EASTERN TULE GROUNDWATER SUSTAINABILITY AGENCY JOINT POWERS AUTHORITY

County of Tulare

City of Porterville

Porterville Irrigation District

Saucelito Irrigation District

Teapot Dome Water District

Vandalia Water District

Terra Bella Irrigation District

Kern-Tulare Water District

Eric Borba
GSA Chairman

Steve Kisling
GSA Vice-Chairman

Aubrey Mauritson
Legal Counsel

Rogelio Caudillo
General Manager

Meeting of the ETGSA Executive Committee

Thursday, June 17, 2021
Convenes at 2:00 p.m.
info@easterntulegsa.com
www.easterntulegsa.com

Zoom Videoconference:
Join Zoom Meeting
https://us02web.zoom.us/j/86822516150
Meeting ID: 868 2251 6150
By Phone:
+1 669 900 9128 US (San Jose)

In accordance with the Governor's Executive Order (N-29-20) and the declared State of Emergency, including social distancing directives as a result of the threat of the COVID-19 virus, committee members and ETGSA staff will be participating in this meeting remotely. There will not be a physical location for this meeting. Members of the public may participate in the meeting in the following ways:

Join Zoom Meeting
https://us02web.zoom.us/j/86822516150

Meeting ID: 868 2251 6150
One tap mobile
+16699009128,,86822516150# US (San Jose)

Dial by your location
+1 669 900 9128 US (San Jose)
Meeting ID: 868 2251 6150
Find your local number: https://us02web.zoom.us/u/kRtpjQxQI

----------AGENDA----------

Action items are listed in **bold.**

1. ROLL CALL

2. PUBLIC COMMENT

At this time, members of the public may comment on any item not appearing on the agenda. Under state law, matters presented under this item cannot be discussed or acted upon by the Committee at this time. For items appearing on the agenda, the public is invited to make comments at the time the item comes up for Committee consideration. Any person addressing the Committee will be limited to a maximum of three (3) minutes or the Chairman's discretion. At all times, please state your name for the record.

3. ANNOUNCEMENTS

4. MINUTES

a. ***ACTION*** **-** Approve the May 20, 2021 Executive Committee Meeting Minutes.

5. POLICY ISSUES

a. Report on ETGSA Emergency Ordinance No. 2021-01.
b. Discussion on Split Legal Parcel opt-in agreement

6. NEXT MEETING DATE

a. Next Regular Executive Committee Meeting- Thursday, July 15, 2021 at 2pm.

7. ADJOURMENT

A person with a qualifying disability under the Americans with Disabilities Act of 1990 may request the GSA Authority to provide a disability-related modification or accommodation in order to participate in any public meeting of the GSA Authority. Such assistance includes appropriate alternative formats for the agendas and agenda packets used for any public meetings of the GSA. Requests for such assistance and for agendas and agenda packets shall be made in person, by telephone, facsimile, or written correspondence to the GSA Authority Secretary or to the City of Porterville Public Works Department (559) 791-7804, at least 48 hours before a public GSA meeting.

EASTERN TULE GROUNDWATER SUSTAINABILITY AGENCY JOINT POWERS AUTHORITY

Agenda Item #4.a
Exhibit A

MINUTES OF THE EXECUTIVE COMMITTEE HELD MAY 20, 2021

At approximately 2:00 p.m. on May 20, 2021, Chairman Borba called to order a meeting of the Board of Directors of the District. Consistent with Executive Order N-29-20 and social distancing directives, the meeting was conducted by teleconference only, with no physical location for the meeting.

Committee Members Present:	Eric Limas	Sean Geivet
	Nick Keller	Eric Borba
	Steve Dalke	John M. Domondon
	Steve Etchegaray	Michael Knight
	Glen Fowler	
Committee Members Absent:	Denise England	
Others Present:	Rogelio Caudillo	Aubrey Mauritson
	Sean Geivet	David De Groot
	Thomas Harder	Justine Massey
	Todd Turley	Don Castle.

ROLL CALL

General Manager Caudillo called the roll, with the following committee members indicating their presence:

Committee member Domondon
Committee member Dalke
Committee member Geivet
Committee member Keller
Committee member Fowler
Committee member Limas
Chairman Borba

PUBLIC COMMENT

Chairman Borba announced the public comment period. No public comment was presented.

ANNOUNCEMENTS

General Manager Caudillo announced that a workshop will be held on June 8, 2021 at 2:00 p.m. at the fairgrounds, and requested that committee members save the date.

TO BE APPROVED

MINUTES

Approve the February 18, 2021 Meeting of the ETGSA Executive Committee Minutes

Committee member Keller moved for approval of the minutes of the Committee's February 18, 2021 meeting. Committee member Geivet seconded. The motion was carried unanimously by way of the following roll call vote:

In Favor:

Committee member Domondon
Committee member Dalke
Committee member Geivet
Committee member Keller
Committee member Limas
Committee member Fowler

Opposed: None.

Committee member Knight arrive at 2:06 p.m.

PRESENTATION

Presentation from the Community Water Center

General Manager Caudillo introduced Justine Massey from the Community Water Center (CWC). Ms. Massey had previously provided comment to the Board regarding the prospect of making presentations on the Center's drinking water well programs for ETGSA's committees.

Ms. Massey provided a presentation on the CWC Drinking Water Mitigation Program.

Discussion ensued regarding the presentation.

POLICY ISSUES

Report and Update on ETGSA Meetings

General Manager Caudillo provided a report and update on ETGSA meetings. Attached hereto and incorporated by reference as Agenda Item #6a is a copy of his report.

Review and Discussion on GSA-to-GSA Transfers

General Manager Caudillo provided a report and on GSA-to-GSA transfers. Attached hereto and incorporated by reference as Agenda Item #6b is a copy of his report. Consulting Engineer David De Groot also provided a review of the report. He advised that the recommendation from staff is

TO BE APPROVED

a limitation of 10,000 acre-feet transferred into the GSA, and a limit of 10,000 acre-feet transferred out of the GSA, with a nominal fee for each transfer to cover administrative costs.

Discussion ensued.

Committee member Dalke recommended adding to the rules, in order to minimize local impacts.

Discussion ensued regarding Kern-Tulare Water District, and the minimum thresholds identified in the GSP.

Committee member Geivet moved to make the same recommendation as the Stakeholders Committee: (1) an annual limit of 10,000 acre-feet for both water transferred into and water transferred out of the GSA; (2) annual review; and (3) a minimal fee to cover the administrative expenses associated with the transfer. Committee member Domondon seconded, and the motion carried unanimously by way of the following roll call vote:

In favor:

Committee member Domondon
Committee member Dalke
Committee member Etchegaray
Committee member Geivet
Committee member Keller
Committee member Fowler
Committee member Limas
Committee member Knight

Opposed: None.

Presentation and Discussion on Draft Land Subsidence Management Zone Plan

Thomas Harder and David De Groot gave a presentation on the draft Land Subsidence Management Zone Plan. Attached hereto and incorporated by reference as Agenda Item #6c is a copy of his presentation.

Committee member Geivet noted prior to the presentation that this is only being circulated for discussion purposes, and that a joint meeting with the Stakeholders Committee, or a Q&A meeting, will take place next month. After the benefit of that meeting and any comments or feedback, the matter will be sent back to the ad hoc committee for further review. The committee does not need to act today.

Discussion ensued regarding process. Committee member Etchegaray asked that the Board provide a timeframe.

Public comment was received from Todd Turley and Don Castle.

Todd Turley requested a GIS map.

TO BE APPROVED

Messrs. De Groot and Harder advised that they were hopeful that a detailed GIS parcel map available.

Committee member Etchegaray recommended that the group simply make a recommendation to the Board to establish a schedule.

NEXT MEETING DATE

Next Executive Committee Meeting – Thursday, June 17, 2021 at 2:00 pm

The next meeting of the Executive Committee is set for June 17, 2021, at 2:00 p.m.

ADJOURNMENT

As there was no further business to come before the Committee, Chairman Borba adjourned the meeting.

Respectfully submitted,

_____

Chairman Eric Borba

TO BE APPROVED

Agenda Item #5.a
Exhibit A

EMERGENCY ORDINANCE NO. 2021-01

AN EMERGENCY ORDINANCE TO ADDRESS CRITICALLY DRY CONDITIONS AND ACCOUNTING OF CONSUMED GROUNDWATER USE

The Board of Directors hereby finds that:

A. The ETGSA approved its first set of Rules and Regulations on August 6, 2020, with two subsequent amendments on October 1, 2020 and March 4, 2021.

B. Following adoption of its first set of Rules and Regulations, persistent dry conditions continued to exist in the Tule Subbasin.

C. On May 10, 2021, Governor Gavin Newsom declared the Tulare Lake Watershed, which includes the Tule Subbasin, to be under a drought state of emergency. Critically low surface water is currently available in the ETGSA. Friant Division Contractors are entitled to a limited 20% Class 1 allocation. Local surface supplies in the Tule River are 10% of normal.

D. The basis for measuring groundwater use in the ETGSA is through evapotranspiration, as calculated by ETGSA's consultant, Land IQ.

E. Methodologies continue to be refined through the calculation of consumptive use by Land IQ.

F. The extremely dry conditions are causing a variety issues in the calculation of consumptive use, necessitating immediate divergence from existing Rules and Regulations in some respects.

G. Section 4.08 of the Rules and Regulations expressly describes that in the event of an emergency, the ETGSA may adopt emergency ordinances to prevent harm to landowners within the ETGSA.

NOW THEREFORE, the ETGSA Board of Directors ordains as follows:

AMOUNT OF NEW GROUNDWATER CONSUMPTIVE USE

1. The amount of new groundwater consumptive use calculated pursuant to Section 3.05 of the Rules and Regulations shall be deducted by 10% for Water Year 2021.

TRANSFER OF SUSTAINBLE YIELD

2. Fallowed Irrigated Ag Land

a. Parcels which have received a Transitional Tier 1 Penalty Allocation pursuant to Section 4.03(b) of the Rules and Regulations, shall be allocated and allowed to transfer their entire

Sustainable Yield Allocation without any deductions (e.g., a total of 1.04 acre-feet per acre) for Water Year 2021 provided such parcels are completely fallowed and removed as irrigated acres. Fallowed parcels shall be maintained to prevent vegetation growth. Parcels which have been fallowed during a portion of Water Year 2021 shall receive a pro rata allocation of the annual allocation for the time duration fallowed (e.g., Parcel begins fallowing in June would receive a 4 / 12 portion of the allocation).

3. Non-irrigated Ag Land

a. Parcels which have not received a Transitional Tier 1 Penalty Allocation, but have received a Sustainable Yield Allocation pursuant to Section 4.03(a) of the Rules and Regulations, shall be allowed to separately account for the Native Sustainable Yield (e.g., 0.15) and Precipitation (e.g., 0.89) components of the total Sustainable Yield Allocation. As a result, a deficit amount in the Precipitation account shall not affect the owner's Native Sustainable Yield allocation.

b. An owner who has not received a Transitional Tier 1 Penalty Allocation, but who has received a Sustainable Yield Allocation pursuant to Section 4.03(a) of the Rules and Regulations may elect to opt out of the ETGSA Rules and Regulations by submitting a request to the ETGSA. Should the owner wish to participate in the future, at that time, all past due assessments, interest and penalties will be paid prior to participation.

WATER YEAR 2021

4. Unless otherwise acted on by the ETGSA, this Emergency Ordinance 2021-01 shall remain in effect through Water Year 2021.

ETGSA Executive Meeting
June 17, 2021

Agenda Item 5.b

Discussion on Split Legal Parcel Opt-In Agreement

Staff Report to the ETGSA Executive Committee

Subject: ETGSA Agreement for Split Legal Parcels

Submitted By: General Manager

Recommended Action: *N/A (report is for informational purposes*)

Executive Summary:

Agreement template was reviewed by Stakeholder Committee on June 10th, 2021. Below was feedback from the committee:

- Agreement to opt-in would be by water year.
- Agreement to opt-in parcel should be a one-time only offer.

Background:

Template was presented to Board at the Board of Directors Meeting on June 3rd, 2021. After discussion, Board directed for template to be reviewed by committees for feedback and to address concerns.

Fiscal Impact: n/a

Attachments:

- Exhibit A: ETGSA Opt-In Agreement Template

Agenda Item #5.b
Exhibit A

Opt-In Agreement

This Opt-In Agreement (hereinafter "**Agreement**") entered into this _____ day of _____, 20____, by and among _____ ("**Owner**") and the Eastern Tule Groundwater Sustainability Agency ("**ETGSA**"), a groundwater sustainability agency formed and existing under the Sustainable Groundwater Management Act of 2014.

1. Background. Owner is the owner of that certain piece of real property commonly known as Tulare County APN No. _____ ("**Owner's Parcel**"). Due to circumstances beyond the immediate control of both Owner and ETGSA, a portion – but not all – of Owner's Parcel is presently situated within the boundaries of ETGSA. Solely with respect to Owner's Parcel, Owner desires to participate in ETGSA's system of groundwater accounting and regulation, receiving the benefits, and undertaking the burdens, prescribed for landowners under ETGSA's Rules and Regulations ("**Rules and Regs.**"), as though Owner's Parcel were located wholly within the ETGSA's boundaries.

2. Agreement. Owner agrees that, in the use and custody of Owner's Parcel, Owner, and any person acting on Owner's behalf, shall adhere to ETGSA's Rules and Regs., as though Owner's Parcel were located wholly within the ETGSA's boundaries.

3. Duration. This agreement shall remain in effect until terminated pursuant to Paragraph 4 below.

4. Termination. This Agreement may be terminated by Owner without cause by providing ____ days' written notice of termination to ETGSA. Either ETGSA or Owner may terminate this Agreement with good cause. As used in this Agreement, "good cause" includes regulatory events rendering performance of the Agreement inefficient or impracticable.

5. ETGSA Rules and Regs. A copy of the most recent version of the Rules and Regs. is attached hereto as **Exhibit A** and incorporated herein by reference. Owner acknowledges and agrees that, through this Agreement, Owner shall be contractually bound to abide by all provisions within the Rules and Regs., whether in their current form or any subsequently amended variations.

Owner

_____

ETGSA:

By:_____

DRAFT