

Board Meeting



WATER STORAGE DISTRICT

December

AGENDA
NORTH KERN WATER STORAGE DISTRICT
BOARD OF DIRECTORS
REGULAR MEETING

33380 Cawelo Avenue
Bakersfield, CA 93308

Tuesday, December 10, 2019 - 7:00 a.m.

CALL TO ORDER
PUBLIC COMMENT

1. Board of Directors
 - A. Approve Resolution 2019-xx Authorizing the Kern Groundwater Authority to Submit the North Kern WSD – Shafter Wasco ID Management Area Sustainability Plan to State as Required Under the Sustainable Groundwater Management Act
2. Board Meeting Minutes
 - A. Approve Minutes of November 19, 2019 Regular Board Meeting
3. General Informational Items
 - A. Kern River Watermaster Report *
 - B. District Groundwater Levels
 - C. District Exchange Balances
 - D. Operations Report
4. Financial Matters
 - A. Approve Treasurer's Report
 1. NKWSD
 2. RRID
 - B. Monthly Financial Statements
 - C. Water Sales
 - D. Accounts Receivable
 - E. Approve Accounts Payable
5. Consulting District Engineer
 - A. High Speed Rail*
 - B. Poso Creek RWMG*
 - C. Status of Grants*
 - D. Water Delivery Improvements*
6. Budget and Personnel Committee
 - A. Approve 2020 North Kern and Rosedale Ranch Budget
 - B. Approve 2020 Memberships and Support
7. Engineering Committee
 - A. Approve Third Amendment to Task Order with GEI Consultants for Environmental Compliance Support Services for the Return Capacity Improvement Project
 - B. Award of Contract to the Lowest Qualified Provider for the PLC Control Panels NK-615 Project

8. Groundwater Committee
 - A. Kern Groundwater Authority*
 9. Produced Water Ad Hoc Committee*
 10. Negotiating Committee*
 11. Counsel of District*
 12. Rosedale Ranch Improvement District*
 13. General Manager's Report*
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OTHER BUSINESS

14. Closed Session Matters:
 - A. CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION
(Govt. Code Section 54956.9(a))
 - (i) North Kern Water Storage District v. City of Bakersfield
(VCSC #56-2011-00408712-CU-CO-VTA)
 - (ii) Appeal of Regional Board General Order (R5-2013-0120) for Tulare Lake
Basin to State Water Resources Control Board (re. Irrigated Lands Regulatory
Program)
 - B. CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION
(Govt. Code Section 54956.9(b))
 - C. PERSONNEL MATTERS
(Govt. Code Section 54957)
 - D. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Govt. Code
Section 54956.8)—use of District and landowner facilities for various
potential water management programs; negotiator, Richard Diamond
15. Adjournment

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NORTH KERN WATER STORAGE DISTRICT

December 10, 2019

TO: BOARD OF DIRECTORS

FROM: Richard Diamond

SUBJECT: Adopt Resolution Approving Management Area Plan for North Kern WSD and Shafter-Wasco ID under the Sustainable Groundwater Management Act

RECOMMENDATION:

“Adopt Resolution #19-xx approving Management Area Plan for North Kern WSD and Shafter-Wasco ID.”

DISCUSSION:

The North Kern WSD – Shafter-Wasco ID draft “Management Area Plan” was completed in late August and made available for public review through the Kern Groundwater Authority (KGA). The comment period closed on November 27, 2019 and the eight comment letters on the Plan were received (the comment letters are included as Exhibit “B” to this memorandum). Staff, District counsel and GEI Consultants have reviewed the comments provided in the letters and Exhibit “A” summarizes the salient points of each comment letter and how these comments are addressed in the Plan or will be addressed during Plan implementation. Additionally, in parallel with the public review period, staff and GEI Consultants have made some additional changes to improve the draft Plan. These changes are summarized in Exhibit “C” to this memorandum and include:

- An increase in the minimum thresholds and measurable objectives for several representative monitoring locations in the vicinity of the Rosedale-Ranch ID to better match the criteria established by GSAs to the south and west, and;
- The addition of two representative monitoring locations per the request of the cities of Shafter and Wasco.

Based on the above, GEI has completed a final draft Plan that is provided for review by the Board through the GEI sharefile site (<https://geiconsultants.sharefile.com/d-s6b7c024aa10458e9>). Staff and counsel believe the Plan is fully compliant with the Sustainable Groundwater Management Act (SGMA) and counsel has prepared the attached resolution (Exhibit “D”) that confirms the process to prepare the Plan under SGMA and within the

Board of Directors

Adopt Resolution Approving Management Area Plan for North Kern WSD and Shafter-Wasco ID under the Sustainable Groundwater Management Act

December 10, 2019

Page 2 of 2

District's membership under the KGA Joint Powers Agreement. Finally, note that the Shafter-Wasco Board of Directors will consider adopting/approving the Plan at their regular meeting on December 11, 2019.

Attachments:

Exhibit "A": Summary of Comments Received on Draft Management Area Plan

Exhibit "B": Comment Letters Received on Draft Management Area Plan

Exhibit "C": Summary of Changes from August 2019 Draft Plan

Exhibit "D": Resolution Approving Management Area Plan for North Kern WSD and Shafter-Wasco ID

EXHIBIT A
SUMMARY OF COMMENTS RECEIVED ON DRAFT MANAGEMENT AREA PLAN

Topic/Section of Plan	Comment	Commenter	Response to Comments
Allocation of Water Rights	"Though not specifically addressed, we are concerned that overlying right to extract groundwater will be allocated among all District landowners based on gross acreage...it ignores accepted principles of law intended to more fairly allocate this right among those who have historically used groundwater for irrigation purposes -- and made substantial investments based on that use."	Farmland Reserve	We have discussed adding language to the Water Budget section of the plan to address the fact that there is currently no in-district allocation of water to the landowners. The language in the Projects & Mgmt Actions section, dealing with in-district allocation as a mgmt action has been revised to address this, as well.
Native Yield	"These numbers should not be seen as establishing a precedent or used to establish some legal right. Therefore, a statement emphasizing the above points should be made."	Farmland Reserve	The discussion on native yield in the Water Budget section of the plan addresses this.
Groundwater Market	"The Chapter could address the possibility of a market for the exchange or transfer of groundwater credits."	Farmland Reserve	At this time, such a discussion is premature. There is no framework within the districts or the basin at large to allow for the exchange or transfer of groundwater credits. We cannot reasonably address this in the plans for 2020 submittal.
Native Yield	"The GSP references native yield in terms of acre-feet per gross acre for water budget purposes. If referencing it this way is necessary, the GSP should clarify that these calculations are for initial water budget purposes ONLY, are non-precedent setting, and not a determination of individual landowner allocations or groundwater rights. Alternatively, native yield could be described only as a total volume of water, for example xxx,xxx acre-feet and not associated with a given gross or net area."	Hancock Farmland Services	The discussion on native yield in the Water Budget section of the plan addresses this already. Further emphasis on the "planning budget" role of the Native Yield estimate has been added to the final draft of the plan.
Groundwater Recharge and Banking	"GSAs and MAs must develop clear and understandable policies and conditions that protect existing groundwater banking and banked inventory and allow them to continue operating as they have been under their existing rules and regulations without interference. They must also incentivize additional investment, such as on-farm recharge by providing pumping credits and allow flexibility for recharged or banked water to be freely transferrable subject to the rights and conditions of use associated with the source water and the avoidance of undesirable results. They should develop incentives for public or private investment to expand recharge and banking capacity, as these facilities help to achieve multiple benefits (e.g., habitat, water quality, drinking water, etc.)."	Hancock Farmland Services	At this time, the framework to offer such incentives does not exist and would require the districts' boards to develop & adopt policy to put it in place. In the time required to prepare the 2020 submittal of the plan, we cannot develop the structure and policy required to implement this. However, this is discussed in the Projects & Mgmt Actions section of the plan and will be considered for implementation after the 2020 plan submittal, when the districts have an opportunity to develop the policy and framework necessary for such programs.
Refinement & Validation of Consumptive Use Calculations based on ET Measurement	"GSAs using remote sensing to calculate crop ET as a measurement of consumptive use of groundwater should develop methodologies and quality assurance elements to allow for grower-provided information to be included into the ET calculation and calibration. These methodologies should be developed in consultation with the vendor providing ET data to ensure it is applicable and useful in creating the best available data set. Additionally, GSAs and/or MAs should establish criteria and procedures to address apparent inaccuracies in the ET calculations. An obvious use of the procedure would be in instances where the grower can demonstrate that applied water, plus precipitation, is less than the calculated ET. In these instances, and subject to any requirements established by the GSA, the grower's use of groundwater should be reduced to the applied water total as the ET calculation should not be greater than applied water."	Hancock Farmland Services	This is already included in the Projects and Management Actions section and is part of the larger action of refining data for the calculation of Water Budget components in future plan updates.

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Topic/Section of Plan	Comment	Commenter	Response to Comments
Quantification of Native Yield	"The GSPs, management areas, and other planning units in the subbasin should utilize coordinated methods of determining supply sources for native yield, quantifying the native yield, and accounting for it in individual MAPs' water budgets. Unless there are specific hydrogeologic conditions that differentiate certain portions of the basin from the basin at large (such as a fault line or barrier to groundwater flow), native yield should be considered a basin-wide resource."	Wonderful Orchards	The districts have identified as a management action the coordinated effort to further refine water budget components in the Kern County Subbasin Model. The Model and water budget components will continue to be refined in coordination with the KGA and other GSAs in the basin.
Allocation of Native Yield	"In addition to a clear definition of native yield, the final GSP must also include a thorough description of how to calculate the allocation of native yield. Currently, the GSP references native yield in terms of acre-feet per gross acre for water budget purposes. Appendix J of the GSP indicates the subbasin native yield is approximately 0.144 acre-feet per acre. It is our understanding that subsequent to the release of the draft GSP, all MAPs and other GSPs in the basin agreed to utilize the same number for their water budgets. If referencing native yield this way is necessary, the GSP should clarify that it is for initial water budget purposes ONLY, is non-precedent setting, and is not a determination of individual landowner allocations or groundwater rights. Alternatively, in the 2020 plans subbasin native yield could be described as a total volume of water and not associated with a given gross or net area."	Wonderful Orchards	The discussion on native yield in the Water Budget section of the plan addresses this already. Further emphasis on the "planning budget" role of the Native Yield estimate has been added to the final draft of the plan. In terms of native yield allocation to the parcel/landowner level, there is no framework currently in place to do so. The development the policies and framework necessary to implement such an allocation cannot be completed in time for the 2020 plan submittal.
Groundwater Market	"Markets are essential in facilitating the highest and best use of a limited resource and in giving landowners the most flexibility to minimize the economic impacts of pumping restrictions. To enable a market that works for all landowners in the subbasin, it is imperative that all pumpers know exactly how much marketable water they have available for use or transfer. Unless it is deemed necessary to prevent undesirable results, markets should not place geographic or jurisdictional limitations on transfers within a subbasin and should allow for carry-over of allocations from one year to the next."	Wonderful Orchards	At this time, such a discussion is premature. There is no framework within the districts or the basin at large to allow for the exchange or transfer of groundwater credits. We cannot reasonably address this in the plans for 2020 submittal.
Pumping Restrictions	"Wonderful understands that there are instances where it may be necessary to restrict pumping in order to achieve basin-wide sustainability. If this becomes a necessity, the GSAs or MAs should implement pumping restrictions when supported by the best available data and appropriate analytical tools. Furthermore, if possible, pumping should be ramped down gradually over the implementation period to avoid a sudden disruption in economic activity. As with native yield allocations, initial pumping allowances and ramp down schedules should be coordinated across the entire basin so that similarly situated pumpers in the basin are treated equitably regardless of their respective MA (some MAPs include a ramp down schedule for groundwater-only lands and others do not; this is a significant difference and should be reconciled)."	Wonderful Orchards	As described in the Management Actions subsection of the Management Area Plan, policies for instituting pumping restrictions have not been developed for the 2020 plan submittal. This has been identified as a potential management action, should the districts or the basin in general determine that it cannot maintain its path to sustainability through the projects and other management actions to be implemented.

EXHIBIT A
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Topic/Section of Plan	Comment	Commenter	Response to Comments
Groundwater Recharge and Banking	"GSAs must develop clear policies and conditions that protect existing investment in groundwater banking and banked inventory, and without interference with existing rules and regulations. GSAs must also find a way to incentivize additional investment, such as on-farm recharge, and allow flexibility for recharged or banked water to be freely transferrable (subject to the rights and conditions of use associated with the source water and the avoidance of undesirable results). Where possible, GSPs should also identify management areas that may benefit from additional recharge and banking. We also recommend that GSAs work to develop incentives for public or private investment to expand recharge and banking capacity, as these facilities help to achieve multiple benefits (e.g., habitat, water quality, drinking water, etc.)."	Wonderful Orchards	At this time, the framework to offer such incentives does not exist and would require the districts' boards to develop & adopt policy to put it in place. In the time required to prepare the 2020 submittal of the plan, we cannot develop the structure and policy required to implement this. However, this is discussed in the Projects & Mgmt Actions section of the plan and will be considered for implementation after the 2020 plan submittal, when the districts have an opportunity to develop the policy and framework necessary for such programs.
Measurement & Data Management	"GSAs should develop a coordinated basin-wide data management system ("DMS") that is capable of tracking groundwater and surface water use at the landowner, field, or parcel level, and a coordinated methodology for measuring landowner-level use of groundwater. The DMS should also include, or be capable of interfacing with, a groundwater market platform that allows for individual users to conduct transactions. Markets will be most effective if there is confidence in the accuracy of the measurements taken, consistency in the data sources relied upon, and flexibility to allow for transactions across the basin. For instance, GSAs using remote sensing to calculate crop evapotranspiration ("ET") as a measurement of consumptive use of groundwater should develop methodologies and quality assurance elements to allow for grower provided information to be included into the ET calculation and calibration. Additionally, GSAs should establish criteria and procedures to address any apparent inaccuracies in the ET calculations (e.g., if calculated ET is greater than applied water and precipitation).	Wonderful Orchards	A coordinated DMS is already being developed. However, that effort is currently focused at the district/MA level due to the precision of the data being used. Parcel-level allocation is not at this time being done in the subbasin. It is premature to consider a basin-wide water market, as the data available does not allow for that level of allocation to be done. For consideration in the 2020 plan submittal, we do not have adequate time or resources for the development of such a framework.
RRID Access to Surplus Waters	Landowner would like to see RRID's ability to access future water supplies such as flood or highflow water from the Kem River made available to the District or additional waters that may become available. Landowner requests consideration of RRID's right to an ongoing, guaranteed share of such water as it is made available to the District.	Pacific Ag Management	This is already addressed in the RRID-specific projects in Section 5.4 of this plan. These projects are conceptual in nature, but they will be further defined as the district implements SGMA.
RRID Produced Water	In regard to the produced water available to the District, Landowner requests that RRID be granted increased access to this water to be delivered in the form of pumping credits	Pacific Ag Management	This is already addressed in the RRID-specific projects in Section 5.4 of this plan. These projects are conceptual in nature, but they will be further defined as the district implements SGMA.
RRID Water Budget	Landowner requests that the District consider using its positive water budget balance (Inflows less Outflows) for the purpose of offsetting any RRID water budget deficit.	Pacific Ag Management	The water budget for RRID has been revised based on the addition of the projects into the projected baseline water budget for years 2030 and 2070.

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RRID Recharge Facilities	Landowner understands that recharge opportunities are an integral part of sustaining agricultural operations as the RRID area transitions to urban development. Recharge provides positive hydrological benefits as well as additional pumping opportunities for landowners. Landowner supports the enlargement, creation, and maintenance of recharge facilities within RRID, along with use of the RRID canal system as a recharge area and supplement to RRID water supplies.	Pacific Ag Management	This is already addressed in the RRID-specific projects in Section 5.4 of this plan. These projects are conceptual in nature, but they will be further defined as the district implements SGMA.
Canal Capacity	Conveyance capacity is critical in order to effectively and strategically manage the movement of water supplies, both at the agency and at the landowner level. Landowner supports the proposed Calloway Canal improvements. Additionally, Landowner requests that RRID be given greater access to pipeline capacity when surplus water exists and that RRID canals be enhanced and expanded to the benefit of RRID landowners.	Pacific Ag Management	Continued maintenance of existing conveyance to RRID is already included as part of the RRID-specific projects discussed in Section 5.4 of this plan.
Agency Coordination	As an RRID stakeholder, Landowner is appreciative of North Kern Water Storage District's and Kern Groundwater Authority's support of agricultural land owners and their commitment to the effective management of RRID's water supplies and agricultural lands. The City of Bakersfield and the Kern River Groundwater Sustainability are critical strategic partners for RRID. Landowner is confident that a partnership between the agencies and respective landowners will ensure the continued viability of agricultural operations in RRID and a successful transition to urban development.	Pacific Ag Management	Per the terms of the Coordination Agreement between KGA and the other Kern GSAs, and NKWSD and SWID's membership in KGA, the Districts already coordinate with KRGSA. Coordination between the Districts and KRGSA will continue through the SGMA implementation process and beyond.
Allocation of Native Yield	The GSP references native yield in terms of acre-feet per gross acre for water budget purposes. If referencing it this way is necessary, the GSP should clarify that these calculations are for initial water budget purposes ONLY, are non-precedent setting, and not a determination of individual landowner allocations or groundwater rights. Alternatively, native yield could be described only as a total volume of water and not associated with a given gross or net area. In the event that allocations are to be made at a landowner or property level, WGIM encourages the KGA and other GSAs in the basin to initiate a stakeholder-driven process to develop a methodology for establishing landowner-level allocations that are coordinated across the basin.	Westchester Group Investment Mgmt	The discussion on native yield in the Water Budget section of the plan addresses this already. More language can be added to emphasize the "planning budget" role of the Native Yield estimate.
Groundwater Recharge and Banking	GSAs and MAs must develop clear and understandable policies and conditions that protect existing groundwater banking and banked water inventory, and allow them to continue operating as they have been under their existing rules and regulations without interference. They must also incentivize additional investment, such as on-farm recharge by providing pumping credits and allow flexibility for recharged or banked water to be freely transferrable subject to the rights and conditions of use associated with the source water and the avoidance of undesirable results. They should develop incentives for public or private investment to expand recharge and banking capacity, as these facilities help to achieve multiple benefits (e.g., habitat, water quality, drinking water, etc.).	Westchester Group Investment Mgmt	At this time, the framework to offer such incentives does not exist and would require the districts' boards to develop & adopt policy to put it in place. In the time required to prepare the 2020 submittal of the plan, we cannot develop the structure and policy required to implement this. However, this is discussed in the Projects & Mgmt Actions section of the plan and will be considered for implementation after the 2020 plan submittal.

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Measurement & Data Management	GSAs should develop a coordinated basin-wide data management system (“DMS”) that is capable of tracking groundwater and surface water use at the landowner, field, or parcel level, and a coordinated methodology for measuring landowner-level use of groundwater. The DMS should also include, or be capable of interfacing with, a groundwater market platform that allows for individual users to conduct transactions. Markets will be most effective if there is confidence in the accuracy of the measurements taken, consistency in the data sources relied upon, and flexibility to allow for transactions across the basin. For instance, GSAs using remote sensing to calculate crop evapotranspiration (“ET”) as a measurement of consumptive use of groundwater should develop methodologies and quality assurance elements to allow for grower provided information to be included into the ET calculation and calibration. Additionally, GSAs should establish criteria and procedures to address any apparent inaccuracies in the ET calculations (e.g., if calculated ET is greater than applied water and precipitation).	Westchester Group Investment Mgmt	A coordinated DMS is already being developed. However, that effort is currently focused at the district/MA level due to the precision of the data being used. Parcel-level allocation is not at this time being done in the subbasin. It is premature to consider a basin-wide water market, as the data available does not allow for that level of allocation to be done. For consideration in the 2020 plan submittal, we do not have adequate time or resources for the development of such a framework.
Refinement & Validation of Consumptive Use Calculations based on ET Measurement	"WGIM supports use of efficient and accurate systems to determine groundwater use. GSAs using remote sensing to calculate crop ET as a measurement of consumptive use of groundwater should develop methodologies and quality assurance elements to allow for grower-provided information to be included into the ET calculation and calibration. These methodologies should be developed in consultation with the vendor providing ET data to ensure it is applicable and useful in creating the best available data set. Additionally, GSAs and/or MAs should establish criteria and procedures to address apparent inaccuracies in the ET calculations. An obvious use of the procedure would be in instances where the grower can demonstrate that applied water, plus precipitation, is less than the calculated ET. In these instances, and subject to any requirements established by the GSA, the grower’s use of groundwater should be reduced to the applied water total as the ET calculation should not be greater than applied water."	Westchester Group Investment Mgmt	This is already included in the Projects and Management Actions section and is part of the larger action of refining data for the calculation of Water Budget components in future plan updates.
Increasing RRID Water Supply	"Landowners would like RRID to be able to purchase produced water resources conveyed and/or banked in NKWSD facilities. These volumes appear to be available sources of water in the GSP that could become an integral source of water for acres (sic) within RRID. Landowners would like RRID to improve future water supplies by purchasing flood water or high-flow water from the Kern River when it is available and before that water is offered to areas outside the managed areas within the GSP. Landowners would also like to see RRID purchase surplus water from NKWSD when available to help mitigate the deficit in RRID before these surplus supplies are sold outside the GSP management area. Landowners believe that RRID should continue to improve conveyance and turnout facilities that could be used to supply lands with excess Kern River flow when its available."	BDII Investments	This is already addressed in the RRID-specific projects in Section 5.4 of this plan. These projects are conceptual in nature, but they will be further defined as the district implements SGMA.

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RRID Recharge Facilities	"Landowners would encourage RRID to participate in groundwater banking and the use of recharge facilities in NKWSD for the benefit of RRID. This will allow RRID to develop a more stable long-term supply and pump groundwater in years when there is little or no access to excess Kern River water. Landowners would encourage RRID to explore potential banking and development of recharge facilities within the RRID service area."	BDII Investments	This is already addressed in the RRID-specific projects in Section 5.4 of this plan. These projects are conceptual in nature, but they will be further defined as the district implements SGMA.
City of Shafter Water Demand	"The City's specific comments, concerns, and suggestions have been made to ensure that the description of the City's water system and demand are accurate."	City of Shafter	These items were addressed through discussions with the cities and accounted for in the Water Budget: Urban Demand sections of the plan.
City of Shafter Beneficial Uses and Water Rights	"The City's specific comments, concerns, and suggestions have been made to ensure that [...] the City's beneficial uses are recognized and protected and that the plan does not inadvertently include language that could be misinterpreted to adversely affect the City's water rights or ability to utilize those rights to the benefit of public health and safety."	City of Shafter	As described in the plan, SGMA does not alter existing water rights. With input from the cities (through their MOU with the Districts), this comment has been further addressed in the final draft of the plan.
Minimum Thresholds & Measurable Objectives	"Two critical pieces that the plan should ultimately address are minimum thresholds and measurable objectives set for specific water quality constituents to ensure that water quality does not degrade beyond current conditions."	City of Shafter	As discussed in the existing conditions portion of the Basin Setting and the discussions in Section 3 which pertain to water quality, the Sustainable Management Criteria for groundwater levels are being used as a proxy for water quality at this time, in addition to continued monitoring of the constituents of concern coincidental with the monitoring of groundwater levels and cooperation and compliance with existing water quality programs.
KGA GSP	"The Draft GSP is incomplete and must include additional information for the public to evaluate the GSP. The Draft GSP omits critical data regarding the consideration of drinking water impacts on disadvantaged communities and protected groups, sustainable management criteria that consider all beneficial users, and projects and management actions that address significant and unreasonable impacts to beneficial users."	Leadership Council	This comment is directed to the KGA GSP and will be addressed by KGA. We respectfully disagree with the statement, as the information that Leadership Council claims is missing from the GSP is actually included in the management area plans, as appropriate to each respective management area.
KGA GSP	"The KGA is responsible for the disproportionate and disparate impacts that its policies and activities will have on disadvantaged communities belonging to protected groups."	Leadership Council	This comment is directed to the KGA GSP and will be addressed by KGA. While the KGA is the GSA entity submitting the plan on behalf of its members, the JPA forming the KGA is such that each member is responsible for the implementation of SGMA within their respective plan areas. The KGA GSP and its management area plans were developed in consideration of all beneficial uses of water and the beneficial users of the groundwater in the subbasin.
KGA GSP	"The Coordination Agreement does not "explain how the plans, implemented together, satisfy the requirements of the Act."	Leadership Council	This comment is directed to the KGA GSP and will be addressed by KGA.

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KGA GSP	"The GSP was not crafted in a way that adequately considered the input of disadvantaged communities, either at the GSA level or the member agency level."	Leadership Council	This comment is directed to the KGA GSP and will be addressed by KGA, pertaining to the KGA level engagement. With respect to the member level engagement, SGMA leaves the manner and frequency of public outreach and engagement to the discretion of the GSA. As described in the introduction of the management area plan, both NKWSD and SWID hold monthly publicly-noticed meetings which serve as an opportunity for members of the public to provide feedback to the districts regarding the plan's development and implementation. Furthermore, the districts were active participants in the KGA-level outreach activities as well as hosts of their own workshops, which were publicly-noticed, and coordination with the cities of Shafter and Wasco and with Oildale Mutual Water Co on the development of the plan.
Undesirable Results	"The Kern Subbasin Undesirable Results do not comply with existing law."	Leadership Council	The definitions for undesirable results were developed in coordination with the other GSAs and take into consideration "significant and unreasonable" impacts to the groundwater which affect all beneficial users. Such beneficial uses include agriculture, domestic, and municipal & industrial.
Undesirable Result for Groundwater Levels	"It is not clear what the impacts from reaching this undesirable result will be on beneficial users, and instead seems to be an arbitrary determination of what is "significant and unreasonable."	Leadership Council	The impact analysis performed by the GSAs in the subbasin contributed to the development of the undesirable results for declining groundwater level.
Undesirable Result for Water Quality	"Like the proposed definition of undesirable results for groundwater levels, the proposed definition of undesirable results for degraded water quality are 'when the minimum threshold for when the minimum threshold for groundwater levels are exceeded in at least three (3) adjacent management areas that represent at least 15% of the Subbasin or greater than 30% of the Subbasin (as measured by each management area)."	Leadership Council	The comment letter cites an incorrect definition. The definition for the undesirable result for water quality is "when the minimum threshold for a groundwater quality constituent of concern is exceeded in at least three (3) adjacent management areas that represent at least 15% of the Subbasin or greater than 30% of the designated monitoring points within the Subbasin."
Groundwater Level Minimum Thresholds & Measurable Objectives	"The GSP's minimum thresholds and measurable objectives were not established in a way that considered the interests of beneficial users including domestic well owners and disadvantaged communities."	Leadership Council	The KGA GSP outlines the methods used by its members to establish the Sustainable Management Criteria (SMCs) within their respective plan areas. For the NKWSD-SWID management plan area, projected groundwater levels based on recent historical hydrology were used to analyze the impact to known agricultural, domestic, and municipal wells. While impacts were identified at the minimum thresholds in some management areas, these impacts were determined to not meet the definition of "significant and unreasonable".
Groundwater Quality Minimum Thresholds & Measurable Objectives	"As in the case of groundwater levels, it is clear that the GSA has not considered the potential impact on drinking water users, in particular disadvantaged communities who are less able to afford solutions to treat contaminated drinking water."	Leadership Council	As with the groundwater level SMCs, the KGA GSP outlines the methods used by its members to establish the Sustainable Management Criteria (SMCs) within their respective plan areas. Based on the analysis in the Basin Setting subsection on existing water quality conditions, it was determined appropriate to use groundwater levels as a proxy for water quality, in addition to water quality and water level measurement at the representative monitoring sites will be coincidental.

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SUMMARY OF COMMENTS RECEIVED ON DRAFT MANAGEMENT AREA PLAN

Topic/Section of Plan	Comment	Commenter	Response to Comments
Groundwater Level Monitoring	"GSAs must monitor impacts to groundwater for drinking water beneficial users,⁵⁴ including disadvantaged communities on domestic wells, and must avoid disparate impacts on protected groups pursuant to state law. The GSA's monitoring network does not comply with SGMA regulations, and fails to capture drinking water impacts to disadvantaged communities and domestic wells[...] To ensure the monitoring network adequately captures impacts to all beneficial users, the GSA must ensure the following: Ensure the proposed monitoring network contains representative monitoring wells in or near all disadvantaged communities and clusters of domestic wells in the GSA area; Ensure that monitoring wells and representative monitoring wells in or near disadvantaged communities and clusters of domestic wells are able to measure the groundwater levels at the depth at which the drinking water wells are screened; Explicitly describe any future representative monitoring wells and identify the proposed locations. When assessing the monitoring network data gaps, the GSP must prioritize installing new monitoring wells in locations where disadvantaged communities, small water systems, and domestic well users reside."	Leadership Council	The coordinated basin-wide monitoring network was developed using the DWR BMP on SGMA Monitoring Networks, which discusses recommended well density and what constitutes a "SGMA compliant" representative monitoring site. It also allows for (and encourages) GSAs to use existing monitoring programs already in place for collecting data on the Sustainability Indicators identified in a basin's plan. Domestic wells are typically shallow or in the first occurrence of groundwater and are, therefore, not representative of the groundwater conditions of the basin as a whole. Further, there are existing programs with which domestic wells and community wells must comply. These have been identified in the Basin Setting and Monitoring Network sections in the discussions of existing programs. In areas of the basin where the well density does not meet the standards used in the plan, proposed well locations have been identified. Per discussion and comments from the cities of Shafter and Wasco, three additional wells have been added to the monitoring network within the NKWSD-SWID management area.
Groundwater Quality Monitoring	The groundwater quality monitoring network does not adequately capture impacts on drinking water users.[...] First, measuring for Arsenic (as in Arvin-Edison WSD) only once a year does not provide the member agency or the GSA with frequent enough information to respond to severe drinking water contamination in a reasonable amount of time. If the member agency's management actions, projects, or decisions to let groundwater decline increase drinking water contamination for families in the management area, the member agency could go a whole year without detecting these impacts. [...] Second, only measuring for compliance with arsenic measurable objectives and minimum thresholds does not protect against increases in other contaminants that exist in other parts of the management area (boron, nitrates, TDS, 123-TCP, iron and manganese). These contaminants could extend, move or increase due to groundwater management activities and pumping patterns. [...] However, avoiding monitoring contaminated areas defeats the purpose of groundwater quality monitoring under SGMA, which is to measure the concentration and spread of contaminant plumes to ensure that groundwater management activities and pumping do not aggravate existing contamination.	Leadership Council	The monitoring of water quality for the basin will include the use of data from existing programs (e.g. Title 22, ILRP, CV-SALTS) and sampling coincidental with groundwater level measurements at the representative monitoring sites. As such, the water quality data collected through SGMA will be more frequent than once a year. The constituents of concern to be tested in the water quality sampling at representative monitoring sites vary between the management areas. Therefore, the constituents analyzed will differ according to the management area plan. The selection of representative monitoring sites discouraged the use of wells with existing MCL exceedances because of the nature of the definition of undesirable results for degradation of groundwater quality. The occurrence of an increase in concentration for constituents of concern in a representative monitoring site will, by virtue of it being a representative site, will be indicative of the migration of existing contamination.

EXHIBIT A
SUMMARY OF COMMENTS RECEIVED ON DRAFT MANAGEMENT AREA PLAN

Topic/Section of Plan	Comment	Commenter	Response to Comments
Projects and Management Actions	The projects and management actions set forth in the Draft GSP do not demonstrate a path towards achieving sustainability goals in the plan, and do not adequately account for the needs of disadvantaged communities pertaining to protected groups under state law. The GSA has allowed member agencies like the Arvin-Edison WSD to use a “glidepath” approach that increases surface water and groundwater recharge before demand reduction measures are implemented. This places the majority of the plan’s success on surface water resources, which are variable and may not be able to be procured. The GSA should instead ensure that member agencies implement demand reduction strategies from the beginning so that groundwater levels do not plummet. A critical problem with the structure of the GSA is that member agencies cannot share the cost or responsibility for critical GSA-wide projects. Many more financially powerful agricultural and water banking member agencies could and should be part of a strategy to protect drinking water resources in the GSA area, especially given that they use much larger quantities of groundwater and their continued pumping will likely lead to dry wells and groundwater contamination issues for the most vulnerable homes in the GSA area.	Leadership Council	The KGA and its members have the authority under SGMA to prioritize projects and management actions, as they see fit, to demonstrate that the basin can reach sustainability by 2040. The prioritization of projects to increase imported supply for use by districts’ customers or for water banking projects protects groundwater for beneficial use in the basin by facilitating in-lieu banking (where surface water is used whenever it is available, replacing groundwater pumping) or by maintaining groundwater levels through replenishment with banking projects. These projects do not run contrary to the mandate to protect groundwater quality. In fact, with groundwater levels as a proxy Sustainability Indicator for water quality, these projects achieve both the maintenance of groundwater levels and water quality. The agricultural and water banking agencies in the basin, as the customers paying for water deliveries and funding projects via land assessments in their respective districts, can and should be a beneficiary of the projects which they are funding.
Recharge in or near Disadvantaged Communities and Domestic Well Clusters	"The KGA GSA should implement or incentivize recharge basins or other recharge activities throughout the subbasin wherever DACs and clusters of domestic wells exist. The GSA should encourage these kinds of recharge projects with health co-benefits over on-farm recharge, which is likely lead to accelerate groundwater contamination."	Leadership Council	It is at the discretion of the KGA's member agencies to identify projects to fund, as well as opportunities to collaborate with DACs. SWID, since its founding, has used its imported supplies to maintain groundwater levels and water quality to the benefit of the beneficial users within the district, including the cities of Shafter and Wasco and domestic well users. NKWSD has also operated in the same manner since its founding as a water storage district. Future projects and management actions which deal specifically with the DACs and domestic wells may be considered for subsequent updates to the GSP and management area plans.
Establish Pumping Buffer Zones to Protect DACs	"For areas vulnerable to declining water levels and loss of production capacity, the KGA GSA should adopt management actions that establish geographical protection areas (buffer zones) by establishing bans, pumping limitations or community-specific management areas around disadvantaged communities and domestic well clusters."	Leadership Council	The development of these buffer zones would be predicated on the development of a shallow-zone specific monitoring network and SMCs. As discussed in the response to the Monitoring Network comments, these shallow zones are not representative of groundwater conditions throughout the basin. Furthermore, the framework necessary to implement pumping restrictions or bans does not exist within the KGA or its members. Such policy would not be developed or implemented in time for the 2020 submittal.
Groundwater Market	"We also strongly recommend against a groundwater market in the KGA GSA area. The GSP includes potential groundwater market and trading programs. Groundwater markets raise concerns from the perspective of domestic well users and disadvantaged communities."	Leadership Council	At this time, the framework to establish a groundwater market in the basin does not exist. The policies and framework that would need to be developed by the KGA and its members is too complex to be completed in time for consideration in the 2020 submittal. Additionally, any groundwater market developed by the KGA or its members would have to comply with SGMA (i.e. prevent localized impacts to the Sustainability Indicators in its implementation).

EXHIBIT A
SUMMARY OF COMMENTS RECEIVED ON DRAFT MANAGEMENT AREA PLAN

Topic/Section of Plan	Comment	Commenter	Response to Comments
Multi-Benefit Projects	"The GSAs should implement and incentivize multi-benefit projects such as wetlands restoration or stormwater drainage ponds that would eliminate flooding and increase groundwater recharge in disadvantaged communities."	Leadership Council	It is at the discretion of the KGA's member agencies to identify projects to fund. Future projects and management actions which provide benefits beyond SGMA may be considered for subsequent updates to the GSP and management area plans.
Funding of Projects and Management Actions	"Although there are multiple short-term funding sources to leverage for SGMA-related projects, the GSA's and member agencies' operating budgets must be a reliable source of funding over the long-term of GSP implementation, and the GSA and member agencies cannot rely on grant funding for long-term projects and programs that benefit disadvantaged communities. The GSA and member agencies must be responsible for addressing the drinking water issues caused by their policy decisions and activities."	Leadership Council	It is entirely appropriate that the KGA's members, when working in collaboration with DACs on a project to benefit groundwater quantity and quality in the basin, seek funding for such projects through state and federal grant funding programs. Grant funding, where the districts are eligible, is applied for to defray the cost of projects (which often far exceed the award amount). The remaining costs of projects and management actions are to be funded with the districts' operating budgets or through special assessments.
Water Rights	"the Draft GSP allows continued overdraft above the safe yield of the basin, such that drinking water wells (especially domestic wells) will continue to go dry, infringing on the rights of overlying users of groundwater. The GSP must be revised to protect the rights of residents of disadvantaged communities and/or low-income households who hold water rights to groundwater."	Leadership Council	This comment is directed to the KGA GSP and will be addressed by KGA. We respectfully disagree with the statement, as the KGA GSP and its included management area plans have demonstrated, the combination of projects, management actions, and established SMCs will bring the basin into balance with its groundwater management by 2040.
Reasonable and Beneficial Use	"The reasonable and beneficial use doctrine applies here given the negative impacts of the Draft GSP on groundwater supply and quality, which are likely to unreasonably interfere with the use of groundwater for drinking water and other domestic uses. As the Draft GSP authorizes waste and unreasonable use, it conflicts with the reasonable and beneficial use doctrine and the California Constitution."	Leadership Council	This comment is directed to the KGA GSP and will be addressed by KGA. We respectfully disagree with Leadership Council's statement regarding the plan's authorization of "waste and unreasonable use". The beneficial uses of water in the basin include other uses beyond domestic consumption. As such, it is entirely appropriate and in the authority of the GSAs that impacts to groundwater be analyzed in consideration of all beneficial uses identified in the plan.
Public Trust Doctrine	"The "public trust" doctrine has recently been applied to groundwater where there is a hydrological connection between the groundwater and a navigable surface water body. In Environmental Law Foundation , the court held that the public trust doctrine applies to "the extraction of groundwater that adversely impacts a navigable waterway" and that the government has an affirmative duty to take the public trust into account in the planning and allocation of water resources. The court also specifically held that SGMA does not supplant the requirements of the common law public trust doctrine. In contrast to these requirements, the Draft GSP does not consider impacts on public trust resources, or attempt to avoid insofar as feasible harm to the public's interest in those resources."	Leadership Council	This comment is directed to the KGA GSP and will be addressed by KGA. We respectfully disagree with Leadership Council's position in that the Basin Setting of the KGA GSP and its management area plans have adequately demonstrated that there are no interconnected surface waters in the basin and that this is the existing condition of the basin.

B&H Willow Creek Ranch, LLC

3430 Unicorn Rd, Bakersfield CA 93308

Office: 661-695-6500 Fax: 661-384-6168

November 27, 2019

North Kern Water Storage District
ATTN: Richard A. Diamond, General Manager
Kevin S. Andrew, Board President
P.O. Box 81435
Bakersfield, CA 93380

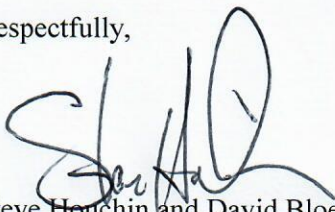
To whom it may concern,

On behalf of our farming company B&H Willow Creek Ranch, LLC (B&H), I respectfully want to make the following comments on public draft of North Kern Water Storage District and Shafter Wasco Irrigation District Management area plan submitted by GEI Consultants, Inc. on August 16, 2019.

Our entity B&H as landowners in Rosedale Ranch Improvement District (RRID) support the following actions;

- (1) Granting priority to RRID land owners for the purchase of surplus Kern River water and other water sources, if available.
- (2) Develop recharge water supply projects such as recharge areas and land capacity expansion.
- (3) Making available produced water supplies as pumping credit and allow first priority to purchase additional produced water for RRID.
- (4) Work closely with Kern River GSA to coordinate overlapping responsibility of GSA's and to offer RRID land owners first priority of sale of additional sources of water within the boundaries of both GSA's.
- (5) The use of RRID canal system as recharge areas to supplement the RRID water supply.

Respectfully,

A handwritten signature in black ink, appearing to be a combination of 'S' and 'H' or similar initials, written over a horizontal line.

Steve Houchin and David Bloemhof (Owners)



PACIFIC AG
Management Inc.

Tel: 661-587-2250
Fax: 661- 587-2254

P.O.Box 1200
29341 Kimberlina Rd.
Wasco, CA 93280

Keith Gardiner,
Landowner

November 26, 2019

Kern Groundwater Authority
Attn: Patty Poiré
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Bakersfield, CA 93301
ppoiré@kerngwa.com

North Kern Water Storage District
Attn: Richard Diamond, Kevin Andrew
PO Box 81435
Bakersfield, CA 93308
nkwsd@northkernwsd.com

RE: *North Kern W.S.D and Shafter-Wasco I.D Management Area Plan*, Public Draft, Submitted by GEI Consultants, Inc., on August 16, 2019

To Whom It May Concern:

Please consider this letter as a response to the request for public comment on the Kern Groundwater Authority Groundwater Sustainability Plan, with specific reference to the Rosedale Ranch Improvement District, a management area administered by the *North Kern WSD and Shafter-Wasco I.D. Management Area Plan* ("GSP").

These comments are entered by Keith Gardiner on behalf of Gardiner Family, LLC, the Keith Gardiner Irrevocable Trust, and V Lions Holdings, LLC as property owners and on behalf of Pacific Ag Management, Inc. (collectively referred to as herein as "Landowner"), all of whom are stakeholders in the Rosedale Ranch Improvement District Management Area ("RRID")

Landowner has been working with North Kern Water Storage District ("District") over the past few years to bring in outside supplies of water for banking within RRID to proactively build additional water supplies for our farming operations in preparation for SGMA implementation. We appreciate the District's cooperation with us in this endeavor and offer our comments below regarding four main areas of interest: water supplies, recharge opportunities, canal capacity and agency coordination.

RRID Water Supply Augmentation

- Landowner would like to see RRID's ability to access future water supplies such as flood or high-flow water from the Kern River made available to the District or additional waters that may become available. Landowner requests consideration of RRID's right to an ongoing, guaranteed share of such water as it is made available to the District.
- In regard to the produced water available to the District, Landowner requests that RRID be granted increased access to this water to be delivered in the form of pumping credits.
- Landowner requests that the District consider using its positive water budget balance (Inflows less Outflows) for the purpose of offsetting any RRID water budget deficit.

RRID Recharge Facilities

- Landowner understands that recharge opportunities are an integral part of sustaining agricultural operations as the RRID area transitions to urban development. Recharge provides positive hydrological benefits as well as additional pumping opportunities for landowners.
- Landowner supports the enlargement, creation, and maintenance of recharge facilities within RRID, along with use of the RRID canal system as a recharge area and supplement to RRID water supplies.

Canal Capacity

- Conveyance capacity is critical in order to effectively and strategically manage the movement of water supplies, both at the agency and at the landowner level.
- Landowner supports the proposed Calloway Canal improvements. Additionally, Landowner requests that RRID be given greater access to pipeline capacity when surplus water exists and that RRID canals be enhanced and expanded to the benefit of RRID landowners.

Agency Coordination

- As an RRID stakeholder, Landowner is appreciative of North Kern Water Storage District's and Kern Groundwater Authority's support of agricultural land owners and their commitment to the effective management of RRID's water supplies and agricultural lands.
- The City of Bakersfield and the Kern River Groundwater Sustainability are critical strategic partners for RRID. Landowner is confident that a partnership between the agencies and respective landowners will ensure the continued viability of agricultural operations in RRID and a successful transition to urban development.

Comments are respectfully submitted by the undersigned.



Keith Gardiner
Landowner



Farmland Reserve
79 S. Main St., Ste 500
Salt Lake City, UT 84111
801-715-9100

November 27, 2019

VIA MAIL AND EMAIL

Dick Diamond
North Kern Water Storage District
P.O. Box 81435
Bakersfield, CA 93380
rdiamond@northkernwsd.com

Re: Comments to Draft Groundwater Sustainability Plan Chapter

Dear Mr. Diamond:

The purpose of this letter is to provide North Kern Water Storage District (District) with comments from Farmland Reserve and our operating affiliate, South Valley Farms, for the District's draft chapter (Chapter), which will be included in the Kern Groundwater Authority's umbrella Groundwater Sustainability Plan (Umbrella GSP).

We appreciate the efforts of the District and its consultants in preparing the District's Chapter and participating in the Kern Groundwater Authority (KGA). As a District landowner, we have relied, in part, on the District's diligent efforts to represent our interests in the Kern Sub-basin with respect to our District lands. As one of the most, if not the most, complicated groundwater sub-basins in the Central Valley, implementation of the Sustainable Groundwater Management Act (SGMA) has not been a simple task. With that appreciation in mind, our comments to the draft Chapter below are intended to provide the District a viewpoint from a landowner farming in the District.

Our comments to the District's draft Chapter are as follows:

1. Allocation of Groundwater Rights.

Though not specifically addressed, we are concerned that the overlying right to extract groundwater will be allocated among all District landowners based on gross acreage. While this is a simple approach to what can be a complex issue, it ignores accepted principles of law intended to more fairly allocate this right among those who have historically used groundwater for irrigation purposes—and made substantial investments based on that use. We wish to at least see identification of this issue in the Chapter and an acknowledgment that it will not be decided now. If the District determines that the issue is broader, then we leave it to the District to address it at the Umbrella GSP level. Any implication that the District has decided to allocate the overlying groundwater rights based simply on gross acreage could invite some to pursue premature legal action to challenge the District's conclusion, which might not be necessary depending on the success of the proposed actions in the Chapter. While this issue certainly affects our interests, we are equally concerned about avoiding unnecessary legal challenges made by others and the instability that would bring to the sub-basin.

2. Native Yield.

The Chapter identifies a coordinated estimated native yield of 0.15-.0.30 acre feet per acre across the KGA. We understand and acknowledge that some number needed to be identified for Water Budget and planning purposes and support the use of these numbers for such purposes. However, these numbers should not be seen as establishing a precedent or used to establish some legal right. Therefore, a statement emphasizing the above points should be made – the planning purpose nature of these numbers and not establishing legal precedent.

Additionally, in coordinating with other members of the KGA under the Umbrella GSP, the District should push for a consistent native yield and related methodology across the sub-basin. We understand that this can be a politically charged process, but we are confident the District can provide support for a consistent approach, which will enable a more stable sub-basin.

3. Groundwater Market.

This issue might be premature at this point. However, the Chapter could address the possibility of a market for the exchange or transfer of groundwater credits. If a market system were contemplated, we would encourage such a system to be as flexible as possible (within the requirements of SGMA, the Chapter and the Umbrella GSP) to facilitate the needs of farmers with lands in different areas of the sub-basin and those with the ability to store surface water underground. Again, this might be premature at this time, but a mention of the District's position to support a flexible groundwater market could help move the discussion forward once the Umbrella GSP is submitted to the Department of Water Resources and agencies begin the implementation process.

As a District landowner, we wish to again acknowledge the District's efforts following the enactment of SGMA and express our appreciation for not only those efforts, but also the opportunity to comment on the draft Chapter. We are confident in the District's leadership and are available to provide assistance during the implementation process.

We welcome any feedback you may have for us and invite you to contact us if you have any questions or wish to discuss any of our comments as you finalize the District's Chapter.

Best regards,



Warren H. Peterson
Vice President



November 27, 2019

Dick Diamond
North Kern Water Storage District
P.O. Box 81435
Bakersfield, CA 93380

VIA EMAIL: rdiamond@northkernwsd.com

Re: Comments on Draft Kern Groundwater Authority Umbrella Groundwater Sustainability Plan and North Kern/Shafter-Wasco Management Area Plan

Dear Mr. Diamond and Board of Directors,

Wonderful Orchards LLC and Wonderful Citrus LLC (collectively, “Wonderful”) appreciate all the hard work that has gone into preparing the draft Groundwater Sustainability Plan (“Umbrella GSP”) and Management Area Plans (“MAPs”) by the Kern Groundwater Authority (“KGA”) and its member agencies (“Members”) including North Kern Water Storage District.

Wonderful, and our related entities, farm and process almonds, pistachios, various citrus varieties, pomegranates and nursery stock in Central California, including Kern County. As a major agricultural entity in the Central Valley, we understand just how important it is to formulate a GSP that meets the sustainability needs of the groundwater basin well into the future.

In order to best execute the GSP’s goal to achieve sustainability by 2040, we encourage all GSAs and Members in the subbasin to initiate stakeholder-driven processes and to work together cooperatively to develop coordinated, subbasin-wide management actions and implementation strategies. To that end, we request that the following comments be considered prior to the Umbrella GSP and MAPs being finalized and implemented.

Quantification of Native Yield¹

It is imperative that the final GSP properly address the quantification of native yield. The GSPs, management areas, and other planning units in the subbasin should utilize coordinated methods of determining supply sources for native yield, quantifying the native yield, and accounting for it in individual MAPs’ water budgets. Unless there are specific hydrogeologic conditions that differentiate certain portions of the basin from the basin at-large (such as a fault line or barrier to groundwater flow), native yield should be considered a basin-wide resource.

For example, a district or pumper located adjacent to the foothills does not necessarily have a superior claim to native yield over someone located in the center of the basin just because they are geographically closer to the source of mountain front recharge. Similarly, a district or

¹ Native yield as defined in Section 4.2.1 of Appendix J to the GSP.

pumper located in a cone of depression does not necessarily have a superior claim to native yield just because groundwater is flowing toward them. Surface water entering the groundwater via seepage in natural channels, including the Kern River and small streams, may be attributable to the native yield depending upon the circumstances of that seepage. A thorough technical and legal analysis is necessary to determine appropriate sources contributing to the native yield and to quantify these supplies.

Allocation of Native Yield

In addition to a clear definition of native yield, the final GSP must also include a thorough description of how to calculate the allocation of native yield. Currently, the GSP references native yield in terms of acre-feet per gross acre for water budget purposes. Appendix J of the GSP indicates the subbasin native yield is approximately 0.144 acre-feet per acre. It is our understanding that subsequent to the release of the draft GSP, all MAPs and other GSPs in the basin agreed to utilize the same number for their water budgets. If referencing native yield this way is necessary, the GSP should clarify that it is for initial water budget purposes ONLY, is non-precedent setting, and is not a determination of individual landowner allocations or groundwater rights. Alternatively, in the 2020 plans subbasin native yield could be described as a total volume of water and not associated with a given gross or net area.

In addition, GSAs should initiate a stakeholder-driven process to develop a methodology for establishing landowner-level allocations of native yield that are coordinated across the subbasin. The allocation methodology should be consistent with various legal considerations drawn from applicable case law and be generally consistent with groundwater rights, recognizing that GSAs do not have statutory authority to make a final determination of water rights. An equal-per-gross acre approach to allocations is not likely to be consistent with established water rights doctrine, which must recognize many equitable considerations in addition to acreage owned, to determine a legally defensible allocation. Further information regarding allocation methodology can be found in *Groundwater Pumping Allocations Under California's Sustainable Groundwater Management Act – Environmental Defense Fund and New Current Water & Land, July 2018*.

Groundwater Markets

Markets are essential in facilitating the highest and best use of a limited resource and in giving landowners the most flexibility to minimize the economic impacts of pumping restrictions. To enable a market that works for all landowners in the subbasin, it is imperative that all pumpers know exactly how much marketable water they have available for use or transfer. Unless it is deemed necessary to prevent undesirable results, markets should not place geographic or jurisdictional limitations on transfers within a subbasin and should allow for carry-over of allocations from one year to the next.

Pumping Restrictions

Wonderful understands that there are instances where it may be necessary to restrict pumping in order to achieve basin-wide sustainability. If this becomes a necessity, the GSAs or MAs should implement pumping restrictions when supported by the best available data and appropriate analytical tools. Furthermore, if possible, pumping should be ramped down gradually over the implementation period to avoid a sudden disruption in economic activity.

As with native yield allocations, initial pumping allowances and ramp down schedules should be coordinated across the entire basin so that similarly situated pumpers in the basin are treated equitably regardless of their respective MA (some MAPs include a ramp down schedule for groundwater-only lands and others do not; this is a significant difference and should be reconciled).

Groundwater Recharge and Banking

GSAs must develop clear policies and conditions that protect existing investment in groundwater banking and banked inventory, and without interference with existing rules and regulations. GSAs must also find a way to incentivize additional investment, such as on-farm recharge, and allow flexibility for recharged or banked water to be freely transferrable (subject to the rights and conditions of use associated with the source water and the avoidance of undesirable results). Where possible, GSPs should also identify management areas that may benefit from additional recharge and banking. We also recommend that GSAs work to develop incentives for public or private investment to expand recharge and banking capacity, as these facilities help to achieve multiple benefits (e.g., habitat, water quality, drinking water, etc.).

Measurement and Data Management

Finally, GSAs should develop a coordinated basin-wide data management system (“DMS”) that is capable of tracking groundwater and surface water use at the landowner, field, or parcel level, and a coordinated methodology for measuring landowner-level use of groundwater. The DMS should also include, or be capable of interfacing with, a groundwater market platform that allows for individual users to conduct transactions.

Markets will be most effective if there is confidence in the accuracy of the measurements taken, consistency in the data sources relied upon, and flexibility to allow for transactions across the basin. For instance, GSAs using remote sensing to calculate crop evapotranspiration (“ET”) as a measurement of consumptive use of groundwater should develop methodologies and quality assurance elements to allow for grower provided information to be included into the ET calculation and calibration. Additionally, GSAs should establish criteria and procedures to address any apparent inaccuracies in the ET calculations (e.g., if calculated ET is greater than applied water and precipitation).

Wonderful appreciates the opportunity to provide feedback on the GSP and MAPs. We would be happy to discuss these comments at your convenience. Thank you for your consideration.

Sincerely,



Rob C. Yraceburu
President
Wonderful Orchards LLC



David W. Krause
President
Wonderful Citrus LLC



A Manulife Investment Management Company

Kern Groundwater Authority
c/o Provost & Pritchard Consulting Group
1800 30th Street, Suite 280
Bakersfield, CA 93301

November 27, 2019

Dear Planning Manager Poire,

Hancock Farmland Services (HFS) would like to thank you for all of the work that has been put into the Draft Kern Groundwater Authority (KGA) Groundwater Sustainability Plan (GSP) and the Management Area Plans (MAPs) contained therein. In an effort to bolster the Draft GSP and MAPs we provide the following comments:

Allocation of Native Yield

The GSP references native yield in terms of acre-feet per gross acre for water budget purposes. If referencing it this way is necessary, the GSP should clarify that these calculations are for initial water budget purposes ONLY, are non-precedent setting, and not a determination of individual landowner allocations or groundwater rights. Alternatively, native yield could be described only as a total volume of water, for example xxx,xxx acre-feet and not associated with a given gross or net area.

In the event that allocations of any sort are distilled to a landowner or property level, HFS encourages the GSAs in the basin to initiate a stakeholder-driven process to develop a methodology for establishing landowner-level allocations that are coordinated across the basin. The allocation methodology should be consistent with various legal considerations drawn from applicable case law and attempt to be consistent with groundwater rights, recognizing that GSAs do not have statutory authority to make a final determination of water rights. An equal-per-gross acre approach to allocations is not likely to be consistent with established water rights doctrine, which must recognize many equitable considerations, in addition to acreage owned, to determine a legally defensible allocation. Further information regarding allocation methodology can be found in *Groundwater Pumping Allocations Under California's Sustainable Groundwater Management Act – EDF and NCWL, dated July, 2018*

Groundwater Recharge and Banking

GSAs and MAs must develop clear and understandable policies and conditions that protect existing groundwater banking and banked inventory and allow them to continue operating as they have been under their existing rules and regulations without interference. They must also incentivize additional investment, such as on-farm recharge by providing pumping credits and allow flexibility for recharged or banked water to be freely transferrable subject to the rights and conditions of use associated with the source water and the



A Manulife Investment Management Company

avoidance of undesirable results. They should develop incentives for public or private investment to expand recharge and banking capacity, as these facilities help to achieve multiple benefits (e.g., habitat, water quality, drinking water, etc.).

Refinement and Validation of Consumptive Use Calculations Based on ET Measurement

HFS supports use of efficient and accurate systems to determine groundwater use. GSAs using remote sensing to calculate crop ET as a measurement of consumptive use of groundwater should develop methodologies and quality assurance elements to allow for grower-provided information to be included into the ET calculation and calibration. These methodologies should be developed in consultation with the vendor providing ET data to ensure it is applicable and useful in creating the best available data set. Additionally, GSAs and/or MAs should establish criteria and procedures to address apparent inaccuracies in the ET calculations. An obvious use of the procedure would be in instances where the grower can demonstrate that applied water, plus precipitation, is less than the calculated ET. In these instances, and subject to any requirements established by the GSA, the grower's use of groundwater should be reduced to the applied water total as the ET calculation should not be greater than applied water.

Sincerely,

Molly Thurman
Water Resource Manager
661 204 0568
mthurman@hnr.com

BDII INVESTMENTS, LLC

November 29, 2019

Kern Groundwater Authority
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North Kern Water Storage District
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PO Box 81435
Bakersfield, CA 93308
nkwsd@northkernwsd.com

RE: North Kern W.S.D and Shafter-Wasco I.D Management Area Plan, Public Draft,
Submitted by GEI Consultants, Inc., on August 16, 2019

To Whom It May Concern:

This letter is intended to offer landowner input related to lands that are in the boundaries of the Rosedale Ranch Improvement District ("RRID") a management area that will be managed by the North Kern WSD and Shafter-Wasco I.D Management Area Plan ("GSP").

The landowner input included in this letter is being provided on behalf of Wildwood Farms, LLC, JRBM I Investments, LLC, and BDII Investments, LLC ("Landowners"). These Landowner entities own and operate active farming operations in the RRID management area. Some of these lands are also in transition to other uses and have been annexed by the City of Bakersfield. As a result, some of the lands also sit within the Kern River Groundwater Sustainability Agency (KRGSA) boundaries.

After reviewing the draft GSP released by GEI, there is concern that the current water resources identified for the RRID managed area will make continued farming within RRID very difficult and uncertain. The Landowners also realize that details of the GSP is a work in progress and will be refined to manage all stakeholder interests and SGMA compliance on a go forward basis. That said, the Landowners would like to take the opportunity to provide input on the different ways that farming operations could potentially be sustained in RRID well into the future. In order to achieve this goal, the Landowners believe that certain activities and goals must become a priority.

Increasing RRID Water Supply

- Landowners would like RRID to be able to purchase produced water resources conveyed and or banked in North Kern Water District facilities. These volumes appear to be available sources of water in the GSP that could become an integral source of water for acres within RRID.
- Landowners would like RRID to improve future water supplies by purchasing flood water or high-flow water from the Kern River when it is available and before that water is offered to areas outside the managed areas within the GSP. Again, some of this acreage in question has also been annexed by the City of Bakersfield which seems to have adequate water supplies for land within the city limits.
- Landowners would also like to see RRID purchase surplus water from North Kern Water District when available to help mitigate the deficit in RRID before these surplus supplies are sold outside the GSP management area.
- Landowners believe that RRID should continue to improve conveyance and turnout facilities that could be used to supply lands with excess Kern River flow when it is available.

RRID Recharge Facilities

- Landowners would encourage RRID to participate in groundwater banking and the use of recharge facilities in North Kern Water for the benefit of RRID. This will allow RRID to develop a more stable long term supply and pump groundwater in years when there is little or no access to excess Kern River water.
- Landowners would encourage RRID to explore potential banking and development of recharge facilities within the RRID service area that have adequate conveyance and facilities to bank surplus Kern River water or other surplus water sources from either North Kern Water District or the KRGSA for lands that have been annexed into the City of Bakersfield.

Again, the Landowners appreciate the opportunity to provide input on the North Kern W.S.D and Shafter-Wasco I.D Management Area Plan submitted by GEI. The Landowners applaud the work that has been so far and look forward to collaborating with all of the stakeholders in the GSP to help ensure that farming within RRID can continue well into the future. The Landowners are optimistic that if all parties work in

good faith to achieve this goal, RRID could remain an active farming area that remains productive and manages around produced water sources, flood and high flow water from the Kern River, new and existing recharge facilities, and other surplus sources that could be available to North Kern Water District.

Respectfully,

A handwritten signature in black ink, appearing to read "John Bidart", written in a cursive style.

John Bidart



336 Pacific Avenue, Shafter, California 93263

Via U.S. Mail and E-mail

November 25, 2019

Richard A. Diamond, General Manager
rdiamond@northkernwsd.com
North Kern Water Storage District
P.O. Box 81435
Bakersfield CA 93380

Michelle Ricker
mricker@geiconsultants.com
GEI Consultants
5001 California Avenue, Suite 120
Bakersfield, CA 93309

Dana S. Munn, General Manager
dmunn@swid.org
Shafter-Wasco Irrigation District
P.O. Box 1168
Wasco, CA 93280

**SUBJECT: AUGUST 2019 DRAFT NORTH KERN W.S.D AND SHAFTER-WASCO
I.D. MANAGEMENT AREA PLAN**

This letter is a formal response to the Draft North Kern W.S.D (NKWSD) and Shafter-Wasco I.D. Management Area (SWID) Plan, dated August 2019 (Draft Management Area Plan). The City understands the plan was drafted to fulfill a regulatory requirement of the Sustainable Groundwater Management Act (SGMA) to have a Groundwater Sustainability Plan (GSP) developed by 2020 for a management area that substantially covers the City's jurisdictional limits and water service area.

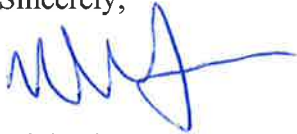
As you're aware, the City owns, operates, and maintains a municipal water supply and distribution system that serves approximately 20,000 residents within its jurisdictional limits plus several unincorporated and economically disadvantaged communities. As the only potable water supplier to these areas, the City has a responsibility to continue to provide water for domestic, commercial, and industrial uses. Much of the City's feedback regarding the Draft Management Area Plan focuses on how the City can fulfill that responsibility.

The City's specific comments, concerns, and suggestions have been made to ensure that: (1) the description of the City's water system and water demand are accurate and up-to-date; (2) the City's beneficial uses are recognized and protected; and (3) that the plan does not inadvertently include language that could be misinterpreted to adversely affect the City's water rights or ability to utilize those rights to the benefit of public health and safety. Two critical pieces that the plan

should ultimately address are minimum thresholds and measurable objectives set for specific water quality constituents to ensure that water quality does not degrade beyond current conditions. This would follow what other management area plans covering the same groundwater basin have already included.

The City wishes to thank you for preparing and submitting the Draft Management Area Plan and also taking the time to date to discuss the City's feedback. If you have any questions or concerns, please contact me via phone at (661) 746-5002 or email at mjames@shafter.com.

Sincerely,

A handwritten signature in blue ink, appearing to read 'MJ', with a long horizontal stroke extending to the right.

Michael James
Public Works Director

November 27, 2019

Kern Groundwater Authority
c/o Provost & Pritchard Consulting Group
1800 30th Street, Suite 280
Bakersfield, CA 93301

Re: Kern Groundwater Authority Groundwater Sustainability Plan

Dear Planning Manager Poire,

Westchester Group Investment Management (WGIM) offers the following comments on the Draft Kern Groundwater Authority (KGA) Groundwater Sustainability Plan (GSP) and the Management Area Plans (MAPs) contained therein:

Allocation of Native Yield

The GSP references native yield in terms of acre-feet per gross acre for water budget purposes. If referencing it this way is necessary, the GSP should clarify that these calculations are for initial water budget purposes ONLY, are non-precedent setting, and not a determination of individual landowner allocations or groundwater rights. Alternatively, native yield could be described only as a total volume of water and not associated with a given gross or net area. In the event that allocations are to be made at a landowner or property level, WGIM encourages the KGA and other GSAs in the basin to initiate a stakeholder-driven process to develop a methodology for establishing landowner-level allocations that are coordinated across the basin. The allocation methodology should be consistent with various legal considerations drawn from applicable case law and attempt to be consistent with groundwater rights, recognizing that GSAs and Management Areas (MAs) do not have statutory authority to make a final determination of water rights. An equal-per-gross acre approach to allocations is not likely to be consistent with established water rights doctrine, which must recognize many equitable considerations, in addition to acreage owned, to determine a legally defensible allocation. Further information regarding allocation methodology can be found in *Groundwater Pumping Allocations Under California's Sustainable Groundwater Management Act – EDF and NCWL, dated July, 2018.*

Pumping Restrictions

We understand that there are instances where it may be necessary to restrict pumping in order to achieve basin-wide sustainability. If this becomes a necessity, the GSAs and MAs should implement pumping restrictions when supported by the best available data and appropriate

analytical tools. Furthermore, if possible without creating undesirable results, pumping should be ramped down gradually over the implementation period to avoid a sudden disruption in economic activity.

As with native yield allocations, initial pumping allowances and ramp down schedules should be coordinated and consistent across the entire basin so that similarly situated pumpers in the basin are treated equitably regardless of their respective MA (some MAPs include a ramp down schedule for groundwater-only lands and others do not; this is a significant difference and should be reconciled).

Groundwater Recharge and Banking

GSAs and MAs must develop clear and understandable policies and conditions that protect existing groundwater banking and banked water inventory, and allow them to continue operating as they have been under their existing rules and regulations without interference. They must also incentivize additional investment, such as on-farm recharge by providing pumping credits and allow flexibility for recharged or banked water to be freely transferrable subject to the rights and conditions of use associated with the source water and the avoidance of undesirable results. They should develop incentives for public or private investment to expand recharge and banking capacity, as these facilities help to achieve multiple benefits (e.g., habitat, water quality, drinking water, etc.).

Measurement and Data Management

GSAs should develop a coordinated basin-wide data management system (“DMS”) that is capable of tracking groundwater and surface water use at the landowner, field, or parcel level, and a coordinated methodology for measuring landowner-level use of groundwater. The DMS should also include, or be capable of interfacing with, a groundwater market platform that allows for individual users to conduct transactions.

Markets will be most effective if there is confidence in the accuracy of the measurements taken, consistency in the data sources relied upon, and flexibility to allow for transactions across the basin. For instance, GSAs using remote sensing to calculate crop evapotranspiration (“ET”) as a measurement of consumptive use of groundwater should develop methodologies and quality assurance elements to allow for grower provided information to be included into the ET calculation and calibration. Additionally, GSAs should establish criteria and procedures to address any apparent inaccuracies in the ET calculations (e.g., if calculated ET is greater than applied water and precipitation).

Refinement and Validation of Consumptive Use Calculations Based on ET Measurement

WGIM supports use of efficient and accurate systems to determine groundwater use. GSAs using remote sensing to calculate crop ET as a measurement of consumptive use of groundwater should develop methodologies and quality assurance elements to allow for grower-provided information to be included into the ET calculation and calibration. These methodologies should be developed in consultation with the vendor providing ET data to ensure it is applicable and useful in creating the best available data set. Additionally, GSAs and/or MAs should establish criteria and procedures to address apparent inaccuracies in the ET calculations. An obvious use of the procedure would be in instances where the grower can demonstrate that applied water, plus precipitation, is less than the calculated ET. In these instances, and subject to any requirements established by the GSA, the grower's use of groundwater should be reduced to the applied water total as the ET calculation should not be greater than applied water.

Sincerely,



Brian L. Hauss
Vice President



Memo

To: Mr. Richard Diamond, North Kern Water Storage District (NKWSD)
Mr. Dana Munn, Shafter-Wasco Irrigation District (SWID)

From: Michelle Ricker

c: Larry Rodriguez

Date: December 5, 2019

Re: Revisions to Public Draft of NKWSD and SWID Management Area Plan
NKWSD-SWID SGMA Support
GEI Project No. 1802252

North Kern Water Storage District (NKWSD) and Shafter-Wasco Irrigation District (SWID) have contracted GEI to assist in the preparation of their joint Management Area Plan (the NKWSD-SWID Plan) as part of the Groundwater Sustainability Plan (GSP) prepared by the Kern Groundwater Authority (KGA) for submittal in January 2020. The KGA GSP and the NKWSD-SWID Plan are both prepared in compliance with the California Sustainable Groundwater Management Act (SGMA). The Public Draft of the NKWSD-SWID Plan was released for a 90-day Public Comment period, coinciding with the KGA's 90-day Public Comment Period, which commenced on August 30, 2019 and ended on November 29, 2019.

During the Public Comment period, the Districts had opportunities to engage in further stakeholder outreach, through the KGA and on their own, having discussions with the cities of Shafter and Wasco and with Oildale Mutual Water Company (OMWC), and receiving public comments in the form of written correspondence. These discussions and comments have resulted in further refinement and revision of the Management Area Plan for NKWSD and SWID. The following memo summarizes the revisions made to the Public Comment draft of the NKWSD-SWID Plan. Upon approval and adoption, this revised plan will be submitted to the California Department of Water Resources (DWR) as a part of the KGA GSP.

Revisions to Introduction Section

The most substantive revisions included an update to the summary of NKWSD-SWID Public Meeting and Workshops (Table 1-4 of the NKWSD-SWID Plan) to include the activities which took place during the 90-day Public Comment period. These activities included meetings with representatives from the cities of Shafter and Wasco and OMWC, a KGA-coordinated open house, and a stakeholder outreach workshop hosted by NKWSD and SWID.

Section 1.5.3: Comments Received was also revised to include a discussion of the Public Comment period and the comments received by the Districts and those received by the KGA and forwarded to the Districts. Copies of those comments and the Districts' response to those comments were added to the plan in an appendix.

Revisions to Basin Setting Section

While some corrections and clarifications were made to Section 2.3: Current and Historical Groundwater Conditions, most revisions in the Basin Setting section of the NKWSD-SWID Plan were in Section 2.5: Water Budgets. These revisions were a result of extensive coordination and discussion with the other GSAs of the Kern County Subbasin (Subbasin) and other members of the KGA to reconcile the Management Area/District level water budgets with the Kern County Subbasin Model (the Model) generated by Todd Groundwater.

Addition of KGA “Checkbook” Water Budget

The Model was created for the Subbasin using the C2VSim fine-grain model provided by the DWR, the evapotranspiration (ET) data for the Subbasin from the Irrigation Training and Research Center (ITRC) at Cal Poly, San Luis Obispo, the historical water supply delivery data from the districts and agencies in the Subbasin, historical groundwater pumping volumes from the cities in the Subbasin, and the volumes of other water available for beneficial use (e.g. effluent from wastewater treatment plants, oilfield-produced water). While the Model outputs described the inflow and outflow components for the entire Subbasin, it was not effective at providing those same components at the district/agency level. As a result, the KGA had to develop a “checkbook” water budget which would aid in providing an estimate of the water budget components in the Model that could be attributed to each district/agency, for planning purposes.

The “checkbook” water budgets developed for NKWSD and SWID’s management areas to reconcile the Model do not replace the historical water budgets or the current and future water budgets that were presented in the Public Draft of the plan. Rather, the “checkbook” water budget is in addition to the water budgets presented in the Public Draft.

Clarification of Water Budget Components and Water Budgets

The narrative describing the water budget components and the districts’ water budgets was revised to further specify the purpose of the water budget in the management area plan. The water budgets are a tool to help the districts/agencies manage for the Sustainability Indicators defined in the GSP and in their respective Management Areas. They are not meant to represent nor do they allocate water to each parcel within the Districts. The Districts and the Subbasin at large does not have the framework necessary for the allocation of native yield (the summation of subsurface flow, runoff, and precipitation) to each parcel. The subsurface inflow and outflow components are estimates for the purpose of developing this submittal of the plan and are subject to change based on data gathered in the implementation of the SGMA-compliant monitoring network for the measurement of water budget components.

Revision to Rosedale Ranch Improvement District Management Area Water Budgets

In the Public Draft of the plan, the future projected water budgets for the Rosedale Ranch Improvement District (RRID) Management Area (Table 2-26 in the NKWSD-SWID Plan) show inflow components that account for the projected volumes of currently available flows for the management area. While the future projected water budgets in Public Draft accounted for the demand reduction through management actions described in Section 5: Projects and

Management Actions, they did not include the additional supply from all proposed projects for the RRID Management Area. Table 2-26 of the plan has been revised to reflect the projected volumes from existing sources of supply as well as the projected supply from proposed projects to be implemented between now and 2040.

Revisions to the Sustainability Goals Section

NKWSD and SWID have used a projected groundwater contours method for establishing their minimum thresholds (MTs) and measurable objectives (MOs) for the representative monitoring sites within their plan area. Consistent with Section 2.3: Current and Historical Groundwater Conditions, the Sustainable Management Criteria (SMCs) for groundwater levels are used as a proxy for groundwater quality and for land subsidence. Based on comments received from the municipal water purveyors in the plan area, the following clarifications and revisions have been made:

Undesirable Results for Water Quality

Language has been added to Section 3.2.3.1 to further describe the potential cause of undesirable results related to groundwater quality, with respect to the primary constituents of concern. Section 3.2.3.2 has also been revised to add information describing the potential effects of undesirable results as they relate to the primary constituents of concern identified in Section 2.3 of the plan.

Additional Representative Monitoring Sites

The Districts agreed to add four more representative monitoring sites; two wells owned and operated by the City of Shafter and two wells owned and operated by the City of Wasco. These wells are in addition to the existing wells that were previously identified in the Public Draft of the plan. The MTs and MOs for groundwater levels in these wells were determined from the groundwater elevation contour projections with the same method used for establishing the MTs and MOs of the representative monitoring sites in the Public Draft. Tables 3-1 through 3-4 were revised to include the four additional representative monitoring sites. Figure 3-2 (which shows the MTs and MOs at each representative monitoring site) have also been revised to show the additional representative monitoring sites.

Revisions to the Monitoring Network Section

Consistent with the revisions made to Section 3, the four additional representative monitoring sites have been added to Tables 4-3 and 4-4. Figure 4-1 shows the locations of the existing and proposed representative monitoring sites described in Section 4.

Revisions to the Projects and Management Actions Section

The revisions made to Section 5: Projects and Management Actions are to provide further clarification of projects and management actions mentioned in the public comments received by the Districts. Some of the projects and management actions are conceptual at this time and, therefore, have not been quantified in terms of additional supply or demand reduction.

In addition to revising the narrative for projects and management actions already proposed, the following projects and management actions were added to the plan:

Refinement of Water Budget Components

In addition to the implementation of the GSP, and the monitoring and measurement described therein, the Districts propose to begin improvements to ET measurement within their respective jurisdictions to further refine the calculation of consumptive water use. Other potential improvements to measurement and monitoring in the plan area may also include improved weather data to provide more accurate precipitation volumes, refinement of subsurface flow volumes using groundwater level data and local hydrogeologic data, and improved estimation of surface runoff. These efforts would culminate in the improvement of the Kern County Subbasin Model, which is used as a coordinated subbasin-wide water budget. This management action is conceptual; a volume of water associated with this management action has not been calculated.

Mitigation Program for Impacts on Domestic Wells

In the use of a “glide path” to sustainability, which utilizes projected groundwater elevation contours to establish SMCs based on recent hydrologic conditions, the Districts observed that there are potential impacts to shallow domestic wells resulting from the establishment of SMCs which allow for groundwater levels to fall below the historically lowest elevations. To mitigate these impacts the Districts, in coordination with other KGA members, will develop a mitigation program to offer financial assistance for the replacement of domestic wells which are impacted by groundwater management to the proposed SMCs. The KGA members would also develop eligibility criteria for the proposed mitigation program which would help determine if the impacts are a result of the plan’s implementation or have some other cause. This management action is conceptual; a volume of water associated with this management action has not been calculated.

Conclusion

The revisions to the Public Draft of the NKWSD-SWID Management Area Plan provide more information and clarification of the plan elements. Many of the public comments received have been addressed through these revisions. Generally, the comments not addressed in the plan revisions cannot be adequately addressed at this time due to either data gaps or insufficient time between now and the DWR deadline for submittal of the GSPs. By engaging their stakeholders in the process of SGMA implementation beyond the submittal of the KGA’s 2020 GSP, NKWSD and SWID will continue to improve their management area plan for subsequent plan updates for achieving sustainability.

[MR:GM]

**BEFORE THE BOARD OF DIRECTORS OF
NORTH KERN WATER STORAGE DISTRICT**

IN THE MATTER OF:

RESOLUTION NO. ____

**RESOLUTION APPROVING MANAGEMENT AREA PLAN FOR NORTH KERN
W.S.D. AND SHAFTER-WASCO I.D.**

WHEREAS, the Kern Groundwater Authority (the "Authority") is duly formed and existing under and pursuant to that certain Second Amended and Restated Agreement Joint Powers Agreement (the "JPA"), for the purposes of carrying out the Sustainable Groundwater Management Act (Water Code § 10720 *et seq.*) (SGMA), including the development, adoption and implementation of a Groundwater Sustainability Plan (GSP) for lands within the boundaries of the Authority's members and elsewhere within the Tulare Lake Groundwater Basin;

WHEREAS, the District is a member of the Authority;

WHEREAS, pursuant to Section 7.01 of the JPA, the District, in collaboration with the Shafter-Wasco Irrigation District (SWID), has exercised its option under the JPA to develop a chapter governing SGMA implementation within the boundaries of the District, SWID, and the Cities of Shafter and Wasco, for inclusion in the Authority's GSP, which is titled *North Kern W.S.D. and Shafter-Wasco I.D. Management Area Plan* (the "NK-SWID Chapter"); and,

WHEREAS, the District has conducted public outreach, solicited public input on, and, as appropriate, has responded or will respond to public comments on, the NK-SWID Chapter as required under SGMA; and

WHEREAS, following such outreach, solicitation and response, the District's Board of Directors reviewed and evaluated the NK-SWID Chapter.

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE NORTH KERN
WATER STORAGE DISTRICT** does hereby resolve, declare and order as follows:

- 1) Each of the matters set forth above is true and correct and the Board so finds and determines.
- 2) The Board finds that the NK-SWID Chapter is consistent with the

Exhibit "D"

requirements of SGMA, and pursuant to Section 2.03(b) of the JPA approves the Chapter for inclusion in the Authority's GSP.

- 3) The Board hereby authorizes District staff to undertake such actions as are necessary and appropriate to transmit the NK-SWID Chapter to the Authority and to present the NK-SWID Chapter to the Authority's Board of Directors for consideration of inclusion in the Authority's GSP.

All the foregoing being on motion of Director, seconded by Director, and authorized by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

I HEREBY CERTIFY that the foregoing resolution is the resolution of said District as duly passed and adopted by said Board of Directors on the ___ day of _____ 2019.

WITNESS my hand and seal of said Board of Directors this ___ day of _____ 2019.

(District Seal)

_____, Secretary-Treasurer
of the Board of Directors

BOARD OF DIRECTORS
North Kern Water Storage District
Minutes of the Meeting of November 19, 2019

A Meeting of the Board of Directors of North Kern Water Storage District was held at the District Office, 33380 Cawelo Avenue starting at 7:00 a.m., on November 19, 2019.

President Andrew declared a quorum was present and called the meeting to order. The following Directors were present: Kevin Andrew, Carole Fornoff, Joel Ackerknecht, Winn Glende and Mike Mendes. Others present: Richard Diamond (General Manager), Ram Venkatesan (Deputy General Manager), Marinelle Duarosan (Controller), Heather Williams (Operations Superintendent), Christy Castaneda (Administrative Assistant) of North Kern Water Storage District, Scott Kuney (District Counsel - Young Wooldridge), Ron Eid (GEI – Consulting Engineer). Guests included: Tim Gobler (Wonderful), George Cappello (Grimmway) Todd Turley (Agreserves), Preston Brittain (Pacific Ag), and Benjamin Camarena, Raul Lopez and Elias Mahfoud (High Speed Rail Authority - HSRA).

President Andrew called the meeting to order at 7:02 a.m. and opened the floor for public comments. At this time representatives from HSRA addressed the Board and stated they are committed to work with the District to find a resolution that will benefit both parties. General Manager Diamond stated this item will be further discussed in Closed Session. President Andrew notified the Board that agenda items 1A and 1B - NKWSD and RRID 2018 Base Service Charge Public Hearings - will be skipped until its scheduled start time, 7:30 am.

Board of Directors –

(19-142) Upon motion of Director Fornoff, seconded by Director Mendes and unanimously carried, to approve the minutes from the October 15, 2019 Regular Board meeting.

(Ayes: Andrew, Mendes, Ackerknecht, Glende & Fornoff, Noes: None, Absent: None, Abstain: None)

Watermaster – General Manager Diamond reported that the Isabella remediation Phase II project construction and blasting continues.

The Corps of Engineers continues to provide tours for small groups to the Isabella project. The Corps staff will meet with Kern River Interest management later this month with construction schedule updates.

The Kern River Interests had Isabella storage levels to 170,000 acft by November 1st as required under the Corps water control diagram.

Operations Report – Operations Superintendent Williams reported on District operations stating that the District's share of Isabella storage is estimated at 34,000 AF. Kern River natural inflow and outflow are averaging 350 cfs and 390 cfs, respectively. The District began receiving an estimated 170 cfs from Kern Delta releases, beginning November 5.

CRC produced water continues to be diverted to Rosedale spreading through the 9-2 canal along with 65 cfs of Friant water supplies. Califia Farms continues to pump into the Lerdo Canal.

Financial Matters –

- (19-143) Upon motion of Director Mendes, seconded by Director Glende and unanimously carried, to receive and file the Treasurer's Report for the North Kern Water Storage District for the month of October as printed.

(Ayes: Andrew, Mendes, Ackerknecht, Glende & Fornoff, Noes: None, Absent: None, Abstain: None)

- (RR19-144) Upon motion of Director Mendes, seconded by Director Glende and unanimously carried, to receive and file the Treasurer's Report for the Rosedale Ranch Improvement District for the month of October as printed.

(Ayes: Andrew, Mendes, Ackerknecht, Glende & Fornoff, Noes: None, Absent: None, Abstain: None)

The Financial Statement, Summary of Water Sales, Deposits and the Accounts Receivable report for the month of October were reviewed and accepted as printed.

- (19-145) Upon motion of Director Ackerknecht, seconded by Director Mendes and unanimously carried, to approve for payment the Accounts Payable for the North Kern Water Storage District for the month of October as printed.

(Ayes: Andrew, Mendes, Ackerknecht, Glende & Fornoff, Noes: None, Absent: None, Abstain: None)

- (RR19-146) Upon motion of Director Ackerknecht, seconded by Director Mendes and unanimously carried, to approve for payment the Accounts Payable for the Rosedale Ranch Improvement District for the month of October as printed.

(Ayes: Andrew, Mendes, Ackerknecht, Glende & Fornoff, Noes: None, Absent: None, Abstain: None)

Consulting District Engineer – Consulting District Engineer Ron Eid reported:

- A. High-Speed Rail Authority: Mr. Eid stated that there was limited activity during the month.
- B. Poso Creek RWMG: Mr. Eid stated there was no public meeting this month. As per the work on the Plan update, GEI has received information that it is in compliance with the integrated regional water management planning guidelines. DWR has initiated a mandatory public review period for the Plan update.
- C. Grants for Projects: The District previously received notice that it was awarded an amount of \$75,000 to fund the SCADA software and Land IQ ET improvements. The Bureau continues working on drafting a contract for this award.

The District's submittal of the \$1.5 million grant proposal to the Bureau of Reclamation last March focused on additional lining of the Calloway Canal has also been awarded. The Bureau continues drafting a contract for this award.

The District submitted three additional grant proposals in September (to the Department of Water Resources under Prop 1 - submitted by the Poso Creek regional management group) and October (to the Bureau of Reclamation). These proposals include additional canal lining and funding assistance for deep well instrumentation.

- D. Water Delivery Improvements: Mr. Eid stated the Well Instrumentation project for SCADA is going to be broken down to three contracts. First, flow meters – procure and install; second, electrical – procure and install; third, plc’s. In regards to the PLC’s we have sent out the invitations to submit quotes (quotes are due by December 16th).

At this time, President Andrew asked the Board to begin the Public Hearing for Finalizing the NKWSD Base Service Charges. The hearing began at 7:30 a.m. District Counsel Kuney stated the hearing notice was published as required by law and that the District had not received any written comment. President Andrew then opened the hearing to the public for questions, comments and/or objections. There were none. At 7:35 a.m. President Andrew brought the public hearing to a close.

- (19-147) Upon motion of Director Fornoff, seconded by Director Glende and unanimously carried, to adopt Resolution #19-147 Finalizing the NKWSD Base Service Charge.

(Ayes: Andrew, Mendes, Ackerknecht, Glende & Fornoff, Noes: None, Absent: None, Abstain: None)

At this time, President Andrew asked the Board to begin the Public Hearing for Finalizing the RRID Base Service Charges. The hearing began at 7:36 a.m. District Counsel Kuney stated the hearing notice was published as required by law and that the District had not received any written comment. President Andrew then opened the hearing to the public for questions, comments and/or objections. At this time General Manager Diamond stated they are anticipating a Prop 218 election for Rosedale Ranch to support projects that will help balance the water supply and demands related to the SGMA process. One objection to the BSC has been made by Chevron. They requested to not pay the “project charge” due to the fact that they are not farming the land, but will pay the “administration charge”. General Manager Diamond indicated that in previous years the District had concurred with similar requests from other landowners through an agreement that lands exempted from project charges would be required to pay all project charges from the date of the exemption forward in the event that farming activities on the land were initiated. At 7:45 a.m. President Andrew brought the public hearing to a close.

- (RR19-148) Upon motion of Director Mendes, seconded by Director Ackerknecht and unanimously carried, to adopt Resolution #RR19-148 Finalizing the RRID Base Service Charge.

(Ayes: Andrew, Mendes, Ackerknecht, Glende & Fornoff, Noes: None, Absent: None, Abstain: None)

Budget and Personnel Committee –

General Manager Diamond gave a brief review of the 2020 Draft Budget. The Budget will be reviewed in detail with the Budget Committee before the December Board meeting and a final proposed Budget will be submitted for approval by the Board.

- (19-149) Upon motion of Director Mendes, seconded by Director Ackerknecht and unanimously carried, to approve to increase the District’s salary schedules by 2.50% effective January 1, 2020 to reflect Cost of Living Adjustment (COLA).

(Ayes: Andrew, Mendes, Ackerknecht, Glende & Fornoff, Noes: None, Absent: None, Abstain: None)

- (19-150) Upon motion of Director Mendes, seconded by Director Glende and unanimously carried, to approve use of Heavy Equipment Reserves for the purchase of two backhoes to replace the District’s current backhoes.

(Ayes: Andrew, Mendes, Ackerknecht, Glende & Fornoff, Noes: None, Absent: None, Abstain: None)

- (19-151) Upon motion of Director Ackerknecht, seconded by Director Winn and unanimously carried, to authorize General Manager Diamond to execute the On-Bill Financing Loan Agreement with Pacific Gas and Electric for the District's 2019 well rehabilitation.

(Ayes: Andrew, Mendes, Ackerknecht, Glende & Fornoff, Noes: None, Absent: None, Abstain: None)

Engineering Committee –

- (19-152) Upon motion of Director Fornoff, seconded by Director Ackerknecht and unanimously carried, to approve Amendment No. 2 to the Task Order #18-10 with GEI Consultants for Groundwater Sustainability Plan Development for SGMA in an amount not-to-exceed \$73,000.

(Ayes: Andrew, Mendes, Ackerknecht, Glende & Fornoff, Noes: None, Absent: None, Abstain: None)

- (19-153) Upon motion of Director Mendes, seconded by Director Ackerknecht and unanimously carried, to authorize the General Manager to execute Task Order #19-09 (rev fall 2019) with GEI Consultants to continue to provide bid phase, and grant administration support for Phase II of the water delivery improvements project for a budget amount not-to-exceed \$70,000.

(Ayes: Andrew, Mendes, Ackerknecht, Glende & Fornoff, Noes: None, Absent: None, Abstain: None)

Groundwater Ad Hoc Committee – General Manager Diamond stated the District moved up the December Board Meeting to December 10th to accommodate the Kern Groundwater Authority schedule that calls for member plans to be submitted by December 13th – it is expected that the North Kern Board will review and approve the Final North Kern – Shafter-Wasco ID Management Area Plan on December 10th.

Produced Water Ad Hoc Committee – General Manager Diamond stated there was a Food Safety Panel meeting last week. In regards of crop sampling, GSI consultants concluded there was no detectable difference between crops irrigated with produced water and crops irrigated with other sources of water.

Negotiating Committee – No Report at this Time

Counsel of District – No Report at this Time

Rosedale Ranch – No Report at this Time

General Manager's Report – General Manager Diamond stated staff is reviewing quotes from architects for an initial high-level evaluation of the potential for relocating the District's office and yard. GM Diamond also mentioned that District Controller/Admin Manager Duarosan has been leading the recruitment interviews for the Assistant Engineer position.

The President publicly stated that the legal authorities for holding Closed Session at today's Board Meeting are the following sections of the California Government Code:

- A. CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION
(Govt. Code Section 54956.9(a))

- (i) North Kern Water Storage District v. City of Bakersfield (VCSC #56-2011-00408712-CU-CO-VTA)
 - (ii) Appeal of Regional Board General Order (R5-2013-0120) for Tulare Lake Basin to State Water Resources Control Board (re. Irrigated Lands Regulatory Program)
- B. CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION (Govt. Code Section 54956.9(b))
- C. PERSONNEL MATTERS (Govt. Code Section 54957)
- D. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Govt. Code Section 54956.8)—use of District facilities for various potential water management programs; negotiator, Richard Diamond

The above legal grounds were determined to exist based on advice of counsel, and discussion of such matters in an Open Session would cause prejudice to the District. The Board went into Closed Session at 8:15 a.m. The Board reconvened back into open session at 9:30 a.m. and it was noted no reportable actions were taken in closed session.

- (19-154) Upon motion of Director Mendes, seconded by Director Glende and unanimously carried to adjourn the meeting at 9:30 a.m.
(Ayes: Andrew, Mendes, Ackerknecht, Glende & Fornoff, Noes: None, Absent: None, Abstain: None)

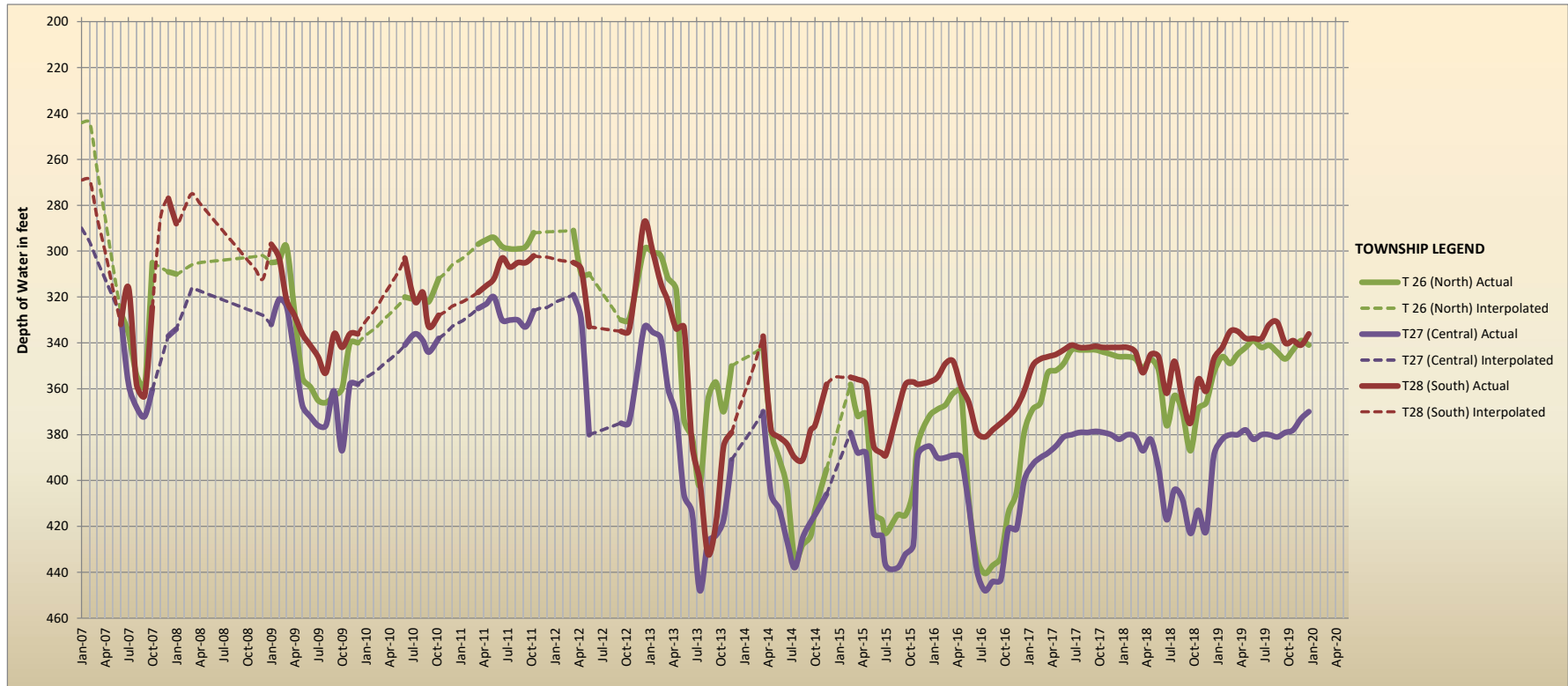
Respectfully Submitted,

Richard Diamond, General Manager

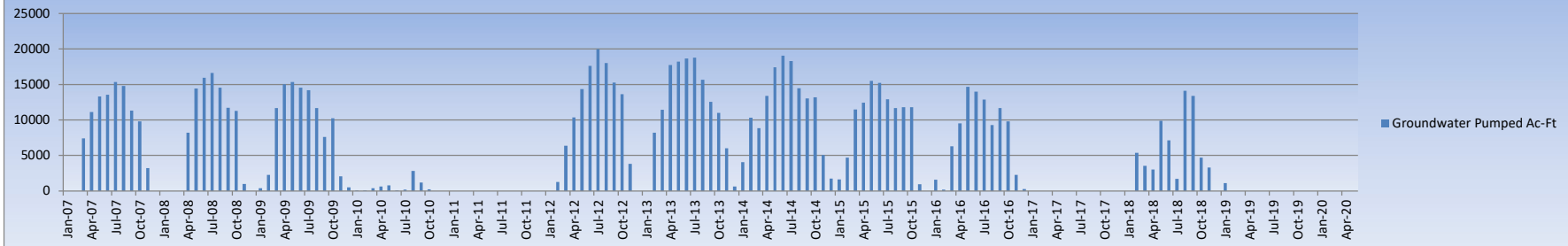
Approved by Board
December 10, 2019

Michael Mendes, Vice President

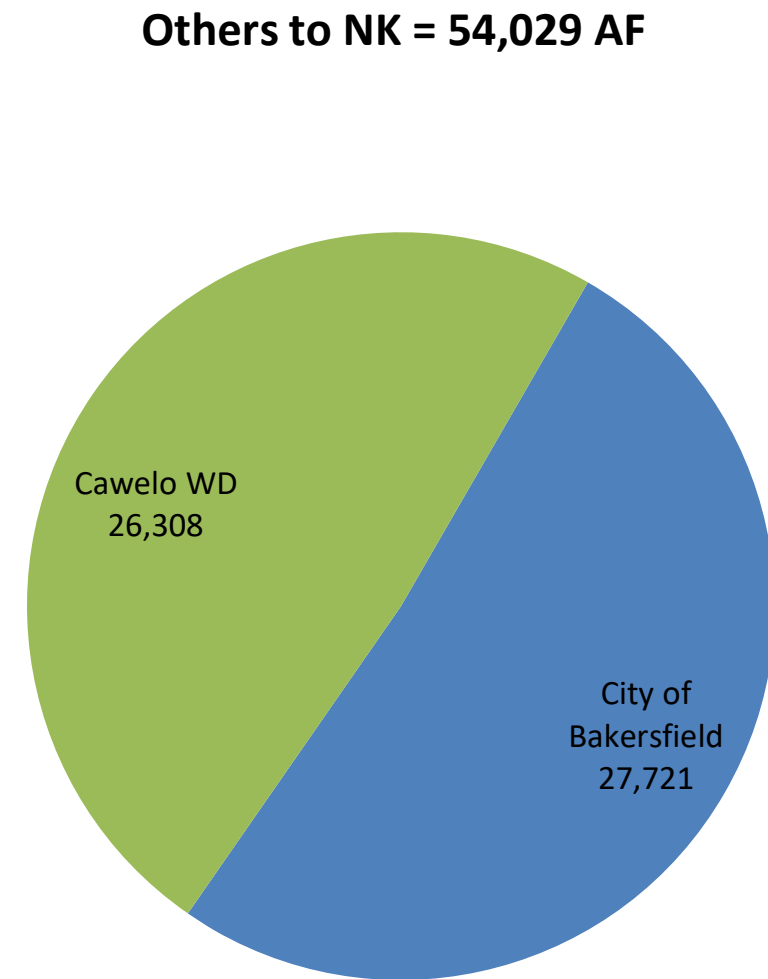
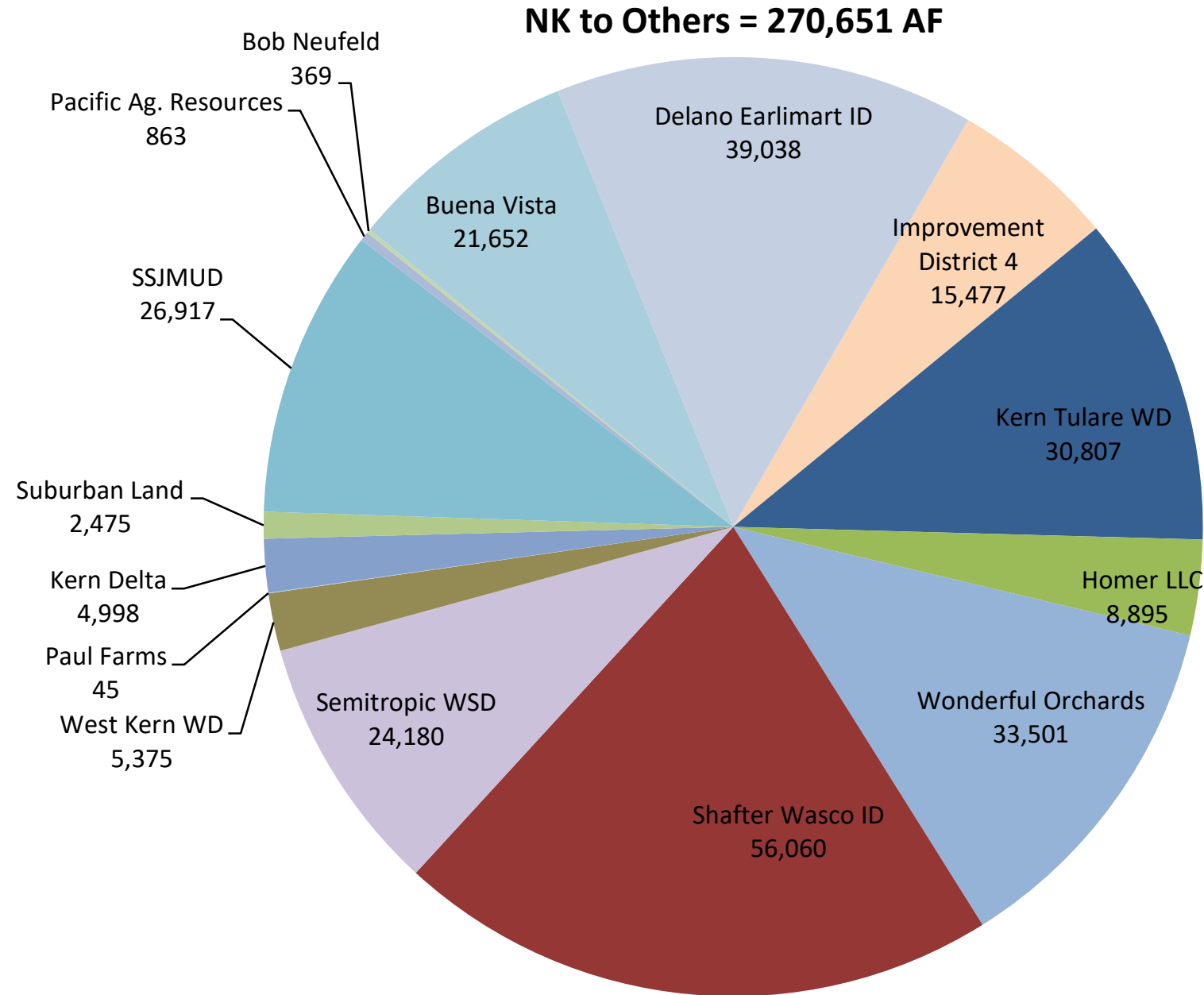
NORTH KERN WATER STORAGE DISTRICT **AVERAGE MONTHLY GROUNDWATER LEVELS BY TOWNSHIP**



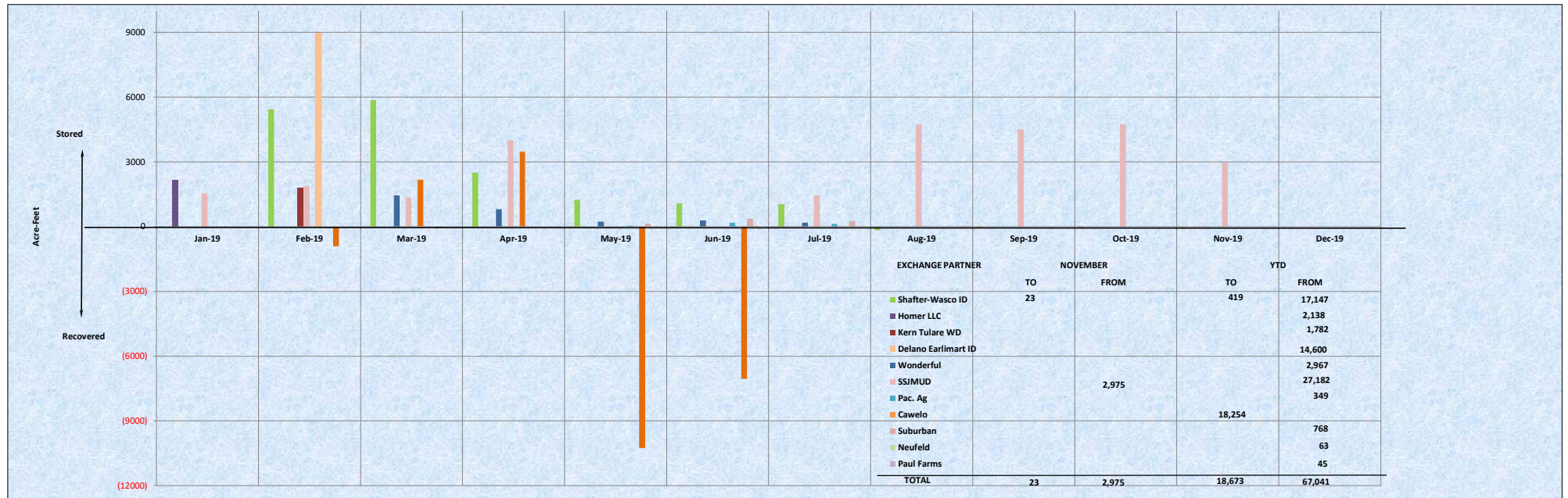
DISTRICT DEEP WELL PRODUCTION Ac-Ft



**NORTH KERN WATER STORAGE DISTRICT
EXCHANGE BALANCES AS OF
NOVEMBER 30, 2019**



**NORTH KERN WATER STORAGE DISTRICT
MONTHLY EXCHANGE QUANTITIES FOR 2019
(QUANTITIES IN AF)
(INCLUDES LEAVE BEHIND)**



P.O. Box 81435
Bakersfield, CA 93380-1435
Administration
Telephone: 661-393-2696
Facsimile: 661-393-6884



33380 Cawelo Avenue
Bakersfield, CA 93308-9575
Water Orders and Operations
Telephone: 661-393-3361
www.northkernwsd.com

NORTH KERN WATER STORAGE DISTRICT

December 10, 2019

TO: BOARD OF DIRECTORS

FROM: Heather Williams

RE: Operations Report

Operations

1. Lake Isabella storage levels are estimated at 168,000 Ac-Ft. The District's share of storage is estimated to be 38,000 Ac-Ft. The Natural Inflow is averaging 525 CFS and the Regulated Outflow is averaging 500 CFS. We began receiving an estimated 350 CFS of Kern Delta Releases daily beginning December 5th. With these releases, the District will continue to meet minimal delivery demand and recharge the balance as we prepare for our scheduled system shutdown January 1st.
2. SSJMUD deliveries, via the Friant, have ended as of November 20th. Estimated deliveries for November totaled 2,975 Ac-Ft. Since July, the District has received an estimated 18,400 Ac-Ft.
3. CRC produced water continues to be diverted to the 9-2 spreading. Califia continues with 1 CFS into the Lerdo.

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NORTH KERN WATER STORAGE DISTRICT

December 10, 2019

TO: BUDGET AND PERSONNEL COMMITTEE
Directors Fornoff and Glende, Alternate Ackerknecht

FROM: Richard Diamond, Ram Venkatesan, and Marinelle Duarosan

RE: Approve 2020 District Memberships and Support

RECOMMENDED MOTION:

“Authorize staff to pay membership dues for the District to the organizations listed on Exhibit “C” in a total amount not-to-exceed \$61,000.”

DISCUSSION:

Coalitions have been established at the local, regional, state, and federal level to pool the resources of the water community and provide broad support for the industry’s interests. The District has supported these coalitions for many years through memberships and other financial contributions. Attached Exhibit “A” provides a list of organizations supported by the District over the last five years and the level of contribution. Contributions over this period have ranged from about \$56,000 to \$59,000 per year. Exhibit “B” provides descriptions of these organizations, including their respective missions and the membership benefits.

As shown on Exhibit “C”, the District has received requests from organizations for the payment of dues for 2020, and expects to receive additional requests in the near future.

Exhibit “C” also shows staff’s recommendations for District memberships for 2020. These recommendations are mostly consistent with previous years with an increase in contributions to organizations previously supported by the District for the Association of California Water Agencies (ACWA) (\$2,100 increase) due to increased operating cost of the District in 2018 (ACWA’s yearly dues vary based on District’s operating cost). The total recommended District support is \$61,000 (not-to-exceed). Staff will bring any future requests from organizations not included on Exhibit “C” or requests for increases that exceed the recommended authorization to the Board for subsequent consideration.

Budget and Personnel Committee
2020 District Memberships
December 10, 2019
Page 2 of 2

Attachments:

Exhibit “A” – Annual Memberships for 2015, 2016, 2017, 2018 & 2019
Exhibit “B” – Summary of Membership Organizations Supported by the District
Exhibit “C” – 2020 Membership Recommendations

Exhibit "A"
NORTH KERN WATER STORAGE DISTRICT
Annual Memberships for 2015, 2016, 2017, 2018 and 2019

Name of Organization	Account Number	Date Paid	2015	Date Paid	2016	Date Paid	2017	Date Paid	2018	Date Paid	2019
Association of CA Water Agencies (ACWA)	25600-293	12/16/14	\$21,208.00	1/19/16	\$20,565.33	1/17/17	\$19,922.67	1/16/18	\$21,905.00	1/15/19	\$21,905.00
Ag Energy Consumers Assoc. (AECA)	25320-292	2/10/15	\$12,500.00	3/25/16	\$12,375.00	10/17/17	\$12,500.00	3/20/18	\$12,500.00	2/19/19	\$12,500.00
California Farm Water Coalition	25600-295	12/10/14	\$7,500.00	1/19/16	\$7,500.00	1/17/17	\$7,500.00	2/20/18	\$7,500.00	1/15/19	\$7,500.00
California Chamber of Commerce	25600-296	3/10/15	\$799.00	3/15/16	\$874.00	3/21/17	\$799.00	3/20/18	\$799.00	2/19/19	\$799.00
KC Farm Bureau, Teachers Ag Seminar	25600-311	4/15/15	\$500.00	6/23/16	\$500.00	6/20/17	\$500.00	6/19/18	\$500.00	5/21/19	\$500.00
Mobile Lab (North West Resource Conservation District)	25600-301	2/10/15	\$6,000.00	3/15/16	\$6,000.00	1/17/17	\$6,000.00	2/20/18	\$6,000.00	1/15/19	\$6,000.00
Pacific Legal Foundation	25600-302	11/10/14	\$2,000.00	2/16/16	\$2,000.00	3/21/17	\$2,000.00	2/20/18	\$2,000.00		
Valley Ag Water Coalition	25600-314	12/10/14	\$3,500.00	1/19/16	\$3,500.00	1/17/17	\$3,500.00	2/14/18	\$3,500.00	1/15/19	\$3,500.00
Water Association of Kern County	25600-302	12/10/14	\$1,970.00	1/19/16	\$2,250.00	1/17/17	\$2,250.00	2/14/18	\$2,250.00	1/15/19	\$2,250.00
Water Education Foundation	25600-291	12/10/14	\$750.00	1/19/16	\$750.00	1/17/17	\$750.00	3/20/18	\$750.00	3/19/19	\$750.00
Western Growers	25600-305	6/10/15	\$400.00	5/17/16	\$400.00	6/20/17	\$400.00	6/19/18	\$400.00	6/18/19	\$400.00
Total			\$57,127.00		\$56,714.33		\$56,121.67		\$58,104.00		\$56,104.00

Exhibit “B”

Summary of Membership Organizations Supported by the District

I. Association of CA Water Agencies (ACWA)

The Association of California Water Agencies (ACWA) is a voluntary, nonprofit, nonpartisan, statewide organization founded in 1910 composed of public agencies that provide water services to the citizens of California.

Mission

ACWA’s mission is to assist its members in promoting the development, management, and reasonable beneficial use of good quality water at the lowest practical cost in an environmentally balanced manner.

In fulfilling its role, ACWA identifies issues of concern to the water industry and the public it serves; accumulates and communicates the best available scientific and technical information to the public and policy makers; facilitates consensus building; develops reasonable goals and objectives for water resources management; advocates sound legislation; promotes local service agencies as the most effective means of providing water service; provides additional services of value to its members; and fosters cooperation among all interest groups concerned with stewardship of the state’s water resources.

Membership Benefits

- Protect the members interests in the legislative and regulatory arenas
- Gain access to expertise in water quality, local government, water management and other areas
- Stay up-to-date through conferences, workshops and other forums
- Receive timely, informative publications on important issues
- Save money on benefit and insurance programs
- Network with local, state and federal officials
- Locate money through a grant location service
- Access human resources advisory services
- Receive useful publications (free and reduced costs to members)
- Have a vote on Association issues

II. Agricultural Energy Consumers Association (AECA)

The Agricultural Energy Consumers Association (AECA) is a not-for-profit coalition of agricultural producers and related industry associations that works to ensure fair treatment of agriculture in California's energy markets. AECA was formed in 1991 in response to rapidly escalating energy rates. It had become apparent to several San Joaquin Valley producers that agriculture had been significantly underrepresented in the Legislature and in the California Public Utilities Commission, and these set out to give farmers a voice in energy policy.

Mission

- Ensuring the structure of California's energy markets fulfill the promise of competition, including lower rates and better service
- Encouraging the development of competitive distribution systems as a check on future distribution rate increases
- Representing the unique and growing needs of California's agricultural industry as it relates to energy before a variety of regulatory agencies
- Educating farm communities on Energy options to ensure growers and ranchers can make informed choices.

Membership Benefits

- Membership provides new contacts, a line of communication and a forum for the exchange of ideas and information within the profession
- Receive timely, informative publications on important issues
- Representations to stabilize the energy rates for agricultural users

III. California Farm Water Coalition (CFWC)

The California Farm Water Coalition was formed in 1989 in the midst of a six-year drought. CFWC was formed to increase public awareness of agriculture’s efficient use of water and promote the industry’s environmental sensitivity regarding water.

Mission

- To serve as the voice for agricultural water users.
- To represent irrigated agriculture in the media.
- To educate the public about the benefits of irrigated agriculture.

Membership Benefits

- Receive balanced information regarding the economic, social and environmental benefits of irrigated agriculture.
- Stay up-to-date through conferences, workshops and other forums
- Receive timely, informative publications on important issues

IV. California Chamber of Commerce

For more than 100 years, the California Chamber of Commerce has worked to make California a better place to do business by giving private-sector employers a voice in state politics and providing a full range of California-specific products and services. It provides the tools to make compliance easier after laws are passed, and they work within state and federal politics to ensure fair legislation and a pro-business climate.

Mission

The foundation is dedicated to preserving and strengthening the California business climate and private enterprise through accurate, impartial research and education on public policy issues of interest to the California business and public policy communities.

Membership Benefits

- Receive quick replies to legal questions the members may have.
- There is no limit on number of calls to the Helpline and the Helpline gives infinite access to the knowledge and solutions to the members
- There is no time limit with a Helpline Consultant on the phone.

V. Kern County Farm Bureau, Teachers Ag Seminar

Kern County Farm Bureau was organized in 1914. While the Farm Bureau does not affiliate itself with any political party, it does have a philosophical belief favoring the private competitive enterprise system, private property rights, and pricing determined by a free marketplace. Farm Bureau favors streamlined government regulation and fair taxation and it encourages its members to support candidates for public office who share these beliefs

Mission

The purpose of the Farm Bureau is to surface, analyze, and solve the problems of farmers and ranchers. By joining together, farmers and ranchers are able to accomplish much more than acting as individuals. Farm Bureau's roots can be traced back to the Cooperative Extension System and today, Farm Bureau and the Cooperative Extension have a close working relationship.

Teachers Ag Seminar

Teacher's Ag Seminar is an agriculture education program sponsored by the Kern County Farm Bureau for teachers in grades K-12. The seminar is designed to give teachers an up-close look at farming and ranching by giving them hands-on experiences. Teachers will not only take back this first-hand knowledge of agriculture from their experiences, but also many resources that will help them share what they have learned with their students.

Teachers who attend the seminar are treated to lively discussions and presentations about a variety of farm topics. The presenters are farmers and ranchers who are living and working in agriculture every day. The topics include top commodities in Kern County, processing food products, California's water supply, and much, much more.

Teachers also visit several farms and processing facilities for special tours of top quality agricultural enterprises. The highlight of the seminar is the half-day field trip with a local farmer or rancher in small groups of 2-3 teachers.

VI. North West Kern Resource Conservation District (Mobile Lab)

North West Kern Resource Conservation District (NWKRCDD) is part of the California Resource Conservation Districts (RCDs), set up under California law to be locally governed agencies with their own locally appointed, independent boards of directors.

There are numerous types of special districts throughout the state set up to administer needs of local people for pest control, fire fighting, water distribution, and a host of other services. Some special districts are "enterprise" districts and deliver services or products, such as water, to local customers on a fee basis. Other districts, "non-enterprise" districts, deliver services, such as fire or police protection, to all local residents. These are usually supported on a taxation basis. RCDs have characteristics of both enterprise and non-enterprise districts.

Mission

The NWKRCDD provides Farmers and rancher's up-to-date scientific information and techniques to manage the natural resources on their properties, and the need for ongoing conservation education and assistance among all sectors of the public is as great as or greater than it ever has been.

NWKRCDD also render's assistance to private landowners wishing to conserve soil and water and manage their resources on a sustainable basis. NWKRCDD also sponsor's educational efforts to teach children and adults alike of the importance of conserving resources.

Mobile Lab

The NWKRCDD conservation outreach programs also includes: Mobile Laboratory (for determining the uniformity and efficiency of irrigation systems) The Mobile Laboratory truck and a CIMIS weather station are all part of an ongoing program designed to evaluate irrigation systems on farms golf courses, condominiums, parks and schools Soil Modification and Salinity Control Program.

Mission

With an increase in population, urban and golf course groundwater demands have also increased rapidly resulting in a declining groundwater. The need for continuing efforts in irrigation water management for landscape and recreational areas has become apparent in recent years. The District responded to this new resource management issue by contracting with the California Department of Water Resources to conduct an urban and agricultural Mobile Laboratory Program to assist the valley's irrigators in the conservation of both surface and groundwater supplies.

VII. Pacific Legal Foundation

Established in 1973, Pacific Legal Foundation is the oldest and most successful public interest legal organization that fights for limited government, property rights, individual rights and a balanced approach to environmental protection

Mission

Pacific Legal Foundation is devoted to a vision of individual freedom, responsible government, and color-blind justice. They believe that each generation must defend those blessings against government encroachment. Every day, PLF attorneys litigate to build a future of economic freedom and equal opportunity.

PLF's litigation focuses on three major projects: to defend the fundamental human right of private property; to promote sensible environmental policies that respect individual freedom and put people first; and to create a nation in which people are judged by the content of their character. In addition, PLF's Economic Liberty and Free Enterprise Projects are devoted to protecting the rights to earn a living.

Membership Benefits

- Protect the members interests in the legislative and regulatory arenas
- Stay up-to-date through conferences, workshops and other forums
- Receive timely, informative publications on important issues

VIII. Valley Ag Water Coalition

The San Joaquin Valley Agricultural Water Committee known as Valley Ag Water Coalition (VAWC) was established in 2005 for the purposed of jointly and cooperatively address legislative and regulatory water issues that may impact the parties.

Mission

- To preserve the reliability, affordability and local control of their respective irrigation water supplies.
- To better educate and coordinate on legislative and regulatory matters and to work with individual parties and lobbyists on such matters.

IX. Water Association of Kern County

The Water association of Kern County is a non-profit business association, which is funded by voluntary memberships and grants from organizations and individuals interested in the economic, recreational, and conservation benefits of sound water management and development. It was organized in 1955 to keep the public well informed on activities in the field of water problems and the continuing need for water as the basis of full development of Kern County and California.

Mission

The mission of the Association is to provide up-to-date and understandable information regarding all aspects of water, its development, use, and availability. We all depend on water for health, recreation, power generation, and irrigation for our many agricultural crops. It is important to understand how we get it, manage it, bank it, and conserve it.

X. Water Education Foundation

For more than 30 years the Water Education Foundation has been a unique resource for unbiased information about water issues. A nonprofit, impartial organization, the Foundation maintains a strong commitment to high standards of objectivity and balance in all its publications and programs, earning respect from all sides in the debate over water in California and the Southwest.

Mission

The mission of the Water Education Foundation, an impartial, nonprofit organization, is to create a better understanding of water resources and foster public understanding and resolution of water resource issues through facilitation, education and outreach.

Membership Benefits

- One subscription to *Western Water* magazine
- One subscription to the biannual Colorado River Basin newsletter, *River Report*
- Copies of new and revised titles in our *Layperson's Guide* series
- Reduced rates to attend our special events
- Advance notice of water tours and other events

XI. Western Growers

Formed in 1926 in California's Imperial Valley, Western Growers was known as the Western Growers Protective Association. It began as a marketing protective organization to combat rate hikes instituted by the railroads. Bringing the industry together to support common goals remains a cornerstone of the association's strategy and purpose.

Mission

To enhance the profitability of the members and to lead the members and the fresh produce industry toward a healthy, sustainable and profitable future.

Exhibit "C"
North Kern Water Storage District
2020 Membership Recommendations

Organizations Previously Supported	2019 Support Provided	2020 Request to Date	2020 Staff Recommendation
Assoc. of CA Water Agencies	\$ 21,905	\$ 24,005	\$ 24,005
Ag Energy Consumers Assoc.	\$ 12,500		\$ 12,500
CA Farm Water Coalition	\$ 7,500	\$ 7,500	\$ 7,500
CA Chamber of Commerce	\$ 799		\$ 799
KC Farm Bureau, Teachers Ag Seminar	\$ 500		\$ 500
NW Resource Cons. District Mobile Lab	\$ 6,000		\$ 6,000
Pacific Legal Foundation*			\$ 2,000
Valley Ag Water Coalition	\$ 3,500		\$ 3,500
Water Assoc. Kern County	\$ 2,250		\$ 2,250
Water Education Foundation	\$ 750		\$ 750
Western Growers	\$ 400		\$ 400
TOTAL	\$ 56,104	\$ 31,505	\$ 60,204
TOTAL NOT-TO-EXCEED FOR 2020			\$ 61,000

* The District did not receive an invoice from Pacific Legal in 2019 but expects to receive one for 2020.

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NORTH KERN WATER STORAGE DISTRICT

December 10, 2019

TO: ENGINEERING COMMITTEE
Directors Mendes and Andrew, Alternate Ackerknecht

FROM: Richard Diamond and Ram Venkatesan

RE: Approve Third Amendment to Task Order with GEI Consultants for
Environmental Compliance Support Services for the Return Capacity
Improvements Project

RECOMMENDED MOTION:

“Authorize the General Manager to execute the third amendment to task order 18-13 with GEI Consultants to provide environmental compliance support services for budget amount not-to-exceed \$13,100 for the Return Capacity Improvements Project.”

DISCUSSION:

As indicated at prior Board meetings, the District was successful in getting grant funding from the Bureau of Reclamation (“Bureau”) (\$750,000) under the WaterSMART Drought Response grant program to construct new/replacement wells (2 wells) and well pipeline connections to the Friant Kern Canal (“FKC”) (5 wells).

As part of the grant award several environmental tasks such as an Environmental Assessment pursuant to the National Environmental Policy Act (“NEPA”), Cultural Resources survey, and Biological survey have to be performed. At the October 16, 2018 meeting the Board approved a Task Order 18-13 from GEI Consultants (“GEI”) to provide environmental compliance support services as indicated above for \$63,046. At the May 21, 2019 meeting the Board approved the first amendment to task order 18-13 from GEI to perform rigorous analysis of potential water quality impacts of pumping water into the Friant-Kern Canal (FKC) for \$29,200 and at the August 20, 2019 meeting the Board approved the second amendment to task order 18-13 for \$11,616 to update environmental and cultural report based on project modifications.

During recent coordination with the Bureau, staff learned that Bureau has begun to approve projects that are funded by WaterSMART grants as a Categorical Exclusion (CEC). To justify a CEC, Bureau relies upon the relevant California Environmental Quality Act (CEQA) document(s). The District has filed a Notice of Exemption (“NOE”) for the well replacements but will need CEQA coverage for the pipeline connection to the FKC. Staff requested GEI prepare a task order (Exhibit “A”) to prepare an Initial Study/Mitigated Negative Declaration (IS/MND) for the pipelines and connections to the Friant-Kern Canal, instead of rolling it into

Engineering Committee

Approve Third Amendment to Task Order with GEI Consultants for Environmental Compliance Support Services for the Return Capacity Improvements Project

December 10, 2019

Page 2 of 2

the Programmatic Environmental Impact Report (“EIR”) for the Expanded Groundwater Banking Project. The Bureau could use the NOE and IS/MND as justification for a CEC. This streamlined approach minimizes delays in funding and provides the greatest opportunity to go to construction sooner.

Staff recommends Board approval for the General Manager to execute the third amendment to task order 18-13 with GEI Consultants to provide environmental compliance support services for budget amount not-to-exceed \$13,100 for the Return Capacity Improvements Project.

Attachments:

Exhibit “A” – Third Amendment to Task Order 18-13 from GEI Consultants



November 22, 2019

Geotechnical
Water Resources
Environmental and
Ecological Services

Richard Diamond, General Manager
Ram Venkatesan, PE, District Engineer
North Kern Water Storage District
33380 Cawelo Extended Avenue
Bakersfield, California 93308
ram@northkernwsd.com

Re: 3rd Change Order for Professional Services for Environmental Documentation for Task Order No. NKWSD 18-13 Task 4 for the Return Capacity Improvements for Regional Drought Resiliency Project

Dear Mr. Diamond and Mr. Venkatesan:

This Change Order defines a Scope of Services, Schedule, and Budget for work to be completed by GEI Consultants, Inc. ("GEI") for North Kern Water Storage District ("District") per the terms and conditions of the Consultant Agreement Services dated November 16, 2017, except as amended herein.

GEI Consultants, Inc. (GEI) is continuing to provide professional services for environmental documentation for the Return Capacity Improvement for Regional Drought Resiliency Project (Project). As background, the District approved Task Order (TO) No. NKWSD18-13 Task 4 for \$63,046 in October 2018. The TO included tasks to prepare an Environmental Assessment (EA) pursuant to the National Environmental Policy Act, biological assessment (BA), and cultural resources inventory report. In April 2019, the District approved the 1st Change Order for \$23,000 for preparation of a water quality assessment and inclusion of geo-archeological information in the cultural resources inventory report. In August 2015, the District approved the 2nd Change Order for \$11,616 for updating the biological assessment (BA) and cultural resources report based on project modifications.

During recent coordination (conference call on November 11, 2019) with the U.S. Bureau of Reclamation (Reclamation), we learned that Reclamation can approve projects that are funded by WaterSMART grants as a categorical exclusion (CEC). To justify a CEC, Reclamation would rely upon the relevant California Environmental Quality Act (CEQA) document(s). North Kern has filed a Notice of

www.geiconsultants.com

GEI Consultants, Inc.
700 NE Multnomah Street, Suite 230
Portland, OR 97232
503.697.1478
www.geiconsultants.com



Exemption for the well replacements. It is our recommendation that the District complete an Initial Study/Mitigated Negative Declaration (IS/MND) for the pipelines and connections to the Friant-Kern Canal, instead of rolling it into the Programmatic Environmental Impact Report for the Expanded Groundwater Banking Project. Therefore, Reclamation could use the NOE and IS/MND as justification for a CEC. This streamlined approach minimizes delays in funding and provides the greatest opportunity to go to construction sooner.

GEI will prepare an IS/MND based on the CEQA Guidelines Appendix G format to meet the requirements of the CEQA. GEI will also prepare other required CEQA documents, such as the Notice of Completion and the Notice of Determination and facilitate the public noticing of the public comment period, including delivery to the State Clearinghouse. It is assumed that the District would pay the California Department of Fish and Wildlife filing fee.

A biological technical report, which addresses all special status species as required by CEQA, will be prepared and appended to the IS/MND. To the maximum extent practicable, GEI would use information from the BA to create the biological technical report. To comply with Assembly Bill (AB) 52, GEI will prepare a Tribal notification.

A cost estimate is provided on page 3. The total cost is \$13,100 (Task 3: CEQA). This estimate is based on 2019 rates at a lower multiplier (i.e., 3.05), which reflects the District's status as a preferred client.

We look forward to continuing to assist the District with this Project. If you have any questions or concerns, please Ginger Gillin at (503) 342-3777 or ggillin@geiconsultants.com.

GEI CONSULTANTS, INC.

Ginger Gillin
Vice President

Nicholas Tomera
Senior Regulatory Specialist



Approved by:

Richard Diamond, General Manager

Date



3rd Change Order - NKWSD 18-13 Task 4

\$13,100

Expenses include 5% mark-up. Rates at 3.05 multiplier.

Task No.	Description	Expenses									Expenses				Total Cost										
		Ginger Gillin	Ron Eid	Stephanie Hearn	Nick Tomera	Anne King	GIS	Admin	Subtotals		Subs	Travel/ Mileage	Other Expenses	Subtotal											
																Hrs	Cost								
		\$261 /hr	\$251 /hr	\$227 /hr	\$175 /hr	\$182 /hr	\$99 /hr	\$99 /hr																	
Task 3: California Environmental Quality Act																									
	Biological Resources Technical Report	2				10		2	14	\$2,540				\$0	\$2,540										
	Draft and Final IS/MND	10	4	4	24		2	2	46	\$9,118				\$0	\$9,118										
	NOC, NOD, SCH, AB 52	2			4			2	8	\$1,420				\$0	\$1,420										
		Task 3 Totals										14	4	4	28	10	2	6	68	\$13,078	\$0	\$0	\$0	\$0	\$13,100
		PROJECT TOTALS										14	4	4	28	10	2	6	68	\$13,078	\$0	\$0	\$0	\$0	\$13,100

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NORTH KERN WATER STORAGE DISTRICT

December 10, 2019

TO: ENGINEERING COMMITTEE
Directors Mendes and Andrew, Alternate Ackerknecht

FROM: Richard Diamond and Ram Venkatesan

RE: Award of Contract to the Lowest Qualified Provider for the PLC Control Panels
NK-615 Project

RECOMMENDED MOTION:

“Authorize the General Manager to award a contract to the lowest qualified provider for the PLC Control Panels NK-615 project in an amount not-to-exceed \$885,000.”

DISCUSSION:

At the October 15, 2019 meeting, the Board authorized the General Manager to reject the bid (2nd time) from A-C Electric Company for the work related to the Phase 2 of the Water Delivery Improvements project and directed staff to rebid the project. Phase 2 of the project includes installation of water meters, groundwater level sensors, power usage measurement devices and canal water level sensors and the necessary instrumentation and SCADA system to transmit all the data back to the District office.

Staff worked with the District’s legal counsel and directed GEI Consultants (“GEI”) to rebid (3rd time) the WDI project in three parts (PLC-NK-615, Water Meter-NK-613 and Electrical-NK-614) to get better pricing and construct a portion of the project such as water meters if the price is favorable. The Request for Proposals for PLC-NK-615 project was sent out on November 18th, 2019 and the proposals are due back on December 16th, 2019 (after the December Board meeting). The engineers estimate for PLC-NK-615 project is \$885,000 (includes 10% contingency) and the estimate for the overall project is \$2.4 million (NK-613 - \$600,000, NK-614 - \$925,000). The District’s estimated cost share for the overall project is about \$480,000.

Staff recommends Board approval to authorize the General Manager to award a contract to the lowest qualified provider for the PLC Control Panels NK-615 project in an amount not-to-exceed \$885,000. If the proposal exceeds the recommended authorization, staff will bring the proposal to the Board with an appropriate recommendation.