

**MINUTES** of the special meeting of the Board of Directors of Southwest Kings Groundwater Sustainability Agency (“SWKGSA”) held on January 27, 2020 at the office of the Agency, 286 W. Cromwell Avenue, Fresno, California.

**DIRECTORS PRESENT:** Kimberly Brown, Dudley Ridge Water District  
 Steven Jackson, White Area representative  
 Bernard Puget, Dudley Ridge Water District  
 Mark Grewal, Tulare Lake Reclamation District 761  
 Jim Wilson, Tulare Lake Reclamation District 761

**DIRECTORS ABSENT:** None

**OTHERS PRESENT:** Dale Melville, Provost & Pritchard Consulting Group  
 Joe Hopkins, Provost & Pritchard Consulting Group  
 Rick Besecker, Provost & Pritchard Consulting Group  
 Lauren Layne, Baker, Manock and Jensen  
 Sonja Theide, Kings River Conservation District  
 Charlotte Gallock, Kings River Conservation District  
 Russ Freeman, Westlands Water District  
 Riley Jones, Tulare Lake Compost  
 Julianne Phillips, County of Kings  
 Dennis Tristao, J.G. Boswell  
 Trent Sherman, Department of Water Resources

Chair Brown called the Board meeting to order at 1:30 p.m.

**MINUTES**

Upon a motion by Director Grewal and second by Director Jackson, the minutes from the December 11, 2019 regular meeting of the Agency were approved as presented by the following vote:

Brown	Puget	Grewal	Wilson	Jackson
Aye	Aye	Aye	Aye	Aye

**FINANCIAL REPORTS**

Mr. Besecker presented the Treasurer’s Report with the budget to-date. After a short discussion, Director Jackson motioned to accept the Treasurer’s Report. The motion was seconded by Director Grewal and the Board voted to adopt the motion. Following the vote, Chair Brown announced that the directors voted as follows:

Brown	Puget	Grewal	Wilson	Jackson
Aye	Aye	Aye	Aye	Aye

Mr. Besecker then presented the warrants to be ratified as paid, and the warrants to be paid. After a short discussion, Director Jackson motioned to ratify the prior warrants as paid and pay the current warrants. The motion was seconded by Director Grewal and the Board voted to adopt the motion. Following the vote, Chair Brown announced that the directors voted as follows:

Brown	Puget	Grewal	Wilson	Jackson
Aye	Aye	Aye	Aye	Aye

**SUBBASIN ISSUES**

Mr. Melville reported that the Tulare Lake Subbasin has applied for Prop. 68 grant funding for SGMA planning. The Subbasin collectivity requested \$500,000 to fund model refinements, monitoring, and coordination. Some funds have already been expended by the group, so the grant would also seek to recover those expenses. Preliminary awards have been provided by the DWR, and the Tulare Lake Subbasin has been allotted \$350,000. Details have yet to be provided by the State regarding schedule, agreements, and similar grant conditions.

Next, Mr. Melville provided an update on the Subbasin’s consultant’s request for \$100,000 increase in their current contract. The original contract was for \$1,500,000, and it was subsequently increased to \$1,750,000. The current request raises the contract amount to \$1,850,000. Mr. Melville reported that he had approved their request, as the other 4 GSAs had already approved the request. Mr. Melville reminded the Board that per the Interim Operating Agreement, approvals up to \$100,000 can occur with a 4/5 vote of the GSAs. The Board was

also reminded that the SWKGSA share is 18.398%. After a short discussion, Director Grewal motioned to ratify approval of the contract increase. The motion was seconded by Director Puget and the Board voted to adopt the motion. Following the vote, Chair Brown announced that the directors voted as follows:

Brown	Puget	Grewal	Wilson	Jackson
Aye	Aye	Aye	Aye	Aye

Mr. Hopkins then informed the Board that a request was made for Technical Support Services from DWR to drill monitoring wells. The initial request is awaiting DWR approval; thereafter a more detailed request will be made.

Next, Mr. Melville discussed with the Board that Kings River Conservation District (“KRCD”) has offered to perform subsidence monitoring for the Subbasin in conjunction with their existing monitoring program. The cost is estimated at \$2,500/y per GSA. The Board should expect a proposal from KRCD in April 2020.

**GROUNDWATER SUSTAINABILITY PLAN**

Mr. Melville presented Resolution 2020-01 to adopt the Tulare Lake Subbasin Groundwater Sustainability Plan (“GSP”) (attached to and made part of these minutes). Mr. Melville began by providing background information, including that the draft GSP was released in September 2019, two public meetings were held in October, and a Public Hearing was held on December 2, 2019. Mr. Melville highlighted the issues certain SWKGSA landowners have taken with the GSP, especially in regard to lack of action to rectify subsidence and implement the plan more aggressively. Mr. Melville then discussed some of the implications to SWKGSA if the GSP was not adopted this month, including financial limitations and enforcement authority. Russ Freeman of Westlands Water District brought to the Board’s attention that Westlands Water District provided a comment letter and encouraged resolution of their noted concerns. Director Jackson voiced his concern that he would like to see sustainability reached sooner than identified in the plan, and that he’d like that message conveyed to DWR during the public comment period. After discussion, Director Puget motioned to approve Resolution 2020-01 and to also submit a comment letter to DWR. The motion was seconded by Director Grewal and the Board voted to adopt the motion. Following the vote, Chair Brown announced that the directors voted as follows:

Brown	Puget	Grewal	Wilson	Jackson
Aye	Aye	Aye	Aye	Aye

**SUBBASIN POINT OF CONTACT TO DWR ON GSP**

Mr. Melville informed the Board that a Plan Manager for the GSP was required to act as the single point-of-contact with DWR on behalf of the entire Subbasin. This position would act as a neutral third party to relay information to and from DWR, but would have no decision power. After considering several candidates, the GSA representatives recommended Dusty Ference. Mr. Ference currently serves as the Executive Director of the Kings County Farm Bureau. After a short discussion, Director Jackson motioned to approve Mr. Ference as the GSP Plan Manager. The motion was seconded by Director Puget and the Board voted to adopt the motion. Following the vote, Chair Brown announced that the directors voted as follows:

Brown	Puget	Grewal	Wilson	Jackson
Aye	Aye	Aye	Aye	Aye

Mr. Melville provided a reminder on the SWKGSA’s proposed cost-sharing formula between the GSAs in the Tulare Lake Subbasin. The current cost sharing agreement defined in the Interim Operating Agreement was based on acreage as the basis of each GSA’s funding contribution. It was understood that the current formula would need to be adjusted once additional data was available; that is the now the case. Staff has proposed a revised cost-sharing method to the other Subbasin GSAs to consider pumping volumes in the cost-sharing formula. The Board continued to concur with the proposed approach and directed staff to continue discussions with the other Subbasin GSAs to effectuate a more equitable cost-sharing basis than in the Interim Operating Agreement.

**REPORT OF COUNSEL**

Ms. Layne gave a brief update on the status of GSP adoption and submittals of other GSAs in the Valley.

**OTHER BUSINESS**

Mr. Melville informed the Board that a letter has been received from NGOs to State leaders requesting to participate more broadly in GSP reviews. A letter from DWR was also reviewed regarding California Aqueduct subsidence.

**DATE, TIME, AND LOCATION OF NEXT BOARD MEETING**

The Executive Director noted that the next Board meeting will be a regular Board meeting on March 11, 2020 at 3:00 p.m.

**ADJOURNMENT**

There being no further business to come before the Board, at 1:59 p.m. Chair Brown adjourned the meeting.

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Steven D. Jackson, Secretary-Treasurer

APPROVED:

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Kimberly M. Brown, Chair

**SOUTHWEST KINGS GROUNDWATER SUSTAINABILITY AGENCY  
RESOLUTION NO. 2020-01**

**RESOLUTION OF THE SOUTHWEST KINGS GROUNDWATER SUSTAINABILITY  
AGENCY ADOPTING THE TULARE LAKE SUBBASIN GROUNDWATER  
SUSTAINABILITY PLAN**

**A. WHEREAS**, in August 2014, the California Legislature passed, and in September 2014 the Governor signed, legislation creating the Sustainable Groundwater Management Act (“SGMA”) “to provide local groundwater sustainability agencies with the authority and technical and financial assistance necessary to sustainably manage groundwater” (Wat. Code, § 10720, (d)); and

**B. WHEREAS**, SGMA requires sustainable management through the development of groundwater sustainability plans (“GSPs”), which can be a single plan developed by one or more groundwater sustainability agencies (“GSAs”) or multiple coordinated plans within a basin or subbasin (Wat. Code, § 10727); and

**C. WHEREAS**, SGMA requires GSAs manage groundwater in all basins designated by the Department of Water Resources (“DWR”) as a medium or high priority, including the Tulare Lake Subbasin (designated basin number 5-22.12) (the “Subbasin”), and to submit a single GSP or multiple coordinated GSPs to DWR by January 31, 2020; and

**D. WHEREAS**, the Southwest Kings Groundwater Sustainability Agency (the “Agency”) is a joint powers authority, formed on January 10, 2017, pursuant to the Joint Exercise of Powers Act (Gov. Code §§ 6500, *et seq.*) to serve as an exclusive GSA in the portion of the Subbasin underlying the Agency’s boundaries. The Agency’s notice of election to be a GSA was uploaded to DWR’s SGMA portal on March 16, 2017; and

**E. WHEREAS**, pursuant to Water Code Section 10727, the following five GSAs in the Subbasin have prepared one GSP for the Subbasin (the “Tulare Lake GSP”): Mid-Kings River GSA, El Rico GSA, South Fork Kings GSA, the Agency, and Tri-County Water Authority GSA (collectively, the “Tulare Lake GSAs”). The Tulare Lake GSAs entered into an Interim Operating Agreement on September 17, 2017; and

**F. WHEREAS**, the Tulare Lake GSAs simultaneously released the Tulare Lake GSPs for public comment by posting it on their websites, and held a joint public hearing on December 2, 2019 at 10:00 a.m., at the Kings County Board of Supervisors Chambers at 1400 W. Lacey Boulevard, Hanford, California. Additional subbasin-wide public outreach included two meetings held on October 9, 2019 in Hanford and October 15, 2019 in Lemoore; and

**G. WHEREAS**, on September 3, 2019, Mid-Kings River GSA, on behalf of the Tulare Lake Subbasin GSAs, e-mailed a 90-day notice to the County of Kings to inform the land use authority that it would be conducting a public hearing on December 2, 2019 to adopt the Tulare Lake GSP, pursuant to Water Code Section 10728.4. Notice of the public hearing was also published in the Corcoran Journal and several other basin-wide journals to provide notice to the public; and

**H. WHEREAS**, the Agency has reviewed the comments on the Tulare Lake GSP on behalf of its members and responded as appropriate.

**NOW, THEREFORE**, BE IT RESOLVED that the Board of Directors of the Agency finds as follows:

1. The above Recitals are true and correct and the Board of Directors so finds, orders, and determines.
2. The Agency hereby approves and adopts the Tulare Lake GSP in substantially the form presented, subject to such modifications as the Chair shall approve.
3. The Agency authorizes the Executive Director and the Agency's consultants to take such other actions as may be reasonably necessary to coordinate with the other Tulare Lake GSAs to ensure the submission of the Tulare Lake GSP to DWR by January 31, 2020, and implement the purpose of this Resolution.

PASSED, APPROVED, AND ADOPTED this 27<sup>th</sup> day of January, 2020 by the following vote:

AYES: *Wilson, Grewal, Puget, Jackson, Brown*

NAYS: *0*

ABSTAIN: *0*

ABSENT: *0*

**CERTIFICATE OF SECRETARY  
OF  
SOUTHWEST KINGS GROUNDWATER SUSTAINABILITY AGENCY,  
a California joint powers agency**

I, Steve Jackson, do hereby certify that I am the duly authorized and appointed Secretary of the Southwest Kings Groundwater Sustainability Agency, a California joint powers agency (the "Agency"); that the following is a true and correct copy of that certain resolution duly and unanimously adopted and approved by the Board of Directors of the Agency on the 27<sup>th</sup> day of January, 2020; and that said resolution has not been modified or rescinded and remains in full force and effect as the date hereof:

IN WITNESS WHEREOF, I have executed this Certificate on this 27th day of January, 2020.

  
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Steve Jackson, Secretary  
Southwest Kings Groundwater  
Sustainability Agency