

MINUTES OF A SPECIAL
MEETING OF THE
BOARD OF DIRECTORS OF
WESTSIDE DISTRICT WATER AUTHORITY

Held April 19, 2022

A special meeting of the Board of Directors of Westside District Water Authority was held on April 19, 2022, at 1:30 p.m. by video and phone conference.

CALL TO ORDER)
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Chairman Goff called the meeting to order at 1:30 p.m.

ROLL CALL)
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The following directors were present: Rob Goff, Rob Yraceburu, and Don Elholm .

The following directors attended by video conference and/or teleconference: Bernard Pugét, and Leon Elwell.

Director Rod Stiefvater was not in attendance.

Also present were: Gnell Sparks; Morgan Mitchell; Kim Constant; Justin Rowe; and Mark Gilkey.

Also attended by video conference and/or teleconference: Tom Watson; Cody Tolbert; Joel Kimmelshue; Jaime Marquez; and Joseph D. Hughes, Legal Counsel.

ADOPTION OF ALTERNATIVE)
TELECONFERENCING REQUIREMENTS)
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Following discussion, on motion of Rob Yraceburu, seconded by Don Elholm, and unanimously carried, the Board made the determination, due to continuation of the Governor's Executive Order and imminent risk to health and safety, the Board will continue with the previous teleconferencing determinations under Assembly Bill 361 on the following roll call vote:

AYES: Rob Goff
Bernard Pugét
Rob Yraceburu

Don Elholm
Leon Elwell

NOES: None

ABSENT: Rod Stiefvater

APPROVAL OF AGENDA)
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Morgan Mitchell requested that the Board include adding wells to Monitoring Network to the agenda under SGMA Update, as a matter coming to the attention of the Authority after posting the agenda and requiring action before the next regular Board meeting.

Following discussion, on motion of Don Elholm, seconded by Rob Yraceburu, and unanimously carried the Board approved the agenda subject to the revisions as discussed on the following roll call vote:

AYES: Rob Goff
Bernard Pugét
Rob Yraceburu
Don Elholm
Leon Elwell

NOES: None

ABSENT: Rod Stiefvater

PUBLIC PARTICIPATION)
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No public participation.

Rod Stiefvater arrived at this point in the meeting.

SGMA UPDATE)
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Groundwater Sustainability Plan Update: Morgan Mitchell reported on the following items regarding the Groundwater Sustainability Plan Update: 1) DWR sent a determination letter to the Kern Subbasin on January 28, 2022, stating that three deficiencies were identified with the joint and individual GSPs and said the KGA has 180 days correct deficiencies; 2) the KGA is working with other GSAs in the Kern Subbasin to amend the deficiencies; 3) the three GSP deficiencies: a) the individual GSAs plans within the Kern Subbasins did not establish “undesirable results” caused by pumping groundwater, b) the joint GSP and related plans did not set “minimum thresholds” for the chronic lowering of groundwater levels, and c) the plan’s land subsidence sustainable management criteria did not satisfy the requirement of SGMA and the GSP regulations; and 4) WDWA was given two corrective actions: a) the KGA GSP is required to explain the selection of groundwater minimum thresholds within the WDWA boundaries; and b) WDWA must establish sustainable management criteria, including minimum thresholds (MT) and measurable objectives (MO), and an increased number of monitoring wells.

Resetting MT for Well #7106-63: Morgan Mitchell reported that WDWA set a groundwater level MO and MT for monitoring well #7106-63 using CV2KernFG-sim groundwater model simulations in 2020. Three recent testing events found the model simulations were not accurate, and Staff recommended that WDWA adjust the MO to 40ft msl, while maintaining the same relative separation between the current MO and MT. Following discussion, on motion of Don Elholm, seconded by Leon Elwell, the Board approved the requested change to the MO on the following roll call vote:

AYES: Rob Goff
Bernard Pugét
Rob Yraceburu
Don Elholm
Leon Elwell
Rod Stiefvater

NOES: None

ABSENT: None

Adding Well to the Monitoring Network: Morgan Mitchell reported that increasing the number of monitoring wells will help show natural groundwater level trends across WDWA, provide data to support the minimal amounts of pumping groundwater for blending on the westside, and decrease any potential impact on basin-wide pumping activities in the future. Staff recommended

adding the following wells to the current Monitoring Network: Starrh Well 8-3 and RTS North Lerdo Well 7. Once approved by the Board and MT's/MO's are set for each site, the proposed wells will go before the KGA board. Following discussion, on motion of Don Elholm, seconded by Rob Yraceburu, and unanimously carried, the approved add the new monitoring wells to the current Monitoring Network on the following roll call vote:

AYES: Rob Goff
Bernard Pugét
Rob Yraceburu
Don Elholm
Leon Elwell
Rod Stiefvater

NOES: None

ABSENT: None

Draft Exceedance Document for KGA: Morgan Mitchell reported that an exceedance occurs when a monitored well's groundwater level drops below a previously defined MT. The three ways to monitor exceedances are individual wells, management areas, and the subbasin. DWR views the methodology for management exceedances across the KGA as excessive. To address DWR's concerns, the KGA proposes adopting an Exceedance Action Plan for a single well exceedance for all KGA members. The Exceedance Action Plan includes the following: 1) identify exceedance and investigate the representative monitoring well; 2) evaluate outside contributing factors (i.e., Oil and gas activities, neighboring GSA's or districts, etc.); 3) KGA members may develop a new management action plan or modify existing action plans and submit the revised plan to KGA managers for review and comments. The plan is then submitted to the KGA board for consideration in how the updates could be incorporated into any update to the KGA GSP; and 4) in the event of an exceedance, the KGA member or contributing member(s) will consider developing and/or implementing an enforcement plan intended to mitigate or eliminate the exceedance. Following discussion, on motion of Rob Yraceburu, seconded by Don Elholm, and unanimously carried, the Board approved the Exceedance Action Plan as described on the following roll call vote:

AYES: Rob Goff
Bernard Pugét
Rob Yraceburu
Don Elholm
Leon Elwell
Rod Stiefvater

NOES: None

ABSENT: None

Annuary Report Completion: Morgan Mitchell reported that the annual report has been submitted.

2021 Acreage White Lands Fee: Morgan Mitchell reported that in August of 2019 white land coverage was included as an appendix to the WDWA GSP chapter. The white land coverage area includes approximately 34,916 acres which is 15.36% of the total acres included in the WDWA's chapter of the KGA's GSP. Staff calculated the total cost to WDWA in 2021 to be \$245,000.00. The white land portion of the cost is calculated to be \$37,632.00 based on total acres. The white land charge is estimated to be \$1.09/acre.

White Lands include lands outside the District's boundaries that signed up for SGMA coverage with WDWA. The White Land's initial fee is equal to its share of acreage. Following discussion, on motion of Rod Stiefvater, seconded by Don Elholm, and unanimously carried the Board adopted the 2021 acreage fee for White Lands as presented on the following roll call vote:

AYES: Rob Goff
Bernard Pugét
Rob Yraceburu
Don Elholm
Leon Elwell
Rod Stiefvater

NOES: None

ABSENT: None

LANDIQ FOR COMSUMPTIVE USE)
MONITORING NETWORK)
_____)

LandIQ for Consumption Use Monitoring Network: Morgan Mitchell reported SGMA regulations state that certain systems within a common area must use the same data source or the same methodology. Both groundwater recovery and water budgets fall into that category and that data is provided to DWR by the KGA every year in the annual report. Historically, this data would be provided to the KGA by WDWA using delivered water measurements and data provided by Cal Poly's Irrigation Training and Research Center (ITRC). However, ITRC is no longer providing monthly data.

Currently, there are two providers that can meet SGMA's regulatory needs: Land IQ and Open ET.

Open ET is currently free of cost but is less accurate compared to Land IQ. For example, pistachios are the most inaccurate with measurements showing up to 20% more water being used per tree.

Land IQ is a proven method that is used in Kern County to remotely sense evapotranspiration on a field-by-field basis. Incorporation of ground truthing significantly aids in reducing the variability of field-by-field ET estimates. All these spatial results significantly enhance the ability to better understand the overall water balance within the subbasin and comply with necessary regulatory requirements. Monthly results are available via a web-based tool. Annual services can range from approximately \$139,000.00 to \$168,000.00 depending on the number of participants within the Kern Subbasin.

Staff recommended Land IQ to meet SGMA's regulatory needs.

Consider Approving Contract for Services: Following discussion, on motion of Rod Stiefvater, seconded by Rob Yraceburu, and unanimously carried, the Board approved LandIQ to meet SGMA's regulatory needs.

Joel Kimmelshue left at this point in the meeting.

PUBLIC WELL REMOVAL PLAN)
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Morgan Mitchell reported that DWR believes there are 120 wells in operation within the WDWA boundaries. WDWA has small amounts of groundwater pumping activity within said boundaries and many of the wells listed do not exist. Staff recommended working with the Kern County Health Department management and board of supervisors to better understand the requirements of removing wells from DWR's list of active public wells. The Board gave Staff direction to identify the wells that should be removed and begin working with the Kern County Health Department management and board of supervisors to better understand the requirements of removing wells from DWR's list of active public wells.

EXECUTIVE CLOSED SESSION)
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The President directed that the Board move into closed session to discuss anticipated litigation. Legal Counsel advised the Board that it has authority to hold a closed session under Government Code sections 54956.8, 54956.9(d)(2), and 54956.9(d)(4). All persons other than the Directors, the Manager, Legal Counsel, Morgan Mitchell, Justin Rowe, and Kim Constant, thereupon retired from the meeting.


Following the closed session, the meeting was again open to the public. Legal Counsel advised that no reportable action was taken in the closed session.

GSA FORMATION)
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The Board directed Staff to continue working on the process to form a GSA.

ADJOURNMENT)
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There being no further business to come before the meeting, it was adjourned at 2:42 p.m. on motion of Rob Yraceburu, seconded by Don Elholm, and unanimously carried.



Rod Stiefvater
Secretary/Treasurer of the Board of Directors

APPROVED:



Rob Goff
Chairman