



**APPROVED** BOARD OF DIRECTORS MEETING MINUTES

**September 14, 2022**

The Board of Directors for the Merced Irrigation-Urban Groundwater Sustainability Agency (MIUGSA) met on the above date pursuant to notice at 9:00 A.M.

**CALL TO ORDER**

At 9:00 A.M., Chair Hicham Eltal welcomed those present and called the meeting to order.

**ROLL CALL**

Roll call showed the following MIUGSA representatives present:

<b>Name</b>	<b>Organization</b>
Hicham Eltal	Merced Irrigation District (Chair)
Ken Elwin	City of Merced (Vice Chair)
Justin Vinson	City of Atwater
Tony Avina	City of Livingston
Carlos Valencia	Winton Water and Sanitary District (WWSD)
Cynthia Benavidez	Le Grand Community Services District (LGCSD) (participated by teleconference)
Daniel Chavez	Planada Community Services District (PCSD)
Phillip McMurray	General Counsel
Jennifer McMaster	Board Coordinator

Roll call showed the following MIUGSA representatives absent:

None.

**CORRECTIONS OR ADDITIONS TO THE AGENDA**

General Counsel Phillip McMurray noted that since Board members are participating in the meeting by teleconference, any action taken at the meeting would need to be taken by roll call vote.

**PUBLIC COMMENT**

None.

## **CONSENT CALENDAR**

None.

## **REPORTS**

General Counsel Phillip McMurray provided an update regarding the status of various legislative matters he has been monitoring over the last several months. He noted the end of the legislative session and indicated that many of bills that could impact the GSAs or groundwater resources have made their way to the Governor's desk for review and final determination. He said fortunately most of the proposed legislation that would have made problematic changes to SGMA, land use, well permitting and the Brown Act died out during the legislative process. Mr. McMurray discussed a couple of the proposed bills in detail, and said he anticipates similar bills will be proposed during the next legislative session beginning December 2022.

Mr. McMurray noted a variety of litigation has come up across the state on groundwater related issues. He noted several pieces of litigation challenging many of the GSPs submitted to DWR for final review and approval. He expressed concern regarding a common cause of action in many of the matters of litigation based on public trust. Mr. McMurray discussed the item at length, especially as it relates to water rights and potential impacts to GSA authorities depending on how the cases are decided. He said he will continue to monitor closely and bring updates as needed or as requested by Board members.

Mr. McMurray provided an overview of the SWB's Bay-Delta Plan and SED and discussed the requirement for flow releases from the lower San Joaquin River Tributaries to support water quality in the Delta and other fish related beneficial uses. He said in early July/August 2022 the SWB issued new regulatory notices indicating they were going to start the process of beginning to implement the WQCP/SED. He noted mitigation measures required by the state, especially regarding the need to pump more groundwater. He said for this reason and others MIUGSA sent a comment letter responding to the SWB's Notice of Preparation and proposed regulation to implement the objectives of the Bay-Delta Water Quality Control Plan. He noted several other GSAs are likely to submit similar letters as well.

The Board discussed briefly, generally regarding the requirements for 30–50% of unimpaired flows from the Merced River and the impact those requirements will likely have on the local groundwater basin. Mr. McMurray responded to several questions from the Board.

Mr. Matthew Beaman discussed and provided an overview of MIUGSA's finances for the current fiscal year through July 31, 2022. He announced that MIUGSA has transitioned to a new accountant who is providing some additional accounts receivable and accounts payable support. He discussed assets totaling approximately \$754,000 across accounts. He then discussed liabilities and equity and provided an overview of the general ledger. He said it is early on, but that things are looking good from a budgeting perspective.

Mr. Beaman provided a summary of the well permitting process and timeline. He reminded the Board of the well letter and acknowledgment verification form provided to the County on July 15, 2022. He discussed the well permitting process and noted approximately 14 requests had been received for verification since May 14, 2022. Mr. Beaman reported that on July 28, 2022, MIUGSA received notice that the first permit within MIUGSA was approved by Merced County Environmental Health under the amended ordinance. Mr. Beaman noted since then, approximately 8 wells generally spread throughout the GSA have been approved for permits by Merced County.

Mr. Beaman provided an update on projects funded by the California Department of Water Resources under Proposition 1 and Proposition 68. He discussed the status of each project at length. Mr. Beaman noted MIUGSA is currently administering the Proposition 68, Sustainable Groundwater Management Implementation, Round 1 grant funding directly and there have been some complications along the way. The Board discussed hiring a consultant in the future to assist.

Mr. Beaman provided an in-depth overview of the Planada Groundwater Pilot Recharge Basin (dry well) Project, funded by Proposition 1, Round 2 Sustainable Groundwater Planning Grant Program. The grant included the construction and installation of two wells that would allow approximately 112 gallons of water per minute per well for a combined capacity of approximately 324 gallons per day. He noted there has been significant progress and that installation began in August 2022. He anticipates construction to be completed by October 31, 2022.

The Board discussed thoroughly before moving on to the next item.

Chair Eltal provided an update regarding inter-basin coordination between the Turlock, Merced, Modesto and Delta Mendota basins. He noted staff was recently contacted by Turlock regarding interest in working together on groundwater related issues. Chair Eltal discussed ongoing coordination efforts between the Merced, Chowchilla, Delta Mendota and Madera basins. Chair Eltal discussed upcoming meetings and asked for potential volunteers to attend on behalf of MIUGSA.

The Board asked and staff responded to a couple of questions. Upon further discussion, the Board determined that further discussion is required.

### **ACTION/DISCUSSION**

Mr. Beaman discussed a funding opportunity from DWR's 2022 Urban Community Drought Relief Program. He noted there is approximately \$285 million available for projects benefiting areas covered by an urban water management plan. He discussed the application process and administrative requirements, and provided an overview of eligibility criteria, including cost share. He noted special considerations to be provided by DWR for projects providing turf replacement and direct installation programs to Underrepresented Communities and Tribes. He then discussed DWR's tentative schedule for the grant funding opportunity.

The Board discussed the item at length, including potential projects that may benefit from funding. Based on comments and feedback provided by the Board, Mr. Beaman will provide an update for further review and consideration at a future meeting of the Board.

Mr. Beaman led a discussion and provided a timeline overview of draft rules and regulations for implementation of the GSP. He noted staff has been focused on two major components during the development process, including outreach. He discussed a draft flyer primarily geared toward agricultural water users within the basin. He said the flyer has been drafted to inform water users of SGMA, the groundwater pumping allocation adopted by the Board, next steps and tools available.

Mr. Beaman provided an overview of upcoming Stakeholder Guidance Committee meetings and workshops to be held as part of a larger outreach effort. He noted the MID Board has taken action to make developed water supply available to its growers. He then discussed outreach to be provided by MID. Mr. Beaman said he will also be attending those meetings to discuss MIUGSA and groundwater related matters.

The Board discussed briefly as it relates to developed water supply as a benefit to water users within MIUGSA.

Mr. Eltal discussed consulting services currently provided by Olsson and Woodard and Curran. Mr. Beaman discussed data requests sent to Woodard and Curran regarding 2015 groundwater consumption, production, and projection data. He also noted conversations with Black Rascal and Franklin Beachwood area representatives. The Board discussed inviting representatives from those areas to attend stakeholder meetings moving forward.

Chair Eltal provided a brief overview of groundwater monitoring challenges and opportunities. The Board discussed the potential for hiring a consultant to help with gathering and maintaining monthly

groundwater monitoring data, report generation, and other related items. They also discussed potential utilization of a city or MID employee to be paid by MIUGSA.

**ADJOURN**

The meeting was adjourned at approximately 10:30 AM.