



East Kaweah Groundwater Sustainability Agency

MEMORANDUM TO THE BOARD

TO: Board of Directors

FROM: Michael D. Hagman, Executive Director

DATE: April 22, 2022

SUBJECT: Staff Report for April 25, 2022 Regular Board Meeting

6. PRESENTATION: CWI PRESENTATION ON METER EVALUATION PROJECT (PROP 68 GRANT)

California State University at Fresno's California Water Institute will present findings on meter evaluation and telemetry.

7. HEARING: RULES AND REGULATIONS

The Board will take public comment on the rules and regulations that were made public on March 15, 2022 at 5 PM. The Board may take action to adopt the Rules and Regulations. It will close the hearing and consider action.

8. ADMINISTRATION

- a. Resolution 2022-02: Resolution Certifying to the County of Tulare the Validity of the Legal Process Used to Place Direct Charges (Special Assessment) on the Secured Tax Roll.
- b. Financial Reports will be presented
- c. Payments: The Board will consider ratification of the payments made to meet the obligations of the EKGSA.
- d. **WCB-RCIS Grant:** Comments on the Public Draft RCIS have been presented to the Steering Committee and are in the process of addressing them. It is anticipated that the RCIS will be approved by the Department of Fish and Wildlife by August/September.

e. **Prop 68 Planning Grant:** EKGSA is the administrator for this basin grant. On grant administration, the grant is current on all required reporting. For the Tasks, we have completed (or nearly completed) two of the contemplated projects in the grant. Staff submitted a modification to allow for replacement monitoring projects on Task #2 as well as an extension to the end of June. I recently signed the approved modification which approved all our project changes in Task #2 and extended the grant work to the end of December 31, 2022.

f. **Prop 68 Implementation Grant:** This grant is funding basin activities/projects. MKGSA is the grant proponent. Two projects (LID-Mariposa Basin and LID-Lewis Creek Recharge) were approved because they were in the GSP and we could identify DAC benefits. Other projects in the EKGSA GSP did not identify significant DAC benefits. Lindmore ID and the City have approved the alternative of a 12" pipeline about 850 feet in length and removal of silt in the basin. Lindmore ID has approved a siphon off of the Friant-Kern Canal that will introduce up to 50 CFS into Lewis Creek for conveyance to landowners in the District and for recharge in the Lewis Creek channel. Provost will now move forward with further development of each project. EKGSA is reporting to MKGSA and keeping their administration of the grant on time.

Not on the agenda is the **Basin Implementation Grant:** GKGSA is the grant proponent of this \$7.6 million grant. EKGSA has projects in this grant (Yokohl Recharge, Cottonwood Recharge, LSID delivery enhancements of upper Lewis Creek Recharge, and Sentinel Butte project). This grant is tentatively approved and not yet signed into agreement.

g. **MALRP:** This grant is from Department of Conservation and could be as much as \$10M for the Kaweah Subbasin. It is being applied for by KDWCD and was submitted on March 28. If awarded, the intent of the grant money would be to develop projects and programs that repurpose currently irrigated lands into multiple benefit properties (recharge facilities, habitat, solar farms, etc.). At the February meeting, the Board authorized support for the grant and signatory to an MOU with the other KSB GSAs and SRT (and any other partners that want to join) that will assist in management of those lands. Environmental Incentives is assisting the grant consultants regarding RCIS associated opportunities. Because we will soon have an RCIS, we are prepared to take on habitat projects. This helps us on the scoring in these grants.

h. **Consider Appointments:** Advisory Committee Chairman Ferrara is recommending that the Board approve the movement of Sopac Mulholland to the Conservation rep on the AC, add Diane Gruber as an Ag rep on the AC, and appoint Erick Orellana as a DAC rep. The AC still needs to add two more reps.

9. GROUNDWATER SUSTAINABILITY PLAN IMPLEMENTATION:

d. **Update to the Board on Status of Projects and Management Actions Matrix (P/MAs):** Neither committee has finalized the matrix. The TAC has asked to have dollars, estimates of benefits and other things more fully stated on the matrix. The AC has asked its members to take the next month considering the P/MAs matrix and their pros and cons. The AC wants to have a very informed discussion at the next AC meeting on the P/MAs.



NOTICE

BOARD OF DIRECTORS MEETING

Monday, April 25, 2022 at 3:00 p.m.

International Agri-Center
4500 S. Laspina Street, Tulare CA 93274

AGENDA

1. **Roll Call by Secretary**
2. **Approve the Agenda**
3. **Pledge of Allegiance**
4. **Public Comment**
5. **Minutes:** The Board will review and consider adopting the minutes provided by the Secretary from the March 28, 2022 Special Board meeting.
6. **Presentation:** California Water Institute – Meter Evaluation (Prop 68 Grant-Project #3)
7. **Hearing:** Rules and Regulations (After: Close hearing and consider adoption)
8. **Administration**
 - a. **Resolution 2022-02 - Resolution Certifying to the County of Tulare the Validity of the Legal Process Used to Place Direct Charges (Special Assessment) on the Secured Tax Roll.**
 - b. **Financial Reports:** Consider accepting the Quarterly Reports (Hagman)
 - c. **Payments:** Consider Ratifying Payments made to meet the obligations of the EKGSA (Hagman/Bennett)
 - d. **Prop 68: WCB-RCIS** – Update on status and activity (Hagman)
 - e. **Prop 68: Basin Planning Grant** – Update on status and activity: SkyTem, Monitoring Well Data Collection, Well Metering Pilot Project (Hagman)
 - f. **Prop 68: Implementation Grant** (MKGSA Admin) – Update (Hagman)
 - g. **MLRP Grant:** Kaweah Delta WCD submitted – Update (Klinchuch/Hagman)
 - h. **Consider Appointments:** Advisory Committee – (Ferarra) Move Sopac Mulholland from “Well User” to Conservation/Environmental, add Diane Gruber as an Ag rep, add Erick Orellana as a DAC rep.
9. **Groundwater Sustainability Plan Implementation:**
 - a. Technical Advisory Committee Report (Klinchuch, Hagman): LandIQ, ET Parcel Report



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- b. Subbasin Report (Peltzer, Weddle, Hagman): Annual Report, DMS, Modeling, Water Marketing, GSP Determination effort, etc.
 - c. GSP Implementation – Update to Board on Plan implementation (monitoring systems, projects, management actions)
 - d. Update of Board of Directors Direction to Staff/Technical Advisory Committee

10. Closed Session

CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION: [Government Code Section 54956.9 (d)(2)] - Number of Potential Cases: One

11. Schedule Next meeting – Next regularly scheduled meeting is July 25, 2022.

12. Adjournment

**EAST KAWEAH GROUNDWATER SUSTAINABILITY AGENCY
BOARD OF DIRECTORS**

MINUTES FOR THE SPECIAL MEETING ON MARCH 28, 2022

The East Kaweah Groundwater Sustainability Agency (“EKGSA”) Board of Directors duly met for a Regular meeting on Monday, March 28, 2022, via video/phone conference and in person – COVID -19 protocol.

OPEN SESSION: Convened at 2:00 p.m. with a quorum.

- 1. DIRECTORS PRESENT:** Buldo, Ferrara, Hornung, Micari, Milanesio E., Peltzer, Watson

DIRECTORS ABSENT: Caudillo, George, Roberts

OTHERS PRESENT: Michael Hagman, Executive Director; Chris Hunter, Program Manager; Joe Hughes, Legal Counsel; Matt Klinchuch, Consulting Engineer; Trilby Barton, Provost & Pritchard; Kathy Bennett, Senior Analyst; and various members of the committees and public.

- 2. APPROVE THE AGENDA:** Motion to approve the agenda was made by Director Peltzer, seconded by Director Hornung, and carried by the following vote:

AYES: Buldo, Ferrara, Hornung, Micari, Milanesio E., Milanesio, S., Peltzer, Watson

NOES: None

ABSTAIN: None

ABSENT: Caudillo, George, Roberts

- 3. ADOPTION OF ALTERNATIVE TELECONFERENCING REQUIREMENTS:** A motion to approve the continued state of emergency and have Board attendance in person was made by Director Ferrara, seconded by Director Micari, and carried by the following vote:

AYES: Buldo, Ferrara, Hornung, Micari, Milanesio E., Peltzer, Watson

NOES: None

ABSTAIN: None

ABSENT: Caudillo, George, Roberts

- 4. **PUBLIC COMMENT:** Public comments on boundaries of the GSAs and Rules & Regulations.
- 5. **MINUTES:** Motion to adopt and ratify the minutes provided by the Secretary from the February 28, 2022, Special Board Meeting was made by Director Buldo, seconded by Director Hornung, and carried by the following vote:

AYES: Buldo, Ferrara, Hornung, Micari, Milanesio E., Milanesio, S., Peltzer, Watson

NOES: None

ABSTAIN: None

ABSENT: Caudillo, George, Roberts

6. **ADMINISTRATION:**

- a. Accept County appointment to the EKGSA Board of Directors: Tulare County Board of Supervisors voted on March 1, 2022, to appoint Steve Milanesio to represent its second seat on the Board of Directors. A motion to accept Steve Milanesio as director on the EKGSA board to fill the second seat for Tulare County on the EKGSA Board of Directors was made by Director Peltzer, seconded by Director Micari, and carried on the following vote:

AYES: Buldo, Ferrara, Hornung, Micari, Milanesio E., Milanesio, S., Peltzer, Watson

NOES: None

ABSTAIN: None

ABSENT: Caudillo, George, Roberts

- b. Staffing Updates: Executive Director noted current staff is working through what needs to be done until we find a staff engineer.
- c. Prop 68: WCB-RCIS: Executive Director reported on the status of the RCIS effort. We have received comments back from the State regarding the RCIS document. It is expected to have final approval by Department of Fish and Wildlife by late September.
- d. Prop 68: Basin Planning Grant: Executive Director provided an update on the grant. EKGSA is the administrator and staff has submitted a modification to include replacement monitoring projects and extend the deadline on the grant.
- e. Prop 68: Basin Implementation Grant: Executive Director reminded the Board that this grant is awarded to the Mid Kaweah GSA and focuses on DAC benefits and reviewed the two projects that we had that qualified – Lewis Creek Re-charge and the Mariposa Basin connection to Lindmore ID.

- f. Basin Implementation Grant: Executive Director reminded the Board that this grant will be administered by the Greater Kaweah GSA if awarded. The application was submitted on time.
- g. MALRP Grant: Executive Director noted the grant is being applied for by KDWCD by March 30 and is from the Department of Conservation. If awarded, the grant dollars would be used to develop projects and programs that repurpose currently irrigated lands into multiple benefit properties such as recharge facilities, habitat, solar farms, etc.

7. GROUNDWATER SUSTAINABILITY PLAN IMPLEMENTATION:

- a. Technical Advisory Committee Efforts: Klinchuch reported on the most recent TAC meeting since the last Board meeting. TAC discussion focused mostly on the Projects and Management Actions.
- b. Subbasin Efforts: Klinchuch provided an update on the projects and coordination activities in the subbasin. The annual report for 2021 will be done by April 1st. He also reported on modifying the GSP to meet the issues defined in DWR's determination of the GSP as incomplete. The updated GSP is due back to DWR by July 27th. The Program Manager noted that there is a coordinated effort in the subbasin for water marketing and how landowners could trade supplies and mostly focusing on landowners being able to look at water balance on the Water Dashboard project.
- c. GSP Implementation: Executive Director and Program Manager provided an update on Implementation.
 - AdHoc – Land IQ - ET: Program Manager reported the AdHoc has had three sessions and looking at Land IQ data accuracy. There will be recommendations to the board from their discussions.
 - Monitoring Network: Executive Director reported on the monitoring network.
 - Rules and Regulations “Term Sheet”: Executive Director noted the Rules and Regulations were posted on website on March 11, 2022, and a card mailer went out to EKGSA landowners notifying them of the process and how to provide comments and where and when the public hearing will be held. He asked for comments to be provided a few days before the Board of Directors meeting on April 25, 2022.
 - Summary of deficiencies on the GSP “Incomplete Designation”: Executive Director reported what DWR wants the EKGSA (and the other basin GSAs) to change on its GSP in order to approve it as complete.
 - Status of Projects/MA direction by Board: Executive Director noted the TAC and AC will be developing the Project & Management Actions matrix.
- d. OTHER: Nothing to Report

8. **CLOSED SESSION:** Board went into closed session at 4:28 p.m. and after discussion, came out of closed session at 5:13 p.m. There was no reportable action.

9. **SCHEDULE NEXT MEETING:**

The Executive Director reported that the next regularly scheduled board meeting will be held on April 25, 2022.

10. **ADJOURNMENT:**

The meeting was adjourned at 5:15 p.m.

Michael D. Hagman
Secretary, East Kaweah GSA

EKGSA RULES AND REGULATIONS

**Article 1
General Provisions**

1.1 Purpose

These Rules and Regulations are established by the Board of Directors of the East Kaweah Groundwater Sustainability Agency in order to provide for the sustainable management of groundwater within the boundaries of the Agency.

1.2 Authority

A groundwater sustainability agency may adopt rules, regulations, ordinances, and resolutions for the purpose of this part, in compliance with any procedural requirements applicable to the adoption of a rule, regulation, ordinance, or resolution by the groundwater sustainability agency. (Division 6 Conservation, Development and Utilization of State Water Resources Part 2.74, Chapter 5, Section 10725.2.)

1.3 Groundwater Sustainability Plan

These Rules and Regulations are designed to implement the provisions of the EKGSA Groundwater Sustainability Plan and may be amended at any time if necessary to achieve consistency with the groundwater sustainability plan and steps needed to achieve sustainability.

1.4 Definitions

Acre-Foot (AF)	An Acre-Foot of water is equivalent to one acre of ground covered one foot deep in water or 325,851 gallons.
Board	Board of Directors of EKGSA.
Consumptive Use	Water that leaves the land due to evaporation or transpiration.
EKGSA or Agency	East Kaweah Groundwater Sustainability Agency.
Evapotranspiration_ (“ET”)	The process by which water is transferred from the land to the atmosphere by evaporation from the soil and other surfaces and by transpiration of plants. Evapotranspiration will be measured by utilizing satellite imagery and ground based truthing stations.

Landowner	A fee title owner of land within the EKGSA boundaries.
SGMA	The Sustainable Groundwater Management Act, pursuant to Division 6 Conservation, Development and Utilization of State Water Resources Part 2.74, Chapter 5, Section 10720, et seq.
Water Year	“Water Year” means for any given year the 12-month period beginning October 1 and ending September 30, of the immediately following calendar year. The water year is designated by the calendar year in which it ends. For example, the year ending September 30, 2022 is the “2022” Water Year.

1.5 Effective Date and Changes

These Rules and Regulations shall become effective upon adoption and may be added to, amended and/or repealed at any time by resolution of the Board of Directors of the EKGSA and such additions, amendments, and/or repeals shall become effective upon their adoptions or as otherwise specified by the Board of Directors. However, adoption of these Rules and Regulations will not affect the effective date of any policies of the EKGSA existing as of the adoption date.

1.6 Actions Against EKGSA

Nothing contained in these Rules and Regulations shall constitute a waiver by the EKGSA or estop the EKGSA from asserting any defenses or immunities from liability as provided in law, including, but not limited to, those provided in Division 3.6 of Title 1 of the Government Code

1.7 Rights of Access

EKGSA staff and/or others authorized by the ~~General Manager~~Executive Director shall notify the owner of any land prior to entry thereon. Any such entry must be for the sole and exclusive purpose of conducting EKGSA business.

1.8 Severability

If any provision of these Rules and Regulations, or the application thereof to any person or circumstance, is held invalid, the remainder of these Rules and Regulations, and the application of its provisions to other persons or circumstances, shall not be affected thereby.

**Article 2
Groundwater Monitoring**

2.1 Well Registration

a. All wells within the EKGSA must be registered with EKGSA no later than October 1, 2022. The owner or operator of a well shall register the well and provide, in full, the information required to complete a form to be provided by the Agency that will include the following:

1. Name and contact information of the entity that installed the well.
2. Date well was drilled.
3. Documentation establishing that the well was permitted and installed correctly and according to permit.
4. Manufacturer and model of flow meter.
5. Installer and date of installation of flow meter.
6. Diameter of pipe and size of flow meter
7. Documentation establishing that flow meter was calibrated to manufacture specification including identity of calibrator.
8. Inspection records establishing compliance with manufacturer standards and requirements.
9. Picture of the flowmeter that shows it is installed correctly.
10. Identification of (i) type of crop(s), (ii) age of crop(s) (if perennial), (iii) single/double/triple crop(s) (if annual), and (iv) irrigation methodology (e.g., flood, drip, sprinkler) for the irrigated acres serviced by the water from the flow meter.
11. If there are multiple flowmeters on a parcel, Landowner must submit a map identifying the locations of the flowmeters and lands serviced through each flowmeter.

The Landowner shall allow EKGSA to physically inspect any flowmeter.

b. The name of the owner of each well, the parcel number on which the facility is located, along with the names of all operators for each extraction facility shall be reported to EKGSA Agency within 30 days upon any change of ownership.

c. A fee, in an amount to be determined by the Board, shall be paid to ~~EKGSA~~ ~~for EKGSA for~~ each well registered with EKGSA.

d. Failure to register within the timeframe provided herein shall result in an administrative penalty in an amount to be determined by the Board.

2.2 Groundwater Use Measurement

Groundwater extraction shall be measured using the evapotranspiration method. Crop evapotranspiration (ET) is estimated using remote sensing data from ~~LandSAT~~ satellites. The satellite data is entered into a model, which is used to estimate the ET rate and ET spatial distribution of an area in any given time period. When calibrated to land-based ET and/or climate

Commented [MH1]: My recommendation is that we do not have any required well registration program. We are using ETa as measurement of demand. Section 4.5 refers to this section as a means of proving the protested variance. Maybe this section is part of Section 4.5.

Suggest: Not require compliance until further notice. May require in the future.

stations and validated with crop surveys, the satellite-based model provides an estimate of crop ET (i.e., consumptive use).

Article 3 Groundwater Accounting

3.1 Authority

Division 6 Conservation, Development and Utilization of State Water Resources Part 2.74, Chapter 5, Section 10726.4, expressly authorizes a groundwater sustainability agency to establish accounting rules to allow unused groundwater extraction allocations to be carried over and transferred.

3.2 Online Water Accounting Dashboard

The EKGSA shall establish, in coordination with the other GSAs in the Kaweah Subbasin, an online water dashboard for owners to account for total water use within the EKGSA. Owners may allow operators access and control of their account(s).

Commented [MH2]: LSID comments recommend noting the "subbasin" water dashboard tool. I don't think it is necessary, but could look like this.

3.3 Categories of Water

The online dashboard shall account for water through the following seven categories:

a. Precipitation

Precipitation in the Kaweah Subbasin is typically consumed by evaporation and transpiration. The Kaweah Subbasin "basin setting" identifies 92% of precipitation in the Kaweah Subbasin is lost through ET²d prior to becoming a groundwater inflow. The EKGSA will assign X % percent (to be determined by the Board) to landowner accounts as precipitation.

Commented [MH3]: LSID is requesting an additional category for irrigated return flows. It seems to me this wouldn't be necessary if we are applying a surface water applied value to a given parcel. If one applies 1 AF and ET sees .75 AF then the .25 AF would be left in the system and on the landowners book. In other words it would be a duplicative value if not considered by reducing the "applied" number.

a-b. Surface Water Credits and Debits for Direct Delivery

As described in Section 3.6, an owner's account may be credited or debited with surface water.

Commented [MH4]: The KSB Basin Setting document identifies 92%. EKGSA TAC is recommending 80% assignment noting that the penalty tiers are already overdrafting and this variance between the basin setting calculation and their recommendation creates a buffer for error. I am recommending 90% largely in part to lands that are 100% not irrigating with groundwater and are reliant on the precipitation for their crop or rangeland.

b-c. Native Allocation

As described in Section 4.3, Native Allocation may be credited to an owner's account. Carryover and transfers as described in Section 4.03(c), may be credited and debited from an owner's account.

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e-d. Tier I Penalty Allocation

As described in Section 4.3, the account of owners engaged in irrigation of lands actively used in agricultural production may be allocated an amount for groundwater used above Native Allocation, but below Tier 2. Carryover and transfers may be credited and debited from owner accounts in accordance with Section 4.3.

d.e. Tier 2 Penalty Allocation

As described in Section 4.3, the account of owners engaged in irrigation of lands actively used in agricultural production may be allocated an amount for groundwater used above Tier 1. Carryover and transfers may be credited and debited from owner accounts in accordance with Sections 4.3.

e.f. Groundwater Credits

As described in Section 4.3 and 6.2, an owner's account may be credited or debited with groundwater credits.

f.g. Recharge and Banking Credits and Debits

As described in Section 3.7, an owner's account may be credited or debited with groundwater recharge or banking activities. Transfers will be recognized by the GSA when authorized by the applicable surface water entity.

3.4 Priority of Use

Each owner with multiple categories of credits under these Rules and Regulations shall have the power to elect which of such credits are to be debited or transferred in connection with such consumption which will only be accounted for after all other available sources of water are exhausted. If the owner does not elect the priority of allocations to be debited, the default priority will follow in order of Section 3.3(a)-(f) above.

Commented [MH5]: Recommendation is to note that aside from Precipitation, landowners may choose a priority of application of their available

3.5 Net Groundwater Consumptive Use Reporting and Debiting

Within 30 days of the end of the prior month, the net groundwater consumptive use will be calculated and debited from the applicable account. In the event that a watercourse, including but not limited to canals, ditches, or non-irrigated riparian areas, is located within the boundaries of a parcel, the area of such watercourse shall not be evaluated for any consumed use of groundwater.

Commented [MH6]: LSID recommendation to clarify that "riparian" areas does not include areas irrigated by riparian supply.

3.6 Surface Water Reporting

Any owner within the EKGSA utilizing surface water shall cause to be reported, from the applicable surface water entity, the diversion of surface water to direct irrigation.

3.7 Recharge and Banking Reporting

An owner within the EKGSA performing recharge or banking activities shall report, or cause to be reported, the diversion of surface water to underground storage to the EKGSA. Prior to crediting or debiting the owner's account, the EKGSA shall ensure the request is consistent with any applicable groundwater banking or recharge policy. The EKGSA acknowledges that several special districts, organized and existing under the laws of the State of California for the purpose of facilitating the beneficial use of the waters of the State, operate within EKGSA's boundaries. Several such districts have adopted and implemented groundwater banking and recharge policies in order to facilitate the underground storage and beneficial use of surface water. EKGSA shall honor the groundwater banking and recharge policies of all such entities within its jurisdictional boundaries. Recharge credits are subject to the following provisions:

- a. Groundwater credits at a 1:1 ratio can be accumulated from in lieu recharge by utilizing surface storage or foreign supplies, fallowing, or by moving surface storage to groundwater recharge.
- b. Groundwater recharge credits are provided at a 1:1 ratio applied to the volume of surface water actually recharged less evaporative losses as determined by EKGSA. 1:1 ratio (1 credit per net AF recharged after any leave behind and evaporation losses determined by EKGSA).
- c. To obtain groundwater credit resulting from recharge or a transfer, the receiver of the supply eligible for credit must supply sufficient documentation to EKGSA before the recipient receives credit from EKGSA and in no event later than 30 days following the end of the Water Year during which the recharge or transfer occurred. EKGSA shall determine what constitutes sufficient documentation.

Commented [MH7]: LSID is making a recommendation to clarify that by not taking water (in lieu) a groundwater credit is created for the individual taking the action and this might be a different category.

Commented [MH8]: LSID is making both a process and policy recommendation: Process - EKGSA TAC creates a "leave behind" value recommendation and that the Board adopt a value based upon this recommendation. Policy - Recharge action required to have a leave behind. My recommendation is that we determine what might be an evaporation value would be only and no other leave behind value. The TAC, in conjunction with ETa analysis should set this value and report to the Board.

Check highlighted revision

Article 4 Groundwater Allocation

4.1 Purpose

Consistent with Division 6 Conservation, Development and Utilization of State Water Resources Part 2.74, Chapter 5, Section 10726, the purpose of this Article is to provide for the sustainable management of groundwater within the EKGSA jurisdictional area and Kaweah Subbasin, and to fulfill the legislative goals and policies of SGMA. Nothing in this Article shall be used to determine or alter water rights.

4.2 Determination of Allocation

Prior to October 1 of each year, or as soon thereafter as is possible, EKGSA Board will determine the allocations available for use within EKGSA's jurisdiction. The Executive Director shall thereafter cause each affected Landowner to be provided written notice of their allocation.

4.3 East Kaweah Management Area

a. Native Allocation

Each year, EKGSA shall establish a use allocation for each agricultural assessor's parcel within the EKGSA boundary. The allocation for each owner shall be calculated as follows:

1. EKGSA will determine the total inflow to all parcels over 2 acres within its boundaries. Total inflow will include components such as rainfall, natural infiltration from lakes and streams, and other natural inflows. EKGSA will then determine the amount of such total inflows available for allocation to Landowners and divide that amount by the total acreage of parcels greater than 2 acres within the GSA to establish a per acre allocation for each such parcel.

Commented [MH9]: LSID recommends clarity here regarding "rainfall". Again, rainfall, on average is about 92% ETa (per the Basin Setting). The value between the approved Precipitation accounting might solve this issue. More thinking here.

What about non-farmers/ranchers?

2. Each assessed parcel within EKGSA will receive a Native Allocation in the amount equal to the gross assessor parcel acreage multiplied by the per acre allocation established in Section 4.3(a)(1).

All allocations shall be made on an annual basis. For the 2022 Water Year, the per acre Native Allocation is .85 acre-feet/acre of measured Consumptive Use.

b. Tier 1 and Tier 2 Penalty Allocations

In addition to the Native Allocation, irrigated parcels as of January 31, 2020, which are identified as enrolled in the Irrigated Lands Regulatory Program, other regulatory programs that document historical irrigation use (i.e., Dairy General Order), or as identified by other certified crop map datasets will be allowed transitional pumping. This pumping shall be allocated as Tier 1 Penalty and Tier 2 Penalty Allocation. This transitional pumping will be permitted under the Rules and Regulations until eliminated. Once a parcel has been identified as an irrigated parcel, the parcel will remain in the transitional pumping program until the program expires. If a parcel is not identified as an irrigated parcel as of January 31, 2020, an owner may file a request to the EKGSA Executive Director to be included in the transitional program. For agricultural development of parcels after January 31, 2020, the owner may also file a request to the EKGSA General Manager to allow such lands to receive a Tier 1 and Tier 2 Penalty Allocation, which such allocation shall be prorated based on the date of development. EKGSA shall develop forms as needed to assist owners with the request.

Changes in the total irrigated acres will affect the Tier 1 and/or Tier 2 Penalty Allocation. To achieve consistency with the EKGSA GSP, the amount of Tier 1 and or Tier 2 Penalty Allocations may vary year to year.

For the 2022 Water Year, the Tier 1 Penalty Allocation is .3 acre-feet/acre of measured Consumptive Use, and the Tier 2 Penalty Allocation is .5 acre-feet/year of measured Consumptive Use.

c. Rainfall Credit

EKGSA will track monthly rainfall. Landowner accounts will be credited for 80% of actual rainfall in a given month. The credit will be applied during the following month and will be carried over until used. Any rainfall credit will be the first amount debited from a Landowner account.

Commented [MH10]: Again see thoughts above.
ED recommendation is 90%

Rainfall credits are not transferable.

d. Carryover and Transfer

1. Carryover.

If a Landowner uses less than his or her total allocation in a given Water Year, the difference between the allocation amount for that year and the amount of groundwater used and/or transferred for that year shall be carried over to the next year. Unused allocation carried over from the previous Water Year shall be credited to the owner's account as a groundwater credit. Groundwater credits remain in an owner's account for a rotation of 5 years. Any credits unused after 5 years will be removed from a Landowner's ledger as of the first day of the sixth year after the credit is made. For purposes of the five-year rotation, carryover credits are treated on a "first in, last out" basis. The impact of the total quantity of water used in any five-year period shall be consistent with the provisions of the EKGSA GSP.

Commented [MH11]: Recommendation is that we identify durability limitations from recharge/return flow values separately from Native.

2. Transfer

There are no restrictions on groundwater transfers for the 2022 Water Year unless, in the determination of the Executive Director, the transfer produces an undesirable result. All transfers must be memorialized in writing, using a form to be provided by EKGSA and must be approved by EKGSA prior to the transfer becoming effective. All transferred water will be credited to the transferee's account as a groundwater credit. Transferred Tier 1 Penalty and Tier 2 Penalty water must be used within current Water Year and within EKGSA boundaries.

Commented [MH12]: LSID Recommends clarification between "transfer" and "assignment". Makes sense. Is there a preferred legal thought on this?

Commented [MH13R12]: Additional process identified by LSID for determining URs. Leaving the ED in there is an external representation. We don't need to identify all processes for determination. In other words, the ED act on behalf of the Board who determines these values. I recommend we not layout processes in the document.

4.4 **Community Management Areas**

[to be determined]

Commented [MH14R12]: Boundary conditions should be addressed when a parcel is both in and out of the EKGSA. But due to timing, I do not recommend addressing this topic in 2022 Rules and Regs. We need to get our house in order then look outward.

4.5 **Protest of Allocation and Extraction Limits**

a. Within thirty (30) days of the date identified in the written notice to be provided under Section 4.2. an owner may protest the extraction allocations and extraction limits identified in the notification. The written protest must be submitted to the Executive Director at the EKGSA's office. The Executive Director shall investigate matters related to the protest, may consult with the EKGSA Technical group, and may present any relevant information, along with any recommendation, to the Board within sixty (60) days of receipt of the protest. The Board shall act on the written appeal and supporting documentation within one hundred and twenty (120) days of receipt of all relevant information.

No distinction between transfer and assignment that requires any change. "Transfer" is more applicable because transferring ownership of control to someone else.

Mike's call on straddling parcels but agree not including it in year 1 R/R is OK.

Commented [MH15]: LSID again recommending process in the RnR. I recommend against it. The ED speaks for the Board (and their process).

OK.

b. Except for protests arising in the 2022 Water Year, no protest is allowed unless, for the Water Year in which a protest is made, the protestor was in full compliance with the provisions of Section 2.1 as of the first day of said Water Year.

4.6 Emergency Ordinances

Nothing in this Article shall prevent the EKGSA from, in the event of an emergency, from enacting emergency regulations or ordinances to prevent harm to Landowners within the EKGSA.

Article 5 Fees & Penalties

5.1 Penalty for Excess Use

For irrigated lands, every AF or portion thereof used beyond ~~the groundwater allocation approved by the EKGSA Board of Directors, (currently set at a total of 1.65 AF) of groundwater use (excluding all other sources of water),~~ will be assessed a \$500 ~~groundwater replacement fee~~penalty. Such ~~fee~~penalty must be paid within 30 days of the issuance of invoice for such ~~penalties~~penalty is issued by the EKGSA

5.2 SGMA Penalties

Any Landowner, operator or other person who violates the provisions of these Rules and Regulations is subject to the criminal and civil sanctions set forth in SGMA.

5.3 Civil Remedies

Upon the failure of any person to comply with any provision of this Rules and Regulations, the EKGSA may petition the Superior Court for a temporary restraining order, preliminary or permanent injunction, or such other equitable relief as may be appropriate. The right to petition for injunctive relief is an additional right to those, which may be provided elsewhere in these Rules and Regulations or otherwise allowed by law. The EKGSA may petition the Superior Court to recover any sums due to the EKGSA.

5.4 Protest of Usage Measurement and Penalty Assessment

Except for protests arising in the 2022 Water Year, no protest is allowed unless, for the Water Year in which a protest is made, the protestor was in full compliance with the provisions of Section 2.1 as of the first day of said Water Year. The procedures for resolving a protest are as follows:

Commented [MH16]: Shouldn't the \$500 be labeled "Fine" for exceeding allocation?

Penalty under SGMA.

LSID is recommending we put a Rule in that says a surface supply entity can add a starting balance. Thoughts here? To me, having it in the RnR highlights the issue and probably would create substantial criticism.

Agreed.

- a. All protests must be submitted in writing to the EKGSA General Manager no later than 30 days of receipt of billing.
- b. If the protest cannot be resolved within 60 days of receipt by the General Manager, the General Manager shall submit the protest to the Board of Directors, which shall issue a ruling on the protest.
- c. Landowners/Managing party of assessed acres can contest the Consumptive Use as defined by evapotranspiration.
- d. Any protest must include data of applied usage from instrumentation registered with EKGSA. Otherwise, the protest will be disallowed.
- e. Any protest must include the maintenance records of equipment upon which the protest is based. Otherwise, the protest will be disallowed.
- f. If the protest is not resolved in favor of the protestor, the protestor must reimburse EKGSA for EKGSA's reasonable costs incurred in the protest.

Article 6
Surface Water Recharge in the Underground

6.1 Groundwater Recharge

Owners may use existing facilities to store surface water underground within the EKGSA boundaries. An owner who stores surface water pursuant to this Section may subsequently put such water to his or her own beneficial use within the EKGSA boundaries, or may transfer the water to another owner for use within the EKGSA boundaries. The use of stored water pursuant to this Section must be achieved utilizing on-farm activities. All water stored pursuant to this Section must be used within the EKGSA boundaries. Each owner who stores surface water pursuant to this Section shall provide accurate, verifiable records of the quantity and source of surface water stored for recharge, confirmed by the district or entity that supplied the surface water. The owner shall adhere to any rules promulgated by any district or entity supplying the surface water. Surface water stored and documented in compliance with the requirements of this Section shall be credited to the relevant owner's account as a surface water credit pursuant to section 3.7. Each owner shall be solely responsible for locating, purchasing, accessing, or otherwise acquiring surface water for the purposes of recharge pursuant to this Section. This policy applies to all non-districted lands and districted lands which choose to adhere to this Article VI.

Commented [MH17]: Identification of a surface supply entry to the subbasin inflow is essential in managing groundwater. Place of entry (eg. A spot in the GSA) and demand or extraction of that supply should be coordinated. But limiting surface supply to within the EKGSA seems restrictive. We should modify to allow recharge programs to be used where appropriate.

EKGSa WY 2021-2022 Rules and Regulations Public Comment

Article 2

Article	2	The GSA needs to know how many wells are operational and approximate gpm. This other information is overkill and not needed. If a grower uses ET as his water use, the need for meters and all the cost involved with them is also not needed. This should include a grower that transfers water or receives water. If a large number of growers were to use meters as their water use amount, the GSA could easily become overwhelmed with large amount of reporting and compliance issues. If a grower demands the use of meters for his use than perhaps the GSA should charge a fee for the extra costs, otherwise there should be no well fee. You are already charging on a per acre basis and a per acre foot for penalty water, you don't need another fee. Its not the number of wells, it's the amount of water they pump that lowers the water table.
Section	2.1	
Robert LoBue		
Article	2	1). ARE IN FACT, WELLS GOING TO BE REQUIRED TO BE REGISTERED?
Section	2.1	2). IF REQUIRED, MY THREE WELLS WERE DRILLED BEFORE 'MY TIME', WE HAVE NO RECORDS DATING BACK TO 1911. HOW DO WE COMPLY WITH YOUR LIST: #2, #3, #4
Chris Crumly		3). ARE FLOW METERS REQUIRED?
halcrumlyinc@yahoo.com		4). IF FLOW METERS ARE REQUIRED, I HAVE THREE WELLS - ONE MILE APART FROM EACH OTHER, AND PIPED TO A COMMON FILTRATION AND BOOSTER PUMP. THIS BOOSTER PUMP SUPPLIES ALL OF THE WATER TO MY PROPERTY FROM THESE THREE WELLS. MUST I INSTALL THREE METERS? OR JUST ONE METER AT THE BOOSTER PUMP?
Article	2	I believe that it is an overreach to require all growers to register their wells and provide meter documentation as described in section 2.1. Registration fees and meter certification will unnecessarily add significant yearly expenses. This would only makes sense if a grower feels it is necessary to challenge the monthly Land IQ data as described in section 5.4.
Section	2.1	
Gary Caviglia		
crystalcovefarms@sbcglobal.net		
Article	2	Section 2.1a. This appears to contemplate that meters be installed on each of the wells within the Agency's boundaries. First, this approach is redundant given the plan to measure use via ET. Second, this is a very expensive approach for individual landowners and, with thousands of wells and related supply and labor issues, I believe it would not only be duplicative, but impracticable to accomplish by October 2022. I believe that the meter requirement should be eliminated.
Section	2.1	
Jay Cutler		
inici1@gmail.com		

I had a question of clarification on section 2.1(A) of Rules & Regulations. The section refers to "ALL" wells need to be registered by October 2022, does this refer to wells that will be used to measure extraction? In other words, if my well is not being used in lieu of Land IQ for extraction measurements, do I still need to register?

Article 2
 Section 2.1
 James Young
james.young.m@gmail.com

East Kaweah GSA Rules and Regulations Article 2, Groundwater Monitoring 2.1 Well Registration Asking the landowner to register the well with the following information: 1. Name and contact information of the entity that installed the well. 2. Date well was drilled. 3. Documentation establishing that the well was permitted and installed correctly and according to permit. This information will not save water or help conserve water. It will cause hardship on the landowner. Have you thought of a landowner who bought property and does not have this information? 2.1 #c A fee, in an amount to be determined by the Board, shall be paid to EKGSA for each well registered with EKGSA. EKGSA should not collect a fee for each registered well. We paid EKGSA fees on our property taxes. The EKGSA should budget correctly within these fees already collected. EKGSA is asking for this information then EKGSA wants to access a fee? 2.1 #D Failure to register within the timeframe provided herein shall result in an administrative penalty in an amount to be determined by the Board. Administrative penalty? So, the board can just keep charging fees and penalties to the landowner? There should be no Fees assessed for registering a well or any administrative penalties

Article 2
 Section 2.1
 Dee Dee Gruber
haygruber@gmail.com

Article	2
Section	2.1
Richard Reese	
richardreese@reesehydraulics.com	

Section 2.1 of the proposed rules & regulations require well registration. All wells in the basin are required to be registered with EKGSA. It has been stated many times by the manager that there is no intention of EKGSA monitoring your well or reading your meters. Groundwater usage will be measured by satellite ET measurements. What is the purpose of this registration?

The apparent intention of Section 2.1a is to verify that the well has a meter that is manufactured by a commercial manufacturer and is an accurate and industry standard meter. These requirements are reasonable to insure an accurate measurement of groundwater extraction. However there are 11 more requirements to this section 2.1a; the name and contact information of the entity that drilled the well, the date the well was drilled, a copy of the county permit for the well, ALL seem irrelevant to the goal of measuring groundwater extraction. I question if even the board members have access to this data for all their wells.

Furthermore, 2.1 authorizes EKGSA to charge a fee for this registration and if the property is sold, EKGSA must be notified within 30 days or the grower will get an administrative penalty? Two more penalties, don't see very many carrots in these regulations.

As written, no protest will be addressed unless all provisions of 2.1 are met. It appears the requirements under this provision are included only to allow the manager to disqualify any protest of a grower's usage measurement by Land IQ. The registration of these wells with EKGSA and recording of this data appear to have other motivations.

I would like to recommend simply requiring a meter to be registered with EKGSA to allow for corrections when ET measurements are questioned.

Article 3

Article	3	3.7 & 6. 1. If we get district water for irrigation, what portion is counted as recharge?
Section	3.7	
Rob Van Der Staay		
theplantpeople@gmail.com		
Article	3	In section 3.7 of the proposed rules and regulations, it's not clear how long groundwater recharge credits are good for. Groundwater recharge is our only hope for balancing the water budget here. In order to promote recharge basin construction among landowners, it would be good to ensure banked water will not expire. We are looking at sites among our own properties for this purpose. Also, Grant money for basin construction would be a great benefit to many farmers in this area with farming costs skyrocketing lately.
Section	3.7	
David Mabs		
dmabs@gkpnursery.com		

Article 4

Article	4	4. 3. a. 1. &2. c. How do you determine the amount of rainfall received? One parcel may receive half an inch while another parcel in the same area may only receive a trace.
Section	4.3	
Rob Van Der Staay		There does not seem to be any credit for snow in the mountains helping with the groundwater level.
theplantpeople@gmail.com		

Article 5

Article	5	5.1 Before the EKGSA gives a penalty for irrigated land which is stated \$500.00 for every AF beyond 1.65 of groundwater use. EKGSA should give each landowner the LandIQ estimated scientific method data report for the landowner's APN, along with a report to show how they determined the excess usage the landowner used. In order to achieve conserving water, the EKGSA needs to work with the landowner/farmer, give them a chance to see what they have used and how they can conserve water before penalties start. The penalty, if any should start at a lower amount then increase each year not just start at \$500.00 for every AF. The landowners/farmers have no control over today's gas prices, fertilizer cost and commodity prices. The board can decide to waive the penalty fees for a year or so to give the landowner/farmer a chance to reevaluate their farming practice. I understand conserving water is very important for all. We also need the FARMERS so let's work together to keep farming and conserving water. Keeping Farmers and their farms will also keep jobs in our community.
Section	5.1	
Dee Dee Gruber		
haygruber@gmail.com		

Article 6

Article	6
Section	6.1
Rob Van Der Staay	
theplantpeople@gmail.com	

3.7 & 6. 1. If we get district water for irrigation, what portion is counted as recharge?

Miscellaneous

Article	MISC
Robert LoBue	

The GSA should be receiving large amounts of money from the penalty water. That money should be used mainly to reduce water pumping by purchasing and leasing properties with long term pumping histories. It seems like there is grant money for water retention projects which should lower that need. Growers that can use flood water during the winter without costly capital costs are a good way to go also. Does the GSA have a budget for removal of land from production? Land removal is a key component for lowering water use.

EKGSAs Projects & Management Action Summary Table

Project/Action	GSP Reference	Estimated Cost	Estimated Benefit	Benefit Location	Potential Partners	Funding	Status	Benefit Basis
Lewis Creek Recharge	EK1 Section 5.2.1	\$350,000	3,000 AF/yr	West 9 +/- miles of streambed from the intersection of Lewis Creek and FKC	LID - Lead EKGSAs banking partner?	P68 Imp Grant \$650,000 / LID \$35,000	30% Design	Average of 225 days in 10 years at 65 CFS
Cottonwood Creek Recharge	EK2 Section 5.2.3	\$200,000	1,800 AF/yr	West 8 +/- miles of streambed from the intersection of Cottonwood Creek and FKC	ID/SCID - Lead EKGSAs banking partner?	Under Consideration for DWR GOB Grant (\$750,000)		Average of 225 days in 10 years at 40 CFS
Yokohi Creek Recharge	EK3 Section 5.2.4	\$135,000	1,800 AF/yr	West 3 +/- miles of streambed from the intersection of Yokohi Creek and FKC	EID - Lead EKGSAs banking partner?	Under Consideration for DWR GOB Grant (\$500,000)		Average of 225 days in 10 years at 40 CFS
Rancho de Kaweah	EK4 Section 5.2.5	\$12,000,000	9,000 AF/yr	Project in EKGSAs. Return to partner locations	LSID - Lead EKGSAs banking partner?			
Dry/Shallow Wells	EK5 Section 5.2.7	\$2,500,000	2,000 AF/yr	Exeter & Lindmore ID Management Areas	Exeter & Lindmore ID (Class 2) EKGSAs/County - Section 215	Under Consideration to Study Impacts with DWR GOB Grant (\$375,000)		200 Wells, 100 GPM 225 days in 10 years
Lindsay Recharge Basin	EK6 Section 5.2.2	\$250,000	150 AF/yr	Within City of Lindsay limits (Mariposa Avenue)	LID - Lead / City of Lindsay Owner EKGSAs banking partner?	P68 Imp Grant \$329,500 / LID \$32,000	30% Design	Average of 210 days in 10 years at 5 CFS
Wutchumna Ditch Delivery/Recharge	EK7 Section 5.2.10	\$100,000	480 AF/yr	Ivanhoe & Northwest Management Areas	WWC (operator) District/EKGSAs partnership for surplus water			
LSID Upper Lewis Creek Recharge Project	DWR GOB Grant Submittal	\$2,090,000	Additional Supply to GW	East 3 miles of streambed from the intersection of Lewis Creek and FKC	LSID - Lead EKGSAs banking partner?	Under Consideration for DWR GOB Grant (\$375,000)		
SBMWC Flood Capture Project	DWR GOB Grant Submittal	\$1,000,000	Additional Supply to GW	North of Woodlake/North & Northeast of Ivanhoe	SBMWC - Lead EKGSAs banking partner?	Under Consideration for DWR GOB Grant (\$375,000)		
Well Meters/ GW Extraction	WH2, WH4 Section 5.3.2	\$\$\$	Metering may reduce overdraft, but likely not in action by itself	All EKGSAs	Landowners & EKGSAs			
Drinking Water Wells Protection Program	WH5 Section 5.3.2	\$\$\$	Protection of drinking water wells; Better/more data on well construction & water quality	Rural Domestic, Small Systems & Communities	EKGSAs, Rural Domestic, Small Systems & Communities			
GW Allocation (& Pumping Restrictions)	GA 1-4 Section 5.3.3	\$\$\$	30,000 AF/yr (allocate to stop overdraft)	All EKGSAs	Landowners & EKGSAs			
GW Market	GMT 1,2,4,5 Section 5.3.4	\$\$\$	30,000 AF/yr (allocate to stop overdraft)	All EKGSAs	Landowners & EKGSAs			
Banking/Recharge Program	GMT 3 Section 5.3.4	\$\$\$	Pending acreage in program (on-farm or dedicated basins)	All EKGSAs	Landowners & EKGSAs			
Land Following Program		\$\$\$	Pending acreage in program and duration of following	All EKGSAs	Landowners & EKGSAs			
Land Retirement Program		\$\$\$	30,000 AF/yr (retire to stop overdraft)	All EKGSAs	Landowners & EKGSAs			
EKGSAs Section 215 Contract for flood flows		\$5000 a year	Unknown, historically beneficial in very wet years (1 in 10 years)	All EKGSAs	Landowners & EKGSAs			
Efficiency Programs		\$\$\$	Could save as much as 3,000 AF to 5,000 AF per year	All EKGSAs	Landowners & EKGSAs			

2022 Water Transfer

East Kaweah Groundwater Sustainability Agency (EKGSA)
P.O. Box 908
Lindsay, California 93247
(559) 562-2534 (tele)
(559) 562-5642 (fax)

e-mail : Groundwater groundwater@ekgsa.org

_____ Date

Authorization for transfer of groundwater from one parcel of land to another parcel of land under same or different ownerships.

Please transfer _____ acre feet of the _____ acre feet of groundwater allocated for use through :

APN No. _____

Account No. _____ (Parcel 1)

TO

APN No. _____

Account No. _____ (Parcel 2)

_____ Transferor / Owner (Parcel 1)

_____ Transferee / Owner (Parcel 2)

BEFORE THE BOARD OF DIRECTORS
OF THE
EAST KAWEAH GROUNDWATER SUSTAINABILITY AGENCY
COUNTY OF TULARE, STATE OF CALIFORNIA

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE EAST KAWEAH GROUNDWATER SUSTAINABILITY AGENCY CERTIFYING TO THE COUNTY OF TULARE THE VALIDITY OF THE LEGAL PROCESS USED TO PLACE DIRECT CHARGES (SPECIAL ASSESSMENT) ON THE SECURED TAX ROLL.

RESOLUTION NO.: 2022-02

WHEREAS, the notices and election for special assessment fees for the purpose of paying for fixed obligations of the East Kaweah Groundwater Sustainability Agency (the "Agency") to be included on the regular County property tax bill for property owners of the Agency was completed on October 26, 2020 and certified into place by action of the Board of Directors on December 1, 2020 in Resolution 2020-02; and

WHEREAS, the Agency is placing the special assessments on the Tulare County secured property tax roll for collection; and

WHEREAS, the Agency has complied with all laws pertaining to the levy of the special assessments to be collected; and

WHEREAS, the monies collected are not in any way to be based on the assessed valuation of the properties involved; and

WHEREAS, the Agency agrees that it shall be solely liable and responsible, and will defend and hold the County of Tulare harmless from any liability as a result of claims or claims for refunds and related interest due filed by taxpayers against any assessments, fees, charges or taxes placed on the roll for the District by the County; and

NOW THEREFORE BE IT RESOLVED by the East Kaweah Groundwater Sustainability Agency that the list submitted with parcel numbers and amount are certified as being correct, the President or Treasurer is hereby authorized to sign any documents required and directed to give the list to the Tulare County Auditor on behalf of the Agency for placement on the secured tax roll for collection:

1. Parcel and Assessment listing
2. Direct Charge (Special Assessment) Control Sheet
3. Direct Charge (Special Assessment) Change Authorization Sheet
4. Compliance Certification and Hold Harmless Statement

Upon motion by **Director XXXXXXX** seconded by **Director XXXXXXX**, the foregoing Resolution was passed and adopted the 25th day of April 2022 by the following vote:

AYES:

NOS:

ABSTAIN:

ABSENT:

East Kaweah Groundwater Sustainability Agency

Edward Milanesio,
President of the Board of Directors

ATTEST:

Michael Hagman,
Secretary of the Board of Directors

CERTIFICATE OF SECRETARY

I, Michael Hagman, Secretary of the Board of Directors of EAST KAWEAH GROUNDWATER SUSTAINABILITY AGENCY hereby certify that:

(a) the foregoing is a full, true and correct copy of **Resolution 2022-02** duly adopted at a special meeting of the Board duly and regularly held at the regular meeting place thereof on April 25, 2022;

(b) all directors had due notice of the meeting and a majority thereof were present;

(c) at the meeting such resolution was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(d) I have compared such resolution with the original minutes of the meeting on file and of record in my office and that such resolution is a full, true and correct copy of the original thereof adopted at the meeting and entered in the minutes; and

(e) the original resolution has not been amended, modified or rescinded since the date of its adoption, and is now in full force and effect.

WITNESS my hand and the seal of EAST KAWEAH GROUNDWATER SUSTAINABILITY AGENCY this 25th day of April 2022.

Michael Hagman,
Secretary of the Board of Directors

**East Kaweah GSA
Balance Sheet
March 31, 2022**

ASSETS

Current Assets

Sierra Checking - 0301241619	\$ 1,871,622.64
Assessments Due	349,207.35
Planning Grant-2019	29,268.26
WCB Grant-2020	52,155.29
Assessments Delinquent	<u>37,302.10</u>

Total Current Assets **2,339,555.64**

Total Assets **\$ 2,339,555.64**

LIABILITIES AND CAPITAL

Current Liabilities

Accounts Payable	<u>\$ 42,916.66</u>
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Total Current Liabilities **42,916.66**

Long-Term Liabilities

FY2020 Member Loan	<u>1,282,440.00</u>
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Total Long-Term Liabilities **1,282,440.00**

Total Liabilities **1,325,356.66**

Capital

FB Assigned to Governance	(22,681.08)
FB-Assigned to Implementation	255,685.78
Net Income Governance	(70,964.93)
Net Income Implementation	<u>852,159.21</u>

Total Capital **1,014,198.98**

Total Liabilities & Capital **\$ 2,339,555.64**

**East Kaweah GSA
Income Statement
Compared with Budget
For the Three Months Ending March 31, 2022**

	January-March Actual	Year to Date Actual	Year to Date Budget	Year to Date % Variance
Revenues				
Call for Funds - Governance	\$ 0.00	\$ 0.00	258,200.00	0%
Call for Funds - Plan	0.00	0.00	0.00	0%
Call for Funds-Implementation	0.00	0.00	0.00	0%
Assessment Revenues	981,299.60	981,299.60	980,199.00	100%
Assesmenmt Penalty Revenue	(25.40)	(25.40)	0.00	0%
GWPumpingFees	0.00	0.00	0.00	0%
GW.T1.Penalty	0.00	0.00	0.00	0%
GW.T2.Penalty	0.00	0.00	0.00	0%
GW.Overdraft.Fine	0.00	0.00	2,500,000.00	0%
Interest Revenue	125.12	125.12	0.00	0%
Other Misc Revenue	0.00	0.00	0.00	0%
Grant: Plan Grant (P68)	24,304.55	24,304.55	271,050.00	9%
Grant: WCB-RCIS	0.00	0.00	103,350.00	0%
Total Revenues	1,005,703.87	1,005,703.87	4,112,799.00	(3,107,095.13)
Expenses				
GOVERNANCE & ADMIN				
Admin Staff Exp	42,549.99	42,549.99	170,000.00	25%
Office Expense	94.00	94.00	0.00	0%
Copying	2,835.55	2,835.55	0.00	0%
Postage	7,069.45	7,069.45	0.00	0%
Bank Fees	0.00	0.00	0.00	0%
Audit	0.00	0.00	7,500.00	0%
Legal Postings	0.00	0.00	0.00	0%
Other	0.00	0.00	2,500.00	0%
Meeting Expense	694.94	694.94	10,000.00	7%
Liability Ins	7,860.00	7,860.00	6,650.00	118%
LEGAL				
General Counsel	9,221.00	9,221.00	52,500.00	18%
ENGINEERING				
General Engineering Expense	640.00	640.00	5,000.00	13%
Prop 218 - FY2021	0.00	0.00	0.00	0%
FEES - OTHER GOVT'S				
SWRCB Fees	0.00	0.00	0.00	0%
IMPLEMENTATION STAFF				
Agreement Services	86,199.99	86,199.99	345,000.00	25%
Policy Development	0.00	0.00	125,000.00	0%
Basin Setting Coordination	0.00	0.00	40,000.00	0%
IMPLEMENTATION MONITORING				
Demand Metering	22,293.66	22,293.66	120,000.00	19%
Water Quality Monitoring	0.00	0.00	0.00	0%
Subsidence Monitoring	0.00	0.00	0.00	0%
Reporting	0.00	0.00	27,500.00	0%
Contract Engineering Spprt	3,052.00	3,052.00	35,000.00	9%
Mon. Syst and Projects	0.00	0.00	512,250.00	0%
GROUNDWATER PLAN				
Consultant GW Plan	0.00	0.00	0.00	0%
Basin Setting Consulting	0.00	0.00	0.00	0%

**East Kaweah GSA
Income Statement
Compared with Budget
For the Three Months Ending March 31, 2022**

	January-March Actual	Year to Date Actual	Year to Date Budget	Year to Date % Variance
Grant: Plan Grant (P68)	38,334.03	38,334.03	271,050.00	14%
Grant: WCB-RCIS	3,664.98	3,664.98	103,350.00	4%
Plan Update Collection	0.00	0.00	50,000.00	0%
Total Expenses	224,509.59	224,509.59	1,883,300.00	12%
Net Income	\$ 781,194.28	\$ 781,194.28	\$ 2,229,499.00	35%

	Fiscal Year 2022 Approved Budget	2022 Activity Through March 31
<i>GOVERNANCE ACTIVITY</i>		
<i>Expenditures</i>		
Executive/Admin Agreement	\$ 170,000	\$ 42,550
Postage		7,069
Office Expenses	-	94
Legal	52,500	9,221
Legal Postings	-	-
Engineering	5,000	640
Auditing	7,500	-
Insurance	6,650	7,860
Miscellaneous	10,000	3,530
Total Fixed Expenditures	\$ 251,650	\$ 70,965
<i>Revenues</i>		
Call for Funds #1	\$ 64,550	\$ -
Call for Funds #2	64,550	-
Call for Funds #3	64,550	-
Call for Funds #4	64,550	-
Total Revenue	\$ 258,200	\$ -
Other Miscellaneous Revenue	\$ -	\$ -
Governance Fund - Gain/(Loss)	\$ 6,550	\$ (70,965)

IMPLEMENTATION ACTIVITY

Annual Recurring Implementation Expenses		
Executive/Admin Agreement	\$ 345,000	\$ 86,200
Reporting	27,500	-
Contract Engineering Support	35,000	3,052
Plan Policy Development	125,000	-
Monitoring Program	120,000	22,294
Basin Setting Coordination	40,000	-
Miscellaneous	2,500	-
Total GSA Annual Recurring Cost	\$ 695,000	\$ 111,546

	Fiscal Year 2022 Approved Budget	2022 Activity Through March 31
One Time Implementation Expenses		
Proposition 218	\$ -	\$ -
Grant - Planning Work Prop 68	271,050	38,334
Grant - WCB-RCIS	103,350	3,665
Monitoring System Projects/Assets	512,250	-
Total GSA Plan Implementation Cost	886,650	41,999
Plan Update Collection	50,000	-
Total Implementation Costs	\$ 1,631,650	\$ 153,545
REVENUE		
Assessment - Land Owners	\$ 967,444	\$ 968,544
Assessment - City of Lindsay	12,755	12,756
Interest Revenue - Assessment	-	125
Assessment Penalty	-	(25)
Ground Water Pumping Fees	-	-
Fines	2,500,000	-
Grant - Planning Work (P68)	271,050	24,305
Grant - RCIS (WCB P68)	103,350	-
Other - Govt's (Subbasin Report)	-	-
Total Revenue	\$ 3,854,599	\$ 1,005,704
Implementation Fund - Net Gain/(Loss)	2,222,949	852,159
Total GSA	\$ 2,229,499	\$ 781,194

**East Kaweah GSA
Check Register
For the Period From February 8, 2022 to April 25, 2022**

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Amount	
1447	3/7/22	Provost & Pritchard, Inc.	3,692.00	
1448	3/7/22	Environmental Incentives, LLC	2,501.79	<p>I, Ed Milanesio (Chair) being appointed by the East Kaweah Groundwater Sustainability Agency (EKGSA), have reviewed the payments annotated on this register and by a vote of the Board, do agree that such payments are for claims against the EKGSA for services or products provided to meet the needs of the EKGSA</p> <p>Signed _____</p>
1449	3/7/22	Exeter Courthouse Art Gallery & Museum	300.00	
1450	3/7/22	Klein, DeNatale, Goldner	8,101.00	
1451	3/7/22	Land IQ	7,431.22	
1452	3/7/22	Lindmore Irrigation District	43,918.11	
1453	3/14/22	City of Lindsay	6,022.38	
1454	3/14/22	Exeter Irrigation District	47,480.39	
1455	3/14/22	Ivanhoe Irrigation District	39,278.31	
1456	3/14/22	Lindsay Strathmore Irrigation District	54,237.83	
1457	3/14/22	Lindmore Irrigation District	97,504.38	
1458	3/14/22	Stone Corral Irrigation District	24,209.61	
1459	3/14/22	Tulare County	158,747.10	<p>I, Joe Ferrara (Vice-Chair) being appointed by the East Kaweah Groundwater Sustainability Agency (EKGSA), have reviewed the payments annotated on this register and by a vote of the Board, do agree that such payments are for claims against the EKGSA for services or products provided to meet the needs of the EKGSA</p> <p>Signed _____</p>
1460	3/24/22	CALIFORNIA STATE UNIV FRESNO	38,334.03	
1461	3/24/22	Environmental Incentives, LLC	1,801.87	
1462	3/24/22	ICF Jones & Stokes, Inc.	570.00	
1463	3/24/22	Lindmore Irrigation District	831.02	
1464	3/24/22	Professional Print & Mail, Inc.	2,835.55	
1465	4/4/22	Provost & Pritchard, Inc.	4,453.50	
1466	4/4/22	Land IQ	7,431.22	
1467	4/4/22	Lindmore Irrigation District	42,916.66	
Total			592,597.97	