

DRAFT Minutes of the Special Joint Meeting of the Central Delta-Mendota Region Management Committee and Central Delta-Mendota Groundwater Sustainability Agency

Thursday August 22, 2024, 10:00 AM

Board Room, San Luis & Delta-Mendota Water Authority
842 6th Street, Los Banos, CA

Central Delta-Mendota Region Management Committee Members and Alternates Present

Aaron Barcellos*, Member – Pacheco Water District

Chase Hurley*, Alternate – Pacheco Water District

Augustine Ramirez*, Member – Fresno County

Randall Miles*, Member – Eagle Field Water District (EFWD)

Hugh Bennett*, Alternate - EFWD

Danny Wade*, Member/Alternate – Fresno Slough Water District/Tranquillity Irrigation District

Amy Montgomery*, Member – Santa Nella County Water District (SNCWD)

Damian Aragona, Widren Water District

Wayne Western*, Member – Panoche Water District

Ashlee Chan-Gonzalez*, Alternate – Merced County

*Indicates representative, alternate, or second alternate of Central Delta-Mendota GSA

San Luis & Delta-Mendota Water Authority Representative Present

John Brodie

Others Present

Patrick McGowan – Panoche Water District

Lauren Layne – Baker Manock & Jensen (BMJ)

Others Present Via Zoom

Scott Petersen – SLDWMA

Casey Shorrock – Somach Simmons & Dunn

Andreas Borgeas – AKT Development

Scott Herbstman – California State Assembly

Jason Dean – Meyers Water Bank

Meredith Durant – EKI Environment & Water (EKI)

Joe Hopkins – Provost & Pritchard (P&P)

Leslie Dumas – Woodard & Curran (W&C)

1. Call to Order/Roll Call

Aaron Barcellos/Pacheco Water District called the meeting to order at 10:02 AM.

2. Pledge of Allegiance

3. Opportunity for Public Comment

No public comment was provided.

4. Committee to Review and Take Action on Consent Calendar, Barcellos/Brodie
 - a. Minutes for the July 22, 2024 Special Joint Meeting of the Central Delta-Mendota Region Management Committee and Central Delta-Mendota Groundwater Sustainability Agency
 - b. Budget-to-Actual Report

Augustine Ramirez/Fresno County provided the motion to approve the Consent Calendar and Wayne Western/Panoche Water District seconded. The motion was passed unanimously by those present.
5. GSA to Review and Take Action on Consent Calendar, Barcellos/Brodie
 - a. Minutes for the July 22, 2024 Special Joint Meeting of the Central Delta-Mendota Region Management Committee and Central Delta-Mendota Groundwater Sustainability Agency

Augustine Ramirez provided the motion to approve the Consent Calendar and Danny Wade/Fresno Slough Water District/Tranquillity Irrigation District seconded. The motion was passed unanimously by those present.
6. Public Hearing to Consider Adoption of a Single Groundwater Sustainability Plan for the Delta-Mendota Subbasin, Layne/Brodie

The GSP including appendices can be accessed at the following link:
<https://deltamendota.org/final-gsp-documents/> Due to its size, the GSP was NOT printed for this meeting.

Aaron Barcellos opened the public hearing at 10:05 AM.

Lauren Layne/BMJ summarized the public comment process completed for the draft Subbasin GSP. EKI addressed the received comments on the GSP and the document was made available to the State Water Board.

An opportunity for questions and comments was provided and none were offered. Aaron Barcellos closed the public hearing at 10:12 AM.
7. Review of and Consider Taking Action to Adopt Resolution No. 2024-01, which adopts a single GSP for the Delta-Mendota Subbasin, which supersedes all prior GSPs, and authorize submitting said GSP to the State Water Resources Control Board.
8. Report of the Representative to the Coordination Committee, Hurley

Amy Montgomery/SNCWD provided the motion for the Central GSA to adopt the single GSP and Randy Miles/EFWD seconded. The motion was passed unanimously by those present.
9. Committee to Discuss EKI Budget Proposal for Additional Scope and Budget for Fund 63, Brodie/Dutton

John Brodie reported that the ad hoc Subbasin Finance Subcommittee reviewed the EKI budget proposal and requested revisions. The need for continued participation by EKI in the Subbasin GSP process was recognized, however, in effort to stay within budgets previously established for

the current year, reduction in meeting attendance was requested. Extending the duration through the conclusion of the SLDMWFA fiscal year was also requested. EKI is revising its budget proposal in response to the request and will resubmit it.

10. Committee/GSA to Discuss Pumping Reduction Plan for the Central Region, Hurley/Brodie

Chase Hurley summarized efforts to prepare a Pumping Reduction Plan (PRP) for Zone 4. Representatives from several member agencies have met, and discussions with agency boards and growers are planned in the next two months. The draft PRP currently addresses measures to reduce overdraft and protect critical infrastructure.

John Brodie reminded the participants about the list of additional plans and GSP Implementation activities included on page 14 of the meeting materials. The PRP needs to include identification of trigger values, zones of influence and fallback measures (such as allocations). Going forward, water levels in the representative monitoring wells should be measured quarterly, and water quality samples should be collected semi-annually.

11. Committee/GSA to Discuss Outreach for the New Single GSP, Brodie

John Brodie reported that the public webinar to present the Subbasin GSP is scheduled for Tuesday, August 27, 2024. John encouraged members to register online and attend.

12. Committee/GSA to Discuss Recent Point of Contact Call with DWR, Brodie

John Brodie reported on a quarterly call of San Joaquin Valley SGMA Points of Contact (POCs) have with DWR participating. DWR communicated that two guidance documents regarding Interconnected Surface Water (ISW) are scheduled for release in late August. A guidance document regarding subsidence mitigation measures is scheduled for release in late December. DWR is also developing a tool for use by GSAs to report on the implementation of projects and management actions (P/MAs) for the Annual Report. At this time, the P/MA reporting tool applies only to subbasins with approved GSPs.

Chase Hurley noted that a public comment period is in progress for the Chowchilla Subbasin revised GSP. The recent revisions were to incorporate subsidence and a Well Mitigation Plan. Chowchilla intends to submit the revised GSP to the State Water Board in September.

13. Committee/GSA to Discuss SGMA Round 1 Implementation Grant Modifications, Dumas

Leslie Dumas/W&C reported that amendments to the Subbasin's SGMA Round 1 Implementation Grant were discussed with DWR in a meeting on August 5, 2024 and subsequently documented in a letter. DWR is currently reviewing the requested amendments. A one-year schedule extension is included in the request. Project sponsors must complete their grant-funded activities by April 2026 if approved.

14. Committee/GSA to Discuss Potential Additional Funding Opportunities, Brodie

John Brodie noted that the updated list of additional funding opportunities is included in the meeting materials and requested that agencies interested in the opportunities contact him.

15. **Next Steps**

- Central Management Committee member districts and Pacheco Water District and agencies will continue to develop the PRP.
- Chase Hurley will provide John Brodie with the draft PRP for distribution to the member agencies.
- Lauren will update language to reflect the GSP supersedes previous GSPs.

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

There were no reports.

17. **Future Meetings**

- a. Central Delta-Mendota Region Management Committee
 - i. Thursday, September 26, 2024 at 10:00 AM (SLDMWA Board Room)
- b. Central Delta-Mendota Groundwater Sustainability Agency
 - i. Monday, October 28, 2024 at 10:00 AM
- c. Delta-Mendota Subbasin Coordination Committee
 - i. Monday, September 9, 2024 at 1:00 PM (Grassland Water District)
 - ii. Future Special Coordination Committee meetings may be scheduled

Closed Session

18. **Conference with Legal Counsel – Anticipated Litigation**

The Committee met in closed session to confer with legal counsel on significant exposure to anticipated litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9: (1 case)

Open Session

19. **Report Out of Closed Session**

No reportable actions were taken in the Closed Session.

20. **ADJOURNMENT**

Aaron Barcellos adjourned the meeting at 11:10 AM.

SAN LUIS & DELTA-MENDOTA WATER AUTHORITY

MARCH 1, 2024 - FEBRUARY 28, 2025

SUSTAINABLE GROUNDWATER MANAGEMENT ACT SERVICES AGREEMENT

ACTIVITY AGREEMENTS BUDGET TO ACTUAL

CENTRAL DELTA-MENDOTA REGION (FUND 65)

Report Period 3/1/24 - 07/31/24

FAC 09/09/24	EXPENDITURES	Annual	Paid/	Amount	% of Amt	Expenses
		Budget	Expense	Remaining	Remaining	Through
<u>Legal:</u>						
Baker Manock & Jensen		\$ 27,600	\$ 8,698	\$ 18,902	68%	7/11/24
<u>Other Professional Services:</u>						
Contracts		\$ 352,066	\$ 45,750	\$ 306,316	87%	7/15/24
<u>Other:</u>						
Executive Director		\$ 456	\$ -	\$ 456	100%	
General Counsel		\$ 6,696	\$ -	\$ 6,696	100%	
Water Policy Director		\$ 9,802	\$ -	\$ 9,802	100%	
Water Resources Program Manager		\$ 51,629	\$ 19,185	\$ 32,444	63%	7/31/24
Accounting		\$ 4,576	\$ 120	\$ 4,456	97%	6/30/24
Hydrotech 3.		\$ 23,712	\$ 7,276	\$ 16,436	69%	7/31/24
License & Continuing Education		\$ 250		\$ 250	100%	
Conferences & Training		\$ 1,250	\$ -	\$ 1,250	100%	
Travel/Mileage		\$ 2,500	\$ 229	\$ 2,271	91%	
Group Meetings		\$ 500		\$ 500	100%	
Telephone		\$ 1,250		\$ 1,250	100%	
Total Expenditures		\$ 482,287	\$ 81,258	\$ 401,029	83%	

SAN LUIS & DELTA-MENDOTA WATER AUTHORITY
MARCH 1, 2024 - FEBRUARY 28, 2025
SGMA ACTIVITIES - COORDINATED COST-SHARE AGREEMENT
ACTIVITY AGREEMENTS BUDGET TO ACTUAL
COORDINATED (FUND 63)

Report Period 3/1/24 - 07/31/24

FAC 09/09/24

EXPENDITURES	Annual Budget	Paid/Expense	Amount Remaining	% of Amt Remaining	Expenses Through
<u>Legal:</u>					
Baker Manock & Jensen	\$ 33,120	\$ 28,748	\$ 4,372	13%	7/3/24
<u>Other Professional Services:</u>					
GSP Implementation Contracts					
Coordinated Annual Reports Activities					
(Common Chapter, Water Level Contouring)	\$ 151,627	\$ 17,468	\$ 134,159	88%	7/15/24
DMS Hosting, Augmentation and Support	\$ 12,000	\$ 4,422	\$ 7,578	63%	7/11/24
GSP Approval-DWR Response to Comments	\$ -	\$ -	\$ -	0%	
Staff Augmentation Support (EKI)	\$ 71,040	\$ -	\$ 71,040	100%	
DAC Outreach and Coordination	\$ 30,000	\$ -	\$ 30,000	100%	
Inadequate Determination Response (EKI)					
Interconnected Surface Water Program (Componer	\$ 616,000	\$ 417,295	\$ 198,705		7/11/24
SGMA Implementation Grant Round 1 SPA (A9)	\$ 73,330	\$ 32,914	\$ 40,416	55%	7/15/24
SGMA Implementation Grant Round 2 SPA (B0)	\$ -	\$ -	\$ -	0%	
Single GSP Development (EKI) (XXX)	\$ 750,000	\$ -	\$ 750,000	100%	
<u>Other:</u>					
Executive Director	\$ 2,736	\$ -	\$ 2,736	100%	
General Counsel	\$ 4,836	\$ 247	\$ 4,589	95%	7/31/24
Water Policy Director	\$ 8,450	\$ 1,918	\$ 6,532	77%	7/31/24
Water Resources Program Manager	\$ 82,607	\$ 39,724	\$ 42,883	52%	7/31/24
Accounting	\$ 4,752	\$ 120	\$ 4,632	97%	6/30/24
License & Continuing Education	\$ 500	\$ -	\$ 500	100%	
Conferences & Training	\$ 1,000	\$ -	\$ 1,000	100%	
Travel/Mileage	\$ 2,500	\$ 294	\$ 2,206	88%	
Group Meetings	\$ 1,000	\$ 3,451	\$ (2,451)	-245%	
Telephone	\$ 500	\$ -	\$ 500	100%	
Software	\$ 780	\$ -	\$ 780	100%	
Equipment and Tools	\$ 5,650	\$ -	\$ 5,650	100%	
Total Expenditures	\$ 1,852,428	\$ 546,601	\$ 1,305,827	70%	

**FOURTH AMENDMENT TO
CENTRAL DELTA-MENDOTA REGION
SUSTAINABLE GROUNDWATER MANAGEMENT ACT
SERVICES ACTIVITY AGREEMENT
AND CONSENT OF SS-MOA PARTICIPANTS**

RECITALS

A. **WHEREAS**, the San Luis & Delta-Mendota Water Authority (“Authority”) and its members Eagle Field Water District, Mercy Springs Water District, Pacheco Water District, Panoche Water District, San Luis Water District, Oro Loma Water District, Tranquillity Irrigation District, and Fresno Slough Water District (the “Activity Agreement Members”) have executed that certain Central Delta-Mendota Region Sustainable Groundwater Management Act (“SGMA”) Services Activity Agreement (“Activity Agreement”), made effective as of February 15, 2017, that certain First Amendment, made effective as of November 17, 2017 (the “First Amendment”), that certain Second Amendment, made effective November 1, 2018 (the “Second Amendment”), and that certain Third Amendment, made effective August 30, 2021 (the “Third Amendment”); and

B. **WHEREAS**, the County of Fresno, the County of Merced, Santa Nella County Water District, Widren Water District and the Central Delta-Mendota GSA (the “SS-MOA Participants”), are non-members of the Authority and have executed Memoranda of Agreement to participate in the Activity Agreement as SS-MOA Participants; and

C. **WHEREAS**, effective August 28, 2019, Eagle Field Water District, County of Fresno, Fresno Slough Water District, County of Merced, Mercy Springs Water District, Pacheco Water District, Panoche Water District, San Luis Water District, Santa Nella County Water District, and Tranquillity Irrigation District formed a joint power authority known as the Central Delta-Mendota Groundwater Sustainability Agency; and

D. **WHEREAS**, the Central Delta-Mendota Groundwater Sustainability Agency replaced the multi-agency Groundwater Sustainability Agencies (“GSAs”) formed pursuant to a prior memorandum of agreement amongst the same Parties; and

E. **WHEREAS**, Oro Loma Water District and Widren Water District are each GSAs within the Delta-Mendota Subbasin; and

F. **WHEREAS**, the GSAs in the Delta-Mendota Groundwater Subbasin (“Subbasin”) have historically worked with disadvantaged communities to improve drinking water access; and

G. **WHEREAS**, the Coordination Committee for the Subbasin developed a Domestic Well Mitigation Policy (the “Policy”), which was approved by all of the GSAs in the Subbasin as part of the adoption of a single Groundwater Sustainability Plan (“GSP”); and

H. **WHEREAS**, the purpose of the Policy is to mitigate the effects that may be felt by domestic water users whose wells have gone dry or are in imminent threat of going dry due to groundwater levels dropping as a result of groundwater management in the Subbasin; and

I. **WHEREAS**, the Policy is intended to serve as a last line of defense to protect domestic groundwater users in the unlikely event that the Subbasin GSAs' efforts fail to maintain those Minimum Threshold ("MT") groundwater levels set in the single GSP; and

J. **WHEREAS**, the Parties desire to enter into this Fourth Amendment to the Activity Agreement to establish the authority to create a Joint Cost Sharing Account to fund the Policy; and

K. **WHEREAS**, Section 19.1 of the Activity Agreement authorizes the amendment of the Activity Agreement if completed in writing by the Authority and the Activity Agreement Members, with approval from the SS-MOA Participants.

AGREEMENT

NOW, THEREFORE, in consideration of the true and correct facts recited above, which are hereby incorporated herein, the Activity Agreement Members and the Authority agree as follows:

1. The Activity Agreement Members hereby agree to establish a Joint Cost Sharing Account maintained in trust by the Authority and funded based on the Activity Participants' Participation Percentages as set forth in the Activity Agreement.

2. The terms of the Activity Agreement as modified by the First Amendment, Second Amendment, and the Third Amendment remain in full force and effect, except as modified by this Fourth Amendment.

3. This Fourth Amendment shall become effective once it has been executed by an authorized representative of the Authority and a majority of the Activity Agreement Members with the consent of the SS-MOA Participants, which consent may be accomplished by execution of the form attached hereto as Exhibit "A."

4. **AMENDMENT TO SECTION 2.** The Parties hereby agree to add the following three definitions to Section 2 of the Activity Agreement:

“Coordination Committee” shall mean the seven-member Delta-Mendota Subbasin Coordination Committee composed of the Northern Delta-Mendota GSA Group, the Central Delta-Mendota GSA Group, the San Joaquin River Exchange Contractors Water Authority GSA Group, the Grassland GSA Group, the Farmers Water District GSA Group, the Fresno County GSA Group, and the Aliso Water District GSA Group, created to provide overall guidance and resolve conflicts among the GSAs.

“Domestic Well Mitigation Policy” shall mean the Policy adopted by the Delta-Mendota Subbasin GSAs as part of the single GSP for the Delta-Mendota Subbasin, to mitigate the effects that may be felt by domestic water users whose wells have gone dry or are in imminent threat of going dry due to groundwater levels dropping as a result of groundwater management in the Delta-Mendota Subbasin.

“Joint Cost Sharing Account” shall mean an account maintained in trust by the Authority funded by Activity Participants based on their corresponding Participation Percentage, specifically to fund activities in accordance with the Delta-Mendota Subbasin Domestic Well Mitigation Policy.’

5. AMENDMENT TO SECTION 2. All definitions within Section 2 of the Activity Agreement, including the newly added definitions, are hereby renumbered sequentially to reflect the proper order. Any references to definition numbers throughout the Activity Agreement shall be deemed to refer to the appropriate renumbered definition.

6. AMENDMENT TO SECTION 4.2 The Parties hereby agree to add the following to Section 4.2 of the Activity Agreement:

“(i) To establish, manage, and maintain a Joint Cost Sharing Account funded by the Delta-Mendota Subbasin GSAs, including members of this Activity Agreement, specifically to create a prudent reserve to fund activities in accordance with the Domestic Well Mitigation Policy. The total amount to be deposited into the Joint Cost Sharing Account shall be \$300,000, funded over three years (\$100,000 per year for the first three years). Procedures for funding and use of the Joint Cost Sharing Account shall be developed as part of a separate procedures document.”

7. AMENDMENT TO SECTION 5.2 The Parties hereby agree to add the following to Section 5.2 of the Activity Agreement:

“(g) To conduct all necessary research and investigations in accordance with the Delta-Mendota Subbasin Domestic Well Mitigation Policy.”

8. AMENDMENT TO SECTION 8 The Parties hereby agree to add the following to Section 8 of the Activity Agreement:

“8.4 Domestic Well Mitigation Policy Funding. To fund the Domestic Well Mitigation Program, the Coordination Committee GSA groups agree to fund, according to their Participation Share, a total of \$300,000 into an interest-bearing Joint Cost Sharing Account. This account shall be funded with \$100,000 per year, for the first three years. Thereafter, the Coordination Committee shall annually review this Policy to determine if that fund is adequate or if additional funds are required. In the event additional funds are needed, a unanimous vote of the Coordination Committee will be required to increase the funding beyond \$300,000.

GSAs may request use of the funds pursuant to the Domestic Well Mitigation Policy. Thereafter, the account shall be reimbursed by the GSA in whose jurisdiction the funds were expended for mitigation pursuant to the Domestic Well Mitigation Policy.”

9. AMENDMENT TO SECTION 9. The Parties hereby agree to delete Section 9 of the Activity Agreement in its entirety and replace Section 9 with the following:

“9. ACCOUNTABILITY, REPORTS AND AUDITS”

9.1. Full books and accounts for this Activity Agreement, including the Joint Cost Sharing Account, shall be maintained by the Authority in accordance with practices established by, or consistent with, those utilized by the Controller of the State of California for public entities. The books and records shall be open to inspection by the Activity Participants at all reasonable times, and by bondholders and lenders as and to the extent provided by resolution or indenture.

9.2. There shall be strict accountability of all funds deposited on behalf of the Activity Agreement with the Authority. The Authority shall manage and maintain a Joint Cost Sharing Account ledger detailing funds deposited and expensed in accordance with the Domestic Well Mitigation Policy. The Treasurer of the Authority, directly or acting through its Accounting Department, shall provide regular reports of Activity Agreement accounts. Funds of the Activity Agreement shall be subject to audit by the official auditor of the Authority. An Activity Participant may request an independent audit of the Activity Agreement funds, including those in the Joint Cost Sharing Account; any such audit shall be conducted at the expense of the requesting Activity Participant.”

10. **AMENDMENT TO SECTION 11.4.** The Parties hereby agree to delete Section 11.4 of the Activity Agreement in its entirety and replace Section 11.4 with the following:

“11.4. Invoicing and Payment. The Authority shall bill the Activity Participants for all Activity Agreement Expenses and Special Project Expenses, including the corresponding Joint Cost Sharing Account contribution, in their respective Participation Percentages on the same schedule as it utilizes for collecting membership dues to implement the Authority budget for each March 1 through the last day in February the following year, generally twice yearly in mid-March and August of such year. Payments are due 30 days following receipt of the Authority’s invoice.”

11. **AMENDMENT TO SECTION 14.** The Parties hereby agree to add the following to Section 14 of the Activity Agreement:

“14.5 In the event of either a voluntary withdrawal or deemed withdrawal by an Activity Participant, that Activity Participant shall remain liable for all funds withdrawn from the Joint Cost Sharing Account. Within thirty (30) days of withdrawing, the withdrawing Activity Participant shall refund all such funds withdrawn from the Joint Cost Sharing Account.”

12. In the event of any conflict between the terms of this Fourth Amendment and the Activity Agreement, First Amendment, Second Amendment, or Third Amendment the terms of this Fourth Amendment shall control.

13. This Fourth Amendment may be signed by the Parties in different counterparts and the signature pages combined to create one document binding on all parties.

IN WITNESS WHEREOF, the Members and the Authority have executed this Fourth Amendment as of the date appearing next to their respective signature lines.

SAN LUIS & DELTA-MENDOTA WATER AUTHORITY

BY: _____

Name: _____

Title: _____

Date: _____

ACTIVITY AGREEMENT MEMBERS

Agency Name: **EAGLE FIELD WATER DISTRICT**

BY: _____

Name: _____

Title: _____

Date: _____

Agency Name: **FRESNO SLOUGH WATER DISTRICT**

BY: _____

Name: _____

Title: _____

Date: _____

Agency Name: **MERCY SPRINGS WATER DISTRICT**

BY: _____

Name: _____

Title: _____

Date: _____

Agency Name: **ORO LOMA WATER DISTRICT**

BY: _____

Name: _____

Title: _____

Date: _____

Agency Name: **PACHECO WATER DISTRICT**

BY: _____

Name: _____

Title: _____

Date: _____

Agency Name: **PANOCHE WATER DISTRICT**

BY: _____

Name: _____

Title: _____

Date: _____

Agency Name: **SAN LUIS WATER DISTRICT**

BY: _____

Name: _____

Title: _____

Date: _____

Agency Name: **TRANQUILLITY IRRIGATION DISTRICT**

BY: _____

Name: _____

Title: _____

Date: _____

Exhibit "A"

**SS-MOA PARTICIPANT CONSENT TO FOURTH AMENDMENT
TO THE CENTRAL DELTA-MENDOTA REGION
SUSTAINABLE GROUNDWATER MANAGEMENT ACT
SERVICES ACTIVITY AGREEMENT**

The undersigned duly authorized representative of the SS-MOA Participant that has entered into a Memorandum of Agreement for Central Delta-Mendota Region Sustainable Groundwater Management Act Services with the San Luis & Delta-Mendota Water Authority hereby consents on behalf of such SS-MOA Participant to the Fourth Amendment to the Central Delta-Mendota Region Sustainable Groundwater Management Act Services Activity Agreement.

SS-MOA PARTICIPANTS

Agency Name: **CENTRAL DELTA-MENDOTA GSA**

BY: _____

Name: _____

Title: _____

Date: _____

Agency Name: **COUNTY OF FRESNO**

BY: Ernest Buddy Mendes

Name: Ernest Buddy Mendes

Title: Chairman of the Fresno County Board of Supervisors

Date: 3-25-2025

ATTEST:

BERNICE E. SEIDEL

Clerk of the Board of Supervisors

County of Fresno, State of California

By Hanami Deputy

Agency Name: **COUNTY OF MERCED**

BY: _____

Name: _____

Title: _____

Date: _____

Agency Name: **SANTA NELLA COUNTY WATER DISTRICT**

BY: _____

Name: _____

Title: _____

Date: _____

Agency Name: **WIDREN WATER DISTRICT GSA**

BY: _____

Name: _____

Title: _____

Date: _____

30 August 2024

John Brodie
San Luis & Delta-Mendota Water Authority

Subject: Proposal to Support Basin's Response to the California Department of Water Resources' Inadequate Determination and State Water Resources Control Board Probationary Hearing Process

Dear Mr. Brodie:

EKI Environment & Water, Inc. (EKI) is pleased to submit this proposal to San Luis & Delta-Mendota Water Authority (SLDMWA) to continue providing specific technical support in responding to the Inadequate Determination issued by the California Department of Water Resources (DWR) for the Delta-Mendota Subbasin (Basin) Groundwater Sustainability Plans (GSP) and navigating the State Water Resource Control Board (SWRCB) probationary hearing process.

BACKGROUND

Pursuant to Task Order F24-AA63-007, SLDMWA approved the original agreement (2023 Agreement) between EKI and SLDMWA for the Single Groundwater Sustainability Plan (GSP) development in July 2023. EKI finalized the Single GSP in July 2024 and completed the scope of work covered under the 2023 Agreement.

The following scope addresses limited continued support for the Basin's response to the Inadequate Determination and the navigation of the SWRCB probationary hearing process for the remainder of fiscal year 2024 (i.e., through February 28, 2025). SLDMWA anticipates the SWRCB staff letter to be issued during this period and has requested technical support from EKI in reviewing and commenting on the letter. Additionally, SLDMWA has requested EKI's technical assistance with meeting attendance and preparation.

SCOPE OF SERVICES

EKI's proposed scope of services consists of the following tasks described below. These tasks and their scope were reviewed and recommended by the Coordination Committee's (CC) finance subcommittee based on a draft presentation by EKI. The scope of work and the associated budget have been adjusted by EKI based on the subcommittee's recommendations, as detailed below.

Task 1 – Budget Reconciliation

EKI has conducted additional efforts outside of the scope specified in the 2023 Agreement, such as conducting multiple model runs to assess the impact of pumping from adjacent basins on the Basin overdraft (per Groundwater Sustainability Agencies [GSA] request), evaluating additional

climate change scenarios (per SWRCB request), evaluating additional overdraft mitigation scenarios (per SWRCB request), attending multiple meetings with individual GSAs/Technical Consultants on Sustainable Management Criteria (SMC), Projects and Management Actions (PMA) and water budget development, and developing the pumping reduction memo. Therefore, this task is to reconcile the Single GSP development technical support cost.

Task 2 – Delta Mendota Canal Subsidence Mitigation Project

EKI will meet and coordinate with the United States Geological Survey (USGS) and the United States Bureau of Reclamation (USBR) on the Delta Mendota Canal (DMC) Subsidence Mitigation Project model development. EKI will conduct limited and high-level assessments of data and information required for the model development. EKI will prepare for and attend up to two (2) two-hour meetings with USGS and USBR.

Assumptions:

- EKI will attend all meetings via remote web conference (e.g., Zoom or Microsoft Teams).
- Any additional modeling analysis or data assimilation, compilation and transfer will be conducted pursuant to an additional scope of work.

Task 3 – Additional Meetings

EKI will attend up to two meetings with SWRCB staff, up to one public outreach workshop, and up to five (5) CC meetings. EKI will prepare meeting materials as applicable.

Assumptions:

- One EKI personnel will attend the public outreach meeting.
- Up to three EKI personnel will attend the SWRCB and CC meetings.
- EKI will attend all meetings via remote web conference (e.g., Zoom or Microsoft Teams).
- EKI will not be responsible for preparing or reviewing meeting notes and minutes.

Task 4 – Review and Comment on SWRCB Draft Staff Report

EKI will conduct a review of the SWRCB draft staff report on the Single GSP. This review will focus on assessing the report's consistency with regulatory requirements, evaluating the technical and scientific validity of the findings, and identifying potential areas of concern. EKI will provide written responses and comments on the draft report for CC review. Additionally, EKI will prepare for and attend up to two SWRCB workshops.

Assumptions:

- EKI will prepare for and attend one workshop in-person at the direction of the Client and attend one workshop via remote web conference (e.g., Zoom or Microsoft Teams).
- The GSAs will prepare a single consolidated set of comments on the response to the Draft Staff Report in accordance with an agreed-upon schedule.

SCHEDULE

EKI will begin executing the scope of services described above upon receipt of authorization to proceed from Client. We anticipate that Task 1 through Task 4 will be completed by February 2025.

COMPENSATION

Inasmuch as the exact level of effort to complete the as-needed services cannot be exactly identified at this time, we propose that compensation for consulting services by EKI be on a time and expense reimbursement basis in accordance with the attached current Schedule of Charges. Efforts related to this Project are anticipated to be within a not-to-exceed amount of \$120,000 (see below). EKI will alert the Client if the level of effort is greater than anticipated herein.

Task	Estimated Cost
Task 1 – Budget Reconciliation	\$20,000
Task 2 – DMC Subsidence Mitigation Project	\$11,300
Task 2 – Additional Meetings	\$33,800
Task 2 – Review and Comment on SWRCB Draft Staff Report	\$54,900
TOTAL	\$120,000

TERMS AND CONDITIONS

All work performed by EKI under this proposal will be pursuant to the Terms and Conditions of our existing Agreement with Client.

If this Agreement meets with your approval, please sign where noted below and return a fully executed copy to our office to confirm your authorization to proceed. We look forward to working with you on this project. Please do not hesitate to contact me with any questions.

We look forward to working with you on this project. Please do not hesitate to contact me with any questions.

Very truly yours,

EKI Environment & Water, Inc.



Vice President / Principal-In-Charge

FSS Outreach Workplan

Question 17: Anticipated Tasks, Deliverables, and Completion Dates

We are beginning full implementation of the GSP upon adoption by all the GSAs, and fully engaged in the September timeframe. We would like to continue the range of tasks in our current FSS agreement which includes website content and newsletter support, development of public engagement and education materials, and meeting support. We will also have the need to do outreach on a Pumping Reduction Plan now under development that will be adopted by October 2024 and implemented beginning January 2025.

Task 1: Coordination Support

1A: GSA and Stakeholder Contact Directory - continue to refine and update stakeholder outreach list via registration/sign in sheets from on-line and in-person outreach events (Task 4) through 6/30/2025
(deliverable: 1 list)

1B: Ad Hoc Communications Subcommittee - meetings to discuss communications and outreach strategy for the overall single GSP and the pumping reduction plan (PRP) through 6/30/2025
(deliverable: 12 subcommittee meetings)

Task 2: Public and Stakeholder Outreach

Website entries including newsletters, webinar, and public meeting notices and announcements for both the single GSP and the PRP through 6/30/2025
(deliverable: 3 newsletters, 6 webinar announcements, 6 public meeting notices)

Task 3: Fact Sheets and Informational Items

GSP group-specific PRP fact sheets, handouts, informational pages, and/or press releases regarding both the single GSP and PRP through 6/30/25
(deliverables: 1 single GSP fact sheet plus one fact sheet update; 7 separate PRP handouts/fact sheets plus 5 handouts/fact sheet updates; 5 general press releases plus 5 press release templates for use by individual GSAs)

Task 4: Public Meeting Support

4A: Agendas - Work with the ad hoc communications subcommittee to craft agendas for three in person meetings and three remote meetings/webinars regarding the single GSP and/or the PRP through 6/30/25
(deliverables: agendas for 6 separate outreach events)

4B: Meeting Presentations - create powerpoint presentations for use by subbasin speakers at the public meetings/webinars on the single GSP and/or PRP through 6/30/25
(deliverables: presentations for 6 separate outreach events)

4C: Meeting Notes - create notes for use by subbasin speakers to go along with presentations during the public meetings/webinars on the single GSP and/or PRP through 6/30/25
(deliverables: notes/notes pages from presentations for each of 6 outreach events)

Task 5: On-Call Dispute Resolution Services

5A: Session Discussion Parameters - set the limitation for topics/discussion with each participant prior to scheduling a dispute resolution activity through 6/30/2025
(deliverable: parameters agreement for up to 4 dispute facilitation meetings)

5B: Session Agendas - Prepare session agendas to facilitate discussions between parties disputing single GSP and/or PRP management action recommendations through 6/30/25.
(deliverable: up to 4 agendas)

5C: Statement of Agreements and Outcomes - document any agreements or expected outcomes from/for each party to a dispute resolution request through 6/30/2025
(deliverables: agreements and outcomes statements for up to 4 dispute resolution sessions)

Task 6: Interbasin Discussions for Subsidence

6A: Session Parameters - set the scope for topics/discussion with each participant prior to scheduling interbasin subsidence discussion meetings through 6/30/2025.
(deliverables: parameters agreement for up to 6 interbasin subsidence discussions)

6B: Session Agendas - prepare agendas for up to 6 discussions between parties on regional subsidence issues, projects, and management actions through 6/30/2025
(deliverables: up to 6 agendas)

6C: Statement of Agreements and Outcomes - document and agreements or expected actions/outcomes from/for each party for up to 6 discussions through 6/30/2025
(deliverables: statements of agreements/outcomes from up to 6 discussions)

Task 7: Contract Management

(deliverables: monthly progress reporting)

Items Still to Complete

1. Monitoring and Data Collection Plan (October 2024)
 - a. Assess Monitoring Network
 - b. Quarterly Groundwater Level Monitoring
 - c. Annual Water Quality Sampling
 - d. Mandatory Well Metering and Reporting Policies
 - e. Well Registration Policies
 - f. Replace Composite and active production wells in the representative monitoring network with dedicated monitoring wells.
2. Adopt Technical Framework for Overdraft Mitigation Plan (October 2024)
 - a. 20% annual reduction for five years.
3. Groundwater Level MT Avoidance Plan (October 2024)
 - a. Define well-specific groundwater level triggers.
4. Water Quality MT Exceedance Plan (October 2024)
 - a. Additional monitoring and monitoring locations
5. Subsidence Mitigation Plan (October 2024)
 - a. Critical infrastructure component
 - b. Hotspot component

SWRCB Staff Requested Check in Call for 9/19/24 Meeting
9/11/24

SWRCB Participant(s): John Coburn, Hannah Dailey
D-M Participant: John Brodie

Bulleted highlights, with details below.

- Board staff are well into reviewing the single GSP. Recommendations in the draft staff report will be based on the “2024” GSP.
- He was encouraged the vast majority of GSAs have already adopted the 2024 GSP.
- A “potential” probationary hearing date for the D-M Subbasin will again be pushed back, likely to the end of the second quarter of 2025 (mid-late June).
- He hopes the draft staff report will be released before the end of this calendar year.
- The scheduled September 19th call between D-M and SWRCB staff was postponed to October 10, 2024.
- He was supportive of us basing the upcoming annual report on the 2024 GSP. Because the AR isn’t due until April they may not be able to include it in the evaluation of the GSP/Subbasin.

He started out with a clarification that the draft staff report they are working on will be mostly based on the 2024 single GSP that we are in the process of adopting. He said the recommendations in the draft staff report will be based on the single GSP, not the 6 irrelevant plans.

He also stated that a “potential” probationary hearing date for the Delta-Mendota Subbasin will now most likely occur in the 2nd quarter of 2025, likely late in that quarter. Consequently, the draft staff report will also be delayed. He “hopes” the draft staff report for D-M will come out before the end of the calendar year.

I told him our annual report will be based on the 2024 GSP and we have been implementing some of the increased monitoring (i.e., new water quality constituents) in preparation. I asked, given the new timing for the probationary hearing, whether they would consider the annual report as part of their presentation to the Board. He wasn’t sure because the annual reports don’t come out until April and didn’t know if there would be enough time to fully vet the report and data. He added that they are always interested in the latest data.

I asked whether there were any items in particular in the 2024 GSP he wanted to discuss. He said he would save those for the meeting in October.

STATE OF CALIFORNIA – CALIFORNIA NATURAL RESOURCES AGENCY

GAVIN NEWSOM, Governor

DEPARTMENT OF WATER RESOURCES

P.O. BOX 942836

SACRAMENTO, CA 94236-0001

(916) 653-5791

September 10, 2024

Mr. Aaron Barcellos, Chairperson
Central Delta-Mendota Groundwater Sustainability Agency
27480 S. Bennett Road
Firebaugh, CA 93622

Subject: State Water Project Operations and Maintenance Precise Survey Data

Dear Mr. Aaron Barcellos,

As the basin point of contact for the Groundwater Sustainability Agency (GSA), you received an email notification on June 24, 2024, from the California Aqueduct Subsidence Program (CASP) that the State Water Project (SWP) Operations and Maintenance (O&M) Precise Survey elevation data collected along the San Luis Canal (approx. Milepost (MP) 86 through 176) and California Aqueduct (approx. MP 176 through 293) in the San Joaquin Valley, is now accessible for your review on the [California Natural Resource Agency Data Portal](#). The data files hosted there include historic elevations through the early 2024 annual survey (NGVD29) at various points along the conveyance, as well as the original Design Water Surface Elevations (NGVD29) for comparative purposes.

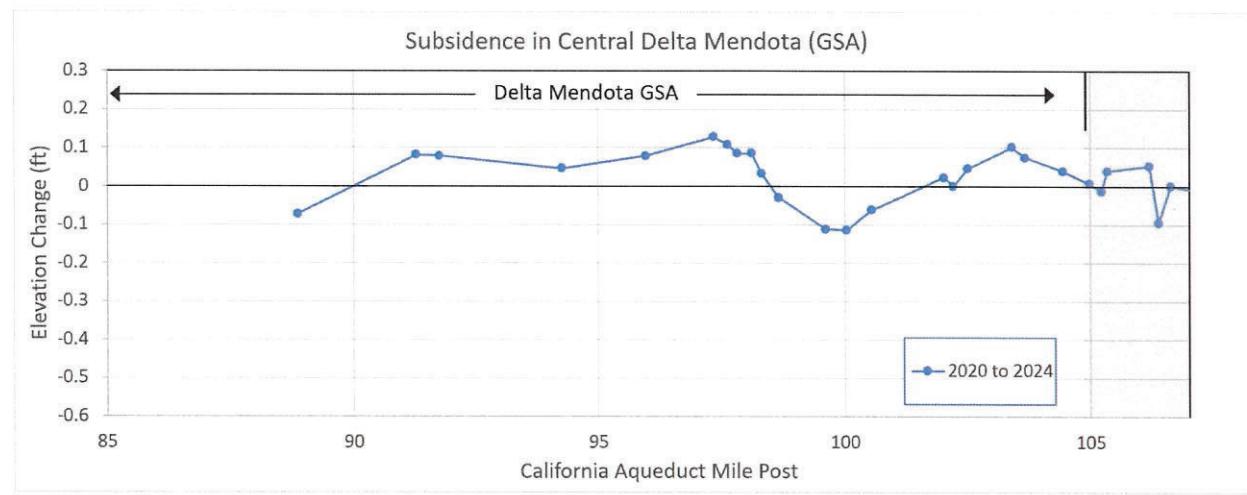
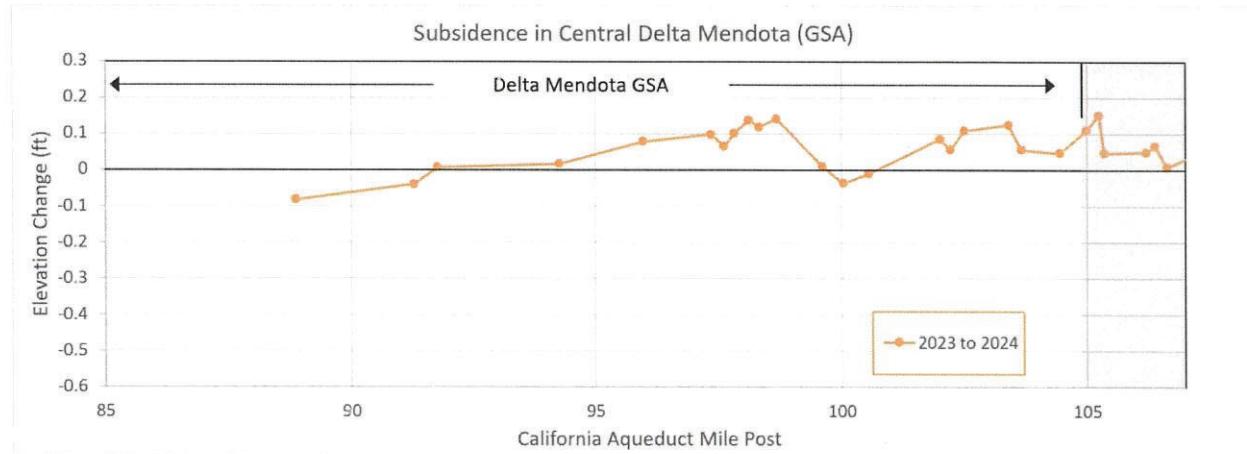
Given the long stretches of the San Luis Canal and California Aqueduct, which rely on gravity flow to move water, changes to the vertical profile due to subsidence are a particular vulnerability. Subsidence significantly impacts the capacity and operational efficiency of these water conveyances and the CASP, on behalf of the SWP, remains committed to protecting this critical infrastructure from further harm.

The purpose of this letter is to isolate and highlight for you the Precise Survey data that is most relevant to your GSA and your annual review and annual Groundwater Sustainability Plan (GSP) reporting. Specifically, the data for your GSA included MP 86 through 104.9 (California Aqueduct Pools 13 through 15).

The following two figures illustrate the elevational changes (in feet), with the highlighted area in the middle of the chart being the most pertinent to your GSA:

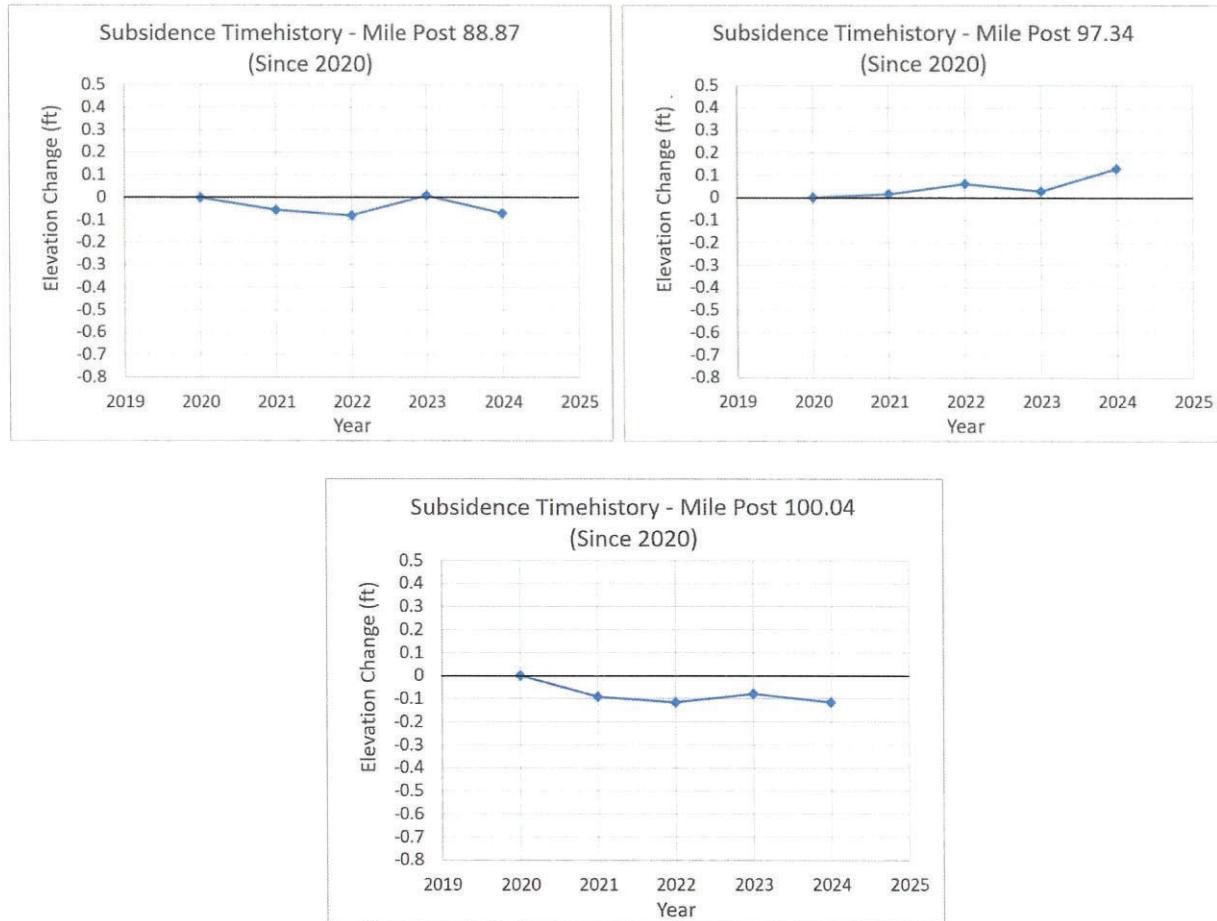
1. The first chart displays the elevational changes at the Precise Survey annually measured points between 2023 and 2024.

2. The second chart depicts the elevational changes of those same points over a longer period, from 2020 and 2024.



In general, the first chart shows that from 2023 to 2024, there was rebound between 0 and 0.14 feet, with a maximum of 0.14 feet of rebound at MP 98.67. However, the second chart shows that over the past four years (2020 to 2024) subsidence amounted to a maximum of 0.11 feet at MP 100.04. Even with the past year's rebound, we have seen subsidence over the last four years up to 0.11 feet at MP 88.87 and between MP 98.5 and MP 100.5.

Additionally, included below are three plots of the Precise Survey measured elevational change at specific locations relevant to your GSA (MP 88.87, MP 97.34, and MP 100.4). These figures detail the annual change in ground surface elevation at each location over the past four years.



This information is provided to assist your GSA assess the effectiveness of your management actions in achieving sustainability goals and protecting the water conveyances essential to the cities and farms throughout the state that depend on it. CASP acknowledges the complexities of groundwater use and aims to support proactive management actions by your agency to enhance groundwater management practices and safeguard critical infrastructure. We look forward to continued engagement and collaboration with Central Delta-Mendota GSA to achieve sustainable groundwater status in accordance with the Sustainable Groundwater Management Act (SGMA).

If you have any questions, please contact me by telephone at (916) 699-8403 or by e-mail at jesse.dillon@water.ca.gov

Sincerely,

Jesse Dillon, Program Manager
California Aqueduct Subsidence Program
State Water Project, CA Department of Water Resources

cc: Mr. Paul Gosselin (Paul.Gosselin@water.ca.gov)
Deputy Director – Sustainable Water Management, Dept. of Water Resources
Post Office Box 942836
Sacramento, CA 94236-0001

Mr. John Yarbrough – DWR Deputy Director, State Water Project
(John.Yarbrough@water.ca.gov)

Mr. You Chen Chao – DWR SWP Risk and Resiliency Officer
(YouChen.Chao@water.ca.gov)

Mr. Anthony Meyers – DWR SWP Principal Operating Officer
(Anthony.Meyers@water.ca.gov)

Mr. John Brodie – Program Manager
Central Delta-Mendota GSA
(John.Brodie@sldmwa.org)

Funding Opportunities – Updated 9/24/2024

WaterSMART Drought Resiliency Projects for FY 2025

The program provides financial assistance to develop and update comprehensive drought plans (Drought Contingency Planning) and implement projects that will build long-term resilience to drought. The four parts of the program include: increasing the Reliability of Water Supplies Through Infrastructure Improvements; projects to Improve Water Management Through Decision Support Tools, Modeling, and Measurement; and, Domestic Water Supply Projects. Maximum \$3 Million per project with a minimum of \$25,000. Fifty percent cost share. U.S. Bureau of Reclamation. Deadline 10/7/2024

Dam Safety and Climate resilience Local Assistance Program

Funding is provided for repairs, rehabilitation, enhancements, and other dam safety projects at existing state jurisdictional dams and associated facilities that were in service prior to January 1, 2023. The dam must be a California State Jurisdictional Dam, must have a downstream hazard classification of Significant, High, or Extremely High. The dam owner must be in compliance with DSOD's dam safety program and must not have any delinquent annual DSOD fees. \$47,500,000 total available. 50% cost share required, though there is a financial hardship application. CA Department of Water Resources. Deadline 10/21/2024

WaterSMART Water Energy and Efficiency Grants (WEEG)

WEEG provides funding for projects that result in quantifiable water savings, implement renewable energy components, and support broader sustainability benefits. These projects conserve and use water more efficiently; increase the production of renewable energy; mitigate conflict risk in areas at a high risk of future water conflict; and accomplish other benefits that contribute to sustainability. Up to \$5,000,000 per project, with 50% cost share requirement. U.S. Bureau of Reclamation. Deadline 11/13/2024

California Stream Gauge Improvement Program (CalSIP)

DWR is seeking to partner with public agencies to install, upgrade and/or reactivate existing stream gage stations. This effort will expand California's ability to access critical data that can inform important water management decisions during both flood and drought conditions. Interest forms will be accepted monthly through December, 2024. Approximately \$7 million available. California Dept. of Water Resources. Deadline 12/31/2024

WaterSMART Small-Scale Water Efficiency Projects (SWEP)

SWEP provides funding for small water efficiency improvements that have been identified through previous planning efforts. Projects eligible for funding include installation of flow measurement or automation in a specific part of a water delivery system, lining of a section of a canal to address seepage, outdoor landscaping, or other similar projects that are limited in scope. The total project cost for the purchase of materials and installation of materials cannot exceed \$250,000. 50% cost share required. Approximately \$7,000,000 available. U.S. Bureau of Reclamation. Deadline 1/14/2025

SGMA Technical Assistance for Tribes, Underrepresented Communities and Small Farmers

The program has expanded to include small farmers. Most of the Delta-Mendota Subbasin is a High Priority to Medium High priority area for the Program. Services offered include:

- Groundwater level monitoring. Including instrumentation installation and training.
- Analysis of existing well condition using downhole video log and pump testing
- Facilitation of water well and/or pump construction and/or repair (location, construction)
- Prepare and submit relevant applications
- Small farmer-centric needs assessment
- Groundwater quality testing and treatment
- Groundwater impact analysis (for depletion, land subsidence, GDE depletion, etc.)

Funding for TA provided by DWR through a consultant. No deadline. Applications are accepted on a continuous basis.

County-Wide and Regional Funding Program

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

Restoration Grant Program

Multiple funding programs including wetland restoration, wildlife corridors, and addressing climate impacts. Project categories include: planning, implementation, acquisition, monitoring, and scientific studies. Funding from CA Dept. of Fish and Wildlife. No deadline. Applications accepted on a continuing basis.

Riparian Habitat Conservation Program

The Wildlife Conservation Board is accepting concept proposals for projects that provide meaningful and sustainable improvements to riparian habitats. \$3 Million available. No deadline. Applications are accepted on a continuous basis.

Fertilizer Research and Education Program

Total of \$225,000 available for projects on: improving input management, understanding plant-soil processes, and evaluating loss pathways. They are focused on nutrients in general with nitrogen/nitrates as a particular focus. Funding awarded as projects are approved. CA Dept. of Food and Agriculture. No deadline. Applications accepted on a continuous basis.

Building Resilient Infrastructure and Communities (BRIC) and Flood Mitigation Assistance (FMA) Programs

Applications accepted through the Governor's Office of Emergency Services. BRIC is prioritizing the following types of projects: infrastructure projects, projects that benefit disadvantaged communities as referenced in EO 14008, and projects that incorporate nature-based solutions including those designed to reduce carbon emissions, climate change adaptation and resilience projects. 25% Match required. No deadline. Applications accepted on a continuous basis.