------------------------|-----------------|
| a. | Baseline costs | \$59,016 |
| b. | <u>B&O costs</u> | <u>\$18,865</u> |
| c. | Total | \$77,881 |
| d. | Rate at 3050 AF total participation | \$ 25.53/AF |
| e. | Round to | \$ 25.75/AF |
8. A true-up of 2025 actual expenses can be considered when establishing a 2026 Administrative Cost budget.

**FIRST AMENDMENT TO
WHEELER RIDGE-MARICOPA WATER STORAGE DISTRICT
SECOND AMENDED
2019 SITES RESERVOIR PROJECT, PHASE 2A and PHASE 2B and PHASE 2C
GROWER PARTICIPATION AGREEMENT**

This First Amendment to that certain "*Wheeler Ridge-Maricopa Water Storage District Second Amended 2019 Sites Reservoir Project, Phase 2A and Phase 2B and Phase 2C Grower Participation Agreement*" ("Agreement") is entered into between _____ ("Water User") and Wheeler Ridge-Maricopa Water Storage District ("District") effective January 1, 2025.

WHEREAS, in February 2022, District and Water User entered into that certain "*Second Amended 2019 Sites Reservoir Project, Phase 2A and Phase 2B and Phase 2C Grower Participation Agreement*" ("Agreement") to continue participation and fund Phase 2C of the Sites Reservoir Project ("Project") from January 1, 2022 to December 31, 2024; and

WHEREAS, as provided in the Agreement, Phases 2A, 2B and 2C consist of activities to further development of the Project, including permitting, environmental, and geotechnical and engineering work; additional Phases will be necessary to complete the Project; and

WHEREAS, by action at its October 18, 2024 meeting, the Sites Project Authority ("Authority") approved continued development of the Project for the period from January 1, 2025 to June 30, 2026 (the "Extended Period"), but with no increase in Authority charges to its Reservoir Committee members including the District; this action was necessary primarily due to delays in consideration and possible approval of the Sites Project's (a) State water right application and (b) various federal permits; and

WHEREAS, Section 1c. of the Agreement provides in part as follows:

"Water User agrees to pay for [its share] of the Sites Phase 2C participation subscribed by the District, not to exceed \$400.00 per acre-foot of participation as further described in Exhibit A hereto, plus a proportionate share of the District's administrative costs of continued participation in the Project as part of Phase 2C (collectively the "Phase 2C Payment Obligation"). District administrative costs for Phase 2C through December 31, 2024 will not exceed \$152,500 divided proportionally among the Phase 2C acre-feet of participation of all participating Water Users."; and

WHEREAS, the Authority and District deferred collection of \$40 per acre-foot of participation of the authorized \$4400 per acre-foot of participation until 2025, which Water User is obligated to pay under the terms of the Agreement; and

WHEREAS, the Agreement does not provide for collection of the ongoing District administrative costs beyond December 31, 2024; and

WHEREAS, Water User desires and is willing to pay for its proportionate share of the District administrative costs for the Extended Period in furtherance of its existing Phase 2C participation.

NOW, THEREFORE, Water User and District hereby execute this First Amendment to the Agreement which adds Sections 18 to 19 to the Agreement, as described below.

18. District and Water User agree to extend the Agreement such that it covers the Extended Period, and District and Water User agree that Water User shall pay, within 30 days of invoicing by District, its proportionate share of the District's administrative costs for the Extended Period in two installments in the first quarters of 2025 and 2026. Budget rates for said administrative costs shall be

established by District. Any difference between budgeted and actual 2025 costs shall be carried forward into 2026. District shall manage the 2026 administrative costs so as not to exceed the 2026 budget rate established by District. The installments are in addition to the Phase 2C Payment Obligation described in Section 4c.

19. District and Water User agree that Water User shall pay, within 30 days of invoicing by District, the aforementioned deferral of \$40.00 per acre-foot of participation in the first quarter of 2025.

Sections 1. through 17., inclusive, of the Agreement shall remain in full force and effect.

WATER USER	WHEELER RIDGE- MARICOPA WATER STORAGE DISTRICT
_____ (name of Water User company)	
Date Submitted:_____	Accepted by District on:_____
Signature_____	Signature_____
_____ Printed Name & Title	_____ Printed Name & Title

◀ WHEELER RIDGE - MARICOPA WATER STORAGE DISTRICT ▶
◀ WHEELER RIDGE - MARICOPA GSA ▶

MEMORANDUM

TO: Board of Directors

FROM: Sheridan Nicholas

DATE: December 8, 2024

SUBJECT: WRMGSA - Adoption of Amended GSP and Related Documents

Background: In March 2023, DWR determined the Kern Subbasin Plan, originally submitted in 2020 and revised and resubmitted in 2022, was inadequate under SGMA. It concurrently referred the Kern Subbasin to the State Water Resources Control Board (SWRCB) for further procedures, including potential designation of the Subbasin as probationary following a public hearing. The SWRCB had initially scheduled the Kern Subbasin probationary hearing for January 2025, but was rescheduled for February 20, 2025, which remains on the calendar.

Shortly after receiving the inadequate determination, the Kern Subbasin GSAs began working together to develop GSP amendments intended to remedy the DWR-identified deficiencies and avoid a probationary designation. After several months of dedicated work, largely undertaken by the Technical Working Group with input from Policy/Directors and Managers, the Subbasin GSAs prepared a draft GSP that included significant revisions to address the deficiencies and make other improvements. The Subbasin GSAs submitted the draft GSP to the SWRCB in May 2024 and prepared necessary public notices and completed several outreach events in the weeks following submittal.

In July 2024, SWRCB staff released their draft staff report, which focused on the 2020 and 2022 GSPs and provided only a 2-page “preliminary” review of the amended 2024 GSP. Since then, the Subbasin has met almost weekly to continue gathering feedback and refining the 2024 draft GSP and other related documents, as outlined below.

Along with that plan, a majority of Kern subbasin GSA’s are considering entering into a number agreements/documents related to groundwater management within the Subbasin. Each of these items will be described separately below, and please note the South of Kern River GSP Executive Committee reviewed all items.

a. Adoption of the 2024 Kern Subbasin GSP

The attached presentation provides additional details on these changes and will be reviewed during the Public Hearing portion of the meeting.

The amended Subbasin GSP is comprised of 7 GSPs; the same organizational structure as the draft submitted in May. WRMGSA (along with the other South of Kern River (SOKR) GSAs) is

contained within the Kern Subbasin GSP that covers over 67% of the Subbasin. There are 6 additional GSPs, which are substantially the same as the Kern Subbasin GSP but also include supplemental information unique to the adopting GSA on “blue pages.” Buena Vista WSD GSA, Henry Miller GSA, Kern-Tulare Water District (WD) GSA, Olcese WD GSA, Westside District Water Authority GSA, and Semitropic WSD GSA will *each* adopt a separate “blue page” GSP.

As a result of SWRCB and public input, the final GSP proposed for adoption includes significant changes from the draft GSP in the following areas:

1. Basin Setting (updated cross sections, shallow groundwater maps and water budgets);
2. Representative Monitoring Network (additional well depth analysis, identify data gaps);
3. Groundwater Level SMCs (raised depth to water level, reduced well impacts);
4. Subsidence SMCs (adjusted rates to be more protective of beneficial users);
5. Water Quality (increased monitoring wells and additional constituents/testing frequency);
6. Interconnected Surface Water (greater technical review); and
7. Well Mitigation Program (similar to Kaweah, which received positive reaction, with specific implementation schedule and funding commitments).

The Kern Subbasin GSP describes Project and Management Actions (P/MAs), some common to the entire Subbasin and others specific to a management area, that the Subbasin GSAs will collectively implement to address the Subbasin’s projected water budget deficit (under a climate change scenario). Each GSA’s unique portfolio of P/MAs is included as an appendix to the Kern Subbasin Plan.

The final draft amended Kern Subbasin GSP will be posted to each SOKR district’s website, the joint SOKR website, <https://sokrgsp.com/>, and Kern Subbasin (www.kerngsp.com).

Recommendation: It is recommended the Board of Directors approve and adopt the final Kern Subbasin GSP.

b. Second Amended Coordination Agreement

Under SGMA, multiple GSPs implemented by multiple GSAs to cover a subbasin must be coordinated pursuant to a single coordination agreement. Because the Kern Subbasin will continue to be covered by multiple GSPs, the Subbasin GSAs have developed the attached “Second Amended Kern County Subbasin Coordination Agreement,” to supersede and replace the coordination agreements that accompanied the original 2020 and revised 2022 Kern Subbasin Plans. The technical content of the Second Amended Coordination Agreement has been streamlined, with the specific descriptions of data and methodologies being moved to the multiple GSPs. It also broadens membership in the Basin Coordination Committee to include the 21 GSAs in the Subbasin, rather than 1 representative per GSP.

The WRMGSA previously approved a form of the Second Amended Coordination Agreement in May, however that version was subsequently revised to address SWRCB feedback, improve consistency with the GSP, and make minor edits. Significant changes include: (1) inclusion of a Well Mitigation Program; (2) additional inputs in the Data Management System; and (3) Duration (term).

Recommendation: It is recommended the Board authorize execution of the the Second Amended Kern County Subbasin Coordination Agreement among the Subbasin GSAs.

c. Contract with Self-Help Enterprises to Administer the Well Mitigation Program

Upon firm request from SWRCB (based on concern that the GSP’s proposed minimum thresholds for groundwater levels below 2015 levels could contribute to dewatering of domestic drinking water wells), the Subbasin recommends incorporating a Well Mitigation Program. The Well Mitigation Program is modeled after the Kaweah Subbasin’s program, which received positive reaction and praise from SWRCB and others. Under the program, Self-Help Enterprises will essentially function as a clearing house to provide emergency and temporary water service and/or other technical assistance while a long-term solution is developed. Long-term fixes will be subject to review and approval by the GSA(s) that may be responsible for such dewatering as a result of groundwater management activities, prior to implementation.

The WRMGSA previously approved a Letter of Intent with Self-Help Enterprises, and the WRMWSD formally reserved \$100,000 on behalf of the WRMGSA for domestic well mitigation. The “Domestic Well Mitigation Agreement” is attached.

Recommendation: It is recommended that the Board of Directors authorize execution of the Domestic Well Mitigation Agreement with Self-Help Enterprises.

d. Amend South of Kern River Memorandum of Agreement

The First Amendment (attached) proposes two changes to the MOA in anticipation of the SOKR GSAs signing on to the Kern Subbasin GSP and approving the Second Amended Coordination Agreement:

1. Clarification of the Parties’ intent to work together to develop and implement a common GSP for areas South of the Kern River, which *may* be referred to, either principally or alternatively, as the South of Kern River GSP (rather than “*shall* [only] be known as” the South of Kern River GSP); and
2. Update to the Executive Committee’s role in appointing representatives to the Coordination Committee now that each SOKR GSA is entitled to be represented.

Recommendation: It is recommended that the Board of Directors authorize execution of the First Amendment to the MOA between Arvin Community Services District, Arvin-Edison Water Storage District, Tejon-Castac Water District, and Wheeler Ridge-Maricopa Water Storage District for South of Kern River GSP

(filename C:\Users\DRuth\OneDrive - Wheeler Ridge Maricopa Water SD\Documents - WRMWSD Shared\Management\Shared_AA\Board Mailing December 11, 2024\Prep Docs\WRMGSA_Memo_2024_Revised_GSP_Other_Agreements_Approval.wpd)

FINAL 2024 KERN COUNTY SUBBASIN GROUNDWATER SUSTAINABILITY PLAN

DECEMBER 2024

OVERVIEW

Final 2024 Plan Development (May – Dec 2024)

- SWRCB Process
- Subbasin Public Engagement

Final 2024 Plan

- Addressing DWR and SWRCB Deficiencies
- SWRCB Comments on Draft 2024 Plan
- Plan Format & Major Revisions

Next Steps

SWRCB PROCESS (MAY-DEC 2024)

- **May 28:** Draft 2024 Plan submitted to SWRCB
- **Jul 28:** SWRCB released Draft Staff Report recommending the Subbasin for probation
- **Aug 26 & 29:** SWRCB workshops hosted
- **Aug – Oct:** Subbasin hosted all SWRCB members and key staff on three Subbasin tours
- **Sep – Dec:** Subbasin representatives held near-weekly policy and technical meetings with SWRCB staff

SUBBASIN PUBLIC ENGAGEMENT (MAY-DEC 2024)

Jun 1 – Nov 4: Draft GSP Public Review Period

- Advertised for public comment through press release, Water Association of Kern County, Kern County Farm Bureau, and SJV Water News

Oct 14 – Nov 4: Draft Stakeholder Communication and Engagement Plan (SCEP) Public Review Period

- Verbal and written comments received and responded

Oct 3: Three GSA Stakeholder Workshops Held

- Provided an overview of the GSP with Spanish translation
- In-person and virtual options
- Held at different locations within the Subbasin



SUBBASIN PUBLIC ENGAGEMENT (MAY-DEC 2024)

- Kern Subbasin SGMA website created (<https://kerngsp.com/>)
- Active engagement and targeted workshops with key stakeholder groups to develop Well Mitigation Program
- Developed and distributed promotional materials: GSA representatives handed out at public events, including Water Day at Kern County Fair
- Water districts, CSDs, and other GSA stakeholders involved with GSP development and Subbasin tours




2024 PLAN: ADDRESSING DWR AND SWRCB DEFICIENCIES

Executive Summary: Incorporates DWR and SWRCB staff feedback, new information and data, and the best available science, and where the information can be found in the plan:

- Summarizes feedback received during **SWRCB Technical Meetings, Public Workshops, and Draft Staff Report**, and summary of 2024 Plan revisions.
- Summarizes **Major Plan Updates** and identifies the DWR deficiencies, corrective actions, and summary of Plan revisions.

 **Deficiency #1:** The GSPs do not establish Undesirable Results (URs) that are consistent for the entire Subbasin.

 **Deficiency #2:** The Subbasin's Chronic Lowering of Groundwater Levels Sustainable Management Criteria (SMCs) do not satisfy the requirements of SGMA and the GSP Regulations.

 **Deficiency #3:** The Subbasin's Land Subsidence SMCs do not satisfy the requirements of SGMA and the GSP Regulations.

 **Additional Revision:** Revision to incorporate new data or information or respond to DWR and SWRCB comments that were not identified as Corrective Actions.



RESPONSE TO DWR DEFICIENCY #1

“The GSPs do not establish undesirable results that are consistent for the entire Subbasin.”

“While the Coordination Agreement presents Subbasin-wide undesirable results, the Subbasin’s fragmented approach towards establishing management criteria that define undesirable conditions in various parts of the Subbasin does not satisfy SGMA’s requirement to use same data and methodologies.”

Corrective Actions	Summary of Plan Revisions	Revision in Plan
<p>I a)</p> <ul style="list-style-type: none"> • “Explain how the undesirable results definitions are consistent with the requirements of SGMA and the GSP Regulations.” • “Include descriptions of how the Plans have utilized the same data and methodologies to define the Subbasin-wide undesirable results and how the Plan has considered the interests of beneficial uses and users of groundwater.” <p>I b)</p> <ul style="list-style-type: none"> • “Commit to comprehensively reporting on the status of minimum threshold exceedances by area in the annual reports and describe how groundwater conditions at or below the minimum thresholds may impact beneficial uses and users prior to the occurrence of a formal undesirable result.” <p>I c)</p> <ul style="list-style-type: none"> • “Adopt clear and consistent terminology to ensure the various plans are comparable and reviewable by the GSAs, interested parties, and Department staff. This terminology should also adhere to the definitions of various terms in SGMA and the GSP Regulations including the understanding that undesirable results are conditions occurring throughout the Subbasin.” • “Clearly document how all of the various undesirable results definitions and methodologies achieve the same common sustainability goal.” 	<ul style="list-style-type: none"> • Defined Subbasin-wide URs, MTs, and MOs using consistent data and methodologies. • Developed UR definitions in line with SGMA and GSP Regulations, reflecting feedback from SWRCB staff. • Revised the Chronic Lowering of Groundwater Levels UR definition to address direct impacts on drinking water wells and Subbasin-wide MT exceedances. • Conducted a robust Subbasin-wide well impacts analysis to quantify potential impacts to beneficial users, projecting fewer than 307 impacted drinking water wells by 2040 under the worst-case scenario. • Conducted a surface properties and land use assessment in which infrastructure was defined and categorized based on potential subsidence-related risk • Established a Subbasin-wide MT Exceedance Policy to trigger GSA action in the event of a MT exceedance. • Updated functionality of the Subbasin Data Management System (DMS) so that all GSAs are notified when an MT exceedance is uploaded. • Established a detailed Subbasin-wide Well Mitigation Program • Used common language and templates (and data and methodologies) for all 2024 Plan sections. • Used clear and consistent terminology for the Subbasin-wide definitions for URs, MTs, and MOs. • Defined and used consistent, Subbasin-wide terminology to establish Land Subsidence SMCs. • Revised the Sustainability Goal. 	<p>Section 2</p> <p>Section 5</p> <p>Section 12</p> <p>Section 13</p> <p>Appendices</p>



RESPONSE TO DEFICIENCY #2

“The Subbasin’s chronic lowering of groundwater levels sustainable management criteria do not satisfy the requirements of SGMA and the GSP regulations.”

“The GSPs do not consistently and sufficiently document the effects of their selected minimum thresholds on beneficial uses and users in the Subbasin, nor explain how the minimum thresholds and measurable objectives that are set below historical lows will impact other applicable sustainability indicators...”

Corrective Actions	Summary of Plan Revisions	Revision in Plan
<p>All GSPs:</p> <ul style="list-style-type: none">• “Demonstrate the relationship between the minimum thresholds for each sustainability indicator, including an explanation of how the GSA has determined that basin conditions at each minimum threshold will avoid undesirable results for each of the sustainability indicators.”• “The GSAs should address the specific corrective actions identified for the various GSPs and management area plans, as well as the corrective actions that apply to all the GSPs identified in Table 2. Where addressing those corrective actions includes modifications to the respective GSPs minimum thresholds, the GSPs should evaluate whether the Subbasin’s ‘with-projects’ modeling scenarios still indicate that implementation of the projects and management actions would avoid minimum threshold exceedances. If not, the GSAs should modify their projects and management actions accordingly.”	<ul style="list-style-type: none">• Established a Subbasin-wide methodology for setting MTs and MOs for Chronic Lowering of Groundwater Levels using an iterative process that considered more than 11 potential MT methodologies.• Conducted a robust Subbasin-wide well impacts analysis using the Subbasin well inventory, MTs and the quantitative criteria for URs.• Conducted a “depletion of supply” analysis to quantify the percentage of urban supply that may be impacted at MTs and the UR definition.• Identified potential impacts of lowered groundwater levels on other Sustainability Indicators.• Projected the extent of subsidence that would occur under groundwater level MTs and determined that groundwater level MTs are protective of URs for land subsidence.• Selected Representative Monitoring Wells (RMWs) in areas with a potential correlation between groundwater levels and water quality.• Estimated the reduction of groundwater storage that would occur at MT groundwater levels and determined this decline in storage is not significant relative to the volume of total usable storage in the Subbasin.• Coordinated with neighboring subbasins on SMCs.• Confirmed that the Subbasin’s model results indicate that there are no instances where more than 25% of the RMW-VWLs have MT exceedances over two consecutive years seasonal measurements from 2020 through 2070 based on the Projected-Future “With Project” scenario; this suggests that the Subbasin GSAs have sufficiently designed Projects and Management Actions (P/MAs) to improve the Subbasin conditions to avoid URs.	<p>Section 8</p> <p>Section 13</p> <p>Section 14</p> <p>Section 15</p> <p>Appendices</p>



RESPONSE TO DEFICIENCY #3

“The Subbasin’s land subsidence sustainable management criteria do not satisfy the requirements of SGMA.”

“The Plan lacks a Subbasin-wide, coordinated approach to establishing land subsidence sustainable management criteria.”

Corrective Actions	Summary of Plan Revisions	Revision in Plan
<p>Subbasin:</p> <ul style="list-style-type: none"> • “Coordinate and collectively satisfy the requirements of SGMA and the GSP Regulations to develop the sustainable management criteria for land subsidence.” • “Document the conditions for undesirable results for which the GSAs are trying to avoid, supported by their understanding of land uses and critical infrastructure in the Subbasin and the amount of subsidence that would substantially interfere with those uses.” • “Identify the rate and extent of subsidence corresponding with substantial interference that will serve as the minimum threshold.” • “Clearly identify the undesirable result parameters for each of the GSPs, management areas, and management area plans so it is clear how the various plans work together at the Subbasin level.” • “Explain how implementing projects and management actions proposed in the various GSPs is consistent with avoiding subsidence minimum thresholds.” • “If land subsidence is not applicable to parts of the Subbasin, provide supported justification of such.” 	<ul style="list-style-type: none"> • Referenced and discussed key findings from the six independent subsidence studies to fill data gaps. • Conducted extensive studies to explain InSAR time series methodologies to differentiate between subsidence caused by activities within and outside of the GSAs’ authority to control. • SMCs are data driven, not risk-based • Developed Subbasin-wide definitions for Regional and GSA Area Critical Infrastructure. • The GSAs have committed to minimize GSA-related subsidence by 2040. • Established land subsidence SMCs based on a projection of the average historical subsidence rates. • Assessed the potential change in slope to confirm minimal impacts to land surface uses. • Assessed potential impacts on regional critical infrastructure from future GSA-related subsidence. • Coordinated with key beneficial users of regional critical infrastructure. • Updated the Subbasin-wide Land Subsidence monitoring network. 	<p>Section 8</p> <p>Section 13</p> <p>Section 15</p> <p>Appendices</p>

SWRCB CONSULTATION & RESPONSE (MAY 2023 – MAY 2024)

Date	SWRCB Comment	Outcome	Revision in Plan
5/17/2023	Plan manager introduction and GSA questions	GSAs considered Plan structure, striving for the majority of the Subbasin to be included under one plan. GSAs initiated plans to expand demand reduction P/MAs.	Section 5 Section 14
6/23/2023	Technical Meeting #1 Chronic Lowering of Groundwater Levels SMCs	Initiated well inventory to improve identification of beneficial users. Revised Undesirable Results (UR) definition to include dewatered drinking water wells.	Section 5 Section 13
10/4/2023	Technical Meeting #2 Chronic Lowering of Groundwater Levels SMCs	Expanded justification for Chronic Lowering of Groundwater Levels SMCs to include a suite of 5 drinking water well impacts analyses and a “depletion of supply” calculation.	Section 13
11/1/2023	Technical Meeting #3 Chronic Lowering of Groundwater Levels SMCs	Initiated analysis to assess Chronic Lowering of Groundwater Level SMCs inter-relationship with Land Subsidence and Degraded Water Quality SMCs.	Section 13
12/13/2023	Technical Meeting #4 Land Subsidence SMCs	Clarified definitions for the potential causes of subsidence with the GSA’s authority and outside the GSA’s authority to manage. Established Land Subsidence SMCs across the entire Subbasin.	Section 8 Section 13
1/24/2024	Technical Meeting #5 Degraded Water Quality SMCs	Expanded representative monitoring network for water quality. Expanded constituents with SMCs to include 1,2,3-TCP, nitrite, and uranium. Examined potential relationship between arsenic concentrations and land subsidence.	Section 8 Section 13 Section 15
3/6/2024	Technical Meeting #6 Well Inventory & Mitigation Program	Expedited timeframe for well mitigation program framework, to be operational by Jan 2025.	Section 13 Appendices
4/3/2024	Technical Meeting #7 Monitoring Networks and SMCs Approach	Expanded representative monitoring network. Increased water quality sampling frequency to semi-annual. Revised UR definition for Degraded Water Quality. Expanded Depletions of Interconnected Surface Waters description to include ICONS dataset.	Section 8 Section 13 Section 15 Appendices
4/23/2024	Technical Meeting #8 Water Budgets and P/MAs Approach	Summarized all planned P/MAs and expected benefits by category on the Subbasin level and moved GSA-specific details on P/MAs as supporting appendices.	Section 9 Section 14 Appendices
5/29/2024	Technical Meeting #9 Amended GSP(s) Overview	GSAs presented highly-coordinated Amended GSP(s)	N/A

SWRCB DRAFT STAFF REPORT (JUL 2024): DRAFT PLAN COMMENTS

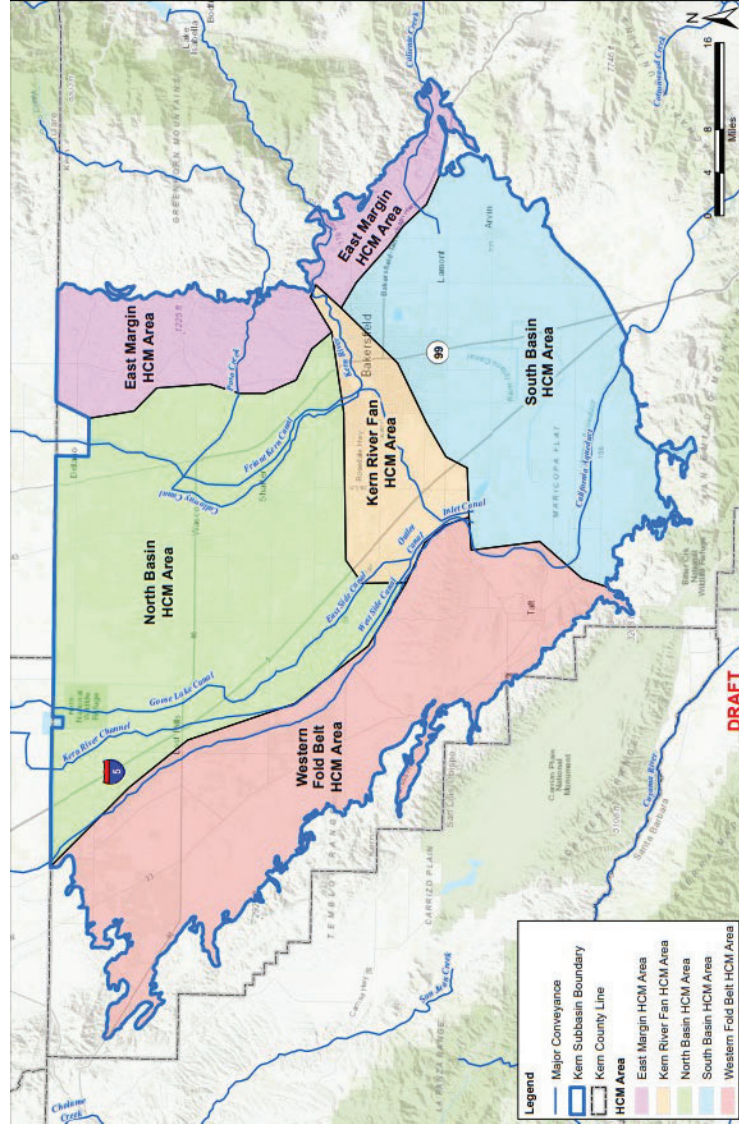
1. Additional support for conceptualization of Basin Setting and designation of principal aquifers.
2. Confirmation of representativeness of the groundwater level monitoring network (RMW-WLs).
3. Additional justification/refinement of Groundwater Level Sustainable Management Criteria (SMCs).
4. Additional justification/refinement of the Subsidence SMCs.
5. Clarification needed on water quality, interconnected surface waters and water banking elements of Plan.
6. Desire for expanded Well Mitigation Program.

SWRCB CONSULTATION/RESPONSE (AUG-NOV 2024)

SWRCB Comment	Outcome	Final Plan Revision
Additional support for conceptualization of Basin Setting and designation of principal aquifers	<ul style="list-style-type: none"> Expanded presentation of information in the Basin Setting. 	Section 7
Confirmation of representativeness of the groundwater level monitoring network (RMW-WLs)	<ul style="list-style-type: none"> Updated well inventory to improve identification of beneficial users. Conducted cell by cell analysis of water levels and well depths to confirm representativeness of RMW-WLs. Identified the need for 7 additional RMWs in the future. 	Section 13 Section 15 Appendices
Additional justification/refinement of Groundwater Level Sustainable Management Criteria (SMCs)	Updated HCM Area trends with updated RMW-WL network. Added a cap to the MTs at 61 ft below recent historical lows and updated well impacts analysis. MTs now an average of 33 feet above the 2022 MTs and well impacts reduced to 260-307 in the worst-case scenario.	Section 13 Appendices
Additional justification/refinement of Subsidence SMCs	Revised Land Subsidence SMCs and developed MT Exceedance Policy for subsidence.	Section 13
Clarification needed on water quality, interconnected surface waters and water banking elements of Plan	Expanded presentation of information in the relevant chapters.	Section 8 Section 13
Expanded Well Mitigation Program	Developed detailed Well Mitigation Program to address impacts to water levels or water quality in drinking water wells as a result of GSA management.	Appendices

2024 PLAN: GUIDING PRINCIPLES

- Subbasin Coordination
- Five HCM Areas
- Subbasin Banking Programs
- Demand Management
- Protective of Beneficial Uses and Users



2024 FINAL PLAN OVERVIEW

7 Areas of Major Revisions:

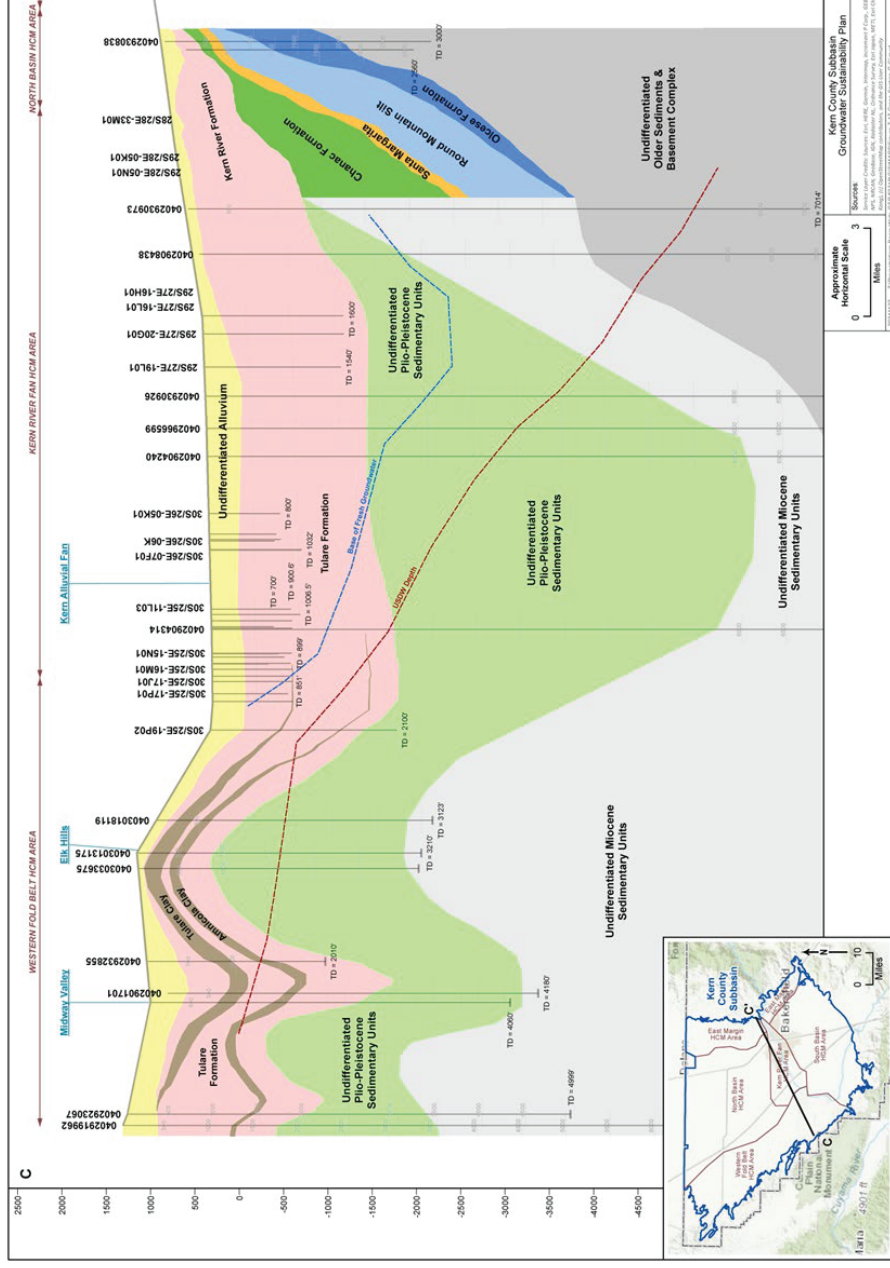
1. Basin Setting
2. Representative Monitoring Network
3. Groundwater Level SMCs
4. Subsidence SMCs
5. Water Quality
6. Interconnected Surface Water
7. Well Mitigation Program

GSP Name	Area (acres)	Area (%)	GSA	GSP Content
Kern Subbasin GSP	1,205,482	67.6%	14 GSAs ¹	Kern Subbasin GSP
Buena Vista WSD GSA GSP	51,070	2.9%	Buena Vista WSD GSA	Kern Subbasin GSP Supplemental GSA information on blue pages located at the end of each separate GSP
Henry Miller GSA GSP	26,063	1.5%	Henry Miller GSA	
Kern-Tulare Water District GSA GSP	11,344	0.6%	Kern-Tulare Water District GSA	
Olcese Water District GSA GSP	3,199	0.2%	Olcese Water District GSA	
Semitropic Water Storage District GSA GSP	224,350	12.6%	Semitropic Water Storage District GSA	
Westside District Water Authority GSA GSP	260,812	14.6%	Westside District Water Authority GSA	

¹Arvin GSA, Cawelo Water District GSA, Kern Groundwater Authority GSA, Kern River GSA, Kern Water Bank GSA, Greenfield County Water Districts GSA, North Kern WSD GSA, Pioneer GSA, Rosedale-Rio Bravo WSD GSA, Shafter-Wasco ID GSA, Southern San Joaquin MUD GSA, Tejon-Castac Water District GSA, West Kern Water District GSA, Wheeler Ridge-Maricopa GSA

1. BASIN SETTING

- Geologic Setting
 - Updated geologic cross-sections
 - Added discussion and figures on clay layers including E-Clay
- Groundwater Conditions
 - Added Shallow groundwater maps shown relative to clay layers
 - Added discussion on hydraulic interconnectedness
- Water Budgets
 - New GSA Operational Water Budgets



2. REPRESENTATIVE MONITORING NETWORK

- Current GWL monitoring network consists of 187 GWL monitoring wells
- Identified wells in Upper and Lower Zones based on Basin Setting work and added information to RMS Well table
- Conducted cell by cell analysis of:
 - median RMS Well depths and compared well depths to median domestic and agricultural well depths
 - water levels to determine representativeness of RMS Wells
- Determined data gaps for domestic and agricultural wells
 - Identified need for 7 additional GWL monitoring wells to fill data gaps

3. GROUNDWATER LEVEL SMCS

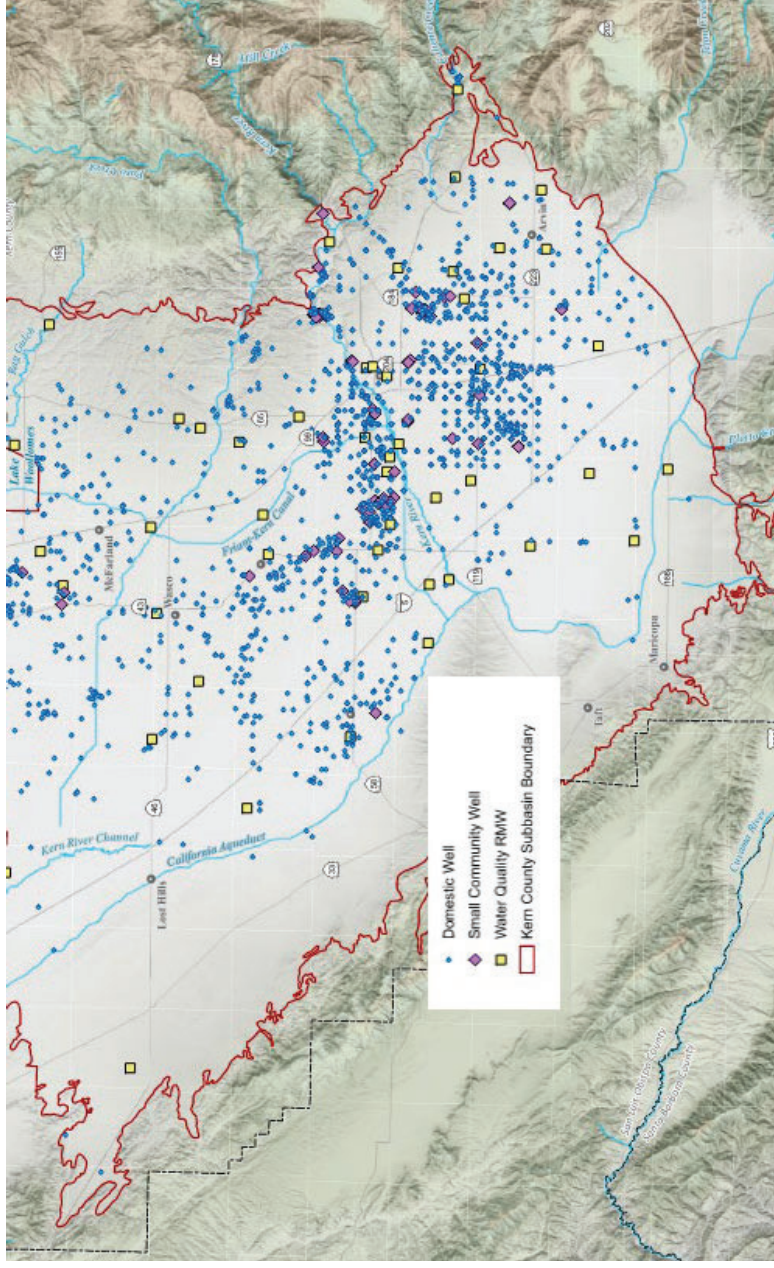
- Applied a “cap” to the MTs at 61 ft below recent historical low
- Raises MTs an average of 33 feet relative to 2022 levels; MTs in more than 20 RMWs raised by more than 100 ft
- Under the “worst-case” scenario 260-307 drinking water wells will be potentially impacted, less than 1% of drinking water supply
- Even under weighted stochastic well impacts analysis, only 73 drinking water wells are projected to be impacted
- Raising the MT cap to 40 feet only protects an additional 26 wells at great economic impact to water users in the Subbasin
- MT Exceedance Policy and Well Mitigation Program can support proactive protection of beneficial users

4. SUBSIDENCE SMCS

- Data-driven
- Based on Historical Subsidence Rates
- Coordinated Across the Subbasin
- Protective of Beneficial Users
 - SMC rates have been lowered along the California Aqueduct in areas where operational impacts have been identified
- Stable groundwater levels by 2030, allowing for ramp-down to zero GSA-related subsidence by 2040

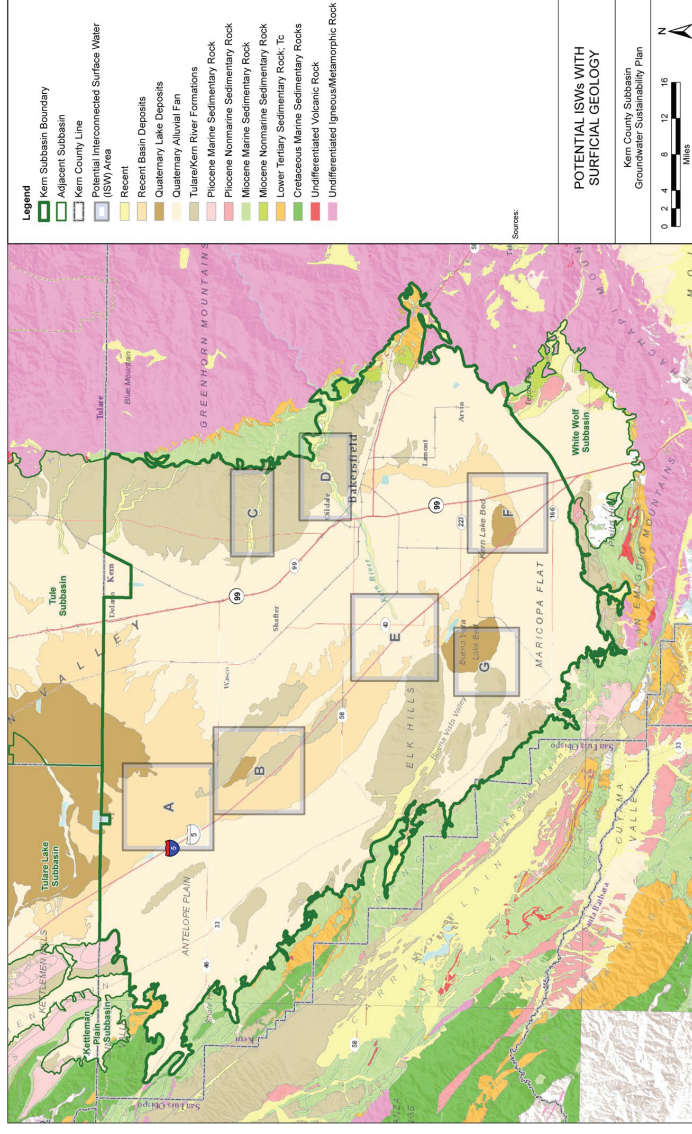
5. WATER QUALITY

- COCs: TCP, Arsenic, Nitrate, Nitrite, TDS, Uranium
- 52 Representative Monitoring Wells
- Seasonal Sampling coordinated with Water Level Measurements
- MT Exceedance Policy
- Undesirable Result occur when:
 - MTs for a groundwater quality COC are exceeded in three (3) RMW-WQs in an HCM area or the one (1) RMW-WQ in the Western Fold Belt HCM area based on the average of confirmed seasonal sample results and can be attributed based on a technical analysis to groundwater management actions. OR
 - Five (5) small community wells sampled under the DDW requirements have a new, confirmed MCL exceedance of a COC and can be attributed based on a technical analysis to groundwater management actions



6. INTERCONNECTED SURFACE WATER

- Used Natural Communities Commonly Associated with Groundwater (NCCAG) dataset and ICONS dataset to identified potential ISWs
 - 7 potential ISWs identified
- Included more technical justification to show surface water is not connected to the saturated groundwater aquifer like:
 - Geologic maps
 - Shallow perched groundwater map
 - Hydrographs
 - River profiles
- Referred to the Well Inventory to identify potential swallow wells near potential ISWs.



7. WELL MITIGATION PROGRAM

KERN SUBBASIN MITIGATION PROGRAM

Mitigation Track

Emergency & interim supplies and a physical long-term solution

Technical Assistance Track

Up to \$50,000 for technical assistance towards a long-term solution



**Administered by Self-Help Enterprises
Reimbursed by the GSAs**

Administered by the GSAs

Qualification Criteria:

1. The impact occurred after January 1, 2015
2. The impact was caused by groundwater management activities

Evaluation of Eligibility:

1. Evaluation by a qualified professional
2. Evaluation by a three-member committee

Seat 1
Local Drinking Water Focused Non-Governmental Organization

Seat 2
Local Drinking Water Focused Non-Profit

Seat 3
Qualified Professional (PG, CHG, PE)

NEXT STEPS

**Submit 2024 Plan to SWRCB week of
Dec 16th**

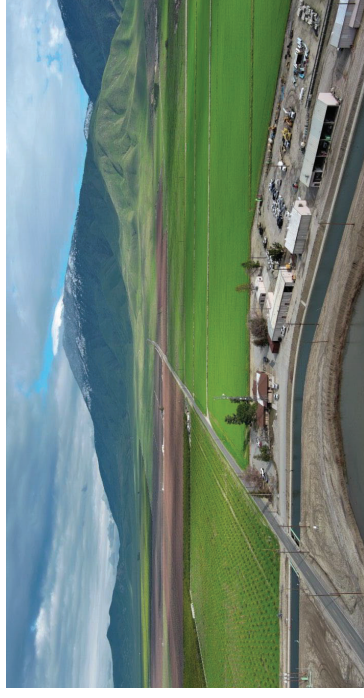


Upload 2024 Plan to DWR SGMA portal*



Probation hearing scheduled Feb 20, 2025

- *Final SWRCB Staff Report expected ~3 weeks prior*



*When new DWR SGMA portal module is available

Second Amended Kern County Subbasin Coordination Agreement

This Second Amended Kern County Subbasin Coordination Agreement (“Agreement” or “Coordination Agreement”) is made effective as of _____ by and among the Groundwater Sustainability Agencies (“GSA”) within the Kern County Subbasin that are developing multiple Groundwater Sustainability Plans (“GSPs”) (each a “Party” and collectively the “Parties”), each of which is identified in Attachment 1 and is made with reference to the following facts:

WHEREAS, on September 16, 2014, Governor Jerry Brown signed into law Senate Bills 1168 and 1319 and Assembly Bill 1739, known collectively as the Sustainable Groundwater Management Act (“SGMA”); and

WHEREAS, SGMA requires all groundwater basins designated as high or medium priority by the Department of Water Resources (“DWR”) to manage groundwater in a sustainable manner; and

WHEREAS, the Kern County Subbasin (Basin Number 5-22. 14, DWR Bulletin 118) (“Subbasin”) which lies within the San Joaquin Valley Groundwater Basin, has been designated as a high-priority basin by DWR; and

WHEREAS, the Subbasin includes twenty (20) GSAs that are managing the Subbasin through multiple GSPs; and

WHEREAS, SGMA allows local agencies to engage in the sustainable management of groundwater, but requires GSAs intending to develop and implement multiple GSPs within a subbasin to enter into a coordination agreement; and

WHEREAS, the Agreement does not prevent any Party from providing comments on a GSP, or otherwise coordinating among parties with regard to specific items in a GSP outside this Agreement, on issues including but not limited to specific border conditions between GSPs and/or the timing and/or effect of projects and management actions contained within another GSP; and

WHEREAS, nothing in this Agreement represents or should be construed as the determination of any claim or assertion of a groundwater right; specifically, the coordinated water budget information or data does not amount to an allocation, or otherwise represent a determination, validation, or denial of any claimed or asserted groundwater right;

WHEREAS, this Agreement shall supersede and replace all prior agreements, promises, and understandings, oral or written, related to the coordination of GSPs in the Subbasin, including the Coordination Agreement effective January 20, 2020, and First Amended Coordination Agreement effective July 22, 2022.

THEREFORE, in consideration of the facts recited above and of the covenants, terms and conditions set forth herein, the Parties agree as follows:

Section 1 Purpose

The purpose of this Agreement is to comply with SGMA coordination agreement requirements and ensure that the multiple GSPs within the Subbasin are developed and implemented utilizing the same data and methodologies as required under SGMA and Title 23 of the California Code of Regulations (“CCR”), and that the elements of the GSPs are appropriately coordinated to support sustainable management.

The Parties intend for this Agreement to describe how the Parties will work together to ensure coordinated implementation of the multiple GSPs covering the Subbasin to satisfy the requirements of SGMA. In particular, it documents the Parties’ agreement to rely upon or otherwise include identical language, content, and form for the ~~GSP Chapters described in Attachment 2 of the Agreement~~GSPs, and to require any future amendment to those ~~GSP Chapters~~GSPs be approved by unanimous consent of the Parties, unless a change is specific to an individual GSA’s data or information and required to comply with SGMA regulations and would not otherwise impact the language, content, and form of the collective GSPs approved through the governance process described in Section 3 herein. This Agreement shall be incorporated into each of the GSPs that is adopted to cover a portion of the Subbasin.

Section 2 General Guidelines

Responsibilities of the Parties

The Parties shall work collaboratively to comply with SGMA and this Agreement. Each Party to this Agreement is a GSA and acknowledges it is bound by the terms of the Agreement. This Agreement does not otherwise affect each Party’s responsibility to implement the terms of the GSP it has adopted pursuant to SGMA. Rather, this Agreement is the mechanism through which the Parties will coordinate portions of the multiple GSPs to ensure such GSP coordination complies with SGMA.

No Adjudication or Alternative Plans in the Subbasin

As of the date of this Agreement, there are no portions of the Subbasin that have been adjudicated or have submitted for DWR approval an alternative to a GSP pursuant to Water Code section 10733.6.

Section 3 Governance

Subbasin Coordination Committee

The Subbasin Coordination Committee will facilitate discussion of Coordination Activities (defined below). The Subbasin Coordination Committee will consist of one representative appointed from each GSA.

Each Subbasin Coordination Committee member’s compensation for service on the Subbasin Coordination Committee, if any, is the responsibility of the appointing Party.

Each Subbasin Coordination Committee member shall serve at the pleasure of the appointing GSA and may be removed or substituted from the Subbasin Coordination Committee by the appointing GSA at any time.

3..1 The Subbasin Coordination Committee will meet periodically as it deems necessary to carry out the activities described in this Agreement.

3..2 The Subbasin Coordination Committee may suggest subcommittees, workgroups, or otherwise request staff and/or consultants of the Parties develop technical data, supporting information and/or recommendations.

The purposes of the Subbasin Coordination Committee are to (1) provide a forum to discuss each ~~Parties~~Party's recommendation regarding the appointment of a Plan Manager who will act in accordance with this Agreement, and (2) provide a forum wherein the Parties may discuss Subbasin coordination activities, which may include the ~~Parties~~Parties' development, planning, financing, environmental review, permitting, implementation, and long-term monitoring of the multiple GSPs in the Subbasin, pursuant to SGMA requirements ("Coordination Activities").

Plan Manager

Appointment (or renewal) of the Plan Manager shall require the vote of more than 75% of the Parties, and any vote to remove the Plan Manager shall require a vote of more than 25% of the Parties. A removed Plan Manager is not eligible for reappointment. Any Party may call for a review of the Plan Manager's engagement at any time. The Plan Manager shall serve as the point of contact for DWR, as specified in 23 CCR § 357.4, subd. (b)(1), and State Water Resources Control Board (SWRCB), as appropriate. The Plan Manager shall submit or assist with the submittal of all GSPs, plan amendments, supporting information, monitoring data and other pertinent information, Annual Reports, and periodic evaluations to DWR or SWRCB when required. The Plan Manager has no authority to take any action or represent the Subbasin Coordination Committee or a particular Party without the specific direction and authority of the Subbasin Coordination Committee. The Plan Manager is obligated to immediately disclose all communications he/she receives in his/her capacity as Plan Manager to the Subbasin Coordination Committee and the GSA(s) particularly affected, as appropriate under the circumstances.

Section 4 Exchange of Data and Information

Procedure for Exchange of Information

4..1 The Parties may exchange information through collaboration and/or informal requests made at the Subbasin Coordination Committee level or through subcommittees suggested by the Subbasin Coordination Committee. However, to the extent it is necessary to make a written request for information to another Party, each Party shall designate a representative to respond to information requests and provide the name and contact information of the designee to the Subbasin Coordination Committee. Requests may be communicated in writing and transmitted in person or by mail, facsimile machine or other electronic means to the appropriate representative as named in this Agreement.

4..2 Nothing in this Agreement shall be construed to prohibit any Party from voluntarily exchanging information with any other Party by any other mechanism separate from the Subbasin Coordination Committee.

Non-Disclosure of Confidential Information

Pursuant to Section 4.1 of this Agreement, a Party may provide one or more of the other Parties with confidential information. To ensure the protection of such confidential information and

in consideration of the agreement to exchange said information, appropriate arrangements may be made to restrict or prevent further disclosure.

SECTION 5 GSP Methodologies

Pursuant to Water Code section 10727.6 and 23 CCR § 357.4, the Parties have agreed to the same data and methodologies used in their respective GSPs for the following: 1) groundwater elevation data; 2) groundwater extraction data; 3) ~~stored water recovery data; 4)~~ surface water supply; ~~54)~~ total water use; ~~65)~~ change in groundwater storage; ~~76)~~ water budget; and ~~87)~~ sustainable yield, and. The Parties have further agreed that such methodologies will continue to be used in the future development and implementation of such GSPs, except to the extent modified by the Parties in the future in compliance with SGMA regulations and the ~~GSP Chapters described in Attachment 2GSPs.~~

SECTION 6 Coordinated Monitoring Networks

The Parties agree to rely upon the Subbasin Monitoring Networks and Subbasin Monitoring Networks Objectives, developed in compliance with 23 CCR §§ 354.32 - 354.40, for all ~~of the GSA and~~ management areas within the boundaries of the defined Subbasin. The Parties further agree that such methodologies will continue to be used in the development and implementation of the GSPs that cover the Subbasin in the future, except to the extent the Parties mutually agree to modifications in compliance with SGMA regulations and GSP ~~Chapter 16~~ Section 15, as described in ~~Attachment 2the GSPs.~~ The parties have selected the infrastructure (wells, extensometers, etc.) ~~that comprises~~ comprising the Monitoring Network ~~has been strategically selected to represent because it accurately represents~~ baseline groundwater conditions and potential impacts of SGMA implementation.

The Parties agree to rely upon the methodology applied to identify specific infrastructure for the Subbasin Monitoring Networks and the objectives that have been developed in compliance with 23 CCR, §§ 354.32 - 354.40 for all GSA and management areas within the boundaries of the defined Subbasin. As such, future changes to the Monitoring Networks must employ the same methodologies applied to selecting infrastructure and establishing Sustainable Management Criteria, ~~(SMC),~~ except to the extent the Parties mutually agree to modifications in compliance with SGMA regulations and the protocols in GSP ~~Chapter 16 described in Attachment 2~~ Section 15.

Monitoring Networks Protocols

The Parties agree to rely upon the Monitoring Networks Protocols, developed in compliance with 23 CCR §§ 354.32 - 354.40, for all of the areas within the boundaries of the defined Subbasin. The Parties further agree that such methodologies will continue to be used in the development and implementation of GSPs that cover the Subbasin in the future, except to the extent the Parties mutually agree to modifications in compliance with SGMA regulations and the protocols in ~~GSP Chapter 16 described in Attachment 2~~ GSPs Section 15.

Party Changes to Subbasin Monitoring Networks

Should changes to the Subbasin Monitoring Networks be necessary, the Parties agree to comply with the protocols established in ~~GSP Chapter 16~~ GSPs Section 15 and as follows.

To initiate a change to the Subbasin Monitoring Networks, a Party shall submit a request to the Plan Manager and notify the Subbasin Coordination Committee. The request shall contain the necessary details and data as described in ~~Chapter 16~~Section 15 and as required by DWR. At a minimum, a request should provide following information:

1. Reason for change (e.g., collapsed well, dedicated monitoring station constructed, additional monitoring to represent recently constructed project, etc.).
2. Type of monitoring point, construction information (e.g., well depth, use type, etc.), description of conditions being represented and documentation of how the monitoring point is representative of those conditions, and latitude/longitude coordinates.
3. Applicable sustainability indicators (i.e., groundwater levels, water quality, subsidence, groundwater in storage), SMCs and documentation of data and methodology used to establish each SMC.

The Plan Manager shall prepare a coordinated request memorandum for Subbasin Monitoring Networks Changes semiannually on June 1st and January 1st for submittal to the Subbasin Coordination Committee and DWR. The Plan Manager shall report receipt of DWR confirmation and/or collect additional information as requested by DWR following submittal of the request. Following DWR processes, the Plan Manager shall confirm the changes with the individual Party(ies) and Subbasin Coordination Committee, in compliance with SGMA and SGMA regulations.

SECTION 7 Coordinated Water Budgets

The Parties agree to rely on the coordinated Water Budgets, developed in compliance with 23 CCR § 357.4 subd. (b), for all ~~of the GSA and management~~ areas within the boundaries of the defined Subbasin. The Parties further agree that such methodologies will continue to be used in the development and implementation of GSPs that cover the Subbasin in the future, except to the extent the Parties mutually agree to modifications in compliance with SGMA regulations and ~~GSP Chapter 8 described in Attachment 2-GSPs Section 9.~~

Coordinated Data Management System

The Parties have developed and will maintain a data management system (DMS) that is capable of storing and reporting information relevant to the development and/or implementation of the GSPs and Monitoring Network of the Subbasin as described in Section 15 of the GSPs as required by SGMA and SGMA regulations, 23 CCR §§ 352.6, 354.40.

SECTION 8 Well Mitigation Program

There shall be a Subbasin-wide domestic well mitigation program (“Mitigation Program”) to provide emergency and interim drinking water supplies, and long-term solutions for households reliant on domestic wells that have lost access to drinking water due to dry wells, lost well production or groundwater quality degradation caused by groundwater management activities of a GSA occurring after January 1, 2015. The current version of the Mitigation Program is attached to the GSPs as Appendix , which may be amended from time to time by agreement of the Parties without an amendment of this Agreement.

SECTION 9 Adoption and Use of the Coordination Agreement

Cooperative Implementation of GSPs

The Parties intend that the multiple GSPs will be implemented together in order to satisfy the requirements of SGMA. To facilitate cooperative and coordinated plan implementation, the Parties have agreed to utilize the same groundwater models, descriptions of the physical setting and characteristics of the separate aquifer systems within the Subbasin, methodologies as specified in Water Code section 10727.6, definitions of undesirable results, minimum thresholds, measurable objectives, and monitoring protocols that together provide a description of the sustainable yield of the entire Subbasin and how it will be sustainably managed.

GSP and Coordination Agreement Submission

The Parties shall submit their respective GSPs to DWR or SWRCB through the Plan Manager in accordance with SGMA and SGMA Regulations. The Parties intend for this Agreement to demonstrate compliance with the requirements of providing an explanation of how the GSPs implemented together satisfy Water Code sections 10727.2, 10727.4, and 10727.6 for the entire Subbasin.

Reporting Coordination

Annual Reports

The Parties intend to submit a joint annual report to DWR through the Plan Manager on April 1 annually. The annual report shall contain information about the Subbasin managed in the GSPs to satisfy the requirements under Water Code section 10728 and SGMA regulations, including: (a) groundwater elevation data, (b) annual aggregated data identifying groundwater ~~and stored surface water~~ extraction for the preceding water year, (c) surface water supply used for or available for use for groundwater recharge, storage in aquifers, or in-lieu use, (d) total water use, and (e) changes in groundwater storage ~~and the volumes of stored surface water~~.

Annual Data Collection and Reporting

The Parties intend to submit their collective data for Representative Monitoring Wells, as described in the Monitoring Network detailed in ~~GSP Chapter~~GSPs Section 16, to DWR through the Plan Manager to satisfy SGMA regulations, as described in Section 5 Monitoring Networks and Protocols. Each Party shall provide groundwater level data for their Representative Monitoring Wells in the Subbasin Monitoring Network as follows:

- Collection of data between the approved timeframes only
- Spring Measurements: January 15th to March 30th
- Fall Measurements: ~~September~~August 15th to November 15th.

The Plan Manager shall submit the collective data to DWR after obtaining data from each Party within the Subbasin as follows:

- Spring Measurements: July 1st

-
- Fall Measurements: January 1st

The Parties agree to comply with these requirements to enter data into the DMS every year.

In Event Entire Subbasin Not Covered by GSP

In the event it appears that the entire Subbasin may not be covered by one or more GSPs ~~as~~ after January 31, 2020, each Party may take such action as deemed necessary or appropriate by such Party with respect to filing its GSP and/or other documents with DWR or the SWRCB.

Duration of Coordination Agreement

This Coordination Agreement shall commence upon its full execution and continue until the next periodic evaluation of the GSP(s) covering the Subbasin pursuant to 23 CCR § 356.4-~~, or action by the SWRCB to designate all or part of the Subbasin as probationary under Water Code section 10735.2, whichever occurs first. If the SWRCB takes action first, then this Agreement will continue for twelve (12) months after the effective date of the SWRCB's action.~~ The Parties shall review the Coordination Agreement for renewal, with or without amendment or modification, at each ~~of these~~ periodic ~~evaluations.. This Agreement may also be amended at any time by unanimous agreement of the Parties~~ evaluation or upon action by the SWRCB to designate all or part of the Subbasin as probationary.

SECTION 10 Modification and Termination ~~of the Agreement~~

Modification

This Agreement shall be reviewed as part of each five-year GSP assessment as specified in 23 CCR § 356.4 and may be supplemented, amended, or modified only by the written agreement of all the Parties. No supplement, amendment, or modification of this Agreement shall be binding unless it is in writing and signed by all Parties.

This Agreement may also be amended at any time by unanimous agreement of the Parties.

Withdrawal, Termination, Adding Parties

A Party may unilaterally withdraw from this Agreement without causing or requiring termination of this Agreement, effective upon 30 days' written notice to the other Parties.

A new GSA or group of GSAs may be added as a Party to this Agreement if such entity or entities is submitting a GSP that will cover a portion of the Subbasin.

This Agreement may be terminated by unanimous written consent of all the Parties. Nothing in this Agreement shall prevent the Parties from entering into another coordination agreement.

SECTION 11 Dispute Resolution

Procedures for Resolving Conflicts

In the event that any dispute arises among the Parties relating to the rights and obligations arising from this Agreement, the aggrieved Party or Parties shall provide written notice to the other Parties of the dispute. Within thirty (30) days after such written notice, the disputing Parties shall attempt in good faith to resolve the dispute through informal means. If the disputing Parties cannot agree upon a resolution of the dispute within thirty (30) days from the providingprovision of written notice specified above, the dispute will be elevated to the Subbasin Coordination Committee for consideration, along with the notice of dispute and any other relevant supporting documentation produced and shared by the disputing partiesParties pursuant to their informal meet and confer process. The Subbasin Coordination Committee may issue a recommendation concerning resolution of the dispute. If the disputing Parties cannot agree upon a resolution of the dispute following the input of the Subbasin Coordination Committee, the disputing Parties will meet and confer to determine if other alternative dispute resolution methods are agreeable, including voluntary non-binding mediation, which may include the DWR -or SWRCB dispute resolution process, arbitration, or appointment of a panel of technical experts prior to commencement of any legal action. The cost of alternative dispute resolution shall be paid in equal proportion among the Parties to the dispute, otherwise the disputing Parties shall bear their own costs. Upon completion of alternative dispute resolution, if any, and if the controversy has not been resolved, any Party may exercise any and all rights to bring a legal action relating to the dispute.

Litigation

In the event a dispute or claim is not resolved by a mutually agreeable settlement through informal negotiation or voluntary mediation, the aggrieved Party may file suit in a County Superior Court with jurisdiction to provide a binding decision on the matter. Nothing in this Agreement shall be used to limit one party'sParty's ability to file litigation against another partyParty for the purpose of enforcing SGMA compliance or other matters related to groundwater.

Company Name/Agency _____ Date _____
Name, Title

Company Name/Agency _____ Date _____
Name, Title

Company Name/Agency _____ Date _____
Name, Title

Company Name/Agency Name, Title	Date
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Company Name/Agency Name, Title	Date
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Company Name/Agency _____ Date
Name, Title

Company Name/Agency _____ Date
Name, Title

Company Name/Agency _____ Date
Name, Title

~~Appendix~~ IN WITNESS WHEREOF, the Parties have executed this Agreement on the day and year set forth on Attachment 1.

Attachment 1

[Insert All GSAs]

Appendix 2

~~[Insert GSP common chapters]~~

~~*This page intentionally left blank.*~~

DOMESTIC WELL MITIGATION AGREEMENT

THIS DOMESTIC WELL MITIGATION AGREEMENT (“Agreement”) is made and entered into this XX day of XXXX, 2024 by and between certain Kern Subbasin Groundwater Sustainability Agencies, listed on the attached Exhibit A, hereinafter referred to as “Kern Subbasin GSAs,” and Self-Help Enterprises, a California nonprofit corporation, hereinafter referred to as “SHE.” The Kern Subbasin GSAs and SHE may occasionally be referred to herein collectively as the “Parties” or SHE and each entity listed on Exhibit A may also be referred to individually herein as a “Party.” This Agreement is entered into in reference to the following facts:

RECITALS

A. There are twenty individual Groundwater Sustainability Agencies (“GSAs”) within the Kern Subbasin formed under and pursuant to the provisions of the Sustainable Groundwater Management Act (“SGMA”) (California Water Code Section 10720 et seq.), which requires them to prepare and implement a Groundwater Sustainability Plan (“GSP”) in order to provide for the sustainable management of groundwater resources within the Kern Subbasin;

B. The Kern Subbasin GSAs have approved such GSPs, and a Coordination Agreement has been entered into among the GSAs listed on Exhibit A, by which the Kern Subbasin GSAs have agreed to coordinate the development and implementation of their GSPs and mitigation actions. Of the remaining GSAs not listed on Exhibit A, Henry Miller GSA and Olcese Water District GSA are both single landowner GSAs and have both elected to self-insure future well mitigation actions, and Kern-Tulare Water District has an existing well mitigation agreement with SHE for its jurisdiction in both the Kern County and Tule Subbasins;

C. The Kern Subbasin Coordination Agreement describes how the Parties will work together to ensure coordinated implementation of the multiple GSPs covering the Subbasin to satisfy the requirements of SGMA;

D. The Kern Subbasin GSAs have drafted a Well Mitigation Program that implements the Drinking Water Well Mitigation Framework within each GSA's jurisdiction. The Well Mitigation Program is attached hereto as Exhibit B and is incorporated herein by reference;

E. The Well Mitigation Program establishes a Drinking Water Well Mitigation Track, by which users of domestic wells may obtain emergency, interim, and long-term mitigation of dry wells if the Kern Subbasin GSAs determine that the dry well is caused by groundwater management activities of a GSA in the Kern Subbasin, as further described in the Well Mitigation Plan. This Agreement applies only to the Drinking Water Well Mitigation Track and not to the Drinking Water Well Technical Track;

F. SHE is a community development organization that operates in the Kern Subbasin;

G. One of SHE's programs involves providing emergency water and interim supplies to domestic water users who submit claims to SHE;

H. The Kern Subbasin GSAs and SHE have determined it is efficient and beneficial for the Kern Subbasin GSAs to collaborate with and support SHE's existing programs as a means of implementation of the Well Mitigation Program;

I. The Kern Subbasin GSAs and SHE desire to enter into an agreement to establish said collaboration and define the respective obligations of each Party.

NOW THEREFORE, in and for consideration of the mutual covenants, conditions, and promises hereinafter set forth, the Parties hereby agree as follows:

1. **Recitals.** The above recitals are hereby incorporated by reference and made a part of this Agreement as though fully set forth herein.
2. **Purpose.** The purpose of this Agreement is to establish the respective responsibilities of each Party for the purpose of the implementation and funding of the Drinking Water Well Mitigation Track under the Well Mitigation Program.
3. **Term.** The Term of this Agreement shall be a period of one year from the date of execution. The Agreement will be automatically renewed for an additional one-year Term at the expiration of each Term, unless terminated by either Party pursuant to Section 17.
4. **Definitions.** As used herein, the following terms shall be defined as follows:
 - a. “Applicant” shall mean a landowner within the Kern Subbasin who submits an application for mitigation by submitting SHE's online intake form pursuant to the Drinking Water Well Mitigation Track of the Well Mitigation Program.
 - b. “Contractor” shall mean any third-party construction, well drilling, or other professional company that is contracted to provide interim supplies or long-term mitigation measures.
 - c. “Dry Well” shall mean the domestic well, or agricultural well used for domestic purposes, that is owned by an Applicant and that has ceased producing water.
 - d. “Emergency Water” shall mean the delivery of up to 60 gallons of bottled drinking water per month.
 - e. “Interim Supplies” shall mean the delivery of bottled drinking water, not to exceed 60 gallons per household per month, and the installation of temporary water tanks or delivery of hauled water, not to exceed 50 gallons per day per individual, consistent with the time period to administer potential mitigation measures as described in the Well Mitigation Program, which is anticipated to not exceed a 12-month period.
 - f. “Long Term Mitigation” shall mean measures taken to ensure long term access to water, including but not limited to connecting the impacted Applicant into an existing water system, lowering the pump, constructing a new well, modifying pump equipment, or establishing a new small public water system.
 - g. “Outreach” shall mean communication with landowners within the Kern Subbasin about the Well Mitigation Program, including but not limited to the development and distribution of educational materials regarding stewardship of domestic wells, notification to landowners of the availability of mitigation, and workshops explaining the Well Mitigation Program and other available support.
 - h. “Project” shall mean the entire process of implementing mitigation measures, beginning when an Applicant submits an application for mitigation, and ending when Kern Subbasin

GSAs determine the appropriate mitigation measures, whether long term or interim, are warranted and have been fully and completely administered.

- i. “Qualified Applicant” means an applicant who has been approved for Long Term Mitigation pursuant to the Well Mitigation Program.
- j. “Track” shall mean the Drinking Water Well Mitigation Track as described in the Well Mitigation Program.
- k. “Well Mitigation Program” shall mean the program described in the attached Exhibit B.

5. **SHE Responsibilities.** SHE shall have the following obligations:

- a. Receive and review all applications submitted by Applicants consistent with the Track. The applications shall contain releases of SHE and the Kern Subbasin GSAs from liability;
- b. Perform initial investigation of the Dry Well consistent with the Well Mitigation Program;
- c. Provide Emergency Water and Interim Supplies to Applicants consistent with the Well Mitigation Program, which is anticipated to not exceed a 12-month time period;
- d. Provide the GSA-designated qualified professional with all applications and other relevant materials that are necessary for developing a recommendation for Long Term Mitigation pursuant to the Well Mitigation Program;
- e. Act as contract coordinator between Applicant and any Contractor used to implement Long-Term Mitigation;
- f. Contract with and advance the funding necessary to pay Contractor to implement Long-Term Mitigation, provided that the Kern Subbasin GSAs have approved, in accordance with the Well Mitigation Program, any such advancement to be made to a Contactor;
- g. Perform initial one-time water quality testing, on an Applicant’s new or mitigated well as necessary to ensure safe drinking water pursuant to SGMA and other state and local laws, and provide a certified copy of the testing results to the Kern Subbasin GSAs; Water quality filtration and/or monitoring equipment may be provided if conditions warrant pursuant to the Well Mitigation Program.
- h. Terminate Interim Supplies by removing all related equipment, and providing the Applicant with notification;
- i. Host a Well Stewardship Training workshop for the Applicant and provide additional educational resources;
- j. Conduct a final inspection of the well no later than 60 days after completion of Long-Term Mitigation to verify that the work performed was satisfactory and within the applicable scope of work;

- k. Obtain an Acknowledgement and Release (Payment Request) (in a form acceptable to the GSA) from the Applicant and provide a Notice of Project Completion to the Kern Subbasin GSAs.
6. **The Kern Subbasin GSAs Responsibilities.** The Kern Subbasin GSAs or the affected GSA, as the case may be, shall have the following obligations:
- a. Disburse funds to SHE to cover the costs incurred in supplying Emergency Water and Interim Supplies to Applicants as outlined in the Well Mitigation Program;
 - b. Disburse funds to SHE to cover the costs of Long-Term Mitigation;
 - c. Upon receipt of a recommendation for Long-Term Mitigation, the Kern Subbasin GSAs' Kern Mitigation Evaluation Committee (KMEC) shall conduct an investigation into whether the Dry Well qualifies for GSA funding pursuant to the Well Mitigation Program;
 - d. If necessary, coordinate with SHE to modify or refine recommendations for Long-Term Mitigation;
 - e. Review and, if appropriate, approve funding for Long-Term Mitigation within forty-five (45) days of receipt of the recommendation by the KMEC;
7. **Funding.** The Kern Subbasin GSAs shall reimburse to SHE, on a quarterly basis, the costs of implementing its obligations hereunder, to the extent SHE has not already received funds for such purposes from either Kern Subbasin GSAs or other funding sources. Such reimbursement of costs shall be determined in consultation with the Kern Subbasin KMEC, consultants, and SHE.
8. **Accounting.** SHE shall provide to the Kern Subbasin GSAs, on a monthly basis, the following for the Kern Subbasin GSAs' review and approval:
- a. **Estimate for Emergency Water and Interim Supplies.** SHE shall provide the Kern Subbasin GSAs on an ongoing regular basis with a cost estimate for SHE's administration of Emergency Water and Interim Supplies prior to providing said services to Applicants to allow the Kern Subbasin GSAs an ability to budget and collect the necessary funding.
 - b. **Estimate for Long-Term Mitigation.** SHE shall provide the Kern Subbasin GSAs on an ongoing regular basis with a cost estimate for the Long-Term Mitigation to be implemented prior to providing said services to Applicants to allow the Kern Subbasin GSAs an ability to budget and collect the necessary funding.
 - c. **Invoice of Costs Incurred.** SHE shall provide the Kern Subbasin GSAs with a detailed invoice for the total costs incurred the prior quarter from the administration of Emergency Water, Interim Supplies, and Long-Term Mitigation.
 - d. "Costs" as used in this Section 8 shall include both Direct Project Costs and Administrative Costs.
 - i. Administrative Costs include, personnel, travel, and overhead costs including staff salary and fringe benefits, mileage reimbursement or rental vehicles and fuel costs, and overhead including routine clerical and administrative support, office expense, space, telephone, and insurance.
 - ii. Direct Project Costs may include, bottled water, hauled water, tank and pump purchase, professional contracted services, permits, laboratory analysis, water

filtration devices, water quality monitoring equipment, and such other items as the Parties may agree to in advance from time to time.

9. **The Kern Subbasin Consultation and Cooperation.** SHE hereby agrees to consult with and coordinate with Kern Subbasin GSAs' staff including but not limited to Kern Subbasin Coordination Committee, , any affected GSA, KMEC, and any consultants hired by Kern Subbasin GSAs, regarding the Interim Supplies and Long-Term Mitigation. SHE further agrees that it will not commence, cause to be commenced, or allow commencement of, any Long-Term Mitigation that has not been approved in accordance with the Well Mitigation Program.
10. **Recordkeeping.** SHE agrees to obtain copies of all documents related to each Project, including documents executed by Applicant and/or Contractor, including but not limited to any permits, site plans, Contractor estimates, Contractor invoices, Contractor contracts, Contractor licenses, lending agreements, disbursement receipts, Applicant agreements and consents, Applicant approvals to Project actions, water testing results and/or certifications, and any and all technical reports generated in relation to the Project. SHE further agrees to provide the Kern Subbasin GSAs copies of all documents in its possession.
11. **Audit/Accounting.** On reasonable request, each of the Kern Subbasin GSAs shall have the right to, at its own expense, inspect, audit, and copy from SHE's books, records, and other documents, including computer files, supporting orders, and invoices, as necessary to verify SHE's adherence to this Agreement and to balance the accounts of the Kern Subbasin GSAs related to the Projects.
12. **Outreach.** The Parties shall coordinate Outreach pursuant to the Well Mitigation Plan.
13. **Exhibits.** Each Exhibit attached to this Agreement is incorporated herein and made a part hereof by this reference.
14. **Insurance.** SHE shall carry workers compensation insurance in accordance with workers compensation laws of the State of California. SHE shall furnish the Kern Subbasin GSAs with a Certificate of Insurance with combined single limits of at least \$1,000,000.00 for bodily injuries and property damages on each occurrence. The Certificate of Insurance shall state that the contractual liability assumed under this Agreement is covered and shall provide that ten (10) days' notice of cancellation or reduction in coverage shall be given to the Kern Subbasin GSAs. Certificates of said coverage shall be filed with the Kern Subbasin GSAs before any work commences.
15. **Indemnification.** To the fullest extent permitted by law, SHE shall indemnify, hold harmless, and defend each of the Kern Subbasin GSAs, its directors, officers, employees, consultants, agents, or authorized volunteers, and each of them, from any and all claims, demands, causes of action, damages, costs, expenses, losses, or liabilities, in law or in equity, of every kind or nature whatsoever, arising out of or in any manner, directly or indirectly, connected with SHE's performance of its obligations under this Agreement, or SHE's failure to comply with any of its obligations under this Agreement, including but not limited to any action related to water quality, water quantity, water supply, water source, well performance, well location, or well construction.

To the fullest extent permitted by law, the Kern Subbasin GSAs shall indemnify, hold harmless, and defend SHE, its directors, officers, employees, consultants, agents, or authorized volunteers, and each of them, from any and all claims, demands, causes of action, damages, costs, expenses, losses, or liabilities, in law or in equity, of every kind or nature whatsoever, arising out of or in any

manner, directly or indirectly, connected with a Kern Subbasin GSA's performance of its obligations under this Agreement, or individual failure to comply with any of its obligations under this Agreement, including but not limited to any action related to water quality, water quantity, water supply, water source, well performance, well location, or well construction.

16. **Disclaimer.** Nothing in this Agreement represents or should be construed to represent that any Kern Subbasin GSA is responsible for water levels, well performance, wells going dry, or any other injury and adverse consequences related to groundwater use, levels, or elevations. The Kern Subbasin GSAs manage groundwater but do not pump groundwater and have no liability related to overdraft, pumping, water levels, or the impacts therefrom.
17. **Termination of Agreement.** This Agreement may be terminated with or without cause by either Party by giving thirty (30) days prior written notice to the other. Any funds SHE has expended pursuant to this Agreement prior to the date of termination shall be reimbursed by the Kern Subbasin GSAs pursuant to Section 7, above. Any funds SHE has received in excess of its actual costs shall be returned to the Kern Subbasin GSAs promptly.
18. **Default.** Failure to perform any of the terms of this Agreement shall be deemed a material default of a Party.
19. **Remedies.** If a Party defaults, or otherwise materially breaches this Agreement, any other non-defaulting Party may seek rescission of this Agreement, damages, or any other remedy it deems appropriate for the implementation of the Well Mitigation Program or the performance of this Agreement.
20. **Successors and Assigns.** All of the terms, covenants, and provisions hereof shall inure to the benefit of and be binding upon the respective successors and assigns of the Parties hereto.
21. **Compliance with all Laws.** The Parties are required to comply with all laws, regulations, permitting, including but not limited to any local agency rules or regulations, as they may exist from time to time.
22. **Attorney's Fees.** In the event of a dispute between the Parties related to or arising from this Agreement or any of the actions or events described herein, the prevailing Party in any litigation or arbitration shall be entitled to recover all costs and fees associated with the action or arbitration, including, without limitation, all attorney's fees and expert witness fees.
23. **Governing Law.** The laws of the State of California shall govern under the interpretation and enforcement of this Agreement.
24. **Interpretation.** The Parties agree that the terms and provisions of this Agreement embody their mutual intent and that such terms and conditions are not to be construed more liberally in favor, or more strictly against, any party.
25. **Partial Invalidity.** If any term or provision of this Agreement, or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, a provision shall be added to this Agreement as similar in terms to such invalid or unenforceable provision as may be possible, and be legal, valid and enforceable, and the remainder of this Agreement or the application of such term or provision to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each remaining term and provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

26. **Counterparts.** This Agreement may be executed in counterparts, each of which shall be deemed an original and all of which, when taken together, shall constitute one and the same instrument.
27. **Independent Contractor Status.** It is mutually understood that, in performing the services herein specified, SHE shall act as an independent contractor and shall have control of the work and the manner in which it is performed. SHE shall be responsible for providing legally mandated benefits and complying with the state and federal withholding regulations. The Kern Subbasin GSAs retain the general right of inspection in order to judge whether, in the Kern Subbasin GSAs' opinion, SHE is performing the work in accordance with the terms of this Agreement.

IN WITNESS WHEREOF, this Agreement is executed and made effective on the date first written above.

SELF-HELP ENTERPRISES

By: _____
Thomas J. Collishaw, President/CEO

[ADD KERN SUBBASIN GSAs]

**FIRST AMENDMENT TO THE MEMORANDUM OF AGREEMENT BETWEEN
ARVIN COMMUNITY SERVICES DISTRICT, ARVIN-EDISON WATER STORAGE
DISTRICT, TEJON-CASTAC WATER DISTRICT, AND WHEELER RIDGE-
MARICOPA WATER STORAGE DISTRICT FOR SOUTH OF KERN RIVER
GROUNDWATER SUSTAINABILITY PLAN**

THIS FIRST AMENDMENT TO THE MEMORANDUM OF AGREEMENT (**First Amendment**) is made and effective as of December 15, 2024, by and among Arvin Community Services District (**ACSD**), Arvin-Edison Water Storage District (**AEWSD**), Tejon-Castac Water District (**TCWD**), and Wheeler Ridge-Maricopa Water Storage District (**WRMWS**) (each a **Party** and collectively the **Parties**) with reference to the following facts:

WHEREAS, on June 14, 2022, the Parties entered into the Memorandum of Agreement (**MOA**) for the development and implementation of an amended Groundwater Sustainability Plan (**GSP** or **Plan**), to be known as the South of Kern River GSP (**SOKR GSP**), to sustainably manage portions of the Kern County Subbasin (**Subbasin**) located South of the Kern River that are within the Parties' respective Groundwater Sustainability Agency (**GSA**) boundaries to meet the requirements of the Sustainable Groundwater Management Act (**SGMA** or **Act**) and implementing regulations;

WHEREAS, in accordance with the terms of the MOA, the Parties have been cooperatively implementing the SOKR GSP that was adopted in July 2022 by the AEWSD, TCWD, and WRMWS (collectively, the **SOKR GSAs**) and submitted to the California Department of Water Resources (**DWR**) as one of the multiple GSPs that, along with the Kern County Subbasin Coordination Agreement, comprise the Plan for the Subbasin (Water Code § 10727(b)(3));

WHEREAS, SGMA requires that each GSA periodically evaluate its GSP and make any modifications that are necessary to ensure plan implementation will meet the sustainability goal for the basin, and thus it is reasonably foreseeable that the Parties will act to further amend or otherwise modify the SOKR GSP over the Act's 50-year planning and implementation horizon (Water Code § 10728.2);

WHEREAS, the Parties remain committed to working together to develop and implement a groundwater sustainability program pursuant to a common GSP, even as that GSP may be further amended in the future by mutual agreement of the Parties; and

NOW, THEREFORE, the Parties mutually understand and agree as follows:

**Section 1.
General Provisions**

1.1 Purposes. The purposes of this First Amendment are to clarify and reaffirm: (1) the Parties' intent to work together to develop and implement a common GSP to sustainably manage portions of the Subbasin located South of the Kern River that are within the Parties' respective GSA boundaries to meet the requirements set forth in SGMA and its implementing regulations,

even as that GSP may be renamed, reorganized, or otherwise amended in the future by mutual agreement of the Parties; and (2) the Parties' roles and responsibilities under the MOA.

1.2 Effective Date of First Amendment. This First Amendment shall become effective as of the date first written above.

Section 2. Specific Amended Provisions to the Original MOA

2.1 Generally. Sections 2.2 and 2.3 herein state the amendments to the original MOA. All other provisions of the original MOA remain unchanged (*see also* Section 3.1, *infra*).

2.2 Purpose. Section I of the original MOA is amended by deleting the existing language and replacing it with the following language:

This MOA is entered into by the Parties for the purpose of establishing a framework to collectively develop and implement an amended Groundwater Sustainably Plan ("GSP" or "Plan") to sustainably manage portions of the Kern Subbasin that are located South of the Kern River and within the Parties' respective GSA boundaries, in compliance with the Act and implementing regulations. Any GSP collectively developed and implemented by the Parties for portions of the Subbasin located South of Kern River may be designated, either principally or alternatively, as the South of Kern River GSP ("SOKR GSP"). This MOA does not require that an amended Plan jointly approved by the Parties as the SOKR GSP be limited solely to the Parties or to the portions of the Subbasin under their management.

2.3 South of Kern River GSP Executive Committee and Related Items. Section II.A.8 of the original MOA is amended by deleting the existing language and replacing it with the following language:

The Executive Committee may recommend procedures for coordinating with other GSAs in the Subbasin on the appointment of representatives to serve on the Kern County Subbasin Coordination Agreement's Subbasin Coordination Committee, and for coordinating the SOKR GSAs' representatives' participation in the Committee's activities to advance the Parties' mutual objectives under this MOA.

Section 3. Miscellaneous

3.1 Relationship to Original MOA. Except as expressly provided in this First Amendment, nothing herein is intended or shall be construed as terminating or amending the original MOA or rights and obligations stated therein. In the event of any conflict or inconsistency between the original MOA and any express subject matter of Section 2 of this First Amendment, this First Amendment shall control.

3.2 Signing in Counterparts. This First Amendment may be executed in parts or counterparts, each part or counterpart being an exact duplicate of all other parts or counterparts, and all parts or counterparts shall be considered as constituting one complete original and may be attached together when executed by the Parties hereto. Electronic signatures shall be binding.

IN WITNESS WHEREOF, the Parties have executed this First Amendment to the MOA as of the date first stated above.

ARVIN COMMUNITY SERVICES DISTRICT

By: _____
Raul Barraza, Jr.
General Manager
Address: 309 Campus Drive
Arvin, CA 93203
Email: rbarraza@arvincsd.com

ARVIN-EDISON WATER STORAGE DISTRICT

By: _____
Jeevan Muhar, P.E.
District Engineer-Manager
Address: P.O. Box 175
Arvin, CA 93203-0175
Email: arvined@aewsd.org

TEJON-CASTAC WATER DISTRICT

By: _____
Angelica Martin
Secretary of the Board
Address: P.O. Box 478
Lebec, CA 93243
Email: amartin@tcwd.info

WHEELER RIDGE-MARICOPA WATER STORAGE DISTRICT

By: _____
Sheridan Nicholas, P.E.
District Engineer-Manager
Address: 12109 Highway 166
Bakersfield, CA 93313-9630
Email: snicholas@wrnwdsd.com

WHEELER RIDGE-MARICOPA WATER STORAGE DISTRICT
WHEELER RIDGE-MARICOPA GSA

MEMORANDUM

TO: Board of Directors

FROM: Sheridan Nicholas

DATE: December 8, 2024

SUBJECT: WRMGSA - Subsidence Management Actions

Background: The Wheeler Ridge-Maricopa Groundwater Sustainability Agency (WRMGSA) Board of Directors recognizes the critical importance of implementing the Sustainable Groundwater Management Act (SGMA) and achieving sustainable groundwater management. In accordance with the 2024 Kern Subbasin GSP, the WRMGSA wishes to adopt the following three management actions within the subsidence zone of the California Aqueduct. These management actions include:

1. Well Registration within Proximity to Critical Infrastructure Impacted by Subsidence Management Action
2. Well Drilling Moratorium within Proximity to Critical Infrastructure Impacted by Subsidence Management Action
3. Well Extraction Volume Reporting within Proximity to Critical Infrastructure Impacted by Subsidence Management Action

Please find attached a Management Action for each item. The Board could either adopt the Management Actions as presented; or postpone consideration until the regular January meeting to allow for further review.

WHEELER RIDGE - MARICOPA GSA

Well Registration within Proximity to Critical Infrastructure Impacted by Subsidence Management Action

Purpose:

The Sustainable Groundwater Management Act (SGMA) requires Wheeler Ridge-Maricopa Groundwater Sustainability Agency (WRMGSA) to implement measures to prevent significant and unreasonable impacts caused by subsidence related to groundwater extraction, particularly when such impacts threaten critical infrastructure. WRMGSA identified the California Aqueduct (“Aqueduct”) as a regional piece of critical infrastructure that must be protected from subsidence impacts. Portions of the California Aqueduct within the WRMGSA, have experienced impacts from subsidence since 2015, leading to a reduction in available freeboard - the vertical distance between the water surface and the top of the Aqueduct structure. And although significant portions of the Aqueduct were constructed with considerable additional freeboard - this reduction potentially compromises the Aqueduct's operational capacity, affecting water conveyance efficiencies and potentially risking the integrity of this piece of critical infrastructure.

While technical studies have not indicated that agricultural groundwater extraction is the only factor contributing to this subsidence, WRMGSA is committed to working in close consultation with the California Aqueduct Subsidence Program and adjacent GSAs to monitor and collect additional data to further refine our current understanding of the causes and rate of subsidence. In furtherance of this end and achieving overall groundwater sustainability within its boundaries, the WRMGSA Board of Directors (“Board”) adopted the following Well Registration within Proximity to Critical Infrastructure Impacted by Subsidence Management Action (“Management Action”) on XXXXX.

Section 1. Scope and Applicability

This Policy shall apply to all owners of one or more groundwater extraction facility(ies) (i.e., a groundwater well) (“Owner”) within the area extending 2.5 miles outward from the California Aqueduct (total width of 5 miles) (“CASP Buffer Zone”) depicted in Figure 1.

Section 2. Well Registration

a. New or Replacement Groundwater Extraction Facilities

Any groundwater extraction facility constructed after January 1, 2025 shall be registered with WRMGSA within thirty days of completion of construction. All new groundwater extraction facilities registered with the WRMGSA, excluding those groundwater extraction facilities used solely by *de minimis*¹ users, shall install a flowmeter at the time of construction. While *de minimis* users are not required to install a flowmeter, *de minimis* users shall comply with the well registration requirements of this Policy.

To register a groundwater extraction facility with WRMGSA, the owner of such facility shall provide all the following information to WRMGSA using the WRMGSA registration form.

- Name, mailing address, phone number, and email of the legal owner(s) of the land upon which the groundwater extraction facility is located.
- Name, mailing address, phone number, and email of a designated contact person.
- Well Completion Report, filed with the Department of Water Resources, pursuant to California Water Code section 13751, or if not available, construction information about the groundwater extraction facility, including total depth of the well casing, size of the well casing, and location or depth of perforations.
- Information on the size of the groundwater extraction facility, including pump size (horsepower) and pump test information or estimated pumping capacity.
- Global Positioning System (GPS) coordinates, assessor’s parcel number (APN), and state well number of the groundwater water extraction facility.
- If conducted, a copy of any water quality analyses related to the groundwater extraction facility.
- If applicable, information on the type of installed flowmeter.

Penalty for Failure to Register

Any landowner who fails to register a new groundwater extraction facility pursuant to this Policy within thirty days of construction, shall be subject to a penalty, as authorized by law including SGMA and determined by the WRMGSA Board of Directors.

b. Existing Groundwater Extraction Facilities

All existing groundwater extraction facilities shall be registered with WRMGSA no later than sixty days after the adoption of this Policy. To the extent feasible, landowners shall also register

¹A “*de minimis* extractor” is a person who extracts, for domestic purposes only, two acre-feet or less per year. (California Water Code Section 10721d)

existing groundwater extraction facilities that are known to have been abandoned on their property.

To register an existing groundwater extraction facility with WRMGSA, the owner of such facility shall provide all the following information to WRMGSA using WRMGSA's registration form.

- Name, mailing address, phone number, and email of the legal owner(s) of the land upon which the extraction facility is located.
- Name, mailing address, phone number, and email of a designated contact person.
- GPS coordinates, APN, and state well number of the water extraction facility.
- Status of the well (active, inactive/inoperable, or abandoned).

The owner of an existing groundwater extraction facility shall also provide to WRMGSA, to the best of their knowledge, the following:

- Well Completion Report, filed with the Department of Water Resources, pursuant to California Water Code section 13751, or if not available, construction information about the extraction facility, including total depth of the well casing, size of the well casing, and location or depth of perforations.
- Information on the size of the groundwater extraction facility, including pump size (horsepower) and pump test information or estimated pumping capacity.
- If conducted, a copy of any water quality analyses related to the extraction facility.
- Information on the type of installed flowmeter (if applicable).

c. Change in Landowner

Landowners acquiring new property with overlying groundwater extraction facilities shall provide updated landowner and contact person information to WRMGSA within sixty days of property purchase closing date.

d. Well Modifications

If a groundwater extraction facility is modified to change use, depth, perforated intervals, or extraction volume capacity, the owner of such facility shall notify WRMGSA and provide information regarding the modifications made within thirty days of modification completion.

e. Well Abandonment

If a groundwater extraction facility is abandoned, the owner of such abandoned facility shall notify WRMGSA and shall provide a copy of the Kern County Public Health destruction permit within sixty days of receipt.

f. Application of Other Rules, Regulations, or Policies

The requirements set forth in this Policy are in addition to any and all rules, regulations, and policies imposed by the Kern County Public Health Department or any other regulatory body with jurisdiction over the subject-matter set forth herein.

g. Exemptions

Due to their inability to increase net extraction of groundwater, facilities not used for groundwater extraction are exempt from this Policy. Examples of facilities include, but are not limited to, oil and gas extraction and injection wells, monitoring wells, and test borings.

Section 3: Changes in Well Status

In addition to maintaining a comprehensive inventory of all groundwater extraction facilities within WRMGSA, it is important to collect accurate and up-to-date information on the operational status of each groundwater extraction facility within WRMGSA's boundaries, including whether those facilities are actively being used, are inactive, or inoperable, or have been abandoned. Therefore, annually, WRMGSA shall issue a request for information regarding the operational status of each groundwater extraction facility within its boundaries to the designated contact person using the information provided at the time of well registration. It is the landowner's responsibility to inform WRMGSA of any changes to the landowner's designated contact person.

Section 4: Amendment of this Policy

The Board reserves the right to amend this Policy, including the boundaries of the CASP Buffer Zone, at any duly noticed meeting of the WRMGSA Board of Directors.

WHEELER RIDGE-MARICOPA GSA

Well Drilling Moratorium within Proximity to Critical Infrastructure Impacted by Subsidence

Purpose:

The Sustainable Groundwater Management Act (SGMA) requires Wheeler Ridge-Maricopa Groundwater Sustainability Agency (WRMGSA) to implement measures to prevent significant and unreasonable impacts caused by subsidence related to groundwater extraction, particularly when such impacts threaten critical infrastructure. WRMGSA identified the California Aqueduct (“Aqueduct”) as a regional piece of critical infrastructure that must be protected from subsidence impacts. Portions of the California Aqueduct within the WRMGSA, have experienced impacts from subsidence since 2015, leading to a reduction in available freeboard - the vertical distance between the water surface and the top of the Aqueduct structure. And although significant portions of the Aqueduct were constructed with considerable additional freeboard - this reduction potentially compromises the Aqueduct's operational capacity, affecting water conveyance efficiencies and potentially risking the integrity of this piece of critical infrastructure.

While technical studies have not indicated that agricultural groundwater extraction is the only factor contributing to this subsidence, WRMGSA is committed to working in close consultation with the California Aqueduct Subsidence Program and adjacent GSAs to monitor and collect additional data to further refine our current understanding of the causes and rate of subsidence. In furtherance of this end and achieving overall groundwater sustainability within its boundaries, the WRMGSA Board of Directors (“Board”) adopted the following Well Drilling Moratorium within Proximity to Critical Infrastructure Impacted by Subsidence Management Action (“Management Action”) on XXXXX.

1. Scope and Applicability

This Policy shall apply to all owners of one or more groundwater extraction facility(ies) (i.e., a groundwater well) (“Owner”) within the area extending 2.5 miles outward from the California Aqueduct (total width of 5 miles) (“CASP Buffer Zone”) depicted in Figure 1.

2. Moratorium on New Wells

Effective February 20, 2024, the drilling of any new or replacement groundwater extraction facility(ies) within the CASP Buffer Zone shall be prohibited, unless otherwise approved by the WRMGSA Board of Directors (“Board”), as set forth in this Policy.

3. Well Replacement and Abandonment

To drill a new groundwater extraction facility within the CASP Buffer Zone, an Owner or landowner must submit an application for authorization and obtain express authority from WRMGSA staff, prior to initiating any drilling activities. WRMGSA staff shall only approve the drilling of a new groundwater extraction facility within the CASP Buffer Zone if the Owner or landowner demonstrates that an existing groundwater extraction facility will be or has been abandoned or otherwise replaced. To demonstrate such action, the Owner or landowner must (i) comply with any and all rules, regulations, and policies imposed by the Kern County Public Health Department; and (ii) provide a copy of the well destruction permit to WRMGSA staff within 72 hours of receipt from the Kern County Public Health Department.

4. Well Modifications and Repairs

This Policy shall not limit or otherwise restrict the ability of an Owner to make modifications or repairs to existing groundwater extraction facilities located within the CASP Buffer Zone, so long as such modifications do not result in increased groundwater extraction capabilities.

5. Unauthorized Well Drilling Penalties

Any Owner who proceeds to drill a new groundwater extraction facility within the CASP Buffer Zone without complying with this Policy shall be subject to penalty, as authorized by law including SGMA and determined by the Board.

6. Exemptions and Special Considerations

a. Groundwater Wells for Human Health and Safety

The Board shall consider an exemption request for any groundwater extraction well being drilled for the sole purposes of human, health, and safety including, but not limited to fire suppression, sanitation, and *de minimis* domestic use.

b. Non-Groundwater Extraction Wells

Due to their inability to increase net extraction of groundwater, extraction facilities not used for groundwater extraction are exempt from this Policy. Examples of exempt extraction facilities include, but are not limited to, oil and gas extraction and injection wells, monitoring wells, and test borings.

7. Notice of Decision and Appeals

a. Notice of Decision

WRMGSA staff shall provide a written Notice of Decision to the Owner, including an explanation of staff's rationale and, if the application for authorization is denied, the following appeal process:

b. Appeals Process

In the event that WRMGSA staff denies an application for authorization, the Owner may file an appeal, following the process set forth herein:

- i. The Owner must file an appeal with the Board in writing within thirty days of the date of the Notice of Decision.
- ii. The appeal must include: (1) a copy of the original application; and (2) a narrative describing any factual rationale for disputing the WRMGSA's staff decision.
- iii. The Board shall consider the appeal at its next Board meeting provided that the appeal is filed with WRMGSA at least 72 hours prior to the meeting. The Board hereby reserves the right to call a special meeting to address one or more submitted appeals.
- iv. The Board may request additional information from the Owner prior to making their final determination and delay such final determination until the next Board meeting.
- v. An Owner is limited to one appeal per well. The Board's appeal decision is final within WRMGSA's consideration process.

8. Compliance with WRMGSA's Well Registration Management Action

In addition to the requirements set forth in this Policy, Owners shall also comply with WRMGSA "*Well Extraction Volume Reporting within Proximity to Critical Infrastructure Management Action*".

9. Application of Other Rules, Regulations, or Policies

The requirements set forth in this Policy are in addition to any and all rules, regulations, and policies imposed by the Kern County Public Health Department or any other regulatory body with jurisdiction over the subject-matter set forth herein, including, but not limited to, County of Kern new well permitting requirements.

10. Amendment of this Policy

The Board reserves the right to amend this Policy, including the boundaries of the CASP Buffer Zone, at any duly noticed meeting of the WRMGSA Board of Directors.

WHEELER RIDGE - MARICOPA GSA

Well Extraction Volume Reporting within Proximity to Critical Infrastructure Management Action

Purpose:

The Sustainable Groundwater Management Act (SGMA) requires Wheeler Ridge-Maricopa Groundwater Sustainability Agency (WRMGSA) to implement measures to prevent significant and unreasonable impacts caused by subsidence related to groundwater extraction, particularly when such impacts threaten critical infrastructure. WRMGSA identified the California Aqueduct (“Aqueduct”) as a regional piece of critical infrastructure that must be protected from subsidence impacts. Portions of the California Aqueduct within the WRMGSA, have experienced impacts from subsidence since 2015, leading to a reduction in available freeboard - the vertical distance between the water surface and the top of the Aqueduct structure. And although significant portions of the Aqueduct were constructed with considerable additional freeboard - this reduction potentially compromises the Aqueduct's operational capacity, affecting water conveyance efficiencies and potentially risking the integrity of this piece of critical infrastructure.

While technical studies have not indicated that agricultural groundwater extraction is the only factor contributing to this subsidence, WRMGSA is committed to working in close consultation with the California Aqueduct Subsidence Program and adjacent GSAs to monitor and collect additional data to further refine our current understanding of the causes and rate of subsidence. In furtherance of this end and achieving overall groundwater sustainability within its boundaries, the WRMGSA Board of Directors (“Board”) adopted the following Well Extraction Volume Reporting within Proximity to Critical Infrastructure Impacted by Subsidence Management Action (“Management Action”) on XXXXXXXX.

1. Scope and Applicability

This policy shall apply to all owners of one or more groundwater extraction facility(ies) (i.e., a groundwater well) (“Owner”) within the area extending 2.5 miles outward from the California Aqueduct (total width of 5 miles) (“CASP Buffer Zone”) within the WRMGSA depicted in Figure 1.

2. Annual Pumping Volume Data Submission

Beginning in Calendar Year 2025, each Owner shall maintain a record of all groundwater extracted for each groundwater extraction facility owned and located within the CASP Buffer Zone. Groundwater extraction must be measured using flowmeters or totalizing meters. Each Owner shall submit an annual report to WRMGSA of the total volume of groundwater extracted for each groundwater extraction facility owned and located within the CASP Buffer Zone by February 1 of the following calendar year (ex., annual reports for Calendar Year 2024 will be due by February 1, 2025).

If available, the Owner may elect to utilize the volume data calculated by the Wheeler Ridge-Maricopa Water Storage District for its Groundwater Service Charge (GWSC) in-lieu of utilizing meters.

3. Amendment of this Policy

The Board reserves the right to amend this policy, including the boundaries of the CASP Buffer Zone, at any duly noticed meeting of the WRMGSA Board of Directors.



KERN COUNTY WATER AGENCY

Stuart T. Pyle Water Resources Center

3200 Rio Mirada Drive
Bakersfield, California 93308

Notice of BOARD OF DIRECTORS MEETING

November 20, 2024

Conference Line: [+1 \(571\) 317-3122](tel:+15713173122)

Access Code: 863-465-805#

<https://global.gotomeeting.com/join/863465805>

AGENDA

- I. Call to order – 12:00 p.m.
- II. Report of the General Counsel
 - A. Authorization for Closed Session regarding:
 1. Conference with Legal Counsel – Existing Litigation (Government Code section 54956.9, subdivision (a)):
 - a. Applications Filed for Kern River Water
 - b. California Department of Water Resources v. All Persons Interested in the Matter of the Contract Extension Amendments
 - c. North Coast Rivers Alliance, et al. v. California Department of Water Resources (COA CEQA)
 - d. California Department of Water Resources v. All Persons Interested in the Matter of the Authorization of Delta Program Revenue Bonds
 - e. Rosedale-Rio Bravo Water Storage District, *et al.* v. Kern County Water Agency, *et al.* (CVC Issues)
 - f. Kern Delta Water District, *et al.* v. Rosedale-Rio Bravo Water Storage District (Onyx CEQA)
 - g. Rosedale-Rio Bravo Water Storage District v. Buena Vista Water Storage District, *et al.* (Onyx Water Rights)
 - h. California Sportfishing Protection Alliance, *et al.* v. California State Water Resources Control Board, *et al.*, Sacramento County Superior Court, Case No. 34-2021-80003761 (2021 Order Re Temporary Urgency Change Petition)

- i. California Sportfishing Protection Alliance, *et al.* v. State Water Resources Control Board, *et al.*, Sacramento County Superior Court, Case No. 34-2021-80003763 (2021 Order Re Shasta Temporary Management Plan)
- j. California Water Impact Network v. Department of Water Resources, Sacramento County Superior Court Case No. 34-2020-80003492; North Coast Rivers Alliance v. Department of Water Resources, Sacramento County Superior Court Case No. 34-2020-80003491 (Water Management Tools)
- k. Pacific Coast Federation of Fishermen's Associations, *et al.* v. Ross,, E.D. Cal., Case No. 1:20-cv-00431 & California Natural Resources Agency, *et al.* v. Ross, *et al.*, E.D. Cal., Case No. 1:20-cv-00426 (Long-term Operations)
- l. State Water Board Cases, Sacramento County Superior Court Case No. JCCP 5013 (Water Quality Control Plan Phase 1 Litigation)
- m. Oroville Dam Cases, Sacramento County Superior Court Case No. JCCP 4974
- n. Long-term State Water Project Operations Cases, Sacramento County Superior Court Case No. JCCP 5117
- o. Temporary Applications Filed for Kern River Water
- p. Bring Back the Kern, *et al.* v. City of Bakersfield, *et al.*, Kern County Superior Court Case No. BCV-22-103220
- q. Delta Conveyance Project Litigation, Court Case No. 24WM000017
- 2. Conference with Legal Counsel – Anticipated Litigation: Significant exposure to litigation: (Government Code section 54956.9, subdivision (d)(2)):
- a. Three potential suits
- 3. Conference with Real Property Negotiator (Government Code section 54956.8):
- a. Negotiator: Water Resources Manager
Property: State Water Project Water
Parties: California Department of Water Resources and State Water Project Contractors
Under Negotiation: Price & Terms
- 4. Conference with Legal Counsel – Threat to Public Services or Facilities (Government Code section 54957, subdivision (a))

III. Directors' Forum

- A. Report from the California Farm Water Coalition Executive Director

IV. Public Comment

Anyone may comment on any subject within Agency jurisdiction whether or not it is on the agenda. Time for such comment may be limited.

- V. Minutes of Board Meetings and Committee Meetings –
- | | |
|-----------------------|------------------|
| Special Board Meeting | October 23, 2024 |
| Regular Board Meeting | October 24, 2024 |
- VI. Report of the General Manager
- VII. Advisory Committee Reports
- A. Cross Valley Canal Advisory Committee
 - B. Improvement District No. 3 Advisory Committee
 - C. Urban Bakersfield Advisory Committee
- VIII. Board Committee Reports
- The following items will be discussed in detail at the meeting and may result in appropriate action being taken relating to the subject matter (such action may or may not conform to any staff recommended action):
- A. **ADMINISTRATIVE COMMITTEE – Director Cattani, Chair**
 - 1. Report of the Administrative Operations Manager
 - 2. Payment of the Bills
 - 3. Financial Report
 - B. **POLICY COMMITTEE – Director Milobar, Chair**
 - 1. Update on Delta Conveyance Activities
 - 2. Update on Legislative Activities
 - C. **WATER RESOURCES COMMITTEE – Director Fast, Chair**
 - 1. Report of the Water Resources Manager
 - 2. Report on 2024 State Water Project and Central Valley Project Allocations and Operations
 - 3. Water Delivery Operations
 - a. Report on Kern County Water Agency California Aqueduct Deliveries
 - b. Update on Water Transfers, Exchanges and Purchases

- c. Authorization to Execute Amendment No. 1 to the Agreement Among the Department of Water Resources of the State of California, the Metropolitan Water District of Southern California and Kern County Water Agency for Storage of a Portion of the Metropolitan Water District of Southern California's State Water Project Water Supplies in Irvine Ranch Water District's Groundwater Banking Program, SWP #23012-A
- d. Authorization to Execute an Agreement Among the Department of Water Resources of the State of California, Kern County Water Agency and Santa Clara Valley Water District for a Transfer of Santa Clara Valley Water District's State Water Project Article 56 Carryover Water to Kern County Water Agency, SWP#24023
- e. Authorization to Execute an Agreement Among the Department of Water Resources of the State of California, Dudley Ridge Water District and Kern County Water Agency for Storage of a Portion of Dudley Ridge Water District's State Water Project Table A Water in Semitropic Water Storage District's Water Banking and Exchange Program, SWP#24025
- f. Authorization to Execute an Agreement Among the Department of Water Resources of the State of California, Kern County Water Agency, Solano County Water Agency and Dudley Ridge Water District for a Transfer of Solano County Water Agency's State Water Project 2024 Table A Water to Dudley Ridge Water District and Kern County Water Agency, SWP#24027
- g. Authorization to Execute an Agreement Among the Department of Water Resources of the State of California, Kern County Water Agency and Solano County Water Agency for a Transfer of Solano County Water Agency's State Water Project Article 56 Carryover Water to Kern County Water Agency, SWP#24028
- h. Authorization to Execute an Agreement Among the Department of Water Resources of the State of California, Kern County Water Agency, San Bernardino Valley Municipal Water District and Dudley Ridge Water District for a Transfer of San Bernardino Valley Municipal Water District's State Water Project 2024 Table A Water to Dudley Ridge Water District and Kern County Water Agency, SWP#24029
- i. Authorization to Execute an Agreement Among the Department of Water Resources of the State of California, Kern County Water Agency and Antelope Valley-East Kern Water Agency for a Transfer of Kern County Water Agency's State Water Project Table A Water to Antelope Valley-East Kern Water Agency, SWP#24030

- j. Authorization to Execute an Agreement Among the Department of Water Resources of the State of California, Kern County Water Agency, San Luis Obispo County Flood Control and Water Conservation District and Dudley Ridge Water District for a Transfer of San Luis Obispo County Flood Control and Water Conservation District's State Water Project 2024 Table A Water to Dudley Ridge Water District and Kern County Water Agency, SWP#24032
- k. Authorization to Execute an Agreement Among the Department of Water Resources of the State of California, Kern County Water Agency and San Luis Obispo County Flood Control and Water Conservation District for a Transfer of San Luis Obispo County Flood Control and Water Conservation District's State Water Project Article 56 Carryover Water to the Kern County Water Agency, SWP#24033
- l. Authorization to Execute Amendment No. 1 to the Agreement Among the Department of Water Resources of the State of California, Kern County Water Agency, San Geronio Pass Water Agency and Dudley Ridge Water District for a Transfer of San Geronio Pass Water Agency's State Water Project 2024 Table A Water to Dudley Ridge Water District and Kern County Water Agency, SWP #24021-A
- 4. Consideration of Providing Advance Credits for Variable Operation, Maintenance, Power and Replacement Charges for Former Table 1 Surplus Entitlement on the Basic Contract Member Until January 2025 Payments
- 5. Authorization to Delay Basic Contract Member Unit January 2025 Payments Per the 90 Day Deferral Option
- 6. Update on the Pioneer Groundwater Sustainability Agency
- 7. Report on the Kern Non-Districted Lands Authority Meeting

D. WATER MANAGEMENT COMMITTEE – Director Averett, Chair

- 1. Report of the Engineering and Groundwater Services Manager
 - a. Update on Groundwater Banking Construction/Maintenance Projects
- 2. Report on 2024 Water Operations
- 3. Update on Pioneer Project Recharge Facilities – Basin 11
- 4. Authorization to Approve the 2025 Pioneer Project Budgets
- 5. Authorization to Approve the 2025 Berrenda Mesa Joint Water Banking Project Budget
- 6. Authorization to Request Proposals for the James Canal Culvert Replacement at Station 35+03
- 7. Report on Kern Water Bank Activities

E. CROSS VALLEY CANAL COMMITTEE – Director Lundquist, Chair

1. Report of the Water Resources Manager
 - a. Update on Cross Valley Canal Construction/Maintenance Projects
2. Report on Cross Valley Canal Operations and Deliveries
3. Authorization to Approve the 2025 Cross Valley Canal Operations and Maintenance Budget
4. Authorization to Execute Amendment No. 2 to the Kern County Water Agency Contract for the Cross Valley Canal Pools 1 through 6 Sediment Disposal Project

F. URBAN BAKERSFIELD COMMITTEE – Director Wulff, Chair

1. Report of the Improvement District No. 4 Manager
 - a. Update on Improvement District No. 4 Construction/Maintenance Projects
 - b. Report on the Kern River Groundwater Sustainability Agency Meeting
2. Report on the Improvement District No. 4 2024 Water Supply and Management Plan
3. Report on the Henry C. Garnett Water Purification Plant
 - a. Authorization to Execute a Task Order for Consulting Services for the Treatment Train B Multimedia Filters Programmable Logic Controller Upgrade Project
4. Authorization to Retain an Engineering Consultant for the Hageman Flyover Project

IX. Correspondence

X. Brief Report on Potential New Business

XI. Adjournment

DECLARATION OF POSTING: I declare under penalty of perjury, that I am employed by the Kern County Water Agency and that I posted the foregoing Agenda at the Agency Office on November 14, 2024.


Stephanie N. Prince, Board Secretary

Requests for a disability-related modification or accommodation, including auxiliary aids or services, in order to attend or participate in a meeting should be made to the Board Secretary in advance of the meeting to ensure availability of the requested service or accommodation.

KERN WATER BANK AUTHORITY



**Regular Meeting of Board of Directors
of the Kern Water Bank Authority
Tuesday, December 10, 2024, 3:15 PM
Kern Water Bank Authority Conference Room¹
1620 Mill Rock Way, Suite 500, Bakersfield, California**

This meeting is held in accordance with the Brown Act pursuant to Section 54950, et seq. of the California Government Code and the Kern Water Bank Authority Joint Powers Agreement.

- 1. Roll Call**
- 2. Resolution No. 2024-04 - Recognition of William Phillimore**
- 3. Appointment of Officers**
- 4. Approval of Minutes**
The Board will consider approval of November 12, 2024, Regular Board of Directors Meeting minutes.
- 5. Treasurer's Report**
The Board will consider approval of the November 2024 Treasurer's Report.
- 6. Authorization to Pay Expenses of Authority**
The Board will consider approval of November 2024 accounts payable for payment.
- 7. Amendment No. 4 to Joint Recovery Operations Plan**
The Board will consider approval of Amendment No. 4 to Joint Recovery Operations Plan.
- 8. Reports**
 - A. Staff Report**
Review and possibly act on previously submitted Staff Report and staff recommendations regarding:
 - (1) Water Bank Operations
 - (2) 3rd Party Facilities on Kern Water bank
 - (3) Adjacent Properties
 - (4) KWBA HCP/NCCP and Land Management
 - (5) Capital Improvements and Funding Status
 - (6) Power Update

¹ Requests for a disability-related modification or accommodation, including auxiliary aids or services, in order to attend or participate in a meeting should be made to the Board Secretary in advance of the meeting to ensure availability of the requested service or accommodation.

B. Directors, Counsel and Committee Reports

The Board of Directors will hear and possibly act on reports and recommendations:

- (1) Kern Fan Monitoring Committee
- (2) KWBA IT Committee

9. Old Business

This portion of the meeting is set aside for the discussion of matters which have been addressed at previous Board meetings.

10. New Business

This portion of the meeting is set aside to provide the Board an opportunity to bring to the attention of the other Board members and the public matters which have come to their attention, subject to certain exceptions. No action can be taken on any matter discussed during this portion of the meeting; however, a Board member may request that a subject be placed on any future agenda.

11. Public Input

This portion of the meeting is set aside to provide the public an opportunity to bring to the attention of the Board members, matters of which the Board may not be aware, subject to certain exceptions. No action can be taken on any matter discussed during this portion of the meeting; however, a Board member may request that a subject be placed on any future agenda.

12. Closed Session

The Board will meet in a closed session and possibly act on the following:

- A) Conference with Legal Counsel – Pending Litigation (Gov. Code section 54956.9(d)(1)).
 - 1) Various Applications to appropriate Kern River water, complaint and related proceedings before the State Water Resources Control Board.
- B) Conference with Legal Counsel – Anticipated Litigation: Initiation of litigation pursuant to Gov. Code section 54956.9(d)(4). Two potential litigations.
- C) Conference with Legal Counsel – Anticipated Litigation: Significant exposure to litigation pursuant to Gov. Code section 54956.9(d)(2). Two potential litigations.
- D) Conference with Real Property Negotiator – Gov. Code section 54956.8.
KWBA Representative: General Manager and Geologist
Under Negotiation: Price and Terms of payment
Negotiating Parties: Kern County Water Agency (KCWA) and KWBA
Property: Basin 11 and KCWA Pioneer Project Easement and Joint Use and Construction Agreements.

E) Conference with Real Property Negotiator – Gov. Code section 54956.8.

KWBA Representative: General Manager and Geologist
Under Negotiation: Price and Terms of Payment
Negotiating Parties: KWBA and Irvine Ranch WD/Rosedale Rio-Bravo WSD
Properties: Strand Ranch - Encroachment Permit and Joint Use Agreement

F) Conference with Real Property Negotiator – Gov. Code section 54956.8.

KWBA Representative: General Manager and Geologist
Under Negotiation: Price and Terms of Payment
Negotiating Parties: KWBA and the Pioneer Bank Project
Properties: Nord Turnout

G) Conference with Real Property Negotiator – Gov. Code section 54956.8.

KWBA Representative: General Manager and Geologist
Under Negotiation: Price and Terms of Payment
Negotiating Parties: KWBA and PG&E
Properties: APN #'s 160-030-03, 160-030-09, 160-020-05 and 160-020-07

H) Conference with Real Property Negotiator – Gov. Code section 54956.8.

KWBA Representative: General Manager and Geologist
Under Negotiation: Price and Terms of Payment
Negotiating Parties: KWBA and Irvine Ranch WD/Rosedale Rio-Bravo WSD
Properties: Kern Water Bank Land - Kern Fan Groundwater Storage Project
Conveyance

13. Reconvene and Report form Closed Session (Gov't. Code section 54957.1)

14. Adjourn

KERN WATER BANK AUTHORITY



MEMORANDUM

To: KWBA Board of Directors; Steve Torigiani

From: KWBA Staff

Date: December 10, 2024

Subject: Monthly Status Report

CALENDAR

January 17, 2024 - KWBA Regular Board of Directors Meeting (3:15 P.M.)

OPERATIONS

Recharge

Recharge activities resumed on December 4, 2024 with 75 cfs for STWSD. Recharge will continue until the end of January 2025.

Recovery

No current recovery operations.

FACILITIES

Facilities Maintenance

Routine maintenance continues on roads, water delivery structures, wells, pumping stations, and canals.

Vegetation Management and Grazing

Spraying, tumbleweed removal, mowing along fence lines, structures, and around wells continues. Grazing is occurring throughout all areas.

THIRD PARTIES

Rosedale and Irvine Ranch WD gave a presentation to staff on their Kern Fan Banking project. They presented an option for KWBA to participate in their proposed conveyance facility for 150 cfs. The cost is estimated to be about \$12 million.

ENVIRONMENTAL – GENERAL AND HCP ISSUES

Conservation Bank

SoCalGas has purchased 4 credits. Caltrans has purchased 36 credits and expressed an interest in purchasing another 99 credits this year for different project.

CAPITAL IMPROVEMENTS/REPAIR AND REPLACEMENT

Capitalized Maintenance Program

Construction of replacement turnouts has resumed.

Replacement Wells

Well 30S/25E-18P02 – Well has been drilled, cased and swabbed. BWP is currently developing the well.

Well Rehabilitation and Repairs

No current well rehabilitation. Electrical work on (3) wells that were vandalized due to copper wire theft is on hold.

Basin 11

Encroachment permit is in process. KCWA provided KWBA with a construction and joint use of facilities agreement and easement on June 25, which were reviewed and redlined by staff and counsel and returned to KCWA.

Strand Siphon Replacement

The Strand Siphons are not currently in use but are operational. Replacement facilities using a turnout onto Strand Ranch have been designed. A meeting was held with Rosedale and Irvine regarding necessary documents on June 18. KWBA forwarded redlined documents to Rosedale for review on June 21. Rosedale forwarded the documents for Irvine review.

Enos Lane Culvert

Meyer Engineering has completed the culvert design and submitted plans and application to Caltrans for review to proceed with the Enos Lane Culvert. KWB staff has coordinated a pre-construction meeting for December 13, 2024.

ADMINISTRATIVE

Power Update

The KWBA's NEM2a application is still in the CAISO's cluster study process. Environmental review is in process. Staff is also exploring grant opportunities relating to alternative energy projects.

Data Management Progress

Staff had a meeting with the West Side Water Authority (WWA) Director of IT & Automation to discuss a SCADA upgrade that he is currently implementing. The discussion centered on the equipment and processes that WWA is currently implementing

and how that compares to the proposed equipment and processes that would be used by the Kern Water Bank. Staff has updated the proposal for the well data collection automation and will provide the updates to the Board at its regularly scheduled meeting. Staff is continuing to work on the design and table structure of the KWBA database.

Retirement Plan

Staff is continuing to work with Northwestern Plan Services on transferring the Kern Water Bank Authority's 401(a) and 457(b) plans from the current plan sponsor to the Western Growers Retirement Securities Plan.

Kern Water Bank Groundwater Sustainability Agency



**Regular Meeting of Board of Directors
Tuesday, December 10, 2024, 3:00 P.M.
Kern Water Bank Authority Conference Room¹
1620 Mill Rock Way, Suite 500, Bakersfield, California**

This meeting is held in accordance with the Brown Act pursuant to Section 54950, et seq. of the California Government Code and the Joint Exercise of Powers Agreement for the Kern Water Bank Groundwater Sustainability Agency.

- 1. Roll Call**
- 2. Appointment of Officers**
- 3. Consider Approval of November 12, 2024 Board Meeting Minutes**
- 4. Consider Approval November 2024 Treasurer's Report**
- 5. Consider Authorizing Payment of GSA Expenses**
- 6. Hold Public Hearing Regarding and Consider Adoption of 2024 GSP**
 - a. Public Hearing to consider the adoption of the 2024 Groundwater Sustainability Plan (GSP) and supporting appendices for the Kern County Subbasin of the Tulare Lake Groundwater Basin including Appendix E regarding Kern Fan Banking Projects.
 - i. Adoption of 2024 GSP
- 7. Consider Approval of Second Amended Kern County Subbasin Coordination Agreement among Kern County Subbasin Groundwater Sustainability Agencies.**
- 8. Consider Approval of Contract with Self-Help Enterprises to administer the Kern County Subbasin Domestic Well Mitigation Program.**
- 9. Discussion and Possible Appointment of New Kern Non-Districted Land Authority (KNDLA) Board Member and Alternate Board Member.**
- 10. Reports**
 - a. Kern County Subbasin GSP Preparation

¹ Requests for a disability-related modification or accommodation, including auxiliary aids or services, in order to attend or participate in a meeting should be made to the Board Secretary in advance of the meeting to ensure availability of the requested service or accommodation.

- b. SWRCB Draft Staff Report/Notice of Hearing Re Proposed Designation of Subbasin as a Probationary Basin
- c. Kern County Subbasin Coordination Committee
- d. Kern Non-Districted Land Authority (KNDLA)
- e. SGMA Compliance

11. New Business

12. Public Comment

13. Closed Session Item Descriptions (Gov. Code, § 54956.8):

- a. Conference with Legal Counsel Regarding Litigation:
 - i. Gov. Code, § 54956.9(d)(2) [Potential: Significant Exposure to
a. Litigation]: One Item.
 - ii. Gov. Code, § 54956.9(d)(4) [Potential: Initiation of
a. Litigation]: Two Items.

14. Reconvene and Report from Closed Session (Gov't. Code section 54957.1)

15. Adjourn

KERN WATER BANK GSA



MEMORANDUM

To: KWB GSA Board of Directors; Steve Torigiani
From: KWBA Staff as Administrators of the GSA (Staff)
Date: December 10, 2024
Subject: Staff Report

CALENDAR

January 17, 2024 – KWB GSA Regular Board of Directors Meeting (3:00 P.M.)

SGMA ACTION ITEMS

GSP

The group 2024 GSP has been completed and will be considered for adoption following a public hearing at the December 10th GSA Board Meeting. The GSP, including Appendix E relating to the KWB and other Kern Fan banking projects and subbasin Well Mitigation Program, is available for review here: <https://kerngsp.com/gsp-documents/>. The GSP needs to be considered for approval by all subbasin GSAs at their December board meetings.

Coordination Agreement

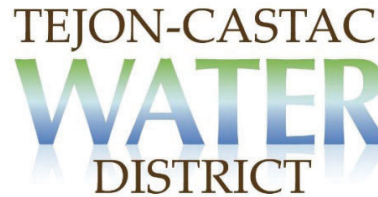
The Second Amended Kern County Subbasin Coordination Agreement among the subbasin GSAs has been completed and needs to be considered for approval by all of the GSA at their December board meetings.

Well Mitigation Program – SHE Administration Contract

The Kern County Subbasin well mitigation program requires that the Subbasin GSAs enter into a contract with Self-Help Enterprises (SHE) to administer the program. The subbasin GSAs participating in the program need to consider approval of the SHE contract at their December board meetings.

STAFF RECOMMENDATION

The above items have been reviewed and approved as to form by the Kern County Subbasin managers and technical and attorney work group members, among others, as applicable, and Staff recommends their approval by the KWB GSA Board of Directors for submission to the State in compliance with SGMA.



South of Kern River Executive Committee Regular Meeting

Monday, December 9, 2024

10:30 a.m. to 12:00 p.m.

Meeting Information Posted:

www.sokrgsp.com

<http://www.aewsd.org> * <http://www.wrmwsd.com>

<http://www.tejoncastacwd.com> * <https://www.arvincsd.com>

In Person: Arvin-Edison Water Storage District Headquarters
20401 E. Bear Mountain Blvd. Arvin, CA 93203

Via Remote (**Microsoft Teams**): <https://www.microsoft.com/microsoft-teams/join-a-meeting>

Click here to join the meeting

Meeting Number: **289 619 843 830**

Meeting Password: **ko5K35**

Phone: **1.213.437.9052**

Phone Meeting Number (access code): **276 512 496#**

NOTICE: Members of the public interested in participating by teleconference may do so using the call-in information above or by following [this link](#). Please note that this teleconference option is provided as a courtesy and at the participant's own risk. The Committee cannot guarantee that there will be no loss of connectivity or other technological obstacle to full participation through teleconferencing. By participating in this way, participants confirm that they understand this risk and that the Committee is not obliged to delay any portion of the meeting due to such technological obstacles and thus that teleconference participants may be unable to participate.

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF THE AGENDA
5. APPROVAL OF OCTOBER 10, 2024 REGULAR AND NOVEMBER 14, 2024 SPECIAL MEETING MINUTES
6. PUBLIC COMMENT
7. REPORT ITEMS
 - a. GSP Manager Report (*Muhar*)
 - i. Basin Coordination
 - b. Technical Consultant Report (*EKI*)
 - i. Update on Amended 2024 Plan
 - ii. Update on technical meetings with State Water Resources Control Board Staff

- iii. SGMA Monitoring Network performance and sustainable management criteria (SMC) compliance
- c. Finance Report (*Nicholas*)
- d. California Aqueduct Subsidence Program (CASP) update (*Nicholas*)
- e. Management Area updates (*Muhar, Nicholas, Martin, Barraza*)

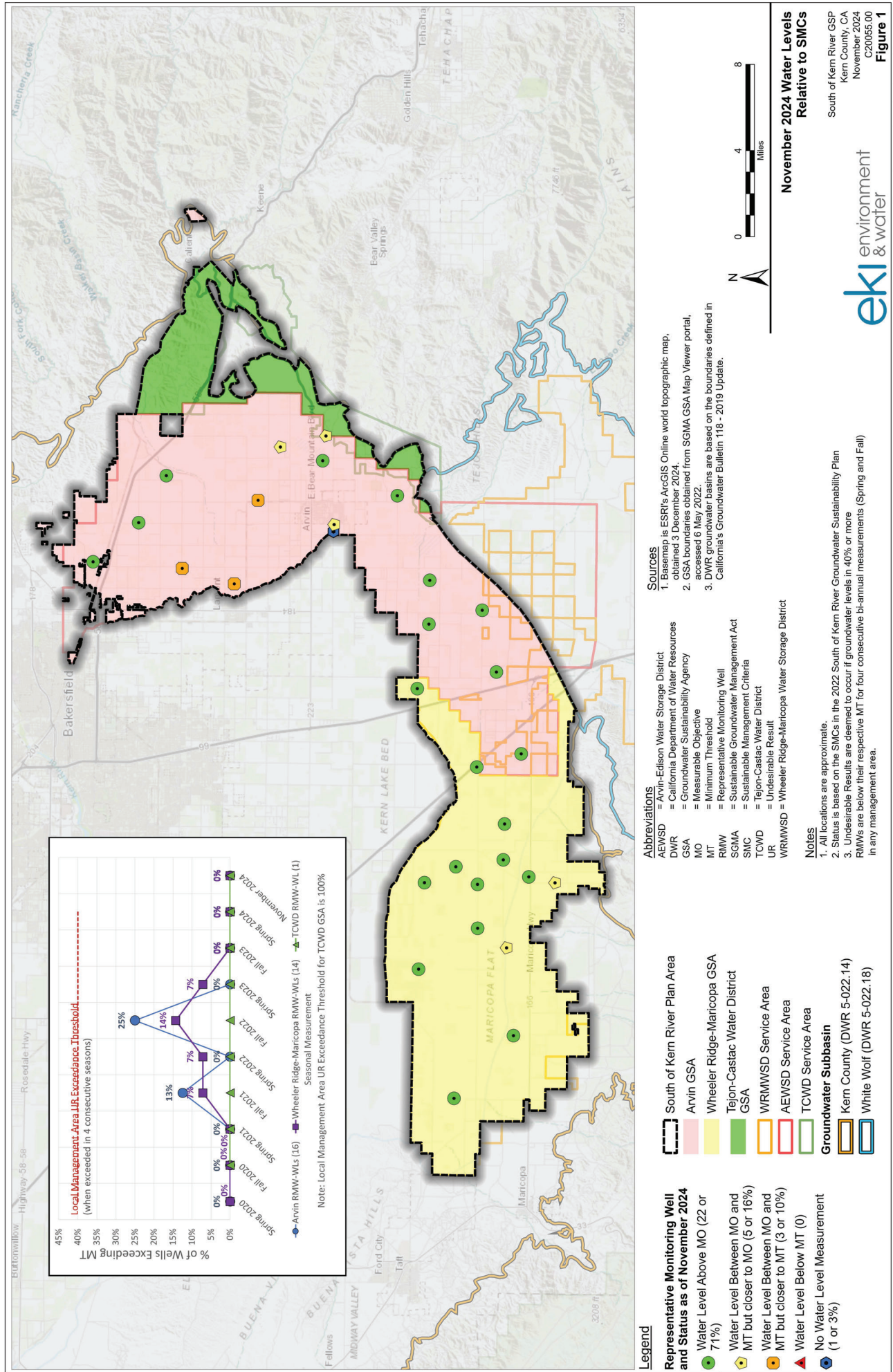
8. ACTION ITEM(S)

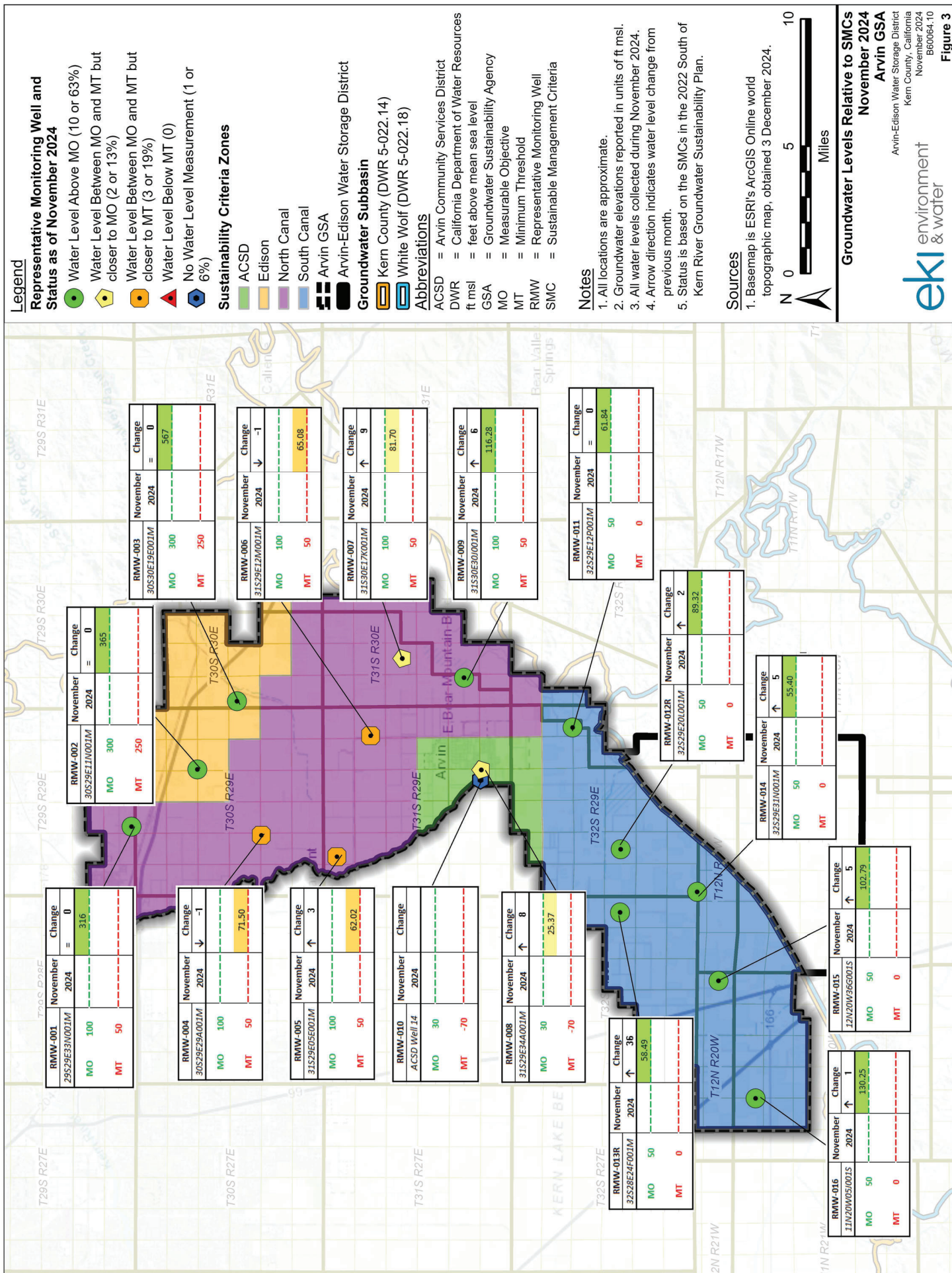
- a. Consider endorsement of and recommendation for GSA Home Boards to adopt the 2024 Groundwater Sustainability Plan (GSP) and relevant supporting appendices of projects and management actions for the Kern County Subbasin of the Tulare Lake Groundwater Basin.
- b. Consider endorsement of and recommendation for GSA Home Boards to approve the Second Amended Kern County Subbasin Coordination Agreement among subbasin GSAs.
- c. Consider endorsement of and recommendation for GSA Home Boards to approve a contract with Self- Help Enterprises to administer the Kern County Subbasin Domestic Well Mitigation Program.
- d. Consider endorsement of and recommendation for GSA Home Boards to approve the “First Amendment to the MOA between Arvin Community Services District, Arvin-Edison Water Storage District, Tejon-Castac Water District, and Wheeler Ridge-Maricopa Water Storage District for South of Kern River GSP.

9. CLOSED SESSION

- a. Potential Litigation (Government Code §54956.9(d)(2), (e)(1); 1 item).

10. ADJOURNMENT





Legend

Representative Monitoring Well and Status as of November 2024

- Water Level Above MO (10 or 63%)
- Water Level Between MO and MT but closer to MO (2 or 13%)
- Water Level Between MO and MT but closer to MT (3 or 19%)
- Water Level Below MT (0)
- No Water Level Measurement (1 or 6%)

Arvin-Edison Water Storage District

Sustainability Criteria Zones

- ACSD
- Edison
- North Canal
- South Canal

Groundwater Subbasin

- Kern County (DWR 5-022.14)
- White Wolf (DWR 5-022.18)

Abbreviations

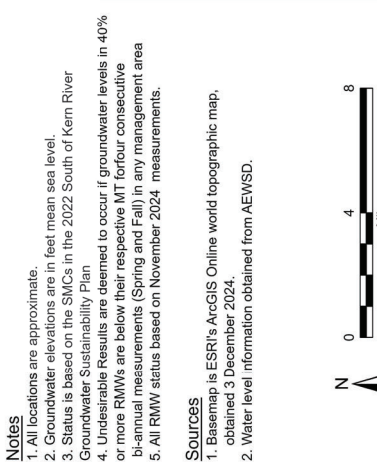
AEWSD = Arvin-Edison Water Storage District
 DWR = California Department of Water Resources
 ft msl = feet above mean sea level
 GWE = groundwater elevation
 MO = measurable objective
 MT = minimum threshold
 RMW = Representative Monitoring Well

Notes

- All locations are approximate.
- Groundwater elevations are in feet mean sea level.
- Status is based on the SMCs in the 2022 South of Kern River Groundwater Sustainability Plan
- Undesirable Results are deemed to occur if groundwater levels in 40% or more RMWs are below their respective MT for four consecutive bi-annual measurements (Spring and Fall) in any management area
- All RMW status based on November 2024 measurements.

Sources

- Basemap is ESRI's ArcGIS Online world topographic map, obtained 3 December 2024.
- Water level information obtained from AEWSD.



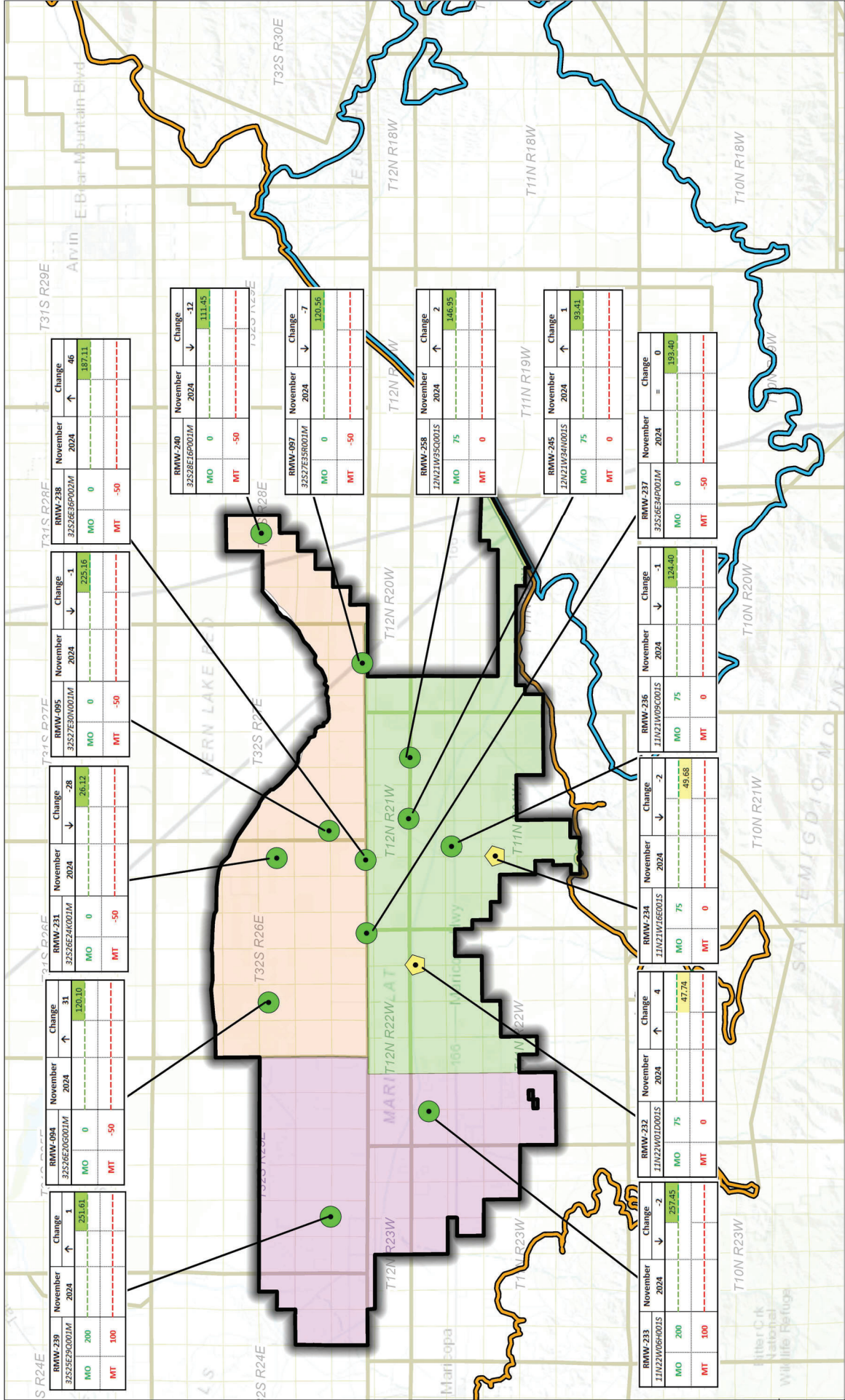
Hydrographs in Representative Monitoring Wells
 (Jan 2015 - November 2024)

Arvin-Edison Water Storage District
 Kern County, CA
 November 2024
 C20055.01
Figure 4

DRAFT

eki environment & water

INTERIM FIGURE - FOR INFORMATIONAL PURPOSES ONLY



Legend
Representative Monitoring Well and Status as of November 2024
Water Level Above MO (12 or 86%)
Water Level Between MO and MT but closer to MO (2 or 14%)
Water Level Between MO and MT but closer to MT (0)
Water Level Below MT (0)
No Water Level Measurement (0)

Groundwater Subbasin
Kern County (DWR 5-022.14)
White Wolf (DWR 5-022.18)

Sustainability Criteria Zones
Northeast
Southeast
West

Abbreviations
DWR = California Department of Water Resources
ft msl = feet above mean sea level
GSA = Groundwater Sustainability Agency
MO = Measurable Objective
MT = Minimum Threshold
SMC = Sustainable Management Criteria

Notes
1. All locations are approximate.
2. Groundwater elevations reported in units of ft msl.
3. All water levels collected during November 2024.
4. Arrow direction indicates water level change from previous month.
5. Status is based on the SMCs in the 2022 South of Kern River Groundwater Sustainability Plan

Sources
1. Basemap is ESRI's ArcGIS Online world topographic map, obtained 3 December 2024.

Groundwater Levels Relative to SMCs November 2024
Wheeler Ridge-Maricopa GSA
South of Kern River
Kern County, California
November 2024
C20055.00

Figure 9

SOUTH OF KERN RIVER (SOKR) EXECUTIVE COMMITTEE
BOARD OF DIRECTORS MEETING
December 9, 2024

AGENDA DETAIL SHEET – **ACTION ITEMS**

AGENDA ITEM 8

DESCRIPTION: This report summarizes action items related to SOKR Groundwater Sustainability Agencies' (GSA) participation in Subbasin-wide efforts to develop an amended Kern Subbasin groundwater sustainability plan (GSP or Plan) that will cover the majority of the Kern Subbasin (and the rest of the Subbasin by way of separately adopted “blue page” versions of the Plan).

Background

In March 2023, DWR determined the Kern Subbasin Plan, originally submitted in 2020 and revised and resubmitted in 2022, was inadequate under SGMA. It concurrently referred the Kern Subbasin to the State Water Resources Control Board (SWRCB) for further procedures, including potential designation of the Subbasin as probationary following a public hearing. The SWRCB originally scheduled the Kern Subbasin probationary hearing for January 2025, but then rescheduled it for February 20, 2025. This hearing remains on the calendar.

Shortly after receiving the inadequate determination, the Kern Subbasin GSAs began working together to develop GSP amendments intended to remedy the DWR-identified deficiencies and avoid a probationary designation. After several months of dedicated work, largely undertaken by the Technical Working Group with input from Policy/Directors and Managers, the Subbasin GSAs prepared a draft GSP that included significant revisions to address the deficiencies and make other improvements. The Subbasin GSAs submitted the draft GSP to the State Water Resources Control Board (SWRCB) in May 2024 and prepared necessary public notices and completed several outreach events in the weeks following submittal.

In July 2024, SWRCB staff released their draft staff report, which focused on the 2020 and 2022 GSPs and provided only a 2-page “preliminary” review of the amended 2024 GSP. Since then, the Subbasin has met almost weekly to continue gathering feedback and refining the 2024 draft GSP and other related documents, as outlined below.

8a. Adoption of the 2024 Kern Subbasin GSP

Staff has previously reviewed several of the GSP changes in prior meetings, however the attached presentation provides additional details on these changes that will be reviewed during the Public Hearing portion of the meeting.

The amended Subbasin GSP is comprised of 7 GSPs; the same organizational structure as the draft submitted in May. SOKR GSAs are contained within the Kern Subbasin GSP that covers over 67% of the Subbasin. There are 6 additional GSPs, which are substantially the same as the Kern Subbasin GSP but also include supplemental information unique to the adopting GSA on “blue pages.” Buena Vista WSD GSA, Henry Miller GSA, Kern-Tulare Water District (WD) GSA, Olcese WD GSA, Westside District Water Authority GSA, and Semitropic WSD GSA will *each* adopt a separate “blue page” GSP.

As a result of SWRCB and public input, the final GSP proposed for adoption includes significant changes from the draft GSP in the following areas:

1. Basin Setting (updated cross sections, shallow groundwater maps and water budgets);
2. Representative Monitoring Network (additional well depth analysis, identify data gaps);
3. Groundwater Level SMCs (raised depth to water level, reduced well impacts);
4. Subsidence SMCs (adjusted rates to be more protective of beneficial users);
5. Water Quality (increased monitoring wells and additional constituents/testing frequency);
6. Interconnected Surface Water (greater technical review); and
7. Well Mitigation Program (similar to Kaweah, which received positive reaction, with a specific implementation schedule and funding commitments).

With regards specifically to the SOKR GSAs, the below provides a quick summary of changes:

1. Basin Setting:
updated water budgets, and updated P/MA targets, as follows:
Arvin GSA: 26,820 AFY
Tejon-Castac Water District GSA: 0 AFY (no deficit)
Wheeler Ridge-Maricopa GSA: 14,360 AFY
Representative Monitoring Network:
Three data gaps were identified regarding lack of monitoring for domestic wells in areas that partially cover Arvin GSA (1), Wheeler Ridge-Maricopa GSA (1), and Tejon-Castac Water District GSA (1).
2. Groundwater Level SMCs:
7 of 31 sites increased the Minimum Threshold between 3 to 15 feet
3. Subsidence SMCs:
MTs were set at Mileposts along the California Aqueduct based on a historical rate (2013-2024) projected forward through 2040. Interim milestone rates reduce in 25 percent increments, whereby post 2040-rates will be zero feet per year.

Subbasin GSAs are required to follow a 6-step Minimum Threshold Exceedance Policy (initial notification based on interim milestones, identify and investigate, review outside contributors, evaluate root cause, initiate P/MA, and report). Targeted P/MAs for GSAs that fall within the 5 mile buffer zone (Arvin GSA and Wheeler Ridge-Maricopa GSA) may include: (1) well registry, (2) metered well extraction volume reporting, (3) net zero well drilling moratorium, (4) targeted pumping reductions, and (5) pumping limitations, among others deemed necessary.
4. Water Quality:
One water quality site in Arvin GSA changed in order to take a sample (prior had no pump)
5. Interconnected Surface Water:
No Change
6. Well Mitigation Program:
New requirement that was discussed at a previous meeting

The Kern Subbasin GSP describes Project and Management Actions (P/MAs), some common to the entire Subbasin and others specific to a management area, that the Subbasin GSAs will collectively implement to address the Subbasin's projected water budget deficit (under a climate change scenario). Each GSA's unique portfolio of P/MAs is included as an appendix to the Kern Subbasin Plan.

The final draft amended Kern Subbasin GSP will be posted to each SOKR district's website, the joint SOKR website, <https://sokrgsp.com>, and Kern Subbasin (www.kerngsp.com).

RECOMMENDATION: Staff is recommending the Board of Directors take action to endorse the final Kern Subbasin GSP.

ATTACHMENTS (1): Subbasin GSP Presentation

8b. Second Amended Coordination Agreement

The Subbasin GSAs must adopt a Coordination Agreement because the Subbasin will be covered by multiple GSPs, as described above. The SOKR GSAs approved a form of the Second Amended Coordination Agreement in May 2024. However, that version was subsequently revised to address SWRCB feedback, improve consistency with the GSP, and make minor edits. Significant changes include the following:

1. Inclusion of a Well Mitigation Program;
2. Additional inputs into the Data Management System; and
3. Duration (Term).

RECOMMENDATION: Staff is recommending the Board of Directors take action to endorse execution of the final Second Amended Kern County Subbasin Coordination Agreement among the Subbasin GSAs.

ATTACHMENTS (1): Coordination Agreement redline comparison

8c. Contract with Self-Help Enterprises to administer the Well Mitigation Program

Upon firm request from SWRCB (based on concern that the GSP's proposed minimum thresholds for groundwater levels below 2015 levels could contribute to dewatering of domestic drinking water wells), the Subbasin recommends incorporating a Well Mitigation Program. The Well Mitigation Program is modelled after the Kaweah Subbasin's program, which received positive reaction and praise from SWRCB and others. Under the program, Self-Help Enterprises will essentially function as a clearing house to provide emergency and temporary water service and/or other technical assistance while a long-term solution is developed. Long-term fixes will be subject to review and approval by the GSA(s) that may be responsible for such dewatering as a result of groundwater management activities, prior to implementation.

RECOMMENDATION: Staff is recommending the Board of Directors take action to endorse execution of the Self-Help Enterprises contract

ATTACHMENTS (1): Self-Help Contract

8d. Amend Memorandum of Agreement for South of Kern River agencies

The First Amendment proposes two changes to the MOA in anticipation of the SOKR GSAs signing on to the Kern Subbasin GSP and approving the Second Amended Coordination Agreement:

- (1) Clarification of the Parties' intent to work together to develop and implement a common GSP for areas South of the Kern River, which *may* be referred to, either principally or

alternatively, as the South of Kern River GSP (rather than “*shall* [only] be known as” the South of Kern River GSP); and

- (2) Update to the Executive Committee’s role in appointing representatives to the Coordination Committee now that each SOKR GSA is entitled to be represented.

RECOMMENDATION: Staff is recommending the Board of Directors take action to endorse Amending the MOA.

ATTACHMENTS (1): Amendment to MOA

TOTAL ATTACHMENTS (4):

1. Subbasin GSP Presentation
2. Coordination Agreement redline comparison
3. Self-Help Contract
4. Amendment to MOA

KERN NON-DISTRICTED LAND AUTHORITY

(FORMERLY KERN GROUNDWATER AUTHORITY)

3200 Rio Mirada Drive Bakersfield, CA 93308
Regular Meeting of the Board of Directors
November 25, 2024, 2:00 p.m.

To virtually attend the meeting and to be able to view any presentations or additional materials provided at the meeting, please join online using the link and information below:

<https://us02web.zoom.us/j/81772344478?pwd=PcXVFaf8lakOR2MQ3r6CRQetwmaHbt.1>

Telephone Dial-in: (669) 900-6833

Meeting ID: 817 7234 4478

Password: 533602

KERN NON-DISTRICTED LAND AUTHORITY BOARD OF DIRECTORS AGENDA

This meeting is held in accordance with the Brown Act pursuant to Section 54956 of the California Government Code and the Kern Non-Districted Land Authority Joint Powers Agreement.

1. Roll Call - Quorum Determination

In the absence of a quorum, the Board will handle only those items not needing a quorum.

2. Flag Salute

3. Public Input

This portion of the meeting is set aside to provide the public an opportunity to bring to the attention of the Board matters of which the Board may not be aware and which are not on the current agenda. No action can be taken on any matter raised during this portion of the meeting; however, a Board member may request that the matter be placed on any future agenda for further review and possible action. Members of the public may directly address the Board of Directors on any item of interest within the Board's subject matter jurisdiction, before or during the Board's consideration of the item. The President may limit the time allowed for comment.

4. Approval of Minutes

- a. *October 28, 2024 (Valerie)

5. Financial Report

- a. *Financial Report & Accounts Payable (Skye)
- b. *Budget Committee Ad hoc (Skye)

6. Administration

- a. *Consideration of Appointment of Executive Officer (Barry)
- b. Special Board Meeting Friday, December 13, 2024, at 2 pm (Rachelle)

- 7. White Area Representatives**
 - a. *Extend Date of Nomination and Update on Representative Appointment Process (Barry)
- 8. DWR Grant Administration**
 - a. Report on DWR Grant Administration (Jason)
 - b. *Approve Grant Amendment (Barry)
- 9. County of Kern Participation**
 - a. Kern County Participation Ad hoc Committee Report (Rodney)
- 10. Kern Subbasin Groundwater Sustainability Plan**
 - a. Update of Representative Monitor Well Access Agreements (Dan and Jeevan)
 - b. *Consideration of Setting of Member Reserves for Well Mitigation Program (Vanessa/Skye)
- 11. Legal**
 - a. Statewide Update (Valerie)
- 12. New Business**
- 13. Correspondence**
- 14. Closed Session**
 - a. Potential Litigation – Government Code Section 54956.9(d)(2)
- 15. Adjournment**

A person with a qualifying disability under the Americans with Disabilities Act of 1990 may request the Authority provide disability-related modification or accommodation in order to participate in any public meeting of the Authority. Such assistance includes appropriate alternative formats for the agendas and agenda packets. Requests should be made in person, by telephone, facsimile and/or written correspondence to the Authority office, at least 48 hours before a public Authority meeting. Written materials related to an item on this agenda to be considered in open session that are public documents and that are distributed to board members after the posting of the agenda, will be made available for public inspection when they are so distributed at the location of the KNDLA meeting during normal business hours. Documents that are public documents provided by others during a meeting will be available at the same location during business hours after the meeting.

White Wolf Subbasin Groundwater Sustainability Agency

Regular Board Meeting of the Board of Directors

Agenda
November 5, 2024 at 1:00 p.m.

Public may attend in-person, via telephone, or Web-based service:

In Person: Wheeler Ridge-Maricopa Water Storage District Headquarters
 12109 Highway 166
 Bakersfield, CA 93313

Or Virtual Option:

Go To Meeting: <https://meet.goto.com/911605181>
 Call by Phone: (872) 240-3311 Access Code: 911-605-181

- 1. Call to Order**
- 2. Recognition of Guests**
- 3. Approval of Minutes of the Regular Board Meeting of October 1, 2024**
- 4. Financial Accounting Report (Robert Velasquez)**
- 5. California Department of Water Resources (DWR) SGMA Implementation Round 2 grant update (Angelica Martin)**
- 6. Updates on actions discussed or authorized on October 1, 2024 (EKI)**
 - a. Update on Groundwater Sustainability Plan (GSP) implementation activities
 - i. September and October 2024 groundwater levels
 - ii. Water Year 2024 Annual Report preparations
 - iii. Projects and Management Action (P/MA) updates
- 7. Correspondence**
- 8. Public Comment**

At this time, the public may address the Board on any item not appearing on the agenda that is within the subject matter jurisdiction of the Board. Comments will be limited to three minutes.

- 9. Consider and provide direction on future agenda items**
- 10. Closed Session – Conference with Real Property Negotiators (Gov. Code § 54956.8):**
 - Property: Various parcels comprising potential monitoring well sites
 - Agency Negotiators: Jeevan Muhar, Sheridan Nicholas, and Angelica Martin
 - Negotiating Parties: Diamond Farming Company and Sapphire Prop Holdings LLC

In compliance with the Americans with Disabilities Act, if you need disability-related modifications or accommodations, including auxiliary aids or services, please call Angelica Martin (661) 663-4262.

**White Wolf Subbasin Groundwater Sustainability Agency
Regular Board Meeting of the Board of Directors**

**Agenda
November 5, 2024 at 1:00 p.m.**

Under Negotiation: Price and terms of payment

11. Report out of Closed Session

12. Adjourn

In compliance with the Americans with Disabilities Act, if you need disability-related modifications or accommodations, including auxiliary aids or services, please call Angelica Martin (661) 663-4262.

WHITE WOLF GSA FINANCIAL INFORMATION

WHITE WOLF GSA - Year to Date Ending October 31, 2024				
FUNDING	\$	-	EKI	\$ 205,622
GRANT PROCEEDS		629,863	Young Woolridge	\$ 3,726
INTEREST INCOME		1,034	Land IQ LLC	\$ 20,827
TOTAL FUNDING	\$	630,897	The Bakersfield Californian	\$ 607
			Bank Fees	\$ 675
PROFESSIONAL SERVICES - CONSULTING	\$	205,622		
PROFESSIONAL SERVICES - LEGAL		3,726		
PROFESSIONAL SERVICES - GENERAL		20,827		
FEES - OTHER		607		
BANK FEES		675		
TOTAL EXPENDITURES	\$	231,457		
Net Change	\$	399,440		
Beginning Cash and Cash Equivalents - July 1, 2024	\$	47,769		
Cash and Cash Equivalents - September 30, 2024	\$	447,209		
Cash in Bank - September 25, 2024	\$	451,347		
Outstanding Checks	\$	4,138		

FISCAL YEAR 2025						
	Monitoring Well			FORECAST	VARIANCE	
	BUDGET	Installation	Amended Budget			
FUNDING	\$ 1,180,000	\$ -	\$ 1,180,000	\$ 1,180,000		-
EXPENDITURES	519,600	660,000	1,179,600	1,330,200		(150,600)
NET CHANGE	\$ 660,400	\$ (660,000)	\$ 400	\$ (150,200)	\$	150,600

Monitoring Well planning	50,000
Ground Water Flow Model	100,000
Bank Fees	600
	<u>150,600</u>

CHECK REGISTER FISCAL 2025

Payment Number	Payee	Payment Date	Payment Amount
1050	YOUNG WOOLDRIDGE	7/24/24	2,317.88
1051	LAND IQ LLC	7/24/24	8,277.00
1052	THE BAKERSFIELD CALIFORNIAN	8/8/24	606.63
1053	TEJON RANCH CORP	8/15/24	0.64
1054	YOUNG WOOLDRIDGE	8/29/24	487.50
1055	LAND IQ LLC	8/29/24	4,138.50
1056	ERLER & KALINOWSKI, INC.	9/5/24	122,596.19
1057	YOUNG WOOLDRIDGE	9/12/24	822.88
1058	LAND IQ LLC	9/26/24	4,138.50
1059	ERLER & KALINOWSKI, INC.	10/3/24	56,996.25
1060	ERLER & KALINOWSKI, INC.	10/17/24	26,029.75
1061	YOUNG WOOLDRIDGE	10/17/24	97.50
1062	TEJON RANCH CORP	10/17/24	0.69
1064	LAND IQ LLC	10/24/24	4,138.50
1063	WHEELER RIDGE-MARICOPA WATEI	10/17/24	134.13
			<hr/>
			230,782.54

From: Renshaw, Andrew@DWR <Andrew.Renshaw@water.ca.gov>
Sent: Friday, October 18, 2024 9:36 AM
To: Angelica Martin <amartin@tejonranch.com>
Cc: Ennis, Reanna@DWR <Reanna.Ennis@water.ca.gov>; Al Ahmed, Yaman@DWR <Yaman.AL-Ahmed@water.ca.gov>
Subject: Review and Update of Projects and Management Actions (PMA) Module Data for White Wolf

You don't often get email from andrew.renshaw@water.ca.gov. [Learn why this is important](#)

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Angelica Martin,

The Department of Water Resources (the Department) is advancing efforts to populate the Projects and Management Actions (PMA) Module within the [SGMA Portal](#). Department staff have initially populated the PMA Module using information provided in your basin's groundwater sustainability plan (GSP). The attached Excel spreadsheet contains the PMAs from your GSP as populated by Department staff.

Through this email, Department staff are providing Groundwater Sustainability Agencies (GSAs) an opportunity to review and verify the PMA information. Please review the spreadsheet and follow the steps outlined below to confirm or update the information:

1. **Enable Macros:** Macros were used to organize the data. To accurately review the Excel spreadsheet please ensure that macros are enabled. If needed, instructions for enabling macros can be found in *Section 3.1.3* of the [SGMA Portal PMA Module User Manual](#).
2. **DWR Comments:** Department comments concerning an individual PMA are included in the "DWR Comments" column (Column BU) with corresponding fields highlighted in yellow.
3. **Update Information:** GSAs may directly update, correct, or change any data in the spreadsheet. The fields in the spreadsheet include text-entry fields and dropdown selections. GSAs may also provide comments in the "GSA Comments" column at the end of the spreadsheet (Column BV).

Not all fields are required to be completed. Required fields are denoted with "*", and conditionally required fields are denoted with "***" in the header row. Selecting specific options in some fields may automatically gray out other fields, indicating that they are not required. Please see the "**Field Descriptions**" tab within the spreadsheet for more information about each field, including its description and its requirements.

The Department highly encourages GSAs to update fields with information that was not provided in the initial GSP submittal. These fields have been designated with "Not provided in GSP" during the Department's initial PMA Module population efforts.

4. **Add Additional PMAs:** Additional PMAs can be added to the PMA Module by inputting the PMA's information into a blank row in the spreadsheet at the bottom of dataset.
5. **Removal of Irrelevant PMAs:** To remove a PMA that is not included in your submitted GSP, indicate the PMA needs to be removed and provide the justification in the "GSA Comments" column (Column BV). **Do not delete data from the row directly.**

For PMAs that are no longer being considered during implementation, there will be a process to subsequently withdraw those PMAs through Annual Updates.

6. **Submission:** Please send confirmed or updated spreadsheets to the Department via the GSPSubmittal@water.ca.gov email no later than **November 15, 2024**.

After you review and submit the spreadsheet, the Department will upload the spreadsheet to the PMA Module on behalf of your basin.

GSAs will be granted full access to the PMA Module in the SGMA Portal by December 2024. Once granted access, GSAs will be able to review or edit their PMAs within the PMA Module at any time. Public access to PMA Module data is anticipated by the end of the year.

The Department has developed resources to familiarize users with the module. The [July 2024 PMA Module Webinar recording](#) shows a demonstration of the PMA Module, and the [SGMA Portal PMA Module User Manual](#) provides a step-by-step overview of the PMA Module's features.

We greatly appreciate your cooperation in this effort. If you have any questions or want to set up a meeting to discuss the process in further detail, please contact me or Reanna Ennis (Reanna.Ennis@water.ca.gov). If you are unable to meet the **November 15th** deadline, please provide an updated timeline for submission.

Thank you,

Andrew

Andrew Renshaw, PG CHG
Senior Engineering Geologist
Sustainable Groundwater Management Office
California Department of Water Resources
c: 916-707-1259



Attorney Report Board Packet Docs

From: Form700 <Form700@fppc.ca.gov>
Sent: Tuesday, December 3, 2024 4:19 PM
Subject: SB1156 – Groundwater Sustainability Agencies
Importance: High

Hello,

First, I would like to introduce myself. My name is Molly Rengchhup, and I am the contact person for the Fair Political Practices Commission (FPPC), Form 700 Unit. I am reaching out to you regarding SB1156, Groundwater Sustainability Agencies.

SB 1156 requires Members of the Board of Directors and the Executive Director, General Manager, or other person with an equivalent position of a Groundwater Sustainability Agency to file their Statement of Economic Interests (SEIs) directly with the FPPC by using the FPPC's electronic filing system effective January 1, 2025.

As we prepare our electronic filing system for your filers, please confirm the following items by December 13, 2024.

1. Name of the entity
2. Contact name, address, phone number, and email address.
3. The names and positions of the filers as listed in the new Government Code 87200.5 (The Board of Directors and the executive of the agency). With the purpose of this section, "executive" means the Executive Director, General Manager, or other equivalent positions of the Groundwater Sustainability Agency.

If you have any questions, please contact me at form700@fppc.ca.gov.

Thank you,

Molly Rengchhup

Staff Services Analyst

Administration and Technology Division

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Fair Political Practices Commission www.fppc.ca.gov

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