NORTH KINGS GROUNDWATER SUSTAINABILITY AGENCY

Advisory Committee Meeting – April 9, 2021

Teleconference Meeting

NORTH KINGS GROUNDWATER
SUSTAINABILITY AGENCY

AGENDA
NKGSA Advisory Committee Meeting
April 9, 2021, 1:30 PM

SPECIAL NOTICE REGARDING PUBLIC PARTICIPATION DUE TO COVID-19

Given the current Shelter-in-Place Order covering the State of California and the Social Distance Guidelines issued by Federal, State, and Local Authorities, the NKGSA is implementing the following changes to participate in and provide public comment for all NKGSA Advisory Committee meetings until notified otherwise. There will not be a physical location available for the public to participate in the meeting.

Please join my meeting from your computer, tablet or smartphone.
https://global.gotomeeting.com/join/591755461

You can also dial in using your phone.
United States: +1 (646) 749-3122
Access Code: 591-755-461

Written Comments

- Members of the public are encouraged to submit written comments via email at northkingsgsa@gmail.com up to one (1) hour before the meeting. You will need to provide: Meeting date, agenda item number, name, email and comment (please limit to 300 words or 3 minutes). Please include: PUBLIC COMMENT in the subject for the email.

- Your item will be read onto the record during the public comment portion when the item is heard. Any portion of your comment extending past three (3) minutes may not be read aloud due to time restrictions but will be made part of the record of proceedings.

- Please be aware that any public comments received that do not specify a particular agenda item will be read aloud during the general public comment portion of the agenda.

- If a written comment is received after 12:30 p.m. on the day of the meeting, efforts will be made to read the comment into the record. However, staff cannot guarantee that written comments received after 12:30 p.m. will be read. All written comments

that are not read into the record will be made part of the record of proceedings, provided that such comments are received prior to the end of the NKGSA Advisory Committee meeting.

Verbal Comments

- If you wish to speak to the Advisory Committee on the item by telephone, you must contact the NKGSA Executive Officer at (559) 233-7161 x. 7109 no later than 12:30 p.m. on the day of the meeting.
    - You will be asked to provide a phone number to call you during the meeting. You will also be asked for your name so that you can be called when it is your turn to speak.
    - You will be called during the comment section for the agenda item on which you will speak.
    - You may be put on hold until your name is called by the Executive Officer.
    - Your comment period will be limited to three (3) minutes.

Noticed Public Hearings

- For noticed public hearings, all public comments must be received by the close of the public hearing period. All written comments received by the close of the public hearing period will be read aloud by a staff member during the applicable agenda item, provided that such comments may be read within three (3) minutes allotted to each speaker. Any portion of your comment extending past three (3) minutes may not be read aloud due to time restrictions but will be included in the record of proceedings.

- If a comment on a public hearing item is received after the close of the public hearing, such comment will be treated like a general public comment and made part of the record of proceedings, provided that such comment is received prior to the end of the meeting.

AGENDA

1. Call to Order

2. Approval of Minutes from March 12, 2021 Meeting

3. Receive – Basin Coordination Update (Samuelian)

4. Financial Update
    a. Discussion/Possible Action – Recommend Approval of the February 2021 Expense Report – Action Item.
    b. Discussion/Possible Action – Recommend Approval of the Financial Statements as of February 28, 2021 – Action Item.
    c. Fiscal Year 2020-2021 Budget Revision
        i. Consider FY 2020-2021 Budget Revision – Possible Action Item
    d. Interested Party Invoices Update

5. Administrative
    a. Discussion/Possible Action Item – Recommend Adoption of Signing and Spending Authority Policy – NKGSA 2021-002 – Action Item

6. Workgroup Updates and Actions

7. Executive Officer Update (Chauhan)

    a. Kings Subbasin Annual Report – Water Year 2020

    b. Member Agency Mitigation Responsibility Update

    c. Outreach Update

    d. External Affairs Update

    e. Representative Monitoring Network Update

    f. Fresno County Coordination Update

    g. Miscellaneous

8. Public Comments

9. Advisory Committee Member Comments

10. Adjourn

Next Meeting: May 14, 2021

2 – ADVISORY COMMITTEE MEETING MINUTES – March 12, 2021

MINUTES
(Preliminary – Subject to Revision/Approval at next meeting)

NKGSA Advisory Committee Meeting
March 12, 2021
****Clovis Public Safety Building**

VIA TELECONFERENCE:

In attendance:

*Scott Redelfs – City of Clovis
*Shay Bakman – Bakman Water Co.
*Brock Buche – City of Fresno
*Glenn Allen – Fresno County
*Adam Claes – FID
*Peter Sanchez – FMFCD
*Nick Keller – Garfield Water District
Kassy Chauhan – NKGSA
Andrew Aller – NKGSA (legal counsel)
Paul Armendariz – City of Clovis
Kristen Freberg – City of Clovis
Brandy Swisher – FMFCD
Ronnie Samuelian – Provost & Pritchard
Dao Lor – ABIRC
Lisa Koehn – Clovis
Mike Prandini – BIA

* - Voting representative on Advisory Committee

*__**Note:__ This meeting was conducted via web conference due to COVID-19 social distancing requirements.*

Item 1 – Called to order at 1:30 PM

Special Instructions:
Special teleconferencing procedures for the Advisory Committee meeting were read by Executive Officer, Kassy Chauhan. The special instructions included information on written and verbal comments for the Advisory Committee members and members of the public participating via teleconference.

Following the special teleconference instructions, a roll call vote was taken with the following results:

Agency Name	Name of Person	Present/Absent
Bakman Water Company	Shay Bakman	Present
Biola CSD	-	Absent
City of Clovis	Scott Redelfs	Present
City of Fresno	Brock Buche	Present
City of Kerman	-	Absent
Fresno County	Glenn Allen	Present
Fresno Irrigation District	Adam Claes	Present
Fresno Metropolitan Flood Control District	Peter Sanchez	Present
Garfield Water District	Nick Keller	Present
International Water District	-	Absent

Item 2 – Approval of Minutes from 02/12/21 Meeting

Motion by member Claes to approve the minutes; second by member Allen.

Committee votes as follows:

Bakman: Aye Buche: Aye Claes: Aye Keller: Aye
*Armendariz: Aye Allen: Aye Sanchez: Aye
(Biola, City of Kerman, and International absent)

**Paul Armendariz voted on behalf of Chairman Redelfs due to filling in as the City of Clovis representative at the 02/12/21 meeting.*

7 Aye; 3 Absent. Motion passed.

Item 3 – Receive – Basin Coordination Update

(Update presented by Ronnie Samuelian)

The Kings is recommended for full funding ($4.8 million) in the draft recommendation. Additional money ($60 million) is potentially available in the draft budget. If approved, it would likely be available in mid-summer.

The annual report is in progress and is due on April 1st for Water Year '20 (October 2019 – September 2020).

Information gathering for the representative monitor well network is continuing. Spring '21 water level readings are being collected and should be completed soon.

Item 4 – Financial Update

(Update presented by Lisa Koehn)

Item 4a – Discussion/Possible Action – Recommend Approval of the January 2021 Expense Report – Action Item

Expenses for the month of January 2021 totaled $28,993.22. Major expenses went to legal fees, FID, KRCD for public information, and Provost & Pritchard.

Item 4b – Discussion/Possible Action – Recommend Approval of the Financial Statements as of January 31, 2021 – Action Item

The balance sheet shows total assets of $971,816.01. The income statement shows total expenses for the fiscal year to date at $230,214.91. Budget revisions are coming up in April, as well as the interested party billing. The proposed budget for the next fiscal year will be done in May.

Detailed versions of both financial reports were included in the meeting packet.

Motion by member Buche to recommend approval of both of the preceding reports together; second by member Claes.

Committee votes as follows:

Bakman: Aye	Buche: Aye	Claes: Aye	Keller: Aye
Redelfs: Aye	Allen: Aye	Sanchez: Aye	

(Biola, City of Kerman, and International absent)

7 Aye; 3 Absent. Motion passed.

Item 5 – Administrative

(Update presented by Kassy Chauhan)

Item 5a – NKGSA New Well Review Policy – NKGSA 2021-001 – Update

The new well review policy was approved by the Board of Directors on February 25th. Since then, there have been multiple outreach efforts to get the word out about the new policy. A formal request has been submitted to the permitting agencies for the additional review time and coordination on incoming well permit applications.

A driller meeting has been scheduled for March 18th. This will be the second discussion with drillers; the previous one was about 6 months ago. This is meant to be an informative meeting to alert drillers to additional review time required by GSAs. It will also address any questions the drillers may have. The meeting will be recorded so that those who can't attend live will still be able to access the information. The last driller meeting had about 30 attendees.

Item 6 – Workgroup Updates and Actions

(Update presented by Kassy Chauhan)

The member agency reporting policy will likely be brought back to the Advisory Committee at the May meeting. Right now, the groundwater impact analyses are wrapping up and follow-up meetings with member agencies are being scheduled. The groundwater mitigation responsibilities should be finalized in late April and then a draft policy will be written in late April or early May.

As discussed in the February Advisory Committee meeting, a signing & spending authority policy is being developed. A draft should be available for review by the Committee in April.

In regard to drafting the signing and spending authority policy, Kassy provided some historical background. When the NKGSA was formed, it was agreed upon that NKGSA was going to use FID policies to govern their operations, at least until

they developed and adopted their own. NKGSA currently uses FID Purchasing Policy 130-403 in regards to spending authority. The policy indicates that major purchases over $5,000 need to be approved by the Board of Directors if they were excluded from the budget process. Expenditures within the approved budget up to a certain limit are approved without the need for secondary Board approval.

The following table from the working draft of the signing and spending authority policy was shared:

Position	Expenditures Within Approved Annual Budget	Other Items *
Board of Directors	> $100,000.00	> $5,000.00
Executive Officer	$100,000.00	$5,000.00

Chairman Redelfs commented that the $5,000 limit is consistent with FID policy but inquired as to whether the other amounts listed are. Kassy responded that FID policy does not identify the other limits and that the numbers were included to gather initial feedback and discussion. It was discussed that any dollar limits should be discussion with legal counsel to ensure that all legal guidelines are appropriately followed in the finalized policy.

Member Buche commented that with City of Fresno, any purchase over $50,000 needs to go to City Council for approval, and he felt that would be a more consistent limit. Chairman Redelfs added that this was similar to City of Clovis policy requiring anything $60,000 or over be approved by City Council and be signed by the City Manager. Kassy said this was helpful feedback and she would keep these in mind as the draft policy moves forward.

Item 7 – Executive Officer Update

(Update presented by Kassy Chauhan)

Item 7a – Member Agency Mitigation Responsibility Update

Follow-up meetings with member agencies are being scheduled in April. There will be a large group meeting at the end of April. The mitigation responsibility policy is targeted to come before the Advisory Committee in May.

Item 7b – Outreach Update

i. Kings Basin Coordinated Outreach

Domestic well owners have continued to be a main focus. There have been discussions with Self-Help Enterprises about doing canvassing in targeted areas. There have also been discussions with Fresno State about developing some educational programs. The brochure developed for domestic well owners has been helpful.

The webinar for schools has been scheduled for April 20th and will serve as a reintroduction of SGMA to school personnel, especially those on their own public water system. The State Water Board Division of Financial Assistance has approved offering continuing education units for that webinar. KRCD is assisting with the planning of the webinar.

There is continued participation in the San Joaquin Valley Water Collaborative Action Plan. The group consists of five caucus groups representing different interest areas. The problem statements are being submitted for use in the development of a singular problem statement. Facilitation services will be used in finalizing the overall problem statement and the solutions document.

Item 7c – External Affairs Update

Social media presence continues to be strong. Blog posts are going out following meetings or other significant events, such as this week's Groundwater Awareness Week.

Item 7d – Representative Monitoring Network Update

Gathering of construction information is continuing, but there are access issues with some wells, even with the small diameter cameras. Because irrigation season is coming up, taking wells offline for significant periods of time to gather data is not feasible for most well owners. Some information may not be gathered until the fall.

For the water level monitoring network, there are five remaining sites to visit to determine if the small diameter camera will work. There are 10 wells that construction information is still needed for.

For the water quality monitoring network, all sites have been visited, but there are 6 wells that are missing construction information.

The City of Fresno and FID are working on the spring water level measurements. Some alternate sites will be needed and potential alternates are being identified.

Item 7e – Miscellaneous

The finalized AEM survey results are still pending, but early results look promising. The pilot study is posted on the California Natural Resources Agency's website.

The State Water Resources Control Board has prepared a climate change report on climate change and its applicability to water rights. The report's comment deadline has been extended from March 10th to March 31st, and a workshop will be held on March 18th. There are some concerns about how the recommendations in that report could affect access to certain water sources for some GSAs. A coordinated comment letter may be coming out soon in response to the report.

The Well Standards Technical Advisory Committee had a kick-off meeting earlier in March. The subcommittee meetings have been scheduled and will be held frequently over the next few months. Draft standards will be developed and released for public comment, and then the subcommittees will reconvene to address any comments received. It's roughly a 2-year process for updating the well standards.

There are a lot of new well permit applications coming in. Kassy is working on refining a tracking procedure for these.

The outreach that Fresno County did to White Areas has resulted in a lot of inquiries and feedback from affected residents.

Item 8 – Public Comments

No public comments were received.

Item 9 – Advisory Committee Member Comments

No member comments were received.

Item 10 – Adjourned

Motion by member Claes to adjourn; second by member Buche. Meeting adjourned at 2:27 PM.

Item 11 – Future Meetings

The future meeting schedule is as follows:

a. April 9, 2021

4 (a-b) - FINANCIAL REPORT –

February 2021 Expense Report &

Financial Statements as of

February 28, 2021

NORTH KINGS GROUNDWATER SUSTAINABILITY AGENCY

AGENDA ITEM NO: **4 (a-b)**
Executive Officer: KJC

NKGSA-
REPORT TO THE ADVISORY COMMITTEE

TO: Chair and Advisory Committee Members

FROM: DeAnn Hailey – Fiscal Agent

DATE: April 6, 2021

SUBJECT: Financial Update

ATTACHMENTS:
(A) February 2021 Expense Report
(B) Financial Statements as of February 28, 2021

CONFLICT OF INTEREST

None

RECOMMENDATION

For the Advisory Committee to recommend to the NKGSA Board of Directors approval of the February 2021 Expense Report and the Financial Statements as of February 28, 2021.

EXECUTIVE SUMMARY

The fiscal agent, DeAnn Hailey, has prepared the monthly expense report for February 2021 and the financial statements as of February 28, 2021. She will highlight some of the financial items of note and be prepared to answer any questions on the reports. The inclusion of the financial reports for consideration by the NKGSA Advisory Committee is a procedural change implemented in October 2020 to allow for review prior to submittal to the NKGSA Board of Directors for approval.

FISCAL IMPACT

The fiscal impact is shown on the attached reports. The total expenses are in line with the amounts included in the NKGSA 2020-2021 Budget.

REASON FOR RECOMMENDATION

The reports represent expenses and revenues for the NKGSA for this reporting period.

ACTIONS FOLLOWING APPROVAL

The financial statements will be provided to the NKGSA Board of Directors for approval at its regular board meeting on April 22, 2021.

Prepared by: DeAnn Hailey

1:25 PM
03/18/21
Accrual Basis

North Kings Groundwater Sustainability Agency
Expense Report
February 2021

Type	Date	Num	Memo	Account	Amount
Atkinson, Andelson, Loya, Ruud & Romo					
Bill	02/01/2021	615376	January Legal Services	Legal	2,106.30
Total Atkinson, Andelson, Loya, Ruud & Romo					2,106.30
Digital Attic					
Bill	02/25/2021	31351	Quarterly Web Hosting 2/25/21 to ...	Public Information	147.00
Total Digital Attic					147.00
Fresno Irrigation District					
Bill	02/19/2021	6652	Executive Officer Hours	Executive Officer	6,300.62
Bill	02/19/2021	6652	Administrator Hours	Supporting Staff (FID)	121.84
Bill	02/19/2021	6652	Fiscal Agent Hours	Supporting Staff (FID)	491.40
Bill	02/19/2021	6652	Recording Secretary Hours	Supporting Staff (FID)	321.44
Bill	02/19/2021	6652	Engineering Admin Assisstant Hours	Supporting Staff (FID)	46.11
Bill	02/19/2021	6652	Admin Fee 6%	Supporting Staff (FID)	436.88
Total Fresno Irrigation District					7,718.29
Hudson Henderson & Company, Inc.					
Bill	02/19/2021	2856	SCO Report	Audit Expense	505.00
Total Hudson Henderson & Company, Inc.					505.00
Kings River Conservation District					
Bill	02/17/2021	4650	January Services - External Affairs	Public Information	937.50
Bill	02/24/2021	4660	2020 Subsidence Monitoring Data	Professional Services	1,985.80
Total Kings River Conservation District					2,923.30
Provost & Pritchard Consulting Group					
Bill	02/28/2021	83861	January Services	Engineering Consultant	8,914.40
Bill	02/28/2021	83868	January Services	Kings Basin Coordinat...	2,492.00
Total Provost & Pritchard Consulting Group					11,406.40
TOTAL					**24,806.29**

1:26 PM
03/18/21
Accrual Basis

North Kings Groundwater Sustainability Agency
Balance Sheet
As of February 28, 2021

	Feb 28, 21
ASSETS	
Current Assets	
Checking/Savings	
Checking Account	162,052.21
Money Market Account	755,735.66
Total Checking/Savings	917,787.87
Accounts Receivable	
Accounts Receivable	21,428.50
Total Accounts Receivable	21,428.50
Total Current Assets	939,216.37
TOTAL ASSETS	**939,216.37**
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
Accounts Payable	16,941.00
Total Accounts Payable	16,941.00
Total Current Liabilities	16,941.00
Total Liabilities	16,941.00
Net Position	
Legal Reserves	250,000.00
Net Investment	243,148.70
Change in Net Position	429,126.67
Total Net Position	922,275.37
TOTAL LIABILITIES & NET POSITION	**939,216.37**

1:33 PM
03/18/21
Accrual Basis

North Kings Groundwater Sustainability Agency
Income Statement - Budget vs. Actual
July 2020 through February 2021

	Jul '20 - Feb 21	Budget	$ Over/(Under) Budget	% of Budget
Ordinary Income/Expense				
Income				
Interested Party Contribution	7,113.20	0.00	7,113.20	100.0%
Grant Income	0.00	70,000.00	-70,000.00	0.0%
Member/Contracting Entity				
Bakman Water Company	5,000.00	5,000.00	0.00	100.0%
Biola Community Services Distr	1,000.00	1,000.00	0.00	100.0%
City of Clovis	34,000.00	34,000.00	0.00	100.0%
City of Fresno	167,000.00	167,000.00	0.00	100.0%
City of Kerman	5,000.00	5,000.00	0.00	100.0%
County of Fresno	85,000.00	85,000.00	0.00	100.0%
Fresno Irrigation District	374,000.00	374,000.00	0.00	100.0%
Garfield Water District	4,000.00	4,000.00	0.00	100.0%
International Water District	2,000.00	2,000.00	0.00	100.0%
Total Member/Contracting Entity	677,000.00	677,000.00	0.00	100.0%
Total Income	684,113.20	747,000.00	-62,886.80	91.58%
Expense				
Audit Expense	4,475.00	4,500.00	-25.00	99.44%
Bank Charges	20.00	150.00	-130.00	13.33%
Dues and Subscriptions	0.00	1,000.00	-1,000.00	0.0%
Grant Administration Costs	0.00	50.00	-50.00	0.0%
Insurance	1,895.30	1,200.00	695.30	157.94%
Kings Basin Coordination	14,324.00	50,000.00	-35,676.00	28.65%
Legal	23,823.54	75,000.00	-51,176.46	31.77%
Legal Reserves Expense	50,000.00	50,000.00	0.00	100.0%
Office Supplies	0.00	500.00	-500.00	0.0%
Printing/Materials Costs (FID)	0.00	50.00	-50.00	0.0%
Professional Services				
Engineering Consultant	76,042.90	200,000.00	-123,957.10	38.02%
Security Services	0.00	350.00	-350.00	0.0%
Professional Services - Other	14,763.98	165,000.00	-150,236.02	8.95%
Total Professional Services	90,806.88	365,350.00	-274,543.12	24.86%
Public Information	14,275.50	15,000.00	-724.50	95.17%
Staff Expense				
Executive Officer	46,516.10	100,000.00	-53,483.90	46.52%
Supporting Staff (FID)	8,894.88	20,000.00	-11,105.12	44.47%
Total Staff Expense	55,410.98	120,000.00	-64,589.02	46.18%
Total Expense	255,031.20	682,800.00	-427,768.80	37.35%
Net Ordinary Income	429,082.00	64,200.00	364,882.00	668.35%

1:33 PM
03/18/21
Accrual Basis

North Kings Groundwater Sustainability Agency
Income Statement - Budget vs. Actual
July 2020 through February 2021

	Jul '20 - Feb 21	Budget	$ Over/(Under) Budget	% of Budget
Other Income/Expense				
Other Income				
Interest Income	44.67	400.00	-355.33	11.17%
Total Other Income	44.67	400.00	-355.33	11.17%
Net Other Income	44.67	400.00	-355.33	11.17%
Net Income	**429,126.67**	**64,600.00**	**364,526.67**	**664.28%**

North Kings Groundwater Sustainability Agency
Unpaid Invoices
As of February 28, 2021

Type	Date	Num	Open Balance
NFKGSA - North Fork Kings GSA			
Prop 1			
Payment	04/15/2019	1089	-192,856.50
Invoice	04/15/2019	1032	214,285.00
Total Prop 1			21,428.50
Total NFKGSA - North Fork Kings GSA			21,428.50
TOTAL			**21,428.50**

4 (c) – NKGSA Revised Budget – FY 2020-2021

NORTH KINGS GROUNDWATER SUSTAINABILITY AGENCY

AGENDA ITEM NO: 4 (c)
Executive Officer: KDC

NKGSA-
REPORT TO THE ADVISORY COMMITTEE

TO: Chair and Advisory Committee Members

FROM: DeAnn Hailey – Fiscal Agent

DATE: April 6, 2021

SUBJECT: Consider Fiscal Year 2020-2021 Budget Revision

ATTACHMENTS: (A) FY 2020-2021 Budget Revision

CONFLICT OF INTEREST

None

RECOMMENDATION

For the Advisory Committee to recommend to the NKGSA Board of Directors to approve the revised budget for Fiscal Year 2020-2021.

EXECUTIVE SUMMARY

The North Kings Groundwater Sustainability Agency (NKGSA) Board of Directors approved the FY 2020-2021 budget at a regular meeting on May 28 2020. Expenses through February 28, 2021, showed total expenses are less than what has been budgeted but there are some line items that need adjusting to account for increased or reduced expenses. The primary line items being adjusted are a decrease in legal fees (from $75,000 budgeted to $50,000 revised). a decrease in engineering consultant fees (from $200,000 budgeted to $151,000 revised), an increase in public information/public relations (from $15,000 budgeted to $25,000 revised), and an overall reduction in staffing costs (Executive Officer reduced from $100,000 budgeted to $75,000 revised and other supporting staff costs reduced from $20,000 budgeted to $15,000 revised). The total income received for FY 2020-2021 is $684,113.20 generated from each member agency's assessment and interested party contributions ($7,113.20).

FISCAL IMPACT

The revised budget for Fiscal Year 2020-2021 results in an overall reduction in total expenses from $682,800.00 to $589,120.00. The net position change of $64,600.00 will be applied to each member agency's assessment in FY 2021-2022.

REASON FOR RECOMMENDATION

The revised budget for Fiscal Year 2020-2021 reflects total expenses remaining through the end of the fiscal year. The proposed budget for FY 2021-2022 will be prepared based on expected expenses during the next fiscal year. Member agency contributions will be determined based on the percentages adopted by the Board for member agency assessments and total anticipated expenses for Fiscal Year 2021-2022.

ACTIONS FOLLOWING APPROVAL

The revised budget will be submitted to the Board for approval at its April 22, 2021, regular board meeting.

Prepared by: Kassy D. Chauhan

North Kings Groundwater Sustainability Agency
Statement of Revenues, Expenses, and Changes in Net Position

Attachment A

	Jul - Dec 20 Actual	5/28/2020 Approved 2020-2021 Budget	% of Budget	4/22/2021 Proposed 2020-2021 Revised Budget	% of Budget
Operating Income/Expense					
Income					
Interested Party Contribution	7,113.20	0.00	100%	7,113.20	100%
Grants Income	0.00	70,000.00	0%	70,000.00	0%
Member/Contracting Entity					
Bakman Water Company	5,000.00	5,000.00	100%	5,000.00	100%
Biola Community Services Distr	1,000.00	1,000.00	100%	1,000.00	100%
City of Clovis	34,000.00	34,000.00	100%	34,000.00	100%
City of Fresno	167,000.00	167,000.00	100%	167,000.00	100%
City of Kerman	5,000.00	5,000.00	100%	5,000.00	100%
County of Fresno	85,000.00	85,000.00	100%	85,000.00	100%
Fresno Irrigation District	374,000.00	374,000.00	100%	374,000.00	100%
Garfield Water District	4,000.00	4,000.00	100%	4,000.00	100%
International Water District	2,000.00	2,000.00	100%	2,000.00	100%
Total Member/Contracting Entity	677,000.00	677,000.00	100%	677,000.00	100%
Total Income	684,113.20	747,000.00	92%	754,113.20	91%
Expense					
Audit Expense	3,970.00	4,500.00	88%	4,500.00	88%
Bank Charges	0.00	150.00	0%	120.00	0%
Dues and Subscriptions	0.00	1,000.00	0%	1,000.00	0%
Grant Administration Costs	0.00	50.00	0%	50.00	0%
Insurance	1,895.30	1,200.00	158%	1,900.00	100%
Kings Basin Coordination	10,644.00	50,000.00	21%	50,000.00	21%
Legal	14,840.79	75,000.00	20%	50,000.00	30%
Legal Reserves	50,000.00	50,000.00	100%	50,000.00	100%
Office Supplies	0.00	500.00	0%	500.00	0%
Printing/Materials Costs (FID)	0.00	50.00	0%	50.00	0%
Professional Services					
Engineering Consultant	69,059.68	200,000.00	35%	151,000.00	46%
Security Services	0.00	350.00	0%	0.00	0%
Professional Services - Other	0.00	165,000.00	0%	165,000.00	0%
Total Professional Services	69,059.68	365,350.00	19%	316,000.00	22%
Public Information	10,933.50	15,000.00	73%	25,000.00	44%
Staff Expense					
Executive Officer	33,796.11	100,000.00	34%	75,000.00	45%
Supporting Staff (FID)	6,082.31	20,000.00	30%	15,000.00	41%
Total Staff Expense	39,878.42	120,000.00	33%	90,000.00	44%
Total Expense	201,221.69	682,800.00	29%	589,120.00	34%
Net Operating Income	482,891.51	64,200.00	752%	164,993.20	293%
Non-Operating Income					
Interest Income	31.03	400.00	8%	100.00	31%
Total Non-Operating Income	31.03	400.00	8%	100.00	31%
Change in Net Position	**482,922.54**	**64,600.00**	**748%**	**165,093.20**	**293%**

5 (a) – Signing and Spending Authority Policy – Draft NKGSA Policy 2021-002

NORTH KINGS GROUNDWATER SUSTAINABILITY AGENCY

AGENDA ITEM NO: **5 (a)**
Executive Officer: KDC

NKGSA-
REPORT TO THE ADVISORY COMMITTEE

TO: Chair and Advisory Committee Members

FROM: Kassy Chauhan, Executive Officer

DATE: April 6, 2021

SUBJECT: Draft Signing and Spending Authority Policy – NKGSA 2021-002

ATTACHMENTS: (A) Draft Signing and Spending Authority Policy, NKGSA 2021-002

CONFLICT OF INTEREST

None

RECOMMENDATION

For the Advisory Committee to recommend to the NKGSA Board of Directors to adopt the Signing and Spending Authority Policy, NKGSA 2021-002.

EXECUTIVE SUMMARY

The North Kings Groundwater Sustainability Agency (NKGSA) Board of Directors approves an operating budget each fiscal year for the NKGSA. The budget outlines the projected income and expenses for the fiscal year and contains various line items with budgeted amounts. The Executive Officer is responsible for ensuring the NKGSA is operating within the approved budget for the fiscal year. To develop the budget for the fiscal year, the Executive Officer works with the technical consultant, legal counsel, and other consultants to obtain estimates for the work their agency will be doing within the fiscal year. Currently, the Executive Officer is taking all scopes of work and contracts for expenses, even those approved by the Board of Directors through the budget process, regardless of contract amount to the Advisory Committee and then to the Board of Directors for approval. This process causes delays in executing agreements for scopes of work and is duplicative since the work has previously been approved by the Board of Directors through the budget hearing process.

The Signing and Spending Authority Policy is designed to provide guidance to the Executive Office on which contracts and expenses require secondary Board approval and which ones can be approved based on the initial approval through the budget hearing process. The Spending Authorization Limits Matrix shows the Executive Officer can approve expenditures within the approved annual budget in the amount not to exceed $50,000.00. Any expenses more than $50,000.00 require Board approval prior to entering into the contract or proceeding with the expenditure. Additionally, for other expenses greater than $5,000.00 and not included in the Board-approved budget or expenses outside of the normal course of business, Board approval is required prior to proceeding with the expenditure.

The NKGSA will continue to use the Fresno Irrigation District procurement policies as was established when the NKGSA was formed. Information from the City of Fresno and the City of Clovis, as well as information found through researching other GSA policies, was used to prepare the draft Signing and Spending Authority Policy.

FISCAL IMPACT

The adoption of the Signing and Spending Authority Policy, NKGSA 2021-002, will not have a fiscal impact to the NKGSA but will provide guidance to the Executive Officer on which contracts and expenses require board approval prior to acting.

REASON FOR RECOMMENDATION

The NKGSA Board of Directors approves an annual budget for the upcoming fiscal year prior to the start of the new fiscal year. The annual budget is prepared based on income and projected expenses for the NKGSA including the gathering of scopes and costs for anticipated expenses for consultants and legal counsel. Provided the actual expenses and scope of services are in line with what was provided during the budget hearings and the expenses are below the spending authority authorization limit of $50,000.00 (for budgeted expenses), a secondary board approval is not necessary. Expenses over $50,000.00 regardless of if they were included in the budget preparation will continue to require board approval. Non-budgeted routine expenses more than $5,000.00 will require approval by the Board of Directors. All expenses requiring approval by the Board of Directors will first be reviewed and approved by the Advisory Committee and the Advisory Committee will take action and provide recommended action to the Board of Directors.

ACTIONS FOLLOWING APPROVAL

The Signing and Spending Authority Policy, NKGSA 2021-002, will be considered for approval by the Board of Directors at its April 22, 2021, regular board meeting.

Prepared by: Kassy D. Chauhan

NORTH KINGS GROUNDWATER SUSTAINABILITY AGENCY

Policy No: NKGSA – 2021-002
Policy Title: Signing and Spending Authority
Board Approval Date:

1.0 Purpose

The purpose of this policy is to describe the scope and limits to both signing authority and spending authority for the North Kings Groundwater Sustainability Agency (NKGSA).

2.0 Background

The NKGSA covers the northeast portion of the Kings Groundwater Sub-basin in Fresno County. It is one of seven groundwater sustainability agencies within the Kings Sub-basin.

A Joint Powers Agreement (JPA) establishes the NKGSA governance and the North Kings Groundwater Sustainability Plan (NKGSP) provides the roadmap for how the NKGSA will reach long term sustainability. Combined, the two documents provide the framework and management strategies for achieving and maintaining groundwater sustainability within the NKGSA plan area.

The NKGSA Board of Directors appointed an Executive Officer responsible for the day-to-day operation and oversight of the NKGSA

3.0 Rationale for Policy

The NKGSA Board of Directors approves an operating budget each fiscal year for the NKGSA. The budget outlines the projected income and expenses for the fiscal year and contains various line items with budget amounts. The Executive Officer is responsible for ensuring the NKGSA is operating within the approved budget for the Fiscal Year. To develop the budget for the fiscal year, the Executive Officer works with the technical consultant, legal counsel and other consultants to obtain estimates for the work their agency will be doing within the fiscal year. For expenses approved by the NKGSA Board of Directors through the annual budget approval process, the Executive Officer will proceed with entering into agreements for such services provided the expenses do not exceed the limits established in the spending authorization limits matrix (Section 7.0). For expenses in excess of the amounts shown in the spending authorization limits matrix, the Executive Officer must first seek approval from the Board of Directors prior to entering into any contract to provide said services.

4.0 Scope and Applicability

This policy applies to all expenditures and contracts entered into on behalf of the North Kings Groundwater Sustainability Agency including contracts that do not involve an exchange of payment, such as non-disclosure agreements or confidentiality agreements. Employees or representatives of the NKGSA may only approve an expenditure or sign a contract on behalf of the NKGSA in compliance with this policy.

5.0 Authority

As a Groundwater Sustainability Agency (GSA) properly organized pursuant to the Sustainable Groundwater Management Act of 2014 (Water Code 10720 et. Seq.) (SGMA), NKGSA is authorized to adopt rules, regulations, ordinances, and resolutions for purposes of fulfilling its obligations as a GSA (Water Code 10725.2 (b)), and NKGSA adopts this Policy pursuant to this authority.

6.0 Data Collection

Not applicable.

7.0 Policy Statement

With acknowledgement of the information set forth herein above, until further modified as set forth hereafter, the following shall serve as the NKGSA Policy for Signing and Spending Authority:

Signing Authority

The Executive Officer is granted signing authority on behalf of the North Kings GSA Board of Directors.

Spending Authority

Spending Authority is granted to the Executive Officer in accordance with the Spending Authority Limits Matrix as described in this Policy. Authorization Limits are for the total cost of each expenditure. Expenditures shall not be divided or separated to avoid the Spending Authority limit that would otherwise apply.

Delegation of Authority

Signing Authority may not be delegated.

Spending Authority may be delegated to an employee of the North Kings GSA or one of its authorized individuals, for which he or she holds budget responsibility. Spending Authority may not be delegated to a Contractor.

Delegations of Spending Authority must be done in writing and must be time-limited. No delegation of Spending Authority may be longer than 24 months.

Sub-delegation of a delegated Spending Authority is not permitted.

General Provisions

In an emergency, the Executive Officer, may exceed the Spending Authority Limit, subject to subsequent ratification by the Board. The Executive Officer must seek Board ratification of emergency spending authorization as soon as it is practicable.

Spending Authority is aligned with budget responsibility. The Executive Officer has an obligation, on an on-going basis, to manage and monitor expenditures to ensure expenditures remain within approved annual budget amounts.

Signing and Spending Authority

Spending Authorization Limits Matrix

Position	Expenditures Within Approved Annual Budget	Other Items*
Board of Directors	>$50,000.00	>$5,000.00
Executive Officer	$50,000.00	$5,000.00

*Other items are expenses that are not included in Board-approved budget or outside the normal course of business.

8.0 Effective Date and Modification

a. This Policy shall become effective upon its passage and adoption

b. NKGSA Board of Directors may modify this Policy at any time, at its sole discretion, pursuant to the applicable procedures described in NKGSA's bylaws.

The foregoing Signing and Spending Authority Policy was passed and adopted by the Board of Directors for the North Kings Groundwater Sustainability Agency, at a regular meeting thereof held on the _____day of _____, 2021, by the following vote:

AYES:
NOES:
ABSENT:

_____

Chairperson, Board of Directors
Mr. Jerry Prieto
North Kings Groundwater Sustainability Agency

ATTEST:

_____

Kassy D. Chauhan, P.E.
Executive Officer, North Kings Groundwater Sustainability Agency

Approved as to legal form and effect:

_____

Kevin R. Dale, Esq. AALRR

7 (a - f) – Executive Officer Report

NORTH KINGS GROUNDWATER SUSTAINABILITY AGENCY

AGENDA ITEM NO: 7 (a) - (f)
Executive Officer: KDC

NKGSA-
REPORT TO THE ADVISORY COMMITTEE

TO: Chair and Committee Members

FROM: Executive Officer – Kassy Chauhan

DATE: April 6, 2021

SUBJECT: NKGSA Executive Officer Report

ATTACHMENTS:
A: Kings Subbasin School SGMA Webinar Brochure
B: Social Media Analytics – March 2021
C: Joint GSA Comment Letter – State Water Board Climate Change Report

Kings Subbasin Annual Report – Water Year 2020

The North Kings Groundwater Sustainability Agency (NKGSA) submitted its second annual report, the Annual Report for Water Year 2020 (October 1, 2019 through September 30, 2020), on March 31st ahead of the regulatory deadline for submittal of the report. The Sustainable Groundwater Management Act of 2014 (SGMA) requires each groundwater basin/groundwater sustainability agency (GSA) to submit a report annually by April 1st of each year. The 2021 Annual Report was prepared by Provost & Pritchard Consulting Group (P&P) and it can be downloaded from the DWR SGMA Portal at:

https://sgma.water.ca.gov/portal/gspar/preview/62

The Annual Report showed a general decrease in groundwater levels resulting in an overall reduction in the estimated aquifer storage. Kings Subbasin wide, the general trend is decreasing water levels in normal to dry years and increasing water levels in wet years. Based on the groundwater contours developed using over 700 monitoring wells throughout the Kings Subbasin, the overall Fall 2019 to Fall 2020 estimated storage change is negative 550,000 acre-feet across the entire Kings Subbasin. Figure 4-2 of the Annual Report shows the majority of the Kings Subbasin area to have decreasing specific yields. Five of the representative monitoring wells in the NKGSA water level monitoring network are showing water levels below the measurable objectives identified in the GSP. The NKGSA will continue monitoring these sites along with the other representative monitoring sites and determine the need to implement management actions to prevent the water levels from reaching the minimum thresholds. The NKGSA continues to

evaluate the wells within the network to ensure the wells are representative of the water levels in the section of the GSA they represent.

Member Agency Mitigation Responsibility Discussions

The NKGSA is meeting individually with member agencies for the overdraft responsibility discussions to refine the data used in the water budget for each agency. A thorough review of each agency's groundwater impact has been completed and is being discussed with each agency. These discussions with the individual member agencies allow for the evaluation of the data prior to the large group discussion with representatives from each member agency present to discuss any concerns/conflicts regarding details included in their water budget. The individual member agency discussions will continue through April 2021.

To date, at least one meeting with each of the member agencies has been held. Follow-up meetings with some member agencies including the Cities of Fresno and Clovis, Fresno County and Fresno Irrigation District are needed and have been scheduled. Current (2019 and 2020) groundwater impact evaluations have been completed and follow-up meetings with affected agencies (City of Fresno, City of Clovis, Fresno Irrigation District and Fresno County) are in process. The large group, with representatives from each member agency, will be convened to finalize the mitigation responsibility numbers at the end of April. Once finalized, a policy will be developed to memorialize the agreed upon mitigation responsibilities for each agency with addendums every five years when the mitigation responsibilities are corrected. Additional policies could be needed to address issues related to place of recharge compared to where the displacement is occurring as well as finalizing the member agency reporting policy. It is expected the member agency mitigation responsibilities will be finalized in late Spring 2021.

Outreach and External Affairs

KRCD continues to provide support to the NKGSA in regard to public relations including posting to the NKGSA social media and assistance with preparing emails for distribution to the general interest group for the NKGSA.

The domestic well brochures and school brochures are posted to the website and their availability was announced via email in February 2021. A webinar is planned for schools and their administration to continue engaging them on their role with SGMA implementation for April 20, 2021. The event announcement for school officials and their certified water system operators is being distributed, Attachment A. Contact hours will be offered for this free webinar focused on engaging the school officials on their role in sustainable groundwater management.

Additionally, KRCD is working on a website reformat project including a conversion to a different web platform which will offer greater flexibility in posting of information and creating an environment with more engagement opportunity. The website modifications will take place over the remainder of the fiscal year. The NKGSA website serves as the

central hub for information for our diverse stakeholder group as well as the means for the public to engage with the NKGSA.

Social Media

The NKGSA has accounts on Facebook and Twitter and has consistently posted at least two posts per month since July 2020. Each month, a social media calendar is prepared which includes content, pictures and details for scheduling posts to social media. For March 2021, the following information on social media activity was reported:

Social Media Account	Number of Posts	Number of Fans/Followers	Number of Engagements
Facebook	12 (Down 3)	42 (Up 1)	14 (Down 44)
Twitter	13 (Down 7)	108 (up 9)	57 (Down 15)

Overall, in March 2021, NKGSA's presence on social media was slightly decreased but our social media following still saw an overall increase in the number of fans/followers. The NKGSA is continuing to work with KRCD on improving our following on social media. KRCD is working on a short video series featuring various stakeholders and NKGSA member agency staff for use on social media which will supplement the content for our social media sites. The social media analytics are included in Attachment B.

State Water Resources Control Board Climate Change Report

The State Water Resources Control Board (SWRCB) released its staff report on Recommendations for an Effective Water Rights Response to Climate Change during its February 16, 2021, board meeting and solicited public comments on the report through March 31, 2021. The SWRCB held a special workshop to discuss the staff recommendations on March 18, 2021. Multiple groundwater sustainability agencies (GSAs) and GSA managers collaborated to develop a joint response letter identifying concerns with the climate change report. The joint comment letter was circulated amongst the GSA managers in the Kings Subbasin and five of the seven GSA managers signed onto the joint comment letter. A copy of the comment letter submitted on March 31, 2021, is included as Attachment C. A similar comment letter was provided by the Kings River Water Association (KRWA) on behalf of their member units including Fresno Irrigation District, a member agency of the NKGSA. Staff will continue to monitor the climate change report and the 12 recommendations identified in the report and report to the Board on future developments on this issue.

Representative Monitoring Network

Efforts to get access to construction information for the wells identified in the NKGSA representative monitoring network continue. The NKGSA continues to work with Sanger Unified School District to have a pump company onsite to conduct a video inspection of

the well at Centerville School. The video inspection was originally scheduled for late December 2020 but was delayed allowing time for the School to complete some required State water quality monitoring. Recent communications with Sanger Unified School District revealed the school is in the process of satisfying testing and evaluation requirements for their water system and they do not want to disrupt the system to allow for the pulling of the pump. Staff will continue to coordinate with the School to arrange for the video inspection, likely Summer 2021 when the school does not have students on campus.

For the water level monitoring network, there are currently 12 wells with missing construction information. Fresno Irrigation District continues to engage with the well owners to enter into access agreements at which point the NKGSA can arrange for the downhole video inspection and other necessary improvements to get access to the well construction features.

Spring Water Level Measurements

The spring water level measurements are required to be collected in March of each year. Fresno Irrigation District (FID) and the City of Fresno staff complete the water level measurements and data gathering from the representative monitoring wells. The bulk of the Spring monitoring took place between March 1st and March 12th leaving the remainder of March 2021 for re-measurement or for replacement measurements to be taken. All the data is submitted to the basin coordinator, Provost & Pritchard, for completion of the tasks associated with the annual report. Two of the representative monitoring wells in the water level monitoring network were not measured due to inability to get the measuring tape into the casing and one well has been destroyed with the casing filled with concrete. Alternate monitoring wells are being identified to replace the two wells that were not measured.

Fresno County Coordination:

The NKGSA reviews planning documents submitted to Fresno County for review prior to the project moving forward. The NKGSA continues to find the majority of the planning project plans/applications lack information necessary to evaluate overall impacts to the groundwater aquifer. As such, the NKGSA is often requesting additional information from the applicant to understand the groundwater impacts resulting from the project.

Additionally, the NKGSA reviews all the well permit applications submitted to Fresno County. Since January 2021, the NKGSA has reviewed approximately 50 permit applications for wells being replaced or drilled new within the NKGSA boundary. The well permit applications are reviewed and used to create a registry of the well activity occurring within the NKGSA boundary. The details included on the well permit application is evaluated and a determination is made regarding whether the GSA needs to contact the well owner/driller or permitting agency to address potential concerns.

Prepared by: Kassy D. Chauhan

Kings Subbasin Groundwater Sustainability Agencies Present:

Sustainable Landscaping and Irrigation in Valley Schools

Tuesday, April 20 @ 10 - 11 AM

Attendees will hear from Scott Miller, owner of Gazebo Gardens and Miller Landscaping, host of the radio show "Valley Grown," and CEO of the Fresno Chamber of Commerce. They will learn helpful drought landscaping tips, have a chance to ask questions of local groundwater agency representatives, & more. If you're a water operator, facilities manager, or someone who manages water supply for schools, this webinar is for you!

Attention Certified Water Treatment and Distribution Operators:

FREE Workshop – Earn Up To 1.0 Contact Hours.

REGISTER HERE: www.krcd.org/schoolwebinar

MAGSA CKGSA NORTH KINGS GROUNDWATER SUSTAINABILITY AGENCY North Fork Kings Groundwater Sustainability Agency KINGS RIVER EAST

Hootsuite™

Facebook Overview

Comparison between Mar 01 - Mar 31, 2021 and Feb 01 - Feb 28, 2021

North Kings Groundwater Sustainability Age...

Posts

↘ 3 from 15

Fans

↗ 1 from 41

Engagement

↘ 44 from 58

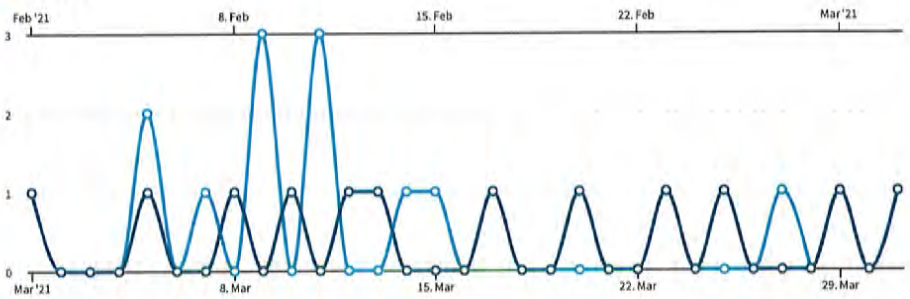
Traffic

↘ 29 from 45

Posts > Page

North Kings Grou… ↘ 3 **12**

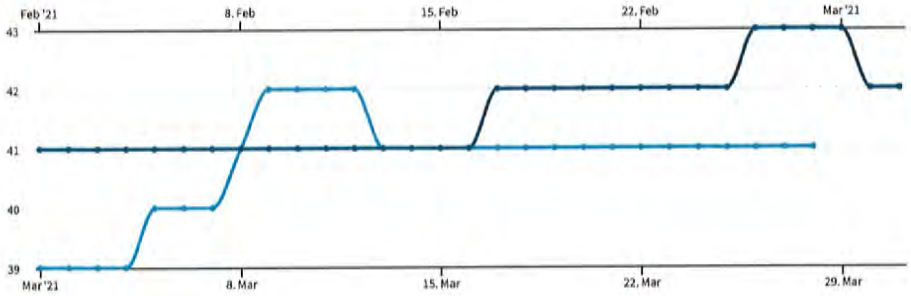
Posts



Fans > Page

North Kings Grou… ↗ 1 **42**

Fans



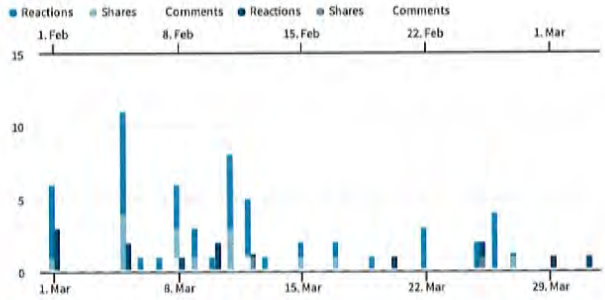
Engagement > Type

Reactions ↘ 30 **12**

Shares ↘ 12 **2**

Comments ↘ 2 **0**

Engagement > Type



Engagement > Type

Reactions ↘ 30 **12**

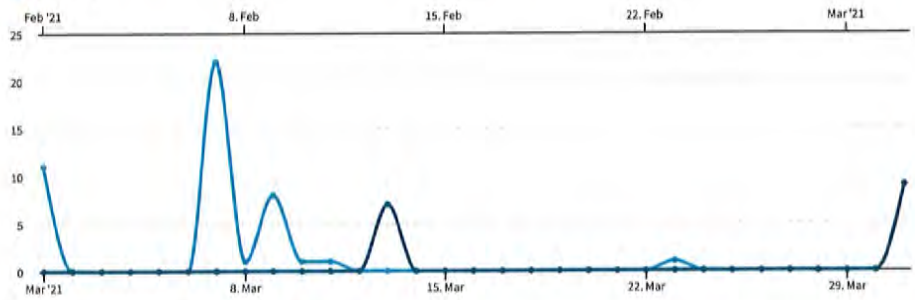
Shares ↘ 12 **2**

Comments ↘ 2 **0**

Traffic > Page

North Kings Gro… ↘ 29 **16**

Traffic



Inbound Messages > Senti...

Inbound Messages > Sentiment

Posts Table

DATE	MESSAGE	REACTIONS	COMMENTS	SHARES
North Kings Groundwate... Mar 01, 17:02	ANNUAL REPORTS In one month, GSAs will submit their Annual Reports to the California Department of Water Resources. These reports update the State and stakeholders on groundwater conditions and work toward sustainability that was carried out during the prior year. Data includes...	3	0	0
North Kings Groundwate... Mar 10, 21:01	GROUNDWATER Right under your feet, millions of gallons of water exist! Groundwater is essential to the water cycle, is the only source of drinking water in some communities, provides water for ag operations, & so much more. National Ground Water Association The Groundwater Foundation...	2	0	0
North Kings Groundwate... Mar 05, 23:00	The North Kings Groundwater Sustainability Agency is working to ensure that groundwater is a long-lasting resource that can be used by County of Fresno residents for generations to come. https://www.northkingsgsa.org/	2	0	0
North Kings Groundwate... Mar 31, 16:02	Click here to stay in the loop about groundwater in your community http://ow.ly/1hgX50DIYiQ County of Fresno	1	0	0
North Kings Groundwate... Mar 29, 18:01	Groundwater sustainability is essential.	1	0	0
North Kings Groundwate... Mar 25, 17:02	Fresno Irrigation District applied for a grant to fund the Savory Pond Expansion Project, a project that will improve groundwater levels and water supply reliability for growers, nearby domestic well owners, and community residents in the Shady Lakes Mobile Home Park, a disadvantaged communit...	1	0	0
North Kings Groundwate... Mar 20, 14:01	Good morning and happy first day of spring!	1	0	0
North Kings Groundwate... Mar 06, 21:30	It's Groundwater Awareness Week! #GWAW #CAWater National Ground Water Association The Groundwater Foundation WellOwner	1	0	0
North Kings Groundwate...	Happy #NationalAgDay!	0	0	0

Video Views Table

DATE	VIDEO DESCRIPTION	REACH	VIEWS	VIDEO LE...	VIEW TIME	AVERAGE ...
North Kings Groundwate... Mar 25, 17:02	Fresno Irrigation District applied for a grant to fund the Savory Pond Expansion Project, a project that will improve groundwater levels and water supply reliability for growers,...	12	0	0s	0s	0%

Hootsuite™

Twitter Overview

Comparison between **Mar 01 - Mar 31, 2021** and **Feb 01 - Feb 28, 2021**

@NorthKingsGSA

Tweets

↘ 7 from 20

Followers

↗ 9 from 99

Engagement

↘ 15 from 72

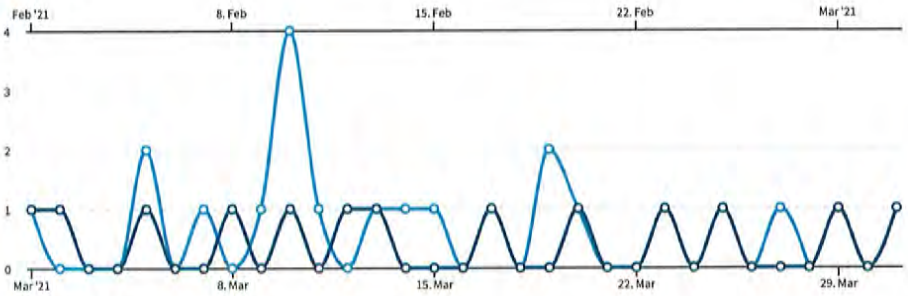
Traffic

↘ 92 from 134

Tweets > Account

@NorthKingsGSA ↘ 7 13

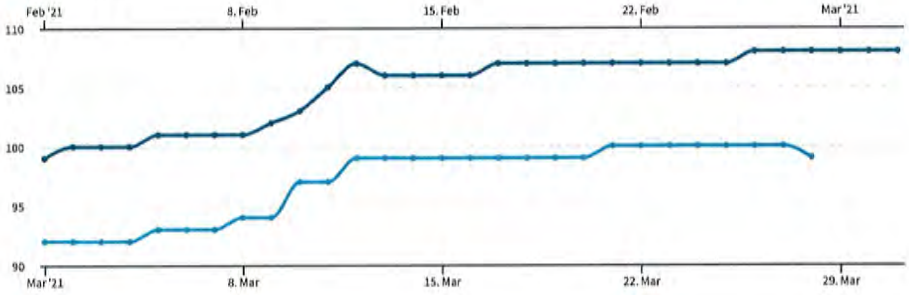
Tweets



Followers > Account

@NorthKingsGSA ↗ 9 108

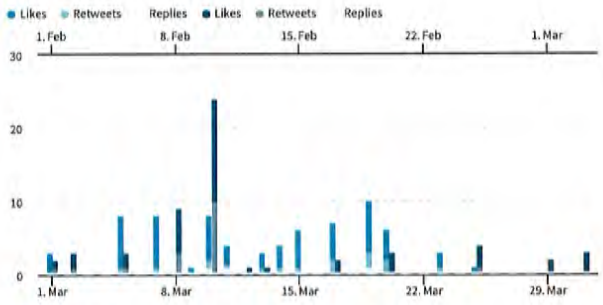
Followers



Engagement > Account

@NorthKingsGSA ↘ 15 57

Engagement > Type



Engagement > Type

Likes ↘ 16 40

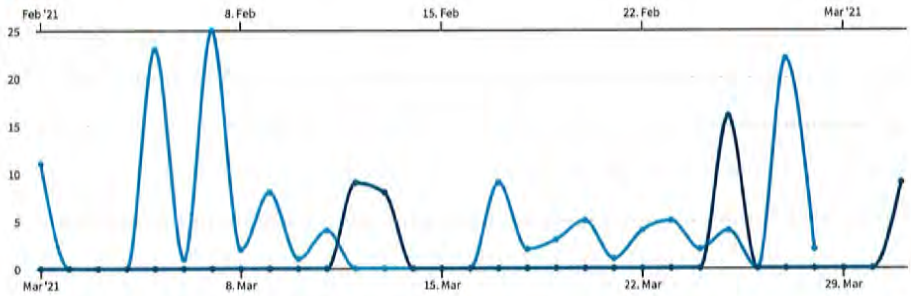
Retweets ↗ 4 17

Replies ↘ 3 0

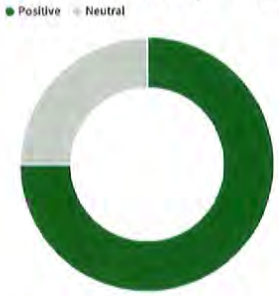
Traffic > Account

@NorthKingsGSA ↘ 92 42

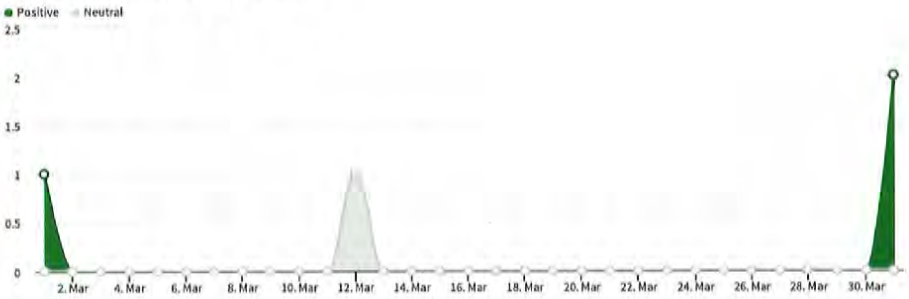
Traffic



Inbound Messages > Senti...



Inbound Messages > Sentiment



Tweets Table

DATE	MESSAGE	RETWEETS	REPLIES	LIKES
@NorthKingsGSA Mar 10, 21:01	GROUNDWATER Right under your feet, millions of gallons of water exist! Groundwater is essential to the water cycle, is the only source of drinking water in some communities, provides water for ag operations, & so much more. #GWAW @ngwatweets @groundwaterfdn @wellowner https://twitter.c...	10	0	14
@NorthKingsGSA Mar 08, 21:00	It's Groundwater Awareness Week! #GWAW #CAWater @ngwatweets @groundwaterfdn @wellowner https://twitter.com/NorthKingsGSA/status/1369030395673579524/photo/1	3	0	6
@NorthKingsGSA Mar 25, 17:02	@Fresnofid applied for a grant to fund the Savory Pond Expansion Project, a project that will improve #groundwater levels and water supply for: Growers Well owners Residents of a disadvantaged community Learn more! http://ow.ly/JGNw50DIXK6 #DAC #CAWater #Sustainability	1	0	3
@NorthKingsGSA Mar 09, 23:00	The North Kings Groundwater Sustainability Agency is working to ensure that groundwater is a long-lasting resource that can be used by @FresnoCountyCA residents for generations to come. https://www.northkingsgsa.org/ #Groundwater #CAWater #Sustainability #Fresno https://twitter.com/NorthKi...	1	0	2
@NorthKingsGSA Mar 02, 00:26	Hey, we know her! @kassychauhan Hear from our Executive Officer, Kassy Chauhan, who shares what she has learned about @Fresnofid in honor of their century of service to our communities. https://twitter.com/Fresnofid/status/1366511408326844423	1	0	2
@NorthKingsGSA Mar 01, 17:02	ANNUAL REPORTS In one month, GSAs will submit their Annual Reports to @CA_DWR. These reports update the State and stakeholders on groundwater conditions and work toward #sustainability that was conducted during the prior year. #CAWater #SGMA #Groundwater https://twi...	1	0	1
@NorthKingsGSA Mar 31, 16:02	Click here to stay in the loop about groundwater in your community http://ow.ly/1hgX50DIYiQ @FresnoCountyCA https://twitter.com/NorthKingsGSA/status/1377290313933451267/photo/1	0	0	3
@NorthKingsGSA Mar 29, 18:01	Groundwater sustainability is essential. #CAWater #Groundwater #Sustainability https://twitter.com/NorthKingsGSA/status/1376595416528134146/photo/1	0	0	2
@NorthKingsGSA Mar 23, 21:00	Happy #NationalAgDay!	0	0	0

March 30, 2021

VIA ELECTRONIC MAIL ONLY
Jelena Hartman
State Water Resources Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812

E-Mail: jelena.hartman@waterboards.ca.gov

Re: **Staff Report on Recommendations for an Effective Water Rights Response to Climate Change**

Dear Ms. Hartman

Please accept these comments on behalf of the following Kings Subbasin (5-022.08) groundwater sustainability agencies (each, a "GSA"): River East GSA, North Fork Kings GSA, and North Kings GSA. and James GSA (collectively, the "Kings GSAs"). The Department of Water Resources ("DWR") designated the Kings Subbasin as critically overdrafted. Each of the seven Kings GSAs developed and submitted their own coordinated groundwater sustainability plans (each, a "GSP") that together cover the entire Kings Subbasin pursuant to the Sustainable Groundwater Management Act ("SGMA"). The Kings Subbasin GSPs were all submitted in January 2020, and are currently being reviewed by DWR.

Like many GSPs in the San Joaquin Valley, each of the Kings Subbasin GSPs respective abilities to achieve sustainability rely heavily on delivery of surface water supplies to augment groundwater recharge and/or reduce groundwater use. The Kings GSAs have reviewed the State Water Resources Control Board's (the "State Board") Staff Report titled "*Recommendations for an Effective Water Rights Response to Climate Change*" ("Climate Change Report") and have concerns that many of the recommendations will undermine the ability to achieve sustainability in the Kings Subbasin. The Kings GSAs offer the following specific comments that more fully explain these concerns.

1. ***Many Recommendations Will Decrease Water Supply Reliability Necessary to Achieve Sustainability***

The Climate Change Report recommends that in response to projected climate change scenarios, the State Board make fundamental changes to the water right permitting system (7-1, 7-2), reevaluate instream flow metrics and criteria (7-8), reopen the Fully Appropriated Stream ("FAS") List (7-9), and develop a methodology to facilitate more frequent curtailments (7-11). These recommendations would unnecessarily introduce even more uncertainty just as the Kings Subbasin GSPs are beginning to implement projects reliant on long-established surface water reliability and availability.

Recommendation 7-1 suggests the State Board should require applicants include a climate change analysis to support the water availability analysis for a new water right permit.[1] The Kings GSAs believe that changes to existing application requirements and procedures that make it more difficult to apply for a water right and reduce the water right's reliability would greatly impact the Kings GSAs' effectiveness in achieving sustainability through their GSPs.

Preliminarily, we caution the State Board when considering implementing new "guidelines" for water availability analysis without complying with the legislative or regulatory requirements. The Legislature has instructed the State Board to take into account several considerations when reviewing new applications.[2] The State Board has itself adopted numerous regulations that outline specific requirements and analyses for new applications.[3] To the extent the State Board changes the existing requirements to include a climate change analysis, it should do so through an amendment or addition to the Water Code or to the Code of Regulations, where appropriate. Adopting such requirements informally could amount to regulation, without due process.

More importantly, many of the projects listed in Kings Subbasin GSPs rely on new permit applications for surface water diversions. For instance, developing new recharge basins or groundwater banking projects may require new appropriation applications, either for permanent licenses or for temporary permits to capture water in high flow events for recharge purposes.[4] An additional climate change analysis would be particularly incompatible with short term permits, and would also hinder the already complicated water right application process. The additional costs to the applicants required to prepare yet another technically complex and highly variable analysis would be an inequitable burden on the GSAs and their member agencies and other water rights applicants.

The Kings Subbasin GSPs also rely on existing water rights to implement their projects designed to achieve sustainability. For example, the 2,000 acre-network of recharge basins contemplated by the Central Kings GSA GSP requires collaboration with a member agency with water rights for direct diversions to the basins.[5] A similar project in the North Kings GSP was just

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[1] Climate Change Report, at 24–25.
[2] See e.g., Wat. Code, §§ 1250 *et seq.*
[3] See e.g., 23 Cal. Code Regs., §§ 695–697 [calculations for amounts "reasonably necessary"].
[4] Wat. Code § 1425 *et seq.*
[5] Central Kings GSA, GROUNDWATER SUSTAINABILITY PLAN, Section 6 *available at* https://ckgsa.org/.

completed adding an additional 150 acres of recharge area.[6] The Kings GSAs are concerned about the potential of the State Board staff revising existing license terms simply because the holder requests a change of place of use or purpose of use, for example.

Recommendation 7-2 suggests the State Board use "adaptive permit terms" in new applications triggered by climactic or hydrologic conditions.[7] Adaptive permit terms have the potential to be beneficial, if structured to allow the holder to take more water when there are high flow events. However, introducing flexible and unknown terms would more likely destroy the type of certainty required to plan and implement costly and lengthy projects over the long-term SGMA planning and implementation period. Year-to-year and season-to-season water rights allocations make it difficult, if not impossible, to plan for future sustainability projects. Many state funding programs require demonstration of a water right prior to construction of any projects with state funds and any modification to the water rights will inhibit the Kings GSAs and its member agencies from pursuing grant funds for completion of projects.

Recommendation 7-8 suggests climate change impacts will require the State Board to reevaluate existing instream flow requirements.[8] The State Board has the authority to develop instream flow requirements for streams and watercourses identified as needing protection by the Department of Fish and Wildlife (CDFW) to protect fish and wildlife beneficial uses.[9] The Climate Change Report seems to suggest that the State Board would develop new instream flow criteria unilaterally based on climate change.[10] This development is beyond the State Board's authority, would reduce surface water reliability, and impair the Kings GSAs ability to achieve sustainability. If instream flow requirements are to be reevaluated, it must be done with robust collaboration with partner agencies and local stakeholders who rely on water to achieve sustainable conditions by 2040.

Recommendation 7-9 suggests the State Board revise and update existing fully appropriated stream ("FAS") designations[11] to account for climate change impacts to seasonal runoff periods. This suggestion would impact longstanding reliance on those high flows. For decades, existing groundwater banking projects and recharge basins have successfully stored water from high flow events for use in dry years and provided habitat for endangered species and wildlife preservation. These water banks and basins are key to water management in the relatively dry San Joaquin Valley and are relied upon in Kings Subbasin GSPs. Reopening the FAS list to allocate high flow waters would reduce the water that could be diverted to existing and future groundwater recharge facilities, which have proven to be vital water management tools for the Kings Subbasin.

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[6] North Kings GSA, GROUNDWATER SUSTAINABILITY PLAN, at p. 6-7 *available at* https://www.northkingsgsa.org/groundwater-sustainability-plan/.
[7] Climate Change Report, at 25.
[8] Climate Change Report at 26.
[9] Wat. Code, § 1257.5.
[10] Climate Change Report at 24.
[11] State Water Board Order 98-08.

Recommendation 7-11 suggests the State Board prioritize development of a rigorous curtailment methodology that can "easily, quickly, and openly describe to water managers and other stakeholders the order of curtailment priorities and who is affected."[12] This recommendation would reduce protections for senior water right holders and upend the water right priority system. "Quick and easy" curtailment of surface water rights would violate the due process protections afforded to vested water rights. It would also lead to increased groundwater pumping, impairing the ability to achieve sustainable conditions in the Kings Subbasin.

2. ***Expansive Water Rights Approach Undermines Local Control Inherent in SGMA***

The Climate Change Report includes an overview of water rights which is overly broad and seems to expand the State Board's jurisdiction, in effect to manage all stream systems. Several of the foundational premises of SGMA allow local management of groundwater sustainability. As part of achieving sustainability, the Kings GSAs and their member agencies serve multiple beneficial uses, including providing safe drinking water supplies to disadvantaged communities. Any expansion of the State Board into general management of the water system will undermine sustainability goals in the Kings Subbasin and harm existing beneficial users, including disadvantaged communities.

3. ***Reliance of DWR SGMA Climate Change Dataset***

The Climate Change Report section on Select Models and Data suggests there are several resources that may be immediately used to evaluate climate change impacts.[13] One of the resources is the California Department of Water Resources (DWR) climate change tool developed for SGMA. Although the DWR tool was used to project climate change budgets in SGMA, this tool is uncertain and should not be used as the basis for changing the water right permitting system, developing instream flows, or developing curtailment actions. Specifically, DWR provides the following disclaimer with regard to using the DWR tool:

> Users should understand the uncertainty involved in projecting future conditions. The recommended 2030 and 2070 central tendency scenarios describe what might be considered most likely future conditions; there is an approximately equal likelihood that actual future conditions will be more stressful or less stressful than those described by the recommended scenarios.[14]

This type of tool may be appropriate for long-term planning, but it cannot be the basis for systematic change as recommended by the Climate Change Report.

4. ***Pending Water Rights Applications***

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[12] Climate Change Report at 24, 27.
[13] Climate Change Report at p. 16.
[14] *SGMA Climate Change Resources* CALIFORNIA NATURAL RESOURCES AGENCY *available at* https://data.cnra.ca.gov/dataset/sgma-climate-change-resources (last visited March 6, 2021).

Text Box 1 of the Climate Change Report includes a summary of pending water rights applications including a total of 349 applications.[15] Many of these applications, including some from Kings GSAs and/or their member agencies have been submitted for a long period of time. While the pending applications are summarized, there is no indication in the report as to how the pending applications will be handled. However, in our March 18th public workshop, State Board staff state that current and future applications will need to address climate change in their water availability analyses. It will be very difficult and expensive for applicants to incorporate these recommended changes into future water rights applications and will be virtually impossible for permit applications currently pending. The Kings GSAs and its member agencies recommend a more robust discussion regarding implications of the staff recommendations in the climate change report and its impact to applicants with pending water rights applications.

CONCLUSION AND RECOMMENDATIONS

The Kings GSAs recommend the State Board proceed with climate change readiness cautiously, focusing on collecting good data to support its actions. The Kings GSAs recommend that the State Board does not pursue climate change readiness in a way that would negatively impact GSAs' ability to comply with SGMA and to achieve sustainability in their basins. The Kings GSAs are undertaking monumental planning efforts and preparing for serious changes to their water management. It is impossible to create a coherent and realistic long-term plans to achieve sustainability when the rules GSAs rely on change in the middle of the planning process.

The State Board should not pursue the Climate Change Report recommendations as currently drafted. Specifically, the Kings GSAs recommend the State Board decline to take action on the recommendations included in the Climate Change Report that fundamentally change the water rights permitting or priority systems, that recommend developing new instream flows, reopen FAS determinations, or develop a curtailment system that would violate water right holders vested property rights.

Instead, the State Board should consult with DWR, GSAs, and stakeholders to determine how to include climate change considerations in planning processes without jeopardizing important groundwater sustainability planning and implementation. The Kings GSAs are committed to achieving sustainability in the Kings Subbasin and those efforts should not be undermined by the recommendations in the Climate Change Report without robust and open discussion from all stakeholders, agencies, and other partners.

The Kings GSAs thank the State Board for the opportunity to provide these comments.

Sincerely,

See Attached Signatures on Next Page

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[15] Climate Change Report at p. 7.

Chad Wegley, Executive Officer
Kings River East GSA

Mark McKean, Chair
North Fork Kings GSA

Kassy Chauhan, Executive Officer
North Kings GSA

Philip Desatoff, Executive Officer
Central Kings GSA

Manny Amorelli, Executive Officer
James GSA

Chad Wegley, Executive Officer
Kings River East GSA

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