

6-22-2017

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

1. RECITALS

A. The San Luis & Delta-Mendota Water Authority ("Authority") and Eagle Field Water District; Mercy Springs Water District; Pacheco Water District; Panoche Water District; San Luis Water District; Tranquillity Irrigation District; and Fresno Slough Water District, its members who have executed that certain Central Delta-Mendota Region Sustainable Groundwater Management Act ("SGMA") Services Activity Agreement (the "Activity Agreement Members" and "Activity Agreement," respectively contemplated participation by the Oro Loma Water District, which initially authorized execution of the Activity Agreement and was included as an Activity Agreement Member on the Final 2-10-2017 Agreement executed by the other parties.

B. Oro Loma Water District subsequently rescinded that authorization and never executed the Activity Agreement.

C. The Activity Agreement imposed a deadline of February 28, 2017, as the date by which all Activity Agreement Members and SS-MOA Participants must execute their respective agreements or receive additional approvals to participate.

D. Not all of the contemplated initial Activity Agreement Members were able to act by the February 28, 2017 deadline for participation as initial members.

E. The Activity Agreement also contemplated participation through Memoranda of Agreement by an initial group of SS-MOA Participants, including Fresno County; Merced County; and Santa Nella County Water District, all of whom have executed Memoranda of Agreement but some of whom were not able to act by the February 28, 2017, deadline for participation by initial members.

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F. The Authority and Activity Agreement Members desire to amend the Agreement so that the Oro Loma Water District is not mentioned in the Activity Agreement; is omitted from the Exhibit "A" map describing the boundaries of the Activity Agreement Participants; and is not assigned a Participation Percentage under Exhibit "C" to the Activity Agreement so that the Participation Percentages are allocated only to the Activity Agreement Members and SS-MOA Participants.

G. The Authority and the Activity Agreement Members desire to amend the Agreement so that Activity Agreement Members and SS-MOA Participants who have approved and executed their respective forms of Agreement prior to April 30, 2017, are treated as initial Activity Agreement Participants and not as parties who may be admitted to participation only through Amendment of the Activity Agreement, special recommendation of the Management Committee and additional approval by the Board of Directors.

H. The Authority and the Activity Agreement Members also desire to correct a clerical error by eliminating the signature block on the Activity Agreement for the Santa Nella County Water District, which is not an Activity Agreement Member but has signed a Memorandum of Agreement and is a SS-MOA Participant.

I. Section 19.1 of the Activity Agreement authorizes an amendment in writing by the Authority and the Activity Agreement Members, with approval of the SS-MOA Participants.

AGREEMENT

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

2. AMENDMENTS TO REMOVE PARTICIPATION BY ORO LOMA WATER DISTRICT.

2.1. Introductory Paragraph of Activity Agreement. The name "Oro Loma Water District" is omitted from the listing of Authority Members who execute this Agreement.

2.2. Oro Loma Signature Block. The signature block for Oro Loma Water District is deleted from the Activity Agreement.

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2.3. Exhibit "A" Replaced. The map attached to the Activity Agreement as Exhibit "A" that included Oro Loma Water District is hereby replaced with Exhibit "A" attached to this First Amendment.

2.4 Exhibit C, Participation Percentages Replaced. The Participation Percentages attached to the Activity Agreement as Exhibit "C" is hereby superseded and replaced by Exhibit "C" attached to this First Amendment, omitting Oro Loma Water District and reallocating participation percentages among the remaining Activity Agreement Participants.

3. AMENDMENTS TO TREAT AS INITIAL ACTIVITY AGREEMENT PARTICIPANTS ACTIVITY AGREEMENT MEMBERS AND SS-MOA PARTICIPANTS WHO EXECUTED THEIR RESPECTIVE FORMS OF AGREEMENT PRIOR TO APRIL 30, 2017

3.1 Date Change in Section 4.4(b). In Section 4.4(b) of the Activity Agreement, the date "February 28, 2017" is hereby replaced with the date "April 30, 2017."

3.2. Date Changes in Section 15. In Section 15 of the Activity Agreement, the date "February 28, 2017" is hereby replaced each time it occurs with the date "April 30, 2017," for a total of 3 replacements.

4. AMENDMENT TO CORRECT CLERICAL ERROR

The signature block for Santa Nella County Water District was included because of clerical error and is hereby deleted from the Activity Agreement.

5. EFFECT & EFFECTIVE DATE OF FIRST AMENDMENT

5.1 Amendment *Ab Initio*. This First Amendment is intended to modify the Activity Agreement *ab initio* to remove any reference to participation by the Oro Loma Water District; to provide that any Activity Agreement Participant who has executed its respective form of Activity Agreement or Memorandum of Agreement prior to April 30, 2017, has timely acted such that no separate Amendment or procedure for recommendation and approval is required; and to remove the Santa Nella County Water District signature block.

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5.2 Modified Activity Agreement. The terms of the Activity Agreement as modified by this First Amendment remain in full force and effect.

F. Effective Date. This First Amendment shall become effective upon its execution by an authorized representative of the Water 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 Attachment 1.

SAN LUIS & DELTA-MENDOTA WATER AUTHORITY

By: _____

Name: _____

Title: _____

Date: _____

ACTIVITY AGREEMENT MEMBERS

Agency Name: **EAGLE FIELD WATER DISTRICT**

By: _____

Name: _____

Title: _____

Date: _____

6-22-2017

Agency Name: **FRESNO SLOUGH WATER DISTRICT**

By: _____

Name: _____

Title: _____

Date: _____

Agency Name: **MERCY SPRINGS WATER DISTRICT**

By: _____

Name: _____

Title: _____

Date: _____

Agency Name: **PACHECO WATER DISTRICT**

By: _____

Name: _____

Title: _____

Date: _____

6-22-2017

Agency Name: **PANOCHE WATER DISTRICT**

By: _____

Name: _____

Title: _____

Date: _____

Agency Name: **SAN LUIS WATER DISTRICT**

By: Con M. Martin

Name: CON M. MARTIN

Title: GENERAL MANAGER

Date: JULY 25, 2017

Agency Name: **TRANQUILLITY IRRIGATION DISTRICT**

By: _____

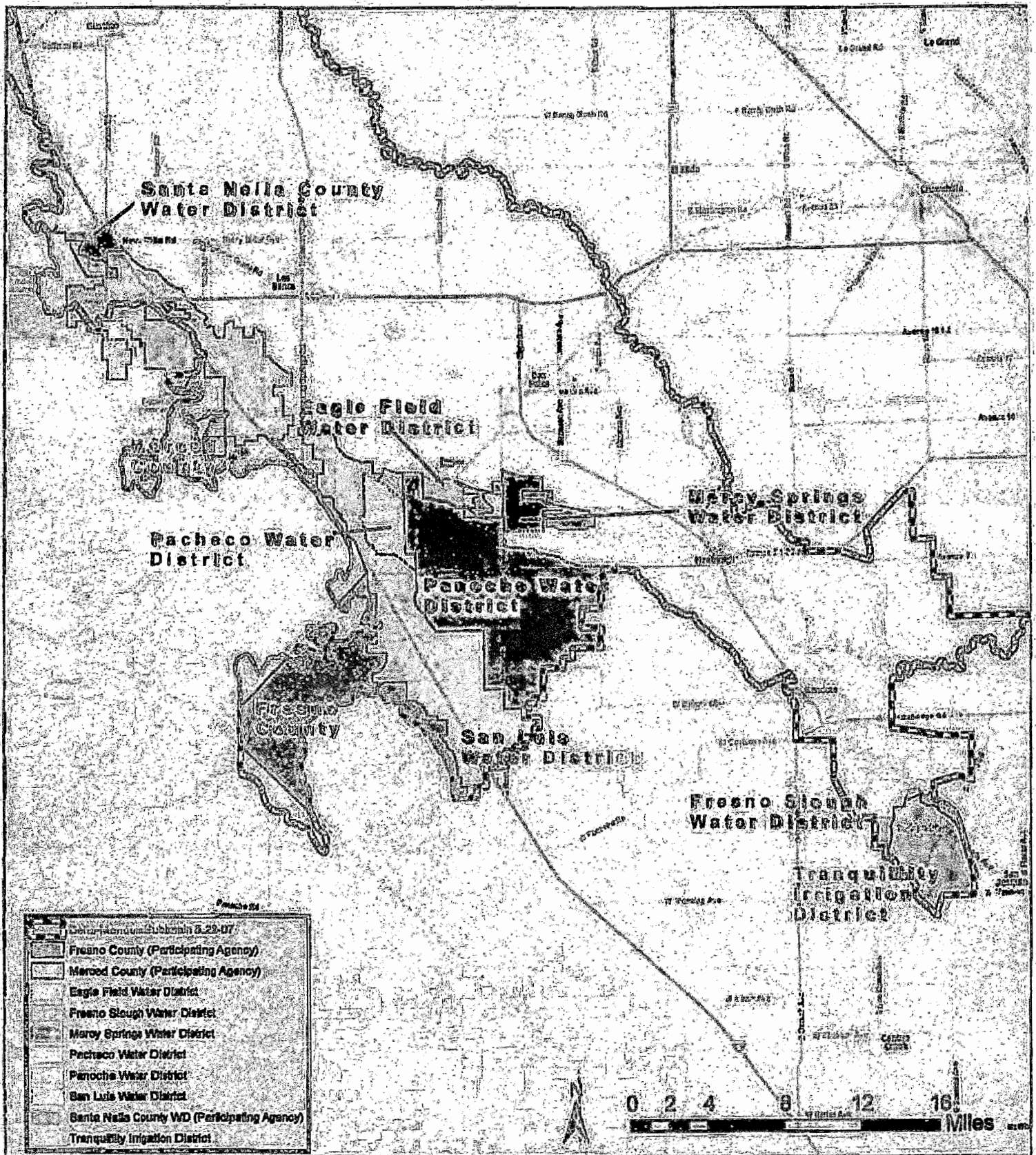
Name: _____

Title: _____

Date: _____

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AMENDED EXHIBIT "A"
MAP OF CENTRAL DM REGION BOUNDARIES



Central Delta-Mendota Region GSA Local Agency Boundaries

EXHIBIT "C"
CENTRAL DM REGION
ACTIVITY PARTICIPANT PARTICIPATION PERCENTAGES

Agency/GSA Name	Participation Status	Participation Percentage	GSA Total Allocation
Central DM Region Multi-Agency GSA			94%
Eagle Field Water District	Member	6% GSA Allocation	
Fresno County	SS-MOA Participant	13.5% GSA Allocation	
Fresno Slough Water District	Member	6% GSA Allocation	
Merced County	SS-MOA Participant	9.5% GSA Allocation	
Mercy Springs Water District	Member	7.6% GSA Allocation	
Pacheco Water District	Member	7.1% GSA Allocation	
Panoche Water District	Member	15.7% GSA Allocation	
San Luis Water District	Member	20.0% GSA Allocation	
Santa Nella County Water District	SS-MOA Participant	6% GSA Allocation	
Tranquillity Irrigation District	Member	8.6% GSA Allocation	
		100%	
Widren Water District GSA			6%
Widren Water District	SS-MOA Participant	100% GSA Allocation	
			100%

Dated Effective as of: March 1, 2017



**Central Delta-Mendota Region
SGMA Services Activity Agreement/MOA
Cost Share April 2017 Amendment**

By: AIG
CHID:
Date: 4/3/2017

		Current Year Projected Costs					\$572,414.00
Central Delta-Mendota Region Cost Allocation	Central DM Multi-Agency GSA	Agency	Service Area (acres)	% of Central DM Region Acreage	GSA Total Allocation	Contribution %	Projected Costs
		Eagle Field Water District	1,325	0.81%	94%	6.0%	\$32,284.15
		Fresno County	29,728	18.07%		13.5%	\$72,445.42
		Fresno Slough Water District	1,459	0.89%		6.0%	\$32,284.15
		Merced County	14,176	8.62%		9.5%	\$51,039.20
		Mercy Springs Water District	6,945	4.22%		7.6%	\$41,077.46
		Pacheco Water District	4,999	3.04%		7.1%	\$38,398.17
		Panoche Water District	38,317	23.29%		15.7%	\$84,270.88
		San Luis Water District	55,316	33.63%		20.0%	\$107,675.35
		Santa Nella County Water District	1,488	0.90%		6.0%	\$32,284.15
		Tranquillity Irrigation District	10,750	6.53%		8.6%	\$46,316.23
		Central DM Multi-Agency GSA Total	164,503	100%		100%	\$538,059.16
	Widren GSA				6%		
		Widren GSA Total	877	0.53%		6%	\$34,345
	Central DM Sub-Basin Region Total		165,380		100%		\$572,414.00

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ATTACHMENT 1

**SS-MOA PARTICIPANT CONSENT TO FIRST 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 First Amendment to the Central Delta-Mendota Region Sustainable Groundwater Management Act Services Activity Agreement.

SS-MOA PARTICIPANT

By: Sal Quintero

Name: Sal Quintero

Title: Chairperson, Board of Supervisors

Date: October 23, 2018

ATTEST:

BERNICE E. SEIDEL
Clerk of the Board of Supervisors
County of Fresno, State of California

By: Sherry Lewis

Deputy

RESOLUTION NO. 17-1125

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN LUIS
WATER DISTRICT, AUTHORIZING THE EXECUTION OF THE FIRST
AMENDMENT TO CENTRAL DELTA-MENDOTA REGION
SUSTAINABLE GROUNDWATER MANAGEMENT ACT SERVICES
ACTIVITY AGREEMENT AND CONSENT OF SS-MOA PARTICIPANTS**

WHEREAS, on February 28, 2017 the San Luis Water District (District) Board of Directors authorized execution of the Central Delta-Mendota Region Sustainable Groundwater Management Act Services Activity Agreement; and

WHEREAS, Oro Loma Water District never executed the Activity Agreement; and

WHEREAS, the Activity Agreement also contemplated participation through Memoranda of Agreement by an initial group of SS-MOA Participants, including Fresno County; Merced County; and Santa Nella County Water District; and

WHEREAS, the Authority and the Activity Agreement Members desire to amend the Agreement so that Activity Agreement Members and SS-MOA Participants who have approved and executed their respective forms of Agreement, are treated as initial Activity Agreement Participants; and

WHEREAS, by omitting Oro Loma Water District, the participation percentages have been reallocated among the remaining Activity Agreement Participants.

NOW, THEREFORE, IT IS HEREBY RESOLVED, AS FOLLOWS:

1. The facts stated in the recitals above are true and correct, and the Board so finds and determines.
2. The Board hereby authorizes the President of the District to execute the First Amendment to the Central Delta-Mendota Region Sustainable Groundwater Management Act Services Activity Agreement Activity in substantially the form

attached hereto as Exhibit A, subject to such non-substantial modifications as the executing officer shall approve prior to execution.

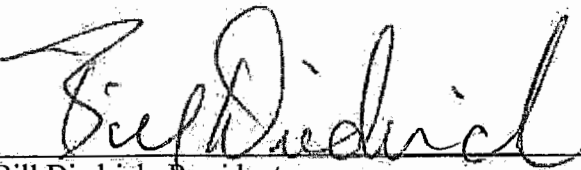
3. The District's officers, staff, and consultants are authorized and directed to take all additional actions they deem necessary or appropriate in order to carry out the intent of this resolution.

PASSED AND ADOPTED this 25th day of July, 2017, by the Board of Directors of the San Luis Water District, by the following vote:

VOTE:

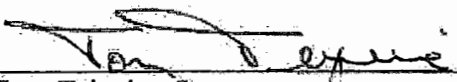
President Diedrich
Director Craven
Director Hurd
Director Teixeira
Director Wood

<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstain</u>
☒	☐	☐	☐
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Bill Diedrich, President

Attest:



Tom Teixeira, Secretary