



REGULAR BOARD OF DIRECTORS MEETING

501 Taft Highway
Bakersfield, California

TUESDAY, March 16, 2021

AGENDA

THERE IS NO PHYSICAL LOCATION FOR THIS MEETING

Please join this meeting from your computer, tablet, or smartphone.
<https://global.gotomeeting.com/join/596355797> You can also dial in using your phone.
United States: +1 (872) 240-3412 Access Code: 596-355-797

CALL TO ORDER AND ANNOUNCEMENT OF QUORUM

12:30PM

CLOSED SESSION:

- A. Conference with Legal Counsel – Existing Litigation – Closed Session Pursuant to Gov. Code § 54956.9(d)(1):
 - 1. SWRCB Kern River
- B. Conference with Legal Counsel – Initiation of Litigation – Closed Session Pursuant to Gov. Code § 54956.9(d)(4):
 - 1. Two Potential Matters
- C. Conference with Legal Counsel – Potential Litigation – Closed Session Pursuant to Gov. Code § 54956.9(d)(2), (e)(1):
 - 1. One Matter

REGULAR SESSION:

1:30PM

INTRODUCTION OF GUESTS AND PUBLIC

- I. **PUBLIC COMMENT** (Members of the public may address the Board of Directors on any matter not on the agenda, but absent extraordinary circumstances, the Board may not act on such matters. Members of the public may address items of interest that are listed on the agenda prior to the Board's decision on such items.)
- II. **CONSENT CALENDAR** (The Board will consider various non-controversial routine items and issues relating to matters which are of interest to the District. Any Board Member may request that any or all items be considered and acted upon independently of the others.)
 - A. Approval of Minutes from the Regular Board Meeting of March 2, 2021 and the Special Board Meeting of March 3, 2021.
 - B. Approval of February/March District Construction and Water Banking Disbursements.
 - C. Approval of February/March District Disbursements.

- III. BUSINESS AND FINANCE** (The Board will consider various items and issues relating to financial matters which are of interest to the District.)
- A. Business & Finance Committee Report– March 11, 2021.
 - i. Approval of February 2021 Financial Reports.
 - ii. Equalization Review and Recommendation.
 - iii. District Health Care Funding Review and Recommendation.
 - B. Approval of Resolution 2021-03 – Setting District 2021 State Water Tolls.
- IV. OPERATIONS AND PROJECTS** (The Board will consider various items and issues relating to matters which have been, or will be, considered by committees of the Board and which are of interest to the District.)
- A. Operations and Projects Committee Report – March 2, 2021.
 - i. District Facility and Maintenance Update.
 - ii. District Encroachment Permit Report.
 - iii. District Office Expansion Project Update.
 - B. Branch 1 at Hosking Avenue Project.
 - i. Approval of Grant of Easement to Kern Delta Water District.
 - ii. Approval of Ditch Eradication and Common Use Agreement.
- V. KERN RIVER WATERMASTER** (The Board will consider various items and issues relating to the Kern River Watermaster that are of interest to the District.)
- A. District Watermaster Report.
 - i. Current Kern River Runoff Forecast.
 - B. Kern River Watermaster Report.
 - i. Isabella Dam Safety Remediation Report.
- VI. MANAGER'S REPORT** (The General Manager will discuss, and the Board will consider various items and issues relating to the ongoing and future operations of the District which are of interest to the Board)
- A. Public Hearing Regarding the Adoption of the Kern Delta 2020 Agricultural Water Management Plan [Draft-KDWD-2020-AWMP-Feb-2021.pdf \(kerndelta.org\)](#)
 - i. Approval of Resolution 2021-04 – Adopting the 2020 District Agricultural Water Management Plan.
 - B. External Agency Report.
 - C. Water Banking Projects Report.
 - i. Banking Project Recovery – Metropolitan Water District of Southern California.
- VII. ATTORNEY'S REPORT** (Legal Counsel will discuss, and the Board will consider items and issues of legal interest to the District.)
- A. Legislative Update.
- VIII. BOARD MEMBER COMMENTS** (This item provides Board Members with an opportunity to make announcements or provide general comments.)
- IX. ADJOURN**

Requests for disability related modifications or accommodations, including auxiliary aids or services may be made by telephoning or contacting Lynn Fredricks at the District Office (661-834-4656). Please attempt to make such requests known at least 24 hours before the scheduled meeting. Pursuant to Government Code section 54957.5, any materials relating to an open session item on this agenda, distributed to the Board of Directors after the distribution of the agenda packet, will be made available for public inspection at the time of distribution at the District, 501 Taft Highway, Bakersfield, CA.

SPECIAL NOTICE
Public Participation and Accessibility
Kern Delta Water District (Kern Delta) Board Meeting

On March 17, 2020, Governor Gavin Newsom issued Executive Order N-29-20, which includes a waiver of Brown Act provisions requiring physical presence of the Board or the public in light of the COVID-19 pandemic. Based on guidance from the California Governor's Office and Department of Public Health, as well as the County Health Officer, in order to minimize the potential spread of COVID-19, the Kern Delta Board hereby provides notice that the following adjustments have been made:

1. The Kern Delta Board meeting scheduled for **March 16, 2021, at 12:30 p.m.** will have public access via GoToMeeting. Closed session will take place between 12:30 p.m. to 1:30 p.m. Open session will convene at 1:30 p.m. or shortly thereafter.
2. Consistent with the Executive Order, the Board and Staff will attend the meeting via GoToMeeting and participate in the meeting to the same extent as if they were physically present.
3. The public may participate in the meeting and address the Board as follows:
 - Join the meeting from a computer, tablet, or smartphone at <https://global.gotomeeting.com/join/596355797> You can also dial in using your phone +1 (872) 240-3412 Access Code: **596-355-797** and comment during the public statements portion of the agenda.
 - If you cannot attend the meeting you can submit your comment via email at info@kerndelta.org **prior to the Kern Delta Board meeting.**
 - Alternatively, you may comment by calling **(661) 834-4656** and leaving a message no later than **4:00 p.m. the day prior** to the Kern Delta Board meeting. Your message will be transcribed as accurately as possible and **will not be read but will be included** as part of the permanent public record of the meeting.

Tab II





To: Kern Delta Water District Board of Directors

From: Steven Teglia – General Manager

Date: March 16, 2021

Re: Agenda Item II – Consent Calendar

RECOMMENDATION:

Approve items A through C listed under Agenda Item II – Consent Calendar.

DISCUSSION:

Consent Calendar items are non-controversial routine matters. Board Members may request that any or all items listed under the Consent Calendar be moved to the regular agenda to be discussed and voted on separately. Otherwise, all items will be approved through one motion and vote.

II A. Approval of Minutes from the Regular Board Meeting of March 2, 2021 and the Special Board Meeting of March 3, 2021 (attached).

II B. Approval of February/March District Construction and Water Banking Disbursements totaling \$883,850.33* (attached) partially recommended for approval by the Operations and Projects Committee (*see March 2, 2021 Operations and Projects Committee Minutes for additional detail*).

II C. Approval of February/March District Disbursements (attached) recommended for approval by the Business and Finance Committee (*see March 11, 2021 Business and Finance Committee Minutes for additional detail*).

**The total includes disbursements approved by the Operations and Projects Committee (\$617,639.32) and an additional amount (\$266,211.01) for invoices which came in after March 2, 2021.*



MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS

March 2, 2021

TUESDAY, March 2, 2021, 12:00PM– 1:36PM

DIRECTORS PRESENT: None.

DIRECTORS PRESENT VIA VIDEO: Palla, Kaiser, Tillema, Antongiovanni, Garone, Collins, Mendonca, Bidart, and Spitzer.

DIRECTORS ABSENT: None.

STAFF PRESENT: General Manager Teglia, Water Resources Manager Mulkay, Assistant General Manager Bellue, General Counsel Iger, and Controller Duncan.

OTHERS PRESENT VIA VIDEO: Pamela Hillar.

REGULAR SESSION DECLARED AT 12:00PM

President Palla called to order the Regular Session of the Kern Delta Board of Directors at 12:00PM.

INTRODUCTION OF GUESTS AND PUBLIC

Ms. Pamela Hillar was introduced as a guest.

I. PUBLIC COMMENT

None.

II. MANAGER'S REPORT

A. Approval of the Minutes of the Regular Board Meeting of February 16, 2021:

M/S/C (Bidart/Tillema) (yes-9, no-0): By roll call vote the Board approved the minutes of the regular board meeting of February 16, 2021 as presented.

B. Update on Kern Delta 2020 Agricultural Water Management Plan (AWMP): General Manger Teglia announced that the Kern Delta Draft 2020 AWMP was available on the District website and that a public hearing would be held during the March 16, 2021 Board meeting prior to the Board's consideration of adopting the plan.

C. Discussion Regarding Recent State Water Resources Control Board Reports (WARDER and Climate Change): General Counsel Iger provided a brief overview of a memorandum included in the Board package

which outlined two recent reports provided to the State Water Resources Control Board. Mr. Iger stated he would be working with representatives of various Districts/GSA's to develop a potential joint comment letter.

D. WAKC March 15, 2021 Webinar (US Army Corps Update on Isabella Dam): Mr. Teglia highlighted an upcoming lunchtime webinar sponsored by the Water Association of Kern County which will cover the status of the Isabella Dam retrofit project.

III. BOARD MEMBER COMMENTS

None.

CLOSED SESSION DECLARED AT 12:16PM

President Palla called to order the Closed Session of the Kern Delta Board of Directors at 12:16PM regarding the following agenda items:

A. Conference with Legal Counsel – Existing Litigation – Closed Session Pursuant to Gov. Code § 54956.9(d)(1):

1. Rosedale Rio Bravo Water Storage District *et al.* v. Kern County Water Agency *et.al.*

B. Conference with Real Property Negotiator Pursuant to Gov. Code Section 54956.8:

1. Potential Recharge Lands
 - a. District Negotiator: Steven Teglia

Closed Session was concluded at 1:35PM.

Closed Session Report: District General Counsel Iger reported the following:

Item A: No reportable action.

Item B: No reportable action.

Note: Board member Bidart left the Closed Session at the conclusion of item A.

IV. ADJOURNMENT:

There being no further business, President Palla adjourned the meeting at approximately 1:36PM.

Approved by Board,



Richard Tillema, Board Secretary

Respectfully Submitted,



Steven Teglia, General Manager



MINUTES OF THE SPECIAL MEETING OF THE BOARD OF DIRECTORS

March 3, 2021

WEDNESDAY, March 3, 2021, 4:08PM– 4:48PM

DIRECTORS PRESENT: Mendonca.

DIRECTORS PRESENT VIA VIDEO: Palla, Kaiser, Tillema, Antongiovanni, Garone, Collins, and Spitzer.

DIRECTORS ABSENT: Bidart.

STAFF PRESENT: General Manager Teglia, Water Resources Manager Mulkay, Assistant General Manager Bellue, General Counsel Iger, and Controller Duncan.

OTHERS PRESENT VIA VIDEO: None.

REGULAR SESSION DECLARED AT 4:08PM

President Palla called to order the Regular Session of the Kern Delta Board of Directors at 4:08PM.

INTRODUCTION OF GUESTS AND PUBLIC

None.

I. PUBLIC COMMENT

None.

CLOSED SESSION DECLARED AT 4:09PM

President Palla called to order the Closed Session of the Kern Delta Board of Directors at 4:09PM regarding the following agenda items:

- A. Conference with Real Property Negotiator Pursuant to Gov. Code Section 54956.8:
 - 1. APN 543-020-01
 - a. District Negotiator: Steven Teglia
 - b. Negotiating Party: Mike Ming
 - c. Under Negotiations: Price and Terms of Purchase.

Closed Session was concluded at 4:46PM.

Closed Session Report: District General Counsel Iger reported the following:

Item A: On a motion by Director Collins, Seconded by Director Kaiser, the Board voted 7-1 (Spitzer), with Director Bidart absent, to purchase 143.91 acres identified by APN 543-020-01 for \$5,468,580.

II. ADJOURNMENT:

There being no further business, President Palla adjourned the meeting at approximately 4:48PM.

Approved by Board,

A handwritten signature in black ink, appearing to read "Richard Tillema".

Richard Tillema, Board Secretary

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Steven Teglia".

Steven Teglia, General Manager

KERN DELTA WATER BANKING PROGRAM DISBURSEMENTS
RECOMMENDED BY THE OPERATIONS & PROJECTS COMMITTEE
March 2, 2021

#	PAYEE		AMOUNT	CHECK
1	FRED C. GILBERTS	Glass, ferrule kit	107.25	2946
2	K.C.W.A.	CVC Expansion Project - Invoice #2	616,690.96	2947
3	PG&E - AE3	Well utilities	170.91	2948
4	PG&E - AE4	Well utilities	200.61	2949
5	PG&E - FR3	Well utilities	47.11	2950
6	PG&E - KD1	Well utilities	36.19	2951
7	PG&E - KD2	Well utilities	36.19	2952
8	PG&E - KI7	Well utilities	177.53	2953
9	PG&E - KI8	Well utilities	172.57	2954
TOTAL			\$617,639.32	

The following were received after the March 2, 2021 Operations & Projects committee meeting and will be reviewed at the March 11, 2021 Business and Finance Committee meeting.

#	PAYEE		AMOUNT	CHECK
1	K.C.W.A.	CVC 2nd quarter operating costs	228,279.00	2955
2	PGE - AE2	Well utilities	349.77	2956
3	PGE - BV2	Well utilities	46.57	2957
4	PGE - BV3	Well utilities	39.74	2958
5	PGE - BV4	Well utilities	40.60	2959
6	PGE - BV5	Well utilities	39.63	2960
7	ZEIDERS	Sunset recharge consulting	35,863.70	2961
8	K.C.W.A.	CVC 2nd quarter power charges	1,552.00	2962
TOTAL			\$266,211.01	



To: Kern Delta Water District Board of Directors

From: Steven Teglia

Date: March 16, 2021

Re: Invoices and Disbursements, Special Projects & Water Banking Project Operation/Construction.

RECOMMENDATION:

Staff recommends payment of the following nine payables divided into three overall groups of: 1) water banking program design, construction, and construction support -- \$00.00; 2) water banking variable -- \$617,639.32; 3) Kern Delta Water District construction -- \$00.00. The total expenditure in February for these areas is \$617,639.32 (plus additional PG&E well energy stand-by cost).

DISCUSSION:

The following nine payables can be divided into three overall groups: 1) water banking program design, construction and construction support, 2) water banking variable, and 3) Kern Delta construction.

First group (Water Banking Program Design, Construction, and Construction Support):

Second group (Water Banking Variable):

- 1) Fred C. Gilbert – \$107.25 (Glass ferrule kit)
- 2) K.C.W.A– \$616,690.96 (CVC Expansion Project; Invoice #2)
- 3) PG&E – \$170.91 (AE-03, Power/stand-by energy cost for the wells associated with the Water Banking water production)
- 4) PG&E – \$200.61 (AE-04, Power/stand-by energy cost for the wells associated with the Water Banking water production)
- 5) PG&E – \$47.11 (FR-03, Power/stand-by energy cost for the wells associated with the Water Banking water production)
- 6) PG&E – \$36.19 (KD-01, Power/stand-by energy cost for the wells associated with the Water Banking water production)
- 7) PG&E – \$36.19 (KD-2, Power/stand-by energy cost for the wells associated with the Water Banking water production)
- 8) PG&E – \$177.53 (KI-07, Power/stand-by energy cost for the wells associated with the Water Banking water production)
- 9) PG&E – \$172.57 (KI-08, Power/stand-by energy cost for the wells associated with the Water Banking water production)

Third group (Kern Delta Construction)

KERN DELTA WATER DISTRICT
DISBURSEMENTS RECOMMENDED BY THE BUSINESS AND FINANCE COMMITTEE
THURSDAY, MARCH 11, 2021

FEBRUARY 2021 SUB TOTAL \$160,198.44

#	PAYEE	AMOUNT	CHECK
1	ADVANCED DISTRIBUTION - work lamps	878.09	44414
2	AGRICULTURAL ENERGY CONSUMERS ASSOCIATION - membership	1,000.00	44415
3	AMERICAN BUSINESS MACHINES - annual service agreement	958.72	44416
4	AMERIFUEL - fuel	5,606.95	44417
5	AMERICAN TRUCK & VAN ACCESSORIES - toolbox, seat covers #226 #227, #228	1,536.89	44418
6	BLACK/HALL CONSTRUCTION, INC. - progress payment #9	159,507.16	44419
7	BLUE PRINT SERVICE CO. - copies	81.60	44420
8	CALIFORNIA FARM WATER COALITION - signs	616.33	44421
9	DERRELS MINI STORAGE - storage rental	354.50	44422
10	ELITE SITE SERVICES - portable restroom rental	2,598.93	44423
11	ELLISON, SCHNEIDER & HARRIS L.L.P. - water rights, environmental matters	16,296.00	44424
12	FORK LIFT SPECIALTIES, INC. - steam cleaner	6,379.01	44425
13	GRAINGER - floor drill, switch	2,258.49	44426
14	HOME DEPOT CREDIT SERVICES - anchor bolts	15.67	44427
15	HYDRAULIC CONTROLS, INC - hose, fitting, adapter	94.87	44428
16	JAMS, INC. - state board mediation	712.94	44429
17	JERRY AND KEITH'S - hose, connector	60.25	44430
18	JIM BURKE FORD - horn, air/oil filters, brake pads	831.39	44431
19	KERN COUNTY PUBLIC WORKS - dumping fees	2,027.70	44432
20	KERN COUNTY RECORDER - lien redemptions	200.00	44433
21	KERN FAN MONITORING COMMITTEE - 2020 fund call	12,475.00	44434
22	KERN MACHINERY - switch, fuse #226, #227, #228, reissue check	218.00	44435
23	LUCKY HONG FARM INC. - overpayment reimbursement	36.00	44436
24	MARCOM GROUP - website hosting	95.00	44437
25	NORTH KERN WATER STORAGE DISTRICT - weather mod	11,828.12	44438
26	O'REILLY AUTO PARTS - ceramic pads	51.68	44439
27	PACVAN INC. - temp. office rental	860.59	44440
28	PITNEY BOWES - postage machine lease	260.80	44441
29	PACIFIC GAS & ELECTRIC - office utilities	2,114.71	44442
30	PRINCIPAL LIFE INSURANCE - 03/01-03/31/21 premium	4,827.18	44443
31	PROGRESSIVE TECHNOLOGY, INC. - phone service	435.83	44444
32	R & B TRANSPORT LLC - overpayment reimbursement	13.50	44445
33	SPARKLE TEXTILE RENTAL SERVICE - uniforms, towels, mats	1,106.91	44446
34	STINSON STATIONERS - office supplies	239.18	44447
35	TARGET SPECIALTY PRODUCTS - cheetah, torpedo, roundup	12,566.44	44448
36	TODD GROUNDWATER- Onyx DEIR	19,902.85	44449
37	UNITED AG BENEFIT TRUST - March 2020 medical premium	31,943.73	44450
38	VALLEY DECAL - #226-#228 KDWD logos	11.04	44451
39	WESTAIR GASES & EQUIPMENT, INC. - cylinders	433.63	44452
40	JIM BURKE FORD - light duty truck #226	24,743.79	44453
41	LINCOLN LIFE - retirement program #3	11,047.94	Wire
42	LINCOLN LIFE - deferred comp. #3	2,851.00	Wire
43	MASS MUTUAL - deferred comp. #3	1,840.00	Wire
44	PAYROLL #4	65,655.38	Wire
45	WORKLOGIC #4	1,295.00	Wire
46	EDD-STATE P/R #4	4,385.28	Wire
47	EFT-IRS P/R #4	21,800.09	Wire

48 LINCOLN LIFE - retirement program	11,015.33	Wire
49 LINCOLN LIFE - deferred comp.	2,811.00	Wire
50 MASS MUTUAL - deferred comp.	1,840.00	Wire

FEBRUARY 2021 TOTAL \$610,918.93

#	PAYEE	AMOUNT	CHECK
1	PAYROLL #5	65,653.48	44454 - 44490
2	A-1 ANSWERING SERVICE - answering service	537.79	44491
3	AMERIFUEL - fuel	5,220.50	44492
4	KEVIN ANTONGIOVANNI - directors fee	300.00	44493
5	JOHN BIDART - directors fee	100.00	44494
6	BSE RENTS - concrete	167.19	44495
7	BUD'S BRAKE AND WHEEL PARTS - jack stand	65.53	44496
8	BUYS PIPE AND SUPPLY - hose, valve	66.28	44497
9	CITY OF BAKERSFIELD - 2020 4th QTR clearing account	78,944.59	44498
10	DONALD COLLINS - directors fee	300.00	44499
11	COUNTRY TIRE & WHEEL - service call #404	270.19	44500
12	COX, CASTLE & NICHOLSON LLP - Onyx, CEQA	37,852.00	44501
13	EMPLOYMENT DEVELOPMENT DEPARTMENT - unemployment	751.50	44502
14	FRANK AND SONS AUTO GLASS - rear glass #323	257.38	44503
15	FRED GARONE - directors fee	300.00	44504
16	GREENFIELD COUNTY WATER DIST. - water service	78.32	44505
17	JIM BURKE FORD - hose, sensor #220, light, pressure sensor #323	604.16	44506
18	DAVID KAISER - directors fee	300.00	44507
19	KERN COUNTY RECORDER - lien redemptions	20.00	44508
20	KERN COUNTY WATER AGENCY - unit member share CVC expansion	12,794.80	44509
21	KERN DELTA WATER BANKING PROJECT - share 2015-2020 CVC outstanding costs	154,172.74	44510
22	KERN DELTA WATER BANKING PROJECT - 2nd qtr CVC O&M	57,457.75	44511
23	KISCO SALES, INC. - gloves, calib. Jugs	60.01	44512
24	KRAZAN & ASSOCIATES, INC. - compact testing	1,065.50	44513
25	LOWE'S BUSINESS ACCOUNT - bolts, nails, tees	290.13	44514
26	McMURTREY & HARTSOCK - February professional costs	16,170.00	44515
27	JOEY MENDONCA - directors fees	200.00	44516
28	NORTH KERN WATER STORAGE DISTRICT - March weather mod	7,665.62	44517
29	RODNEY PALLA -directors fees	400.00	44518
30	PRICE DISPOSAL - dumping fee	13.22	44519
31	PROGRESSIVE TECHNOLOGY, INC. - computers, IT support	3,797.10	44520
32	QUINN - joint, grommet	494.48	44521
33	SPECTRUM - internet	360.76	44522
34	ROSS E. SPITZER - directors fee	300.00	44523
35	SSD ALARM - sensors, alarm intallation	5,017.57	44524
36	TARGET SPECIALTY PRODUCTS - teton	68,156.92	44525
37	THOMSON REUTERS - legal service subscription	500.00	44526
38	RICHARD TILLEMA - directors fee	300.00	44527
39	TODD GROUNDWATER -2020 AWP	24,837.10	44528
40	TRANS-WEST - patrol service	1,899.10	44529
41	VACUSWEEP - parking lot service	300.00	44530
42	VERIZON - cell service	306.13	44531
43	WEST COAST MAINTENANCE - cleaning service	474.30	44532
44	THE LAW OFFICES OF YOUNG WOOLDRIDGE - 2020 ISR	14,000.00	44533
45	ZEIDERS CONSULTING - inspection Centennial Corridor	22,653.35	44534
46	UNITED AG - April 2020 medical insurance premium	31,591.19	44535

47 WORKLOGIC #5	1,406.00	Wire
48 EDD-STATE P/R #5	4,439.74	Wire
49 EFT-IRS P/R #5	22,128.58	Wire
50 LINCOLN LIFE - retirement program	11,757.52	Wire
51 LINCOLN LIFE - deferred comp.	2,811.00	Wire
52 MASS MUTUAL - deferred comp.	1,840.00	Wire
53 TICOR TITLE - open escrow	500,000.00	Wire
MARCH 2021 SUB TOTAL	<u>\$1,161,449.52</u>	

KERN DELTA WATER DISTRICT & KDWPB
Anticipated Disbursements - Month End - March 2021

		March 2021 Estimated
Payee	Reason	
AMERIFUEL	Gas/Diesel fuel - 2/1/20 - 2/15/20	5,700.00
B & B SURPLUS	Canal maintenance materials	150.00
BLACK/HALL CONSTRUCTION	Construction progress billing	160,000.00
CARQUEST	Vehicle repair parts	50.00
CITIZENS BUSINESS BANK	Credit card payment	3,500.00
COUNTRY TIRE	Vehicle tires	600.00
COX, CASTLE & NICHOLSON LLP	Legal services	15,000.00
DERREL'S MINI STORAGE	Monthly rental offsite storage	354.50
ELITE SITE SERVICES	Construction costs - monthly restrooms rental	2,598.93
ELLISON, SCHNEIDER, & HARRIS	State Board mediation	16,000.00
W.W. GRAINGER	Safety supplies	150.00
HD SUPPLY	Shop supplies	200.00
HOME DEPOT	Shop supplies	65.00
JERRY & KEITH'S	Truck maintenance/repair	65.00
JIM BURKE	Truck maintenance/repair	714.00
K.C. WASTE	Dumping	2,027.00
KERN COUNTY RECORDER	Lien redemption fees	100.00
LINCOLN FINANCIAL	Pension/deferred comp contributions	14,650.00
MARCOM GROUP	District web site support	95.00
MASSACHUSETTS MUTUAL	Deferred compensation	1,840.00
MOTOR CITY	Truck maintenance/repair	50.00
NORTH KERN WSD	Watermaster wages	7,500.00
O'REILLY AUTO PARTS	Vehicle repair parts	135.00
P.G.&E.	District office utilities	2,500.00
PACVAN, INC	Monthly alternative office rental	860.59
PRINCIPAL LIFE INS.	Dental/vision/life insurance premium	4,750.00
PROGRESSIVE TECH.	IT and computer system support	435.83
QUINN	Motorgrader maintenance/repair	540.00
SCHWEBEL PETROLEUM	Oil/lubricants	1,250.00
SPARKLE	Uniform/laundry service	1,320.00
SPECTRUM	Internet access	360.76
SSD SYSTEMS	Office alarm monitoring	378.00
STINSON'S	Office supplies	495.00
TARGET	Weed control chemicals	125,926.28
TODD ENGINEERS	Professional services	16,000.00
VERIZON	Operations phones and cellular service	662.00
WATER WAYS INC	Pipe	141.00
WESTAIR	Welding supplies	435.00
		<hr/>
		387,598.89

Tab III





BUSINESS & FINANCE COMMITTEE MEETING

THERE IS NO PHYSICAL LOCATION FOR THIS MEETING

Please join this meeting from your computer, tablet, or smartphone.

<https://global.gotomeeting.com/join/175946213>

You can also dial in using your phone.

United States: +1 (571) 317-3122 Access Code: 175-946-213

THURSDAY, March 11, 2021
10:00AM

A G E N D A

- 1. Call to order**
- 2. Public Comment Period**
- 3. Approve Minutes of January 14, 2021 Business & Finance Committee Meeting**
- 4. Financial Reports and Accounts Payable:**
 - a. Approve February and March Accounts Payable
 - b. Approve February 2021 Financial Reports
 - c. Resolution 2021-03 – 2021 State Water Tolls
- 5. District Controller's Report:**
 - a. Equalization Update
 - b. Health Care Benefits Review and Recommendation
- 6. Adjourn**

A handwritten signature in black ink, appearing to read "Bryan Duncan", with a long horizontal line extending to the right.

Bryan Duncan
District Controller

Posted: Monday March 8, 2021
Bakersfield, California

Requests for disability related modifications or accommodations, including auxiliary aids or services may be made by telephoning or contacting Lynn Fredricks at the District Office (661-834-4656). Please attempt to make such requests known at least 24 hours before the scheduled meeting. Pursuant to Government Code section 54957.5, any materials relating to an open session item on this agenda, distributed to the Board of Directors after the distribution of the agenda packet, will be made available for public inspection at the time of distribution at the District, 501 Taft Highway, Bakersfield, CA.



DRAFT MINUTES OF THE BUSINESS & FINANCE COMMITTEE
Thursday, March 11, 2021

DIRECTORS PRESENT: Antongiovanni, Kaiser

DIRECTORS PRESENT VIA VIDEO: Tillema

OTHERS PRESENT: From KDWD: General Manager Teglia, Water Resources Manager Mulkay (via video),
Assistant General Manager Bellue, Controller Duncan, General Counsel Iger,
Administrative Assistant Rodriguez

1. CALL TO ORDER

Chair Antongiovanni called the meeting to order at 10:02 A.M.

2. PUBLIC COMMENTS

None.

3. APPROVAL OF PREVIOUS COMMITTEE MEETING MINUTES

- a. **M/S/C (Tillema/Kaiser) (yes – 3, no – 0):** By roll call vote, the Business & Finance Committee approved the minutes of the Business & Finance Committee meeting held on January 14, 2021.

4. FINANCIAL REPORTS AND DISBURSEMENTS

- a.- b. Approval of February 2021 and March 2021 Disbursements and February 2021 Financial Reports.

M/S/C (Kaiser/Tillema) (yes – 3, no – 0): By roll call vote, the Business & Finance Committee recommends the Board approve the February 2021 and March 2021 District Disbursements, the anticipated March 2021 end of month Disbursements, and the February 2021 District and Water Banking Project Financial Statements, Treasurer's Reports, and Delinquency Report as presented.

- c. Resolution 2021-03 – 2021 State Water Tolls:

M/S/C (Kaiser/Tillema) (yes – 3, no – 0): By roll call vote, the Business & Finance Committee recommends the Board adopt Resolution 2021-03 "Revising District State Water Tolls" and recommends the 90% calculation for the 2021 State Water Tolls from the *Procedure for Setting State Water Tolls* adopted by the KDWD Board by Resolution 2009-05.

5. DISTRICT CONTROLLER'S REPORT

- a. Staff proposed a procedure for writing off delinquent amounts owed on deactivated Equalization accounts and setting the conditions for future requests to reactivate an account. The Business and Finance Committee concurred with the staff recommended plan and forwarded the item to the Board for discussion and approval.
- b. Staff provided information regarding the current funding of the District's employee health benefits program. Staff recommended a change to how this program is funded annually and after discussion the Committee agreed with the staff recommendation and forwarded the item to the Board for discussion and approval.

6. ADJOURN

Chair Antongiovanni adjourned the meeting at 11:19 A.M.

Respectfully submitted,

Kevin Antongiovanni – Chair

Kern Delta Water District
Balance Sheet
As of February 28, 2021

<u>Assets</u>	February 28, 2021	January 31, 2021	Month-to- Month Variance
Current Assets:			
Cash & Securities in Bank	\$ 24,202,731	\$ 24,183,021	\$ 19,709
Accounts Receivable	1,071,762	1,163,405	(91,643)
Due From KDWP	-	112,180	(112,180)
Inventories & Prepaid Expenses	116,934	116,191	744
Total Current Assets	<u>25,391,427</u>	<u>25,574,796</u>	<u>(183,370)</u>
Fixed Assets			
District Structures, Rights of Way	\$ 13,692,569	\$ 13,676,553	\$ 16,016
Construction in Progress	1,961,909	1,802,402	\$ 159,507
CVC Expansion	8,622,495	8,622,495	-
Machinery & Equipment	1,554,535	1,526,630	27,904
	<u>25,831,507</u>	<u>25,628,080</u>	<u>203,427</u>
Accumulated Depreciation	<u>(6,702,569)</u>	<u>(6,664,569)</u>	<u>(38,000)</u>
Net Fixed Assets	<u>19,128,938</u>	<u>18,963,511</u>	<u>165,427</u>
Investment in Joint Powers Authority	\$ 11,480	\$ 27,482	\$ (16,002)
Investment in MET Program	8,890,130	8,890,130	-
Total Assets	<u>\$ 53,421,975</u>	<u>\$ 53,455,920</u>	<u>\$ (33,945)</u>
<u>Liabilities & Equity</u>			
Current Liabilities:			
Trade Accounts Payable	\$ 218,727	\$ 123,121	\$ 95,606
Deferred Revenue	-	-	-
Accrued Liabilities	162,993	155,653	7,340
Total Current Liabilities	<u>381,720</u>	<u>278,774</u>	<u>102,946</u>
Long-Term Liabilities:			
Bonds & COP Borrowing	\$ 4,015,000	\$ 4,015,000	\$ -
Bonds Premium & Costs	148,858	148,858	-
Total Long-Term Liabilities	<u>4,163,858</u>	<u>4,163,858</u>	<u>-</u>
Total Liabilities	<u>4,545,577</u>	<u>4,442,632</u>	<u>102,946</u>
Equity:			
Equity From Past Years	\$ 50,269,300	\$ 50,237,962	\$ 31,338
Accumulative Equity - Current Year	(1,392,902)	(1,224,673)	(168,229)
Total Liabilities & Equity	<u>\$ 53,421,975</u>	<u>\$ 53,455,920</u>	<u>\$ (33,945)</u>

Kern Delta Water District
Cash Variance Analysis
February 28, 2021

Cash Received:

Accounts Receivable Collections	349,947
Share of Property Tax Receipts	102,475
Interest Received	67,337
Transferred from KDWBP	112,180
	<hr/>
	631,939
	<hr/>

Cash Disbursed:

Accounts Payable Paid	(391,086)
Payrolls Paid	(221,144)
	<hr/>
	(612,230)
	<hr/>

Net positive/(negative) variance

19,709

Kern Delta Water District
Accounts Receivable Variance Analysis
February 28, 2021

Revenue Added to Accounts:

Water Sales - Utility Water	179,435
District Wells Revenue	97
Seepage Revenue	66,007
Equalization - 2021 Billing	9,170
Other Misc Revenues	3,596
	<hr/>
	258,304
	<hr/>

Cash Received on Account:

Water Payments	(86,282)
Misc Payments	(235,775)
Assessments Payments	(27,890)
	<hr/>
	(349,947)
	<hr/>

Net positive/(negative) variance	(91,643)
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Due From KDWBP	-
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**Kern Delta Water District
Inventory/Prepays Variance Analysis
February 28, 2021**

Additions to Accounts:

Weed Control Chemicals Purchased	12,566
Prepaid Additions	3,213
	<hr/>
	15,779
	<hr/>

Usage/Amortization:

Chemicals Consumed During Month	(6,023)
Amortization of Prepaid Accounts	(9,012)
	<hr/>
	(15,035)
	<hr/>

Net positive/(negative) variance	744
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Kern Delta Water District
Operating Results - Year To Date
Through the Month Ended February 28, 2021

	Actual Current Month	Actual Year to Date	Annual Budget	YTD as % of Annual Budget (Target is 17%)	Budget Remaining
REVENUES:					
State water sales	\$ -	\$ -	\$ 1,179,193	0%	\$ 1,179,193
Utility water sales	179,453	269,620	3,214,297	8%	2,944,677
COB/Cal Water/GCWD Revenue	-	-	900,000	0%	900,000
Equalization	9,152	9,152	9,147	100%	(4)
Assessments	-	1,011,380	1,014,767	100%	3,387
Share of county tax	102,475	151,335	4,316,386	4%	4,165,051
ILRP Contract Revenue	-	-	-		-
Interest income	7,058	7,090	441,000	2%	433,910
Other income	1,325	23,630	175,000	14%	151,370
Water Transfer Charges	-	182,750	731,000	25%	548,250
Water Banking Expense Reimbursement	-	-	150,000	0%	150,000
Total income	\$ 299,464	\$ 1,654,956	\$ 12,130,790	14%	\$ 10,475,834
EXPENDITURES:					
Source of supply:					
State water costs	\$ -	\$ 1,961,766	\$ 2,725,000	72%	\$ 763,234
Exchange fees	-	-	76,500	0%	76,500
Watermaster, City, Isabella	(63,648)	(57,638)	361,400	-16%	419,038
Miscellaneous source costs	-	10,098	500,000	2%	489,902
Total Source of supply	\$ (63,648)	\$ 1,914,226	\$ 3,662,900	52%	\$ 1,748,674
Transmission and Distribution:					
Labor	\$ 199,837	\$ 400,678	\$ 2,627,040	15%	\$ 2,226,362
Employee benefits	64,628	129,001	842,305	15%	713,304
Maintenance & Repairs	25,355	50,097	1,197,812	4%	1,147,715
Total Transmission and Distribution	\$ 289,819	\$ 579,777	\$ 4,667,157	12%	\$ 4,087,380
Administrative & other costs:					
Engineering consultant	\$ 65,742	\$ 60,051	\$ 50,000	120%	\$ (10,051)
Legal consultants	210	210	200,000	0%	199,790
Special legal/engineering	95,103	95,103	200,000	48%	104,897
Kern River GSA	-	-	200,000	0%	200,000
Insurance	8,550	22,068	163,194	14%	141,126
Office operations	17,452	61,203	334,782	18%	273,579
Special expenses (see Footnote below):	12,475	231,602	576,500	40%	344,898
Construction Expense - Peripheral	3,989	7,617	-		
Bond Interest expense	-	-	131,290	0%	131,290
Depreciation	38,000	76,000	456,000	N/A	380,000
Total administrative & other	\$ 241,521	\$ 553,855	\$ 2,311,766	24%	\$ 1,765,528
Total expenses	\$ 467,692	\$ 3,047,858	\$ 10,641,823	29%	\$ 7,593,965
Net Fav/(Unfav) Operating Results	\$ (168,229)	\$ (1,392,902)	\$ 1,488,967		\$ 2,881,869

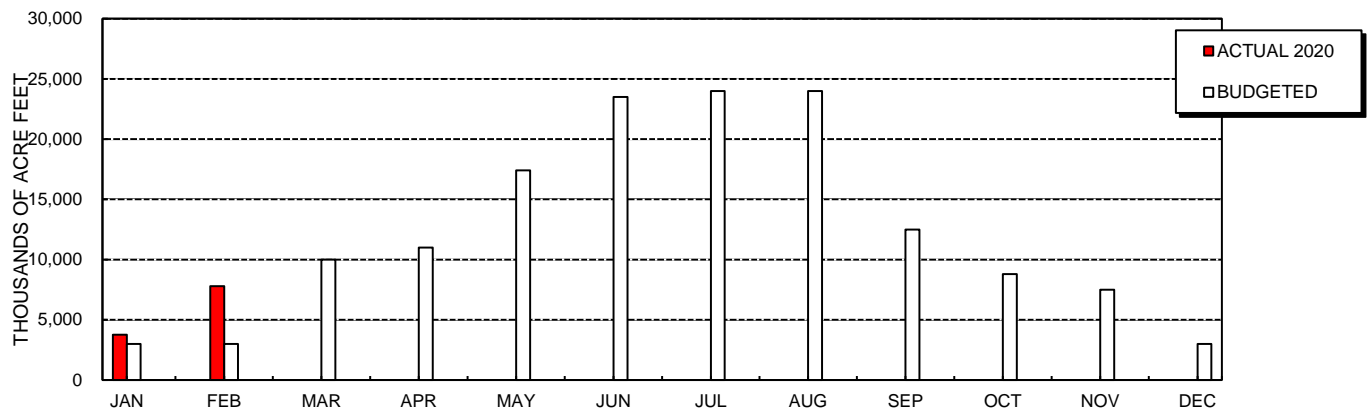
TREASURER'S REPORT

February 2021

	2021	2020	2019	2018
Cash & Securities on hand - February 1	\$ 24,183,021	\$ 20,018,463	\$ 16,275,150	\$ 13,547,972
Add: February receipts	731,939	2,121,233	739,748	586,360
Less: February disbursements	712,230	1,779,904	379,017	484,245
Cash & Securities on hand - February 28, 2021	\$ 24,202,731	\$ 20,359,792	\$ 16,635,880	\$ 13,650,087
<div> <div>Petty Cash</div> <div>\$ 500</div> </div> <div> <div>Citizens Business Bank</div> <div>1,026,674</div> </div> <div> <div>Kern County Treasury</div> <div>23,175,557</div> </div> <div> <div>\$ 24,202,731</div> </div>				
Restricted Reserves:				
Restricted Reserve Fund - General Manager	\$ (300,000)	\$ (300,000)	\$ -	\$ -
Unrestricted Reserves:				
Employee Medical/Dental Benefits	(210,272)	(327,754)	(354,056)	(381,254)
Pipeline Maintenance	(213,845)	(213,845)	(213,845)	(213,845)
Water Rights Protection & Litigation Reserve	(2,832,213)	(3,228,554)	(3,292,265)	(3,359,730)
2015-A COP Reserve Fund	(4,015,000)	(372,600)	(372,600)	(372,600)
Operating Reserve	(5,000,000)			
Capital Reserve	(2,000,000)			
Groundwater Program Reserve	(3,500,000)			
Total Reserves	\$ (18,071,330)	\$ (4,442,753)	\$ (4,232,766)	\$ (4,327,429)
Cash Available - February 28, 2021	\$ 6,131,401	\$ 15,917,039	\$ 12,403,115	\$ 9,322,658

**Kern Delta Water District
Monthly Water Sales Volume
in Acre Feet**

	2020	2021										
	Actual (Accum- ulated)	Budgeted		Actual								
		Monthly	(Accum- ulated)	Monthly				Accumulated				% of Budget
				Utility	State	Contracts	Total	Utility	State	Contracts	Total	
JAN	4,488	3,000	3,000	3,612	0	145	3,757	3,612	0	145	3,757	125%
FEB	12,169	3,000	6,000	7,461	0	341	7,801	11,073	0	486	11,559	193%
MAR	17,600	10,000	16,000									
APR	21,713	11,000	27,000									
MAY	33,840	17,400	44,400									
JUN	54,218	23,500	67,900									
JUL	74,182	24,000	91,900									
AUG	85,938	24,000	115,900									
SEP	92,178	12,500	128,400									
OCT	96,158	8,800	137,200									
NOV	99,138	7,500	144,700									
DEC	100,282	3,000	147,700									



KERN DELTA WATER DISTRICT

Aged Accounts Receivable

Past Due Accounts

March 16, 2021

Account	Name	0-30 Days	31-60 Days	61-90 Days	Over 90 Days	Total Past Due
887	Forney, Bruce	5.40	5.32	5.24	349.42	365.38
3529	Sanchez, Alfredo Hernandez	4.69	4.63	4.56	303.79	317.67
3713	Cruz, Juan Carlos & Nancy	7.68	7.56	7.45	496.69	519.38
5048	Maple Dairy, LP	2,581.14	-	-	-	2,581.14
	OTHER	100.63	0.65	5.98	37.45	144.71
		2,699.54	18.16	23.23	1,187.35	3,928.28

**Kern Delta Water Banking Project
Balance Sheet
February 28, 2021**

Assets

	February 28, 2021	January 31, 2021	Month-to- Month Variance
Current Assets:			
Cash & Securities in Bank	\$ 9,097,215	\$ 9,733,442	\$ (636,228)
Interest Receivable	-	-	-
Due from Metropolitan Water District	369,006	-	369,006
Due from SBVMWD	788,000	-	788,000
Inventory and Prepaids	111,051	112,552	(1,501)
Due from KDWD	-	-	-
Total Current Assets	<u>\$ 10,365,272</u>	<u>\$ 9,845,994</u>	<u>\$ 519,277</u>
Fixed Assets at cost less depreciation:			
All structures	\$ 60,497,909	\$ 59,873,378	\$ 624,531
Machinery and equipment	418,064	418,064	-
	<u>\$ 60,915,973</u>	<u>\$ 60,291,443</u>	<u>\$ 624,531</u>
Less: Accumulated depreciation	(10,529,031)	(10,434,531)	(94,500)
Total fixed assets	<u>\$ 50,386,942</u>	<u>\$ 49,856,911</u>	<u>\$ 530,031</u>
 Total Assets	 <u><u>\$ 60,752,214</u></u>	 <u><u>\$ 59,702,906</u></u>	 <u><u>\$ 1,049,308</u></u>

Liabilities & Equity

Current Liabilities:			
Trade accounts payable	\$ -	\$ -	\$ -
Due to KDWD	-	112,180	(112,180)
Total current liabilities	<u>\$ -</u>	<u>\$ 112,180</u>	<u>\$ (112,180)</u>
Equity:			
Contributions to equity - KDWD (Land purchases)	\$ 8,890,130	\$ 8,890,130	\$ -
Equity from past years	52,202,620	51,008,620	1,194,001
Equity enhanced this year	(340,536)	(308,024)	(32,513)
Total Equity	<u>\$ 60,752,214</u>	<u>\$ 59,590,726</u>	<u>\$ 1,161,488</u>
 Total Liabilities & Equity	 <u><u>\$ 60,752,214</u></u>	 <u><u>\$ 59,702,906</u></u>	 <u><u>\$ 1,049,308</u></u>

Kern Delta Water Banking Project
Cash Variance Analysis
February 28, 2021

Cash Received:

Received From ID#4 - CVC Ops/Power	57,458
Misc Credits	36
Interest Received	37,013
	<hr/>
	94,507

Cash Disbursed:

Accounts Payable Paid	(730,735)
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Net positive/(negative) variance	(636,228)
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**Kern Delta Water Banking Project
Inventory/Prepays Variance Analysis
February 28, 2021**

Additions to Accounts:

Weed Control Chemicals Purchased	-
Prepaid Additions	-
	<hr/>
	-

Usage/Amortization:

Chemicals Consumed During Month	(1,501)
Amortization of Prepaid Accounts	-
	<hr/>
	(1,501)

Net positive/(negative) variance	(1,501)
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Kern Delta Water Banking Project
Statement of Operating Results
Through the Period Ended February 28, 2021

	<u>Current Month</u>	<u>Year to Date</u>
REVENUE:		
MET Revenues	\$ -	\$ -
Water Sales	-	-
Interest Income	19	39
Total of all income	<u>\$ 19</u>	<u>\$ 39</u>
Transfer and Exchange Fees:		
Exchange Fees	\$ -	\$ -
Wheeling Fees	-	-
Total Exchange Fees	<u>\$ -</u>	<u>\$ -</u>
Other Costs		
Power - KB1-8, KDW1-2	\$ 928	\$ 1,135
Power - AE1, AE2, AE3, AE4	575	759
Power - BV1, BV2, BV3, BV4, BV5	166	166
CVC Operating Costs	(57,070)	114,140
CVC Power Costs	(424)	740
O&M Spreading	-	3,091
Other O&M & Miscellaneous Costs	(6,144)	31,545
Legal & Accounting	-	-
Depreciation	94,500	189,000
Total Other Costs	<u>\$ 32,532</u>	<u>\$ 340,575</u>
Total all expenses	<u>\$ 32,532</u>	<u>\$ 340,575</u>
Favorable/(Unfavorable) Operating Results	<u>\$ (32,513)</u>	<u>\$ (340,536)</u>
Estimated 1st Qtr Revenue - MWD		<u>\$ 550,000</u>
Estimated Fav/(Unfav) Operating Results		<u>\$ 209,464</u>

KERN DELTA WATER BANKING PROJECT

TREASURER'S REPORT

February

	2021	2020	2019	2018
Cash & Securities on hand - February 1, 2021	\$ 9,733,442	\$ 13,227,736	\$ 9,107,481	\$ 8,934,531
Add: February receipts	594,507	344,660	122,972	662,019
Less: February disbursements	1,230,735	299,405	171,328	60,959
Cash & Securities on hand - February 28, 2021	\$ 9,097,215	\$ 13,272,991	\$ 9,059,125	\$ 9,535,590
Citizens Business Bank \$ 296,376 LPL Financial 250,000 Kern County Treasury 8,550,839 \$ 9,097,215				
Restricted Cash included in above:				
OM&R Spreading	\$ (375,211)	\$ 518,813	\$ (574,976)	
OM&R Extraction	(515,339)	(137,772)	(189,289)	
OM&R CVC/Delivery Canal	-	(3,225,816)	(3,318,405)	
Take/Put Fees	(1,237,011)	(4,382,706)	(648,255)	
Total Restricted	\$ (2,127,562)	\$ (7,227,481)	\$ (4,730,925)	
Cash Available for Construction - February 28, 2021	<u>\$ 6,969,653</u>	<u>\$ 6,045,509</u>	<u>\$ 4,328,201</u>	

EQUALIZATION PROJECT-ADJUSTMENTS OF AGED ACCOUNTS RECEIVABLE

				ACCT		
APN	LESSEE	TURNOUT	ACREAGE	#	LANDOWNER	TOTAL A/R
185-020-38-00	NO USER ASSIGNED	03 02 238	6.51	196	BARNES, JOANNE F	\$ 179.08
514-060-27-00	NO USER ASSIGNED	03 04 137	2.91	PT 1011	GIMINIANI 2008 LIV TR	\$ 20.01
414-050-13-00	SPARKS, MARTINA	03 02 169	1.25	2271	SPARKS, MARTINA	\$ 17.20
167-090-02-00	VILLAREAL, OSCAR C	03 02 034	9.54	2484	VILLAREAL, OSCAR C	\$ 131.22
172-070-22-00	SOLORIO, J & R	03 02 163	3.20	2717	SOLORIO, J & R	\$ 22.01
178-450-29-00	NO USER ASSIGNED	02 00 163U	3.73	3667	WATKINS, JK & LH	\$ 31.35
172-070-35-00	NO USER ASSIGNED	NO TO	35.83	3732	CONTRERAS, J & A	\$ 797.80
144-291-21-01	NO USER ASSIGNED	02 00 043U	0.80	4254	GARCIA, RICHARD E	\$ 6.14
172-070-20-00	NO USER ASSIGNED	NO TO	38.06	4256	UPHILL INVS LLC	\$ 2,094.00
170-270-16-09	NO USER ASSIGNED	NO TO	4.34	4316	RYER ISLAND LAND	\$ 86.45
414-060-22-00	NO USER ASSIGNED	NO TO	0.50	4321	CEJA, JOSE T	\$ 6.88
414-050-08-00	PEREZ, D & M I	03 02 169	2.63	4323	PEREZ, D & M I	\$ 54.27
518-090-05-00	NO USER ASSIGNED	03 02 205	4.46	4505	WEBER, LEROY	\$ 61.34
185-020-39-00	NO USER ASSIGNED	03 02 238	2.97	4587	GONZALEZ, HM & A	\$ 81.68
185-020-41-00	SIMENTAL, EDWARD	03 02 238	2.97	4588	SIMENTAL, EDWARD	\$ 163.36
514-060-08-00	NO USER ASSIGNED	03 04 137	10.35	PT 4639	EAST WEST DEV LLC	
514-060-09-00	NO USER ASSIGNED	03 04 137	6.45	PT 4639	EAST WEST DEV LLC	\$ 115.54
			16.80			
170-270-21-00	NO USER ASSIGNED	NO TO	3.37	PT 4725	KERN CO BD OF ED	
170-270-23-00	NO USER ASSIGNED	NO TO	6.97	PT 4725	KERN CO BD OF ED	\$ 205.94
			10.34			
518-090-12-00	NO USER ASSIGNED	03 02 205	11.43	4908	YEKUYEYU PROP INC	\$ 157.22
170-270-22-00	NO USER ASSIGNED	NO TO	22.94	PT 4960	RYER BAK LLC	
170-270-24-00	NO USER ASSIGNED	NO TO	20.87	PT 4960	RYER BAK LLC	\$ 872.60
			43.81			
167-090-17-00	SINGH, J & KAUR, A	03 02 034	2.10	PT 5261	SINGH, J & KAUR, A	
167-090-21-00	SINGH, J & KAUR, A	03 02 034	2.44	PT 5261	SINGH, J & KAUR, A	\$ 31.23
			4.54			
414-060-29-00	WATTS, H (ACCT #4473)	03 02 170	4.30	5743	CORTEZ, P L	\$ 29.58
TOTALS			210.92			\$ 5,164.90
25 PARCELS						

Table 5

**Kern Delta Water District
Basis for State Water Tolls**

						80%	85%	90%	95%	100%	105%				
State Water Toll Zones	Avg Depth to Fall 2020 (3) (feet)	Assumed Drawdown (feet)	Average Pumping Lift (feet)	PG&E Power Cost (\$/AF)	Assumed O&M Charge (\$/AF)	Calculated State Water Toll (2) (\$/AF)	Calculated State Water Toll (2) (\$/AF)	Calculated State Water Toll (2) (\$/AF)	Calculated State Water Toll (2) (\$/AF)	Calculated State Water Toll (2) (\$/AF)	Calculated State Water Toll (2) (\$/AF)	2020 State Water Toll (\$/AF)	2019 State Water Toll (\$/AF)	2018 State Water Toll (\$/AF)	2017 State Water Toll (\$/AF)
Via Eastside Canal	304	50	354	110.06	5.00	92.04	97.80	103.55	109.30	115.06	120.81	103.47	85.55	89.34	45.00
Via Kern Island Central Canal	225	50	275	85.49	5.00	72.40	76.92	81.45	85.97	90.49	95.02	81.56	74.06	75.41	45.00
Via Kern Island 20-foot Ditch	231	50	281	87.36	5.00	73.89	78.51	83.12	87.74	92.36	96.98	79.94	66.85	54.26	45.00
Via Stine/Farmers Canals	205	50	255	79.28	5.00	67.42	71.64	75.85	80.06	84.28	88.49	75.35	66.40	63.22	45.00
Via Buena Vista Canal	202	50	252	78.34	5.00	66.68	70.84	75.01	79.18	83.34	87.51	76.70	62.35	65.21	45.00

Percent may vary from 80% to 105% as set by the Board

Note:

1. Unit power cost (see Table 4) = \$0.3109 per AF per foot of lift
2. Water toll based on percent of power plus O&M costs
3. See Table 6

**BEFORE THE BOARD OF DIRECTORS OF
THE KERN DELTA WATER DISTRICT**

IN THE MATTER OF:

RESOLUTION NO. 2021-03

SETTING DISTRICT 2021 STATE WATER TOLLS

WHEREAS, Kern Delta Water District (“District”) is a California Water District formed pursuant to and in accordance with Division 13 of the California Water Code (commencing with Water Code §34000); and

WHEREAS, pursuant to Water Code §35470, the District has the authority to fix and collect charges for water which is made available to holders of title to land or occupants within the District; and

WHEREAS, the costs for obtaining and delivering State Water Project water, as well as the costs for operation and maintenance, have and continue to increase; and

WHEREAS, the *Engineering Report Setting Forth a Proposed 2nd Amendment to 1974 Plan for Water Allocation and Procedure for Setting State Water Tolls* which was completed by the District’s engineering consultant, AECOM, set forth a process and formula by which State Water Project water tolls should be calculated; and

WHEREAS, on April 21, 2009 after notice was given as required by law, a public hearing was held pursuant to California Constitution Article XIII D, Section 6(a) where written protests against the proposed increase to State Water Project water tolls were not presented by a majority of the owners/tenants of the affected parcels; and

WHEREAS, on April 21, 2009 the Board of Directors of this District adopted Resolution No. 2009-05, which sets forth the formula by which State Water Project water tolls should be calculated; and

WHEREAS, for calendar year 2021, the Board of Directors of this District has calculated the tolls for State Water Project water utilizing the formula set forth in Resolution No. 2009-05.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by this Board of Directors as follows:

Effective March 1, 2021, the Board of Directors hereby sets the water tolls for 2021 as follows:

<u>State Water Toll Zone</u>	<u>Charge per Acre-foot</u>
Via Eastside Canal	\$103.55
Via Kern Island Central Canal	\$81.45
Via Kern Island 20-foot Ditch	\$83.12
Via Stine/Farmers Canal	\$75.85
Via Buena Vista Canal	\$75.01

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

AYES:

NOES:

ABSENT:

ABSTENTIONS:

I HEREBY CERTIFY that the foregoing Resolution is the Resolution of said District as duly passed and adopted by said Board of Directors at a legally convened meeting held March 16, 2021.

WITNESS my hand and the Seal of said Board of Directors this 16th day of March 2021.

Rodney Palla
President of the Board

Richard Tillema
Secretary of the Board

Tab IV





OPERATIONS AND PROJECTS COMMITTEE MEETING

THERE IS NO PHYSICAL LOCATION FOR THIS MEETING
Please join this meeting from your computer, tablet, or smartphone.
<https://global.gotomeeting.com/join/575655901>

You can also dial in using your phone.
United States: [+1 \(872\) 240-3311](tel:+18722403311) Access Code: **575-655-901**

TUESDAY, MARCH 2, 2021
10:30 AM

A G E N D A

- 1. Call to Order**
- 2. Public Comment Period**
- 3. Assistant General Manager's Report:**
 - a. Approve the minutes of the Operations and Projects Committee Meeting of February 2, 2021
 - b. Encroachment Permit Update
 - c. District Facility and Banking Maintenance
 - d. District Office Construction Update
 - e. 23 Ditch / City of Bakersfield Multi-use Path Proposal
 - f. Water Banking Construction and Power Invoices
- 4. Adjourn**

A handwritten signature in black ink that reads "Chris Bellue".

Chris Bellue
Assistant General Manager

Posted: Friday, February 26, 2021
Bakersfield, California

Requests for disability related modifications or accommodations, including auxiliary aids or services may be made by telephoning or contacting Madelyne Rodriguez at the District Office (661-834-4656). Please attempt to make such requests known at least 24 hours before the scheduled meeting. Pursuant to Government Code section 54957.5, any materials relating to an open session item on this agenda, distributed to the Board of Directors after the distribution of the agenda packet, will be made available for public inspection at the time of distribution at the District, 501 Taft Highway, Bakersfield, CA.



DRAFT MINUTES OF THE OPERATIONS AND PROJECTS COMMITTEE
Tuesday, March 2, 2021

DIRECTORS PRESENT: None.

DIRECTORS PRESENT VIA VIDEO: Collins, Kaiser, Mendonca, Spitzer

OTHERS PRESENT: From KDWD: General Manager Teglia, Water Resources Manager Mulkay, Assistant General Manager Bellue, Controller Duncan, General Counsel Iger, Staff Engineer De Leon, Administrative Assistant Rodriguez.

1. CALL TO ORDER

Chair Collins called the meeting to order at 10:35 A.M.

2. PUBLIC COMMENTS

None.

3. ASSISTANT GENERAL MANAGER'S REPORT:

- a. Approve minutes of the Operations and Projects Committee Meeting of February 2, 2021: M/S/C (Spitzer/Kaiser) (yes – 4, no – 0): By roll call vote, the Operations and Projects Committee approved the minutes of the Operations and Projects Committee meeting held on February 2, 2021.
- b. Encroachment Permit Update: Mr. Bellue presented two encroachment permits, the first was withdrawn shortly after its initial request. The second being a request from the City of Bakersfield for the SCADA Project for data collection at multiple canal locations.
- c. District Facility and Banking Maintenance: Mr. Bellue discussed several items of note including the removal of blown-in sand on the Smith Judd Canal, a breach repair caused by a plugged board-control crossing on the Smith Judd Canal south of Shafter road. Also discussed, was the monthly service and inspection of all District wells that included checking oil dripper operation and replacement of sight glass tubes in preparation for the running season.
- d. District Office Construction Update: Mr. Bellue provided an update on the current schedule and budget status for the District office expansion project.
- e. 23 Ditch/City of Bakersfield Multi-use Path Proposal: Mr. Bellue and Mr. Teglia discussed the revised plans sent by City of Bakersfield, staff will continue to review and bring back to the Committee for discussion.
- f. Water Banking Construction and Power Invoices: M/S/C (Mendonca/Kaiser) (yes-4, no-0): By roll call vote, the Committee recommends the Board approve payment of Water Banking and Power Invoices totaling \$617,639.32 (plus additional PG&E well energy costs). See the attached March 16, 2021 Invoice and Disbursements memo to the Board for a full breakdown of the Invoices.

4. ADJOURN

Chair Collins adjourned the meeting at 10:56 A.M.

Respectfully submitted,

Donald Collins – Chair

Maintenance Report

February 2021

1. **Structure and Turnout Repairs.** The following jobs were completed during the month;
 - a. Remove blown-in sand from Smith and Judd Canal south of Shafter Rd.
 - b. Repair breach caused by plugging and replace board control crossing on Smith and Judd Canal south of Shafter Rd.
 - c. Repair washed-out crossing on Farmers Canal 1/2 mile west of Ash Rd.
 - d. Installed pre-screens on Eastside Canal.
 - e. Reset staff gauge at the head of Central Canal.
2. **Shop.** The following jobs were completed during the month;
 - a. Normal service and repairs on District vehicles and equipment.
 - b. Repair horn on truck #216.
 - c. Fixed air leak and replaced air line on truck #324.
 - d. Repair AC and replace mud flap on truck #322.
 - e. Fixed switch on dumping system on truck #323.
 - f. Replaced purge valve on truck #220.
 - g. Start conversion to PTO Drive system on turntable pump.
3. **District Wells.**
 - a. Monthly service and inspection of all District wells to check dripper operation.
 - b. Replace sight level glass on oil tanks as needed to prep for upcoming running season.
 - c. Replace batteries in clocks/timers as needed.
4. **Motor Grader # 403** The following canals were sloped and roads graded;
 - a. Sloping and removing sand blown-in sand on Smith and Judd canal south of Shafter Rd.
5. **Backhoe # 402** The following jobs were completed during the month;
 - a. Clean sand bars and built-up areas around turnouts and weirs of the Farmers, Stine and 18 North and South.
 - b. Replace board control crossing 546 on Smith and Judd Canal south of Shafter Rd.
6. **Backhoe # 404** The following jobs were completed this month;
 - a. Removed mattresses, debris, tumbleweeds, brush and tires from Kern Island, Central, Branch 1 and Eastside Canals.
 - b. Clean up East Branch Canal in preparation for startup.
7. **Weed Spraying.** The following canals were sprayed during the month;
 - a. Sterilant application at head walls of the KI and Branch 1 including pipped sections though neighborhood.
 - b. Spot treated Stine Canal from Ash to end.
 - c. Farmers Canal from Panama Ln to the end of canal.

8. **Aquatic Treatments.** Treatments including surface spraying for algae mats and injection treatments for control of algae or vascular aquatic weeds; No treatments were made to canals this month.
9. **Rodent Control**
 - a. Bait stations were frequently checked, and all locations were filled throughout the District this month.
10. **Trash Removal.**
 - a. Daily cleaning of crossings, weirs, and screens on all running canals.
 - b. Remove debris from the Kern Island, Central, Branch 1 and use both trash trucks to haul to the landfill.
11. **Fence Repairs.** Fences and gates were repaired at the following locations;
 - a. Kern Island – 30th St. and 34th St.
 - b. Branch 1 – White Ln and Oleander Dr.
 - c. East Branch – Casa Loma and City yard north of Watts.
 - d. Eastside – Oswell St and Edison Rd.
12. **Safety Meetings.** Weekly tailgate safety topics were;
 - a. Accident Action Plan and Procedures.
 - b. Equipment Repair Reporting.
 - c. Storage with Proper Labeling.
 - d. Fire Prevention and Fire Response
13. **Water Banking Activities.** The following jobs were completed during the month;
 - a. Burn tumbleweeds at the Kern Basins (MET).
14. **Future Projects.** The following projects will be completed as time and scheduling permit:
 - a. Install meters on the outlet of the Bladder basin on the Stine Canal.
 - b. Replace District yard access gates.
15. **Future Water Banking Projects.**
 - a. Install permanent staff gauges and signage in basins.
 - b. Place riprap around eroded intertie structures at DiGiorgio Basins.
 - c. Mow weeds at Kern Island Basins, when dry enough to get equipment in basin.
 - d. Spray weeds and Typha (cattails), with new trailer mount system after mowing Kern Island Basins.
 - e. Spray sterilant on all slopes for weed control where mower can't reach.



To: Kern Delta Water District Board of Directors

From: Steven Teglia

Date: March 16, 2021

Re: Encroachment Permit Applications & Easement Requests

DISCUSSION:

Following are the organizations that have applied for an encroachment permit with Kern Delta Water District and a summary of their intended locations and purposes for encroaching.

Organization: Patricia Anyon

Location: 18 North and South

Purpose: Install light poles

Anticipated Start Date: TBD

Organization: City of Bakersfield

Location: Multiple Canals

Purpose: SCADA Project

Anticipated Start Date: TBD

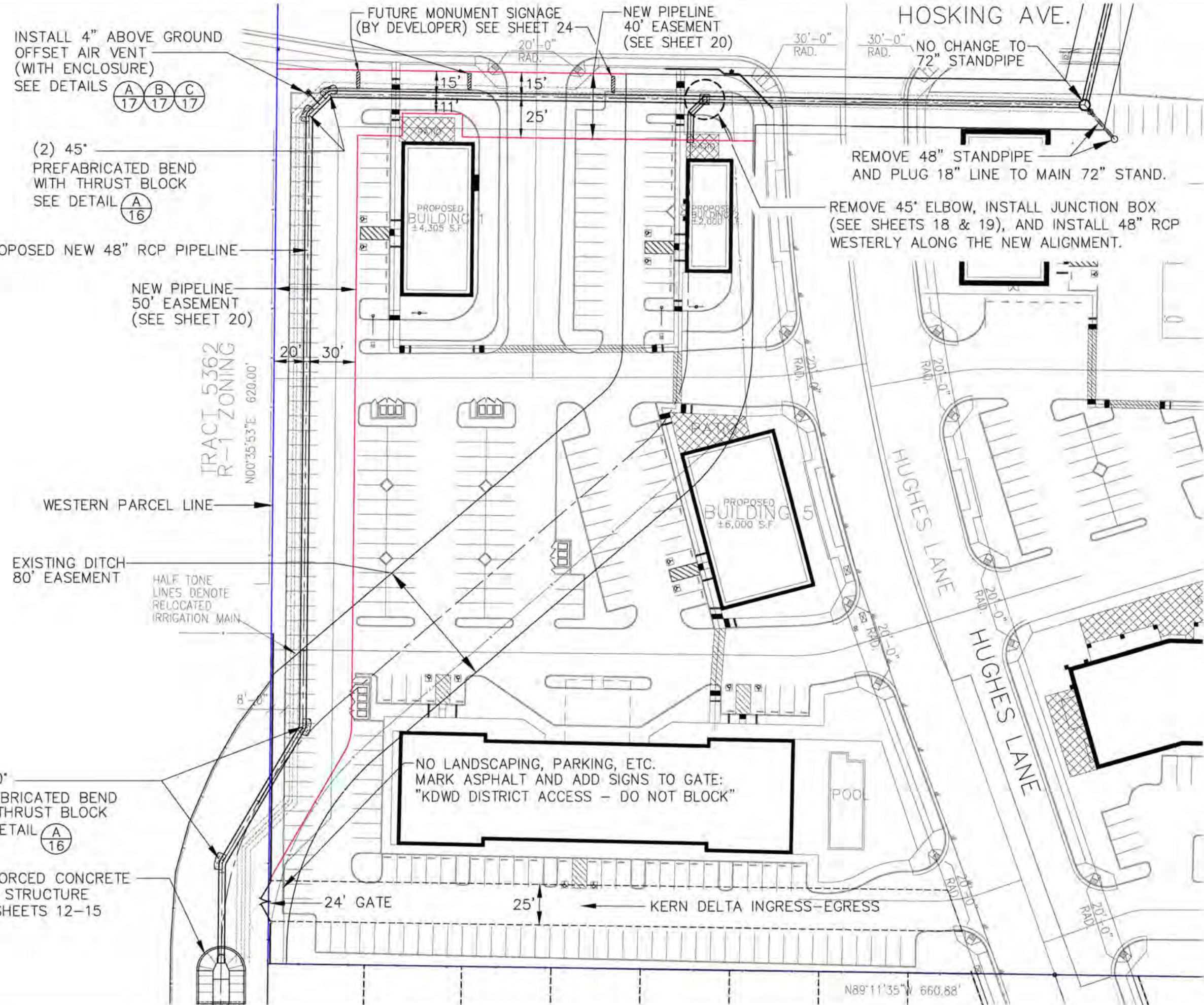


REV.	DATE	DESCRIPTION
1	12/28/2020	REVISED FROM 42" RCP TO 48" RCP
DATE: JANUARY 04, 2021		
SCALE: AS NOTED		
DRAWN BY: A. TAYLOR		
CHECKED BY: W. ZEIDERS		
FILE NAME: BRANCH-1-PIPELINE.DWG		

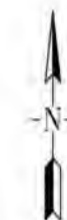
**BRANCH 1 CANAL
RELOCATION AND PIPELINE
OVERALL MAP**

ZEIDERS CONSULTING
1655 GREELEY ROAD
BAKERSFIELD, CA. 93314
(661) 589-8366

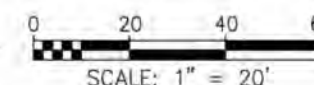
DRAWING NO.
3
of 34



Know what's below.
Call before you dig.



NORTH



LEGEND

— = EXISTING FENCE



DRAWING NO. 4 of 34

ZEIDERS CONSULTING
1665 GREELEY ROAD
BAKERSFIELD, CA. 93314
(661) 589-8366

BRANCH 1 CANAL
RELOCATION AND PIPELINE
SITE PLAN

REV.	DATE	DESCRIPTION
1	12/18/2020	REVISED FROM 42" RCP TO 48" RCP
2	JANUARY 04, 2021	SCALE: AS NOTED
3		DRAWN BY: A. TAYLOR
4		CHECKED BY: W. ZEIDERS
5		FILE NAME: BRANCH-1-PIPELINE.DWG

**FOR THE BENEFIT OF AND
RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

**KERN DELTA WATER DISTRICT
501 Taft Highway
Bakersfield, CA 93307**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

APN: 514-030-29

GRANT OF EASEMENT

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Jacaranda Hood, LLC,
a California limited liability corporation

(hereinafter "Grantor"), hereby grants to **KERN DELTA WATER DISTRICT**, a California water district (hereinafter "Grantee"), an exclusive and permanent easement and right-of-way and the right, privilege and license to construct, reconstruct, alter, replace, use, operate, inspect, maintain, repair and replace at any time a pipeline and appurtenant facilities, together with the right of ingress and egress, across, along, over, under, through, and within that certain real property in the County of Kern, State of California, described in Exhibit "A" (attached hereto and incorporated herein by this reference). Grantor also grants an access easement to Grantee across, along, over, under, through and within real property described in Exhibit "B". Said easements also shown on the plat maps attached hereto as Exhibits "C" and "D" and by this reference made a part hereof.

Grantor, its heirs, successors, and assigns, covenant that they will not erect, place, or maintain, or allow to be erected, placed or maintained, within the boundaries of said permanent easement and right-of-way, any structure or improvement of any kind, without first securing written permission of the Grantee, other than approved landscaping, driveways, paving, curbing, Cal-Water pipeline, parking lots, patios and signage shown on approved plans by Zeiders Consulting dated January 4, 2021, and that they will not plant or maintain or permit to be planted or maintained, any plants, shrubs, or trees without first securing written permission of Grantee. Grantor agrees that Grantee, its successors and assigns, and its agents or employees, may trim or remove any plants, shrubs, or trees that encroach on the permanent easement and right-of-way.

Grantor agrees not to grant other easements or allow encroachments along, over, under, or through the permanent easement or right-of-way, without prior written consent of Grantee.

The terms and covenants of the permanent easement and right-of-way shall bind and inure to the benefit of the heirs, successors, executors, administrators, and assigns, of Grantor and the successors and assigns of Grantee.

IN WITNESS WHEREOF, the undersigned have executed this document on the date set forth below.

GRANTOR

JACARANDA HOOD LLC

a California limited liability corporation

Dated:_____

By:_____

James Lundy, President

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached and not the truthfulness accuracy or validity of that document.

State of California)
County of _____)

On _____, 2021, before me, _____,
Notary Public, personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s)
is/are subscribed to the within instrument and acknowledged to me that he/she/they executed
the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the
instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the
instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

EXHIBIT "A"
LEGAL DESCRIPTION
KERN DELTA WATER DISTRICT
BRANCH 1 CANAL PIPELINE EASEMENT

BEING AN EASEMENT OF VARYING WIDTHS FOR CANAL PIPELINE PURPOSES ACROSS A PORTION OF PARCEL A OF LOT LINE ADJUSTMENT NO. 04-0862, RECORDED SEPTEMBER 8, 2005 AS DOCUMENT NUMBER 0205244977 OF OFFICIAL RECORDS, IN THE OFFICE OF THE KERN COUNTY RECORDER, ALSO BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 30 SOUTH, RANGE 27 EAST, MOUNT DIABLO MERIDIAN, IN THE CITY OF BAKERSFIELD, COUNTY OF KERN, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID PARCEL A OF SAID LOT LINE ADJUSTMENT NO. 04-0862, SAID POINT OF COMMENCEMENT ALSO BEING ON THE NORTH LINE OF SAID NORTHWEST QUARTER OF SECTION 36;

THENCE (1) DEPARTING SAID NORTH LINE, SOUTH 00°35'57" WEST, ALONG THE WEST LINE OF SAID PARCEL A, A DISTANCE OF 66.49 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF HOSKING AVENUE, (SAID WEST LINE OF PARCEL A BEING SHOWN AS SOUTH 00°35'41" WEST ON STREET RIGHT-OF-WAY DEDICATION DEED RECORDED JUNE 29, 2006, AS DOCUMENT NO. 0206159105 OF OFFICIAL RECORDS, IN THE OFFICE OF THE KERN COUNTY RECORDER), SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING.

THENCE (2) DEPARTING SAID WEST LINE OF SAID PARCEL A, SOUTH 82°04'05" EAST, ALONG SAID SOUTH RIGHT-OF-WAY OF HOSKING AVENUE, A DISTANCE OF 28.29 FEET;

THENCE (3) CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY OF HOSKING AVENUE, SOUTH 89°11'35" EAST, A DISTANCE OF 186.92 FEET TO A POINT ON THE WEST LINE OF THE KERN DELTA WATER DISTRICT BRANCH 1 CANAL PIPELINE AND DITCH EASEMENT, RECORDED DECEMBER 26, 2007, AS DOCUMENT NO. 0207252213 OF OFFICIAL RECORDS, IN THE OFFICE OF THE KERN COUNTY RECORDER;

THENCE (4) DEPARTING SAID SOUTH RIGHT-OF-WAY OF HOSKING AVENUE, SOUTH 00°48'25" WEST, ALONG THE WEST LINE OF SAID KERN DELTA WATER DISTRICT BRANCH 1 CANAL PIPELINE AND DITCH EASEMENT, A DISTANCE OF 40.00 FEET, TO A POINT 40.00 FEET SOUTH OF SAID SOUTH RIGHT-OF-WAY OF HOSKING AVENUE;

THENCE (5) DEPARTING SAID WEST LINE OF KERN DELTA WATER DISTRICT BRANCH 1 CANAL PIPELINE AND DITCH EASEMENT, NORTH 89°11'35" WEST, ALONG A LINE 40.00 FEET SOUTH OF AND PARALLEL TO SAID SOUTH RIGHT-OF-WAY OF HOSKING AVENUE, A DISTANCE OF 100.43 FEET;

THENCE (6) NORTH 00°48'25" EAST, A DISTANCE OF 14.00 FEET TO A POINT 26.00 FEET SOUTH OF SAID SOUTH RIGHT-OF-WAY OF HOSKING AVENUE;

THENCE (7) NORTH 89°11'35" WEST, ALONG A LINE 26.00 FEET SOUTH OF AND PARALLEL TO SAID SOUTH RIGHT-OF-WAY OF HOSKING AVENUE, A DISTANCE OF 37.00 FEET;

THENCE (8) SOUTH 00°48'25" WEST, A DISTANCE OF 14.00 FEET TO A POINT 40.00 FEET SOUTH OF SAID SOUTH RIGHT-OF-WAY OF HOSKING AVENUE;

THENCE (9) NORTH 89°11'35" WEST, ALONG A LINE 40.00 FEET SOUTH OF AND PARALLEL TO SAID SOUTH RIGHT-OF-WAY OF HOSKING AVENUE, A DISTANCE OF 27.40 FEET TO A POINT 50.00 FEET EAST OF THE WEST LINE OF SAID PARCEL A OF LOT LINE ADJUSTMENT NO. 04-0862;

THENCE (10) SOUTH 00°35'41" WEST (SAID WEST LINE OF PARCEL A BEING SHOWN AS SOUTH 00°35'41" WEST ON SAID STREET RIGHT-OF-WAY DEDICATION DEED), ALONG A LINE 50.00 FEET EAST OF AND PARALLEL TO SAID WEST LINE OF PARCEL A, A DISTANCE OF 362.99 FEET TO THE BEGINNING OF A CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 33.50 FEET;

THENCE (11) SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 29°49'01", AN ARC DISTANCE OF 17.43 FEET;

THENCE (12) SOUTH 30°24'42" WEST, A DISTANCE OF 91.64 FEET TO SAID WEST LINE OF PARCEL A;

THENCE (13) NORTH 00°35'57" EAST (SAID WEST LINE OF PARCEL A BEING SHOWN AS SOUTH 00°35'41" WEST ON SAID STREET RIGHT-OF-WAY DEDICATION DEED) ALONG SAID WEST LINE OF PARCEL A DISTANCE OF 502.85 FEET, TO SAID SOUTH RIGHT-OF-WAY OF HOSKING AVENUE, AND THE POINT OF BEGINNING;

CONTAINING 0.66 ACRES, MORE OR LESS.

SEE ATTACHED EXHIBIT "C"

(Affects a Portion of APN 514-030-29)

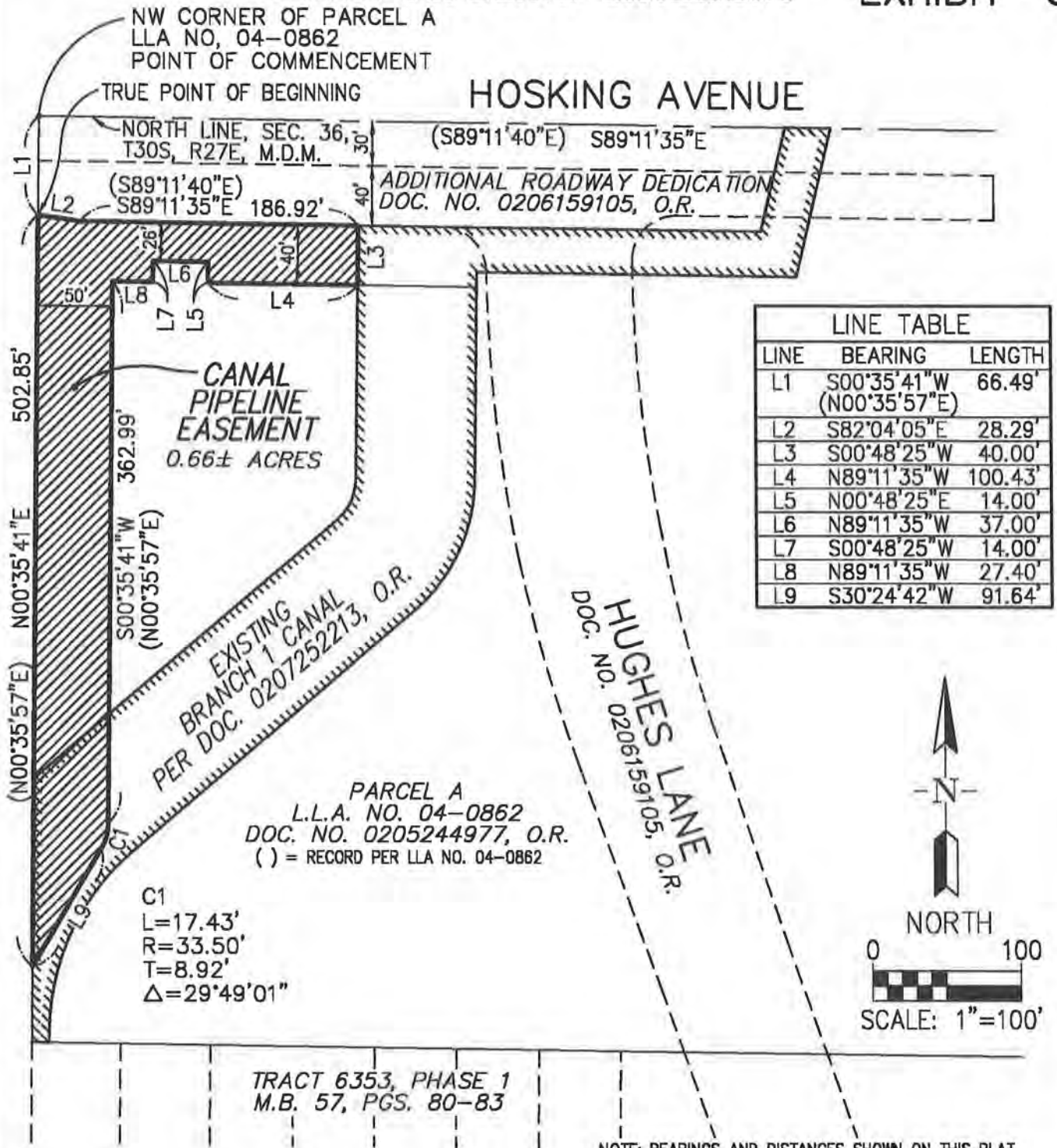



_____, PLS 5494
PEDRO J. PEDROZA

Date FEB. 18, 2021

CANAL PIPELINE EASEMENT

EXHIBIT "C"



FILE: KDWD\BRANCH 1\PLATS-LEGALS-BRANCH-1-CANAL.DWG

**KERN DELTA
WATER DISTRICT**

501 TAFT HWY
BAKERSFIELD, CALIFORNIA 93307

CANAL PIPELINE EASEMENT
A PORTION OF PARCEL A OF LOT LINE ADJUSTMENT
NO. 04-0862 PER DOC. NO. 0205244977
FILED 09/08/2005 IN THE OFFICE OF THE
KERN COUNTY RECORDER,
IN THE CITY OF BAKERSFIELD, COUNTY OF KERN,
STATE OF CALIFORNIA

DATE: 11/12/2020

SCALE: 1" = 100'

DRAWN BY: JRS

CHECKED BY: WWZ

EXHIBIT "B"
LEGAL DESCRIPTION
KERN DELTA WATER DISTRICT
BRANCH 1 CANAL PIPELINE ACCESS EASEMENT

A PORTION OF PARCEL A OF LOT LINE ADJUSTMENT NO. 04-0862, RECORDED SEPTEMBER 8, 2005 AS DOCUMENT NUMBER 0205244977 OF OFFICIAL RECORDS, IN THE OFFICE OF THE KERN COUNTY RECORDER, ALSO SHOWN ON THE STREET RIGHT-OF-WAY DEDICATION DEED FOR HOSKING ROAD AND HUGHES LANE, RECORDED JUNE 29, 2006, AS DOCUMENT NO. 0206159105, IN THE OFFICE OF THE KERN COUNTY RECORDER. ALSO BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 30 SOUTH, RANGE 27 EAST, MOUNT DIABLO MERIDIAN, IN THE CITY OF BAKERSFIELD, COUNTY OF KERN, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID PARCEL A OF SAID LOT LINE ADJUSTMENT NO. 04-0862;

THENCE (1) NORTH 00°35'57" EAST (NORTH 00°35'41" EAST AS SHOWN ON SAID STREET RIGHT-OF-WAY DEDICATION DEED), ALONG THE WEST LINE OF SAID PARCEL A, A DISTANCE OF 26.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE (2) DEPARTING SAID WEST LINE OF SAID PARCEL A, SOUTH 89°11'38" EAST (SOUTH 89°11'35" EAST PER SAID STREET RIGHT-OF-WAY DEDICATION DEED), ALONG A LINE 26.00 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID PARCEL A, A DISTANCE OF 427.33 FEET MORE OR LESS, TO THE WEST RIGHT-OF-WAY OF HUGHES LANE, AS SHOWN ON SAID STREET RIGHT-OF-WAY DEDICATION DEED;

THENCE (3) NORTH 19°21'46" WEST (BEARING PER SAID STREET RIGHT-OF-WAY DEDICATION DEED), ALONG SAID WEST RIGHT-OF-WAY OF HUGHES LANE, A DISTANCE OF 15.40 FEET TO AN ANGLE POINT IN SAID RIGHT-OF-WAY;

THENCE (4) NORTH 20°07'36" WEST (BEARING PER SAID STREET RIGHT-OF-WAY DEDICATION DEED), ALONG SAID WEST RIGHT-OF-WAY, A DISTANCE OF 11.29 FEET TO A POINT THAT IS 51.00 FEET NORTH OF AND MEASURED PERPENDICULAR TO THE SOUTH LINE OF SAID PARCEL A;

THENCE (5) DEPARTING SAID WEST RIGHT-OF-WAY OF HUGHES LANE, NORTH 89°11'38" WEST (NORTH 89°11'35" WEST PER SAID STREET RIGHT-

OF-WAY DEDICATION DEED) ALONG A LINE 51.00 FEET NORTH OF
AND PARALLEL TO THE SOUTH LINE OF SAID PARCEL A, A
DISTANCE OF 418.08 FEET MORE OR LESS, TO THE WEST LINE OF
SAID PARCEL A,

THENCE (6) SOUTH 00°35'57" WEST, A DISTANCE OF 25.00 FEET ALONG THE
WEST LINE OF SAID PARCEL A TO THE POINT OF BEGINNING.

CONTAINING 0.24 ACRES, MORE OR LESS

SEE ATTACHED EXHIBIT "D"

(Affects a Portion of APN 514-030-29)




_____, PLS 5494
PEDRO J. PEDROZA

Date FEB. 18, 2021

ACCESS EASEMENT

EXHIBIT "D"

CONC. MON. IN L.H. PER K.C.S.
FILED MAP 7-1, BK, 6, PG. 27
"REPLACED OCT., 1975"
FOR N. 1/4 COR. SEC. 36, 30/27

NW CORNER OF PARCEL A
LLA NO. 04-0862

HOSKING AVENUE

(S89°11'40"E) S89°11'35"E
NORTH LINE, SEC. 36,
T30S, R27E, M.D.M.

ADDITIONAL ROADWAY DEDICATION
DOC. NO. 0206159105, O.R.

NOTE:
BEARINGS AND DISTANCES SHOWN ON THIS PLAT
ARE RECORD OR CALCULATED FROM RECORD FROM
STREET RIGHT-OF-WAY DEDICATION (FOR HUGHES LANE)
PER DOCUMENT RECORDED 06/29/2006
AS DOCUMENT NO. 0206159105, IN THE OFFICE OF
THE KERN COUNTY RECORDER.

LINE TABLE		
LINE	BEARING	LENGTH
L1	N00°35'41"E (N00°35'57"E)	26.00'
L2	N19°21'46"W	15.40'
L3	N20°07'36"W	11.29'
L4	S00°35'41"W (N00°35'57"E)	25.00'

(N00°35'57"E) N00°35'41"E

BRANCH 1 CANAL
PIPELINE EASEMENT
DOC. NO.

50'

EXISTING
BRANCH 1 CANAL
PER DOC. 0207252213, O.R.

PARCEL A
L.L.A. NO. 04-0862
DOC. NO. 0205244977, O.R.
() = RECORD PER LLA NO. 04-0862

ACCESS
EASEMENT
0.24± ACRES

POINT OF
BEGINNING

(S89°11'38"E) N89°11'35"W 418.08'

(S89°11'38"E) S89°11'35"E 427.33'

SW CORNER OF PARCEL A
LLA NO. 04-0862
POINT OF COMMENCEMENT

TRACT 6353, PHASE 1
M.B. 57, PGS. 80-83

HUGHES LANE
DOC. NO. 0206159105, O.R.



NORTH



SCALE: 1"=100'

FILE: KDWD\BRANCH-1\PLATS-LEGALS-BRANCH-1-CANAL.DWG

**KERN DELTA
WATER DISTRICT**

501 TAFT HWY
BAKERSFIELD, CALIFORNIA 93307

ACCESS EASEMENT
ACROSS A PORTION OF PARCEL A OF LOT LINE
ADJUSTMENT NO. 04-0862
PER DOC. NO. 0205244977 FILED 09/08/2015
IN THE OFFICE OF THE KERN COUNTY RECORDER,
IN THE CITY OF BAKERSFIELD, COUNTY OF KERN,
STATE OF CALIFORNIA

DATE: 11/12/2020

SCALE: 1" = 100'

DRAWN BY: JRS

CHECKED BY: WWZ

CERTIFICATE OF ACCEPTANCE
(Government Code Section 27281)

THIS IS TO CERTIFY that the within document is hereby accepted by the undersigned officer on behalf of the Board of Directors of Kern Delta Water District pursuant to authority conferred by resolution of the Board of Directors heretofore adopted, and the District consents to recordation thereof by its duly authorized officer.

DATED: _____

Steven Teglia, General Manager
Kern Delta Water District

**FOR THE BENEFIT OF AND
RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

**KERN DELTA WATER DISTRICT
501 Taft Highway
Bakersfield, CA 93307**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

DITCH ERADICATION AND COMMON USE AGREEMENT

THIS AGREEMENT is made this ____ day of _____, 2021, by and between **KERN DELTA WATER DISTRICT**, a California water district ("District") and **JACARANDA HOOD, LLC.** ("Owner"). District and Owner are sometimes hereinafter individually or collectively called a "Party" or the "Parties".

WITNESSETH:

WHEREAS, District is the owner and operator of an irrigation canal commonly known as the **Branch One Canal** now existing as an open ditch and is the owner of an easement and right-of-way over and across certain real property in the City of Bakersfield, County of Kern, State of California, belonging to Owner and commonly referred to as Assessor Parcel No. 514-030-29; and

WHEREAS, Owner desires to fill in and eradicate said open ditch and construct and install a Pipeline and appurtenances ("Facilities") as shown in Exhibit "A" to substitute the existing open ditch; and

WHEREAS, Owner desires to construct and maintain parking lot, patio, signage, landscape and other improvements to construct Owner's anticipated development ("Project") over and across District's easement for the Facilities ("Area of Common Use") as shown in Exhibit "B"; and

WHEREAS, District is willing to consent to the construction of the Project, installation of Facilities, and eradication of the existing ditch upon the terms and conditions hereinafter set forth.

NOW, THEREFORE, FOR GOOD AND VALUABLE CONSIDERATION, IT IS AGREED AS FOLLOWS:

1. Construction of Facilities:

a. Owner has prepared, at its expense, detailed plans, specifications (including bid and contract documents) for the excavation, construction of Facilities to be installed within the easement recorded as Document No. _____ ("District's Easement") which have been approved by the District. While not attached as an exhibit, the approved plans and specifications are incorporated herein and made a part hereof.

b. Owner agrees to construct and install the Facilities in strict compliance with the plans and specifications prepared by Owner and approved in writing by District. In no event shall Owner install additional or different facilities without first obtaining the written approval of District.

c. Owner agrees to construct and install the Facilities within District's Easement to the depth and on the grade as set forth in the approved plans and in the manner designated and approved in writing by District's engineer. In all instances, said construction and installation work shall be done at a time that will not interfere with the flow or distribution of water through the Canal as required and approved by District in writing unless otherwise approved by the District in writing. Owner acknowledges and agrees that work on said project can commence on **the assigned date approved by the District in writing.** Once the Canal is shut down, failure to complete the project by the assigned date, will result in liquidated damages of \$3,000.00 per day for every day the Canal is shut down or the project remains incomplete beyond the assigned date **unless District grants an extension to Owner in writing.** Owner agrees to furnish District a performance bond in the amount of **\$435,209.00** payable to District should Owner fail to complete the Facilities as approved by District or maintain the Facilities as required herein.

d. Owner shall pay the entire cost of laying, constructing and installing the Facilities including the costs of all labor and materials incurred or used in connection with the installation, trenching, backfilling, leveling and testing of the same, and the cost of all engineering, professional and other necessary services furnished by District or others in connection therewith. In addition, District may hire at Owner's expense a construction inspector to inspect the work performed by Owner. Owner shall provide District copies of all as-built drawings depicting the location of the Project as constructed.

e. In the event Owner does not pay the entire cost aforesaid and complete said work as provided in this Agreement, District may, but shall not be required to, pay such costs and complete such work, and Owner does hereby agree to repay District any amount so expended together with interest thereon at ten percent (10%) per annum from the date the same is expended until the date of repayment. In the event District is required to complete said work as provided in this Agreement, Owner acknowledges and agrees that Owner shall still be subject to and liable for the liquidated damages specified herein until District completes said work.

f. Owner agrees that, upon completion of construction and installation of Facilities, and acceptance by District, the same shall become and remain the property of District, and Owner shall have no right, title, or interest therein. District shall be in sole and absolute control of the manner, method, and time of conducting and discharging water through Facilities.

g. Upon full performance of this Agreement by Owner, and the acceptance of said pipelines and other structures by District, District agrees to abandon the portion of its present open ditch and right of way which will be replaced by the Facilities. District will quitclaim to Owner all prior easements of record.

2. Maintenance and Warranty of Facilities:

a. Owner agrees to warrant, keep and maintain the Facilities in good condition and repair continuously for a period of three (3) years from and after the completion of construction and acceptance thereof by District and to pay all costs of such repairs and maintenance and of any replacement of any part thereof required to keep Facilities in good operating condition.

b. Owner agrees that in the event it fails, neglects or refuses to repair, maintain or replace promptly, upon demand, any part of the Facilities, District shall have the right, but shall not be required, to make any such repairs or replacements and Owner does hereby agree to repay District the cost of any such repairs or replacements made by District, with interest at ten percent (10%) per annum from the date such cost is incurred to the date of repayment.

c. Prior to commencement of construction, Owner agrees to make a one-time payment of 5% of the cost of said project to District for District's assumption of future maintenance of the Facilities. It is understood that District's assumption of future maintenance of said pipelines will not begin until the expiration of Owner's three (3) year warranty described in paragraph 2(a) above.

3. Construction of Project

a. District hereby consents to the construction, operation, maintenance and use of the Project in, on, along, across District's Easement in the Area of Common Use subject to the terms and conditions herein contained.

b. Owner acknowledges District's Easement and the priority of such title over Owner's rights created by this Common Use Agreement. Except as expressly set forth herein, this Agreement shall not in any way alter, modify, or terminate the legal rights of District in its Easement or the Canal.

c. District has and reserves the right to use, in common with Owner's use, the Area of Common Use for all of the purposes for which District's Easement was acquired, without need for any further permit or permission from Owner. Owner shall use the Area of Common Use in such a manner as to not unreasonably interfere with District's right to use District's Easement for any and all lawful purposes.

d. Any construction work in the Area of Common Use shall be done at a time that will not interfere with the flow or distribution of water through the Canal as required and approved by District and not unreasonably interfere with the Project.

e. Owner shall pay the entire cost of constructing and installing the Project, including the costs of all labor and materials incurred or used in connection with the construction and installation of the Project.

4. Maintenance of the Area of Common Use.

a. Owner shall maintain the Project and other structures in the Area of Common Use, in good condition and repair and to pay all costs of such repairs and maintenance and of any replacement of any part thereof required to provide safe access to the Area of Common Use. Owner agrees to repair all damage to the Project and any other structures in the Area of Common caused by District's maintenance of the Canal within District's Easement.

b. In the event Owner fails, neglects or refuses to repair, maintain or replace promptly, upon demand, any part of the Project or the structures connected therewith, District shall have the right, but shall not be required, to make any such repairs or replacements and Owner does hereby agree to repay District the cost of any such repairs or replacements made by District, with interest at 10% per annum from the date such cost is incurred to the date of repayment

5. Miscellaneous:

a. By entering into this agreement and shifting District's easement and means of conveyance into the Facilities, District does not extinguish, abandon, forfeit, relinquish, waive, modify, limit, restrict, or alter in any way District's water rights, including but not limited to, any and all water rights associated with or conveyed across the Owner's property, and this agreement further does not and will not restrict, interrupt, limit, or diminish District's use of and access to any of this water rights and water supplies.

b. Owner hereby agrees and undertakes to indemnify, defend and hold harmless District, its officers, agents, and employees from any and all losses, costs, expenses (including reasonable attorneys' fees), claims, liabilities, actions or damages of any nature whatsoever, including injuries to or the death of any person or persons or damage to any property, in any way arising out of or connected with or incident to or alleged to have arisen in any manner out of, or to have been in any way connected with or incident to any willful act or omission of Owner, its officers, agents, employees, contractors, subcontractors, or independent contractors in the performance of this Agreement or to have occurred as a result of any willful acts or omissions by Owner, its officers, agents, and employees in the performance of this Agreement.

c. Any contractor working in the Area of Common Use shall procure and maintain general liability insurance, providing coverage on an occurrence basis for bodily injury, including death, of one or more persons, property damage and personal injury, with limits of not less than One Million Dollars (\$1,000,000.00) per occurrence. The liability policy shall contain an additional insured endorsement which shall expressly name the District, its officers, agents, servants, employees and consultants as additional insureds, without limitation. In addition, the contractor and/or subcontractors shall maintain workers' compensation insurance while working within the Area of Common Use. The workers' compensation policy shall contain an express

waiver of subrogation endorsement in favor of the District, its officers, agents, servants, employees and consultants. Said additional insured endorsement and workers' compensation subrogation endorsement shall be furnished in the form approved by the District's legal counsel prior to any work authorized pursuant to this Agreement.

d. District and Owner shall not become or be deemed a partner or joint venturer or associate by reason of the provisions of this Agreement. Neither Party shall for any purpose be considered an agent, officer or employee of the other Party.

e. The failure of any Party to enforce against another Party any provision of this Agreement shall not constitute a waiver of that Party's right to enforce such a provision at a later time and shall not serve to vary the terms of this Agreement.

f. This Agreement may be modified only in writing approved by District and Owner and signed by all the Parties.

g. In the event of a conflict between the terms, conditions or specifications set forth in this Agreement and those in exhibits attached hereto, the terms, conditions or specifications set forth in this Agreement shall prevail. All exhibits to which reference is made in this Agreement are deemed incorporated in this Agreement whether or not actually attached.

h. All notices relative to this Agreement shall be given in writing and shall be personally served or sent by certified or registered mail and be effective upon actual personal service or depositing in the United States mail. The Parties shall be addressed as follows, or at any other address designated by notice:

DISTRICT: Kern Delta Water District
501 Taft Highway
Bakersfield, CA 93307
Attn.: Steve Teglia, General Manager

OWNER: Jacaranda Hood, LLC.
5401 Business Park So., Ste. 217
Bakersfield, CA 93309
Attn.: James Lundy, President

i. The laws of the State of California will govern the validity of this Agreement, its interpretation and performance. Any litigation arising in any way from this Agreement shall be brought in Kern County, California.

j. Neither this Agreement, nor any interest in it, may be assigned or transferred by any Party without the prior written consent of all the Parties. Any such assignment may be subject to additional terms and conditions not set forth herein.

k. The rights and obligations of this Agreement shall inure to the benefit of, and be binding upon, the Parties to this Agreement and their heirs, administrators, executors, personal representatives, successors and assigns.

l. Each individual signing this Agreement on behalf of the respective entities represents and warrants that he or she is, respectively, duly authorized to sign on behalf of the entities and to bind the entities fully to each and all of the obligations set forth in this Agreement.

m. Each Party shall execute and deliver such papers, documents, and instruments, and perform such acts as are necessary or appropriate, to implement the terms of this Agreement and the intent of the Parties to this Agreement.

n. The losing party agrees to pay the prevailing party reasonable attorney's fees, trial preparation expense, and court costs in any action brought to enforce any of the terms, covenants or conditions of this Agreement.

o. The maintenance obligations assumed by Owner pursuant to this Agreement is hereby declared to constitute a covenant running with the servient tenement.

p. District and Owner agree that neither will hold District's engineer responsible for alleged engineering defects in the above-described project facilities unless such claim results from such engineer's failure as District's consultant to exercise the judgment and care, under circumstances then prevailing, which duly licensed civil engineers of prudence, skill, discretion and intelligence would exercise in (1) the review and approval of the plans and specifications for the design and construction of the subject facilities or (2) any review or supervision of construction necessary to protect the District's interests in insuring the adequacy and integrity of the new facilities.

IN WITNESS WHEREOF, the Parties hereto have caused this instrument to be executed the day and year first above written.

“DISTRICT”
KERN DELTA WATER DISTRICT

“OWNER”
JACARANDA HOOD LLC

Steven Teglia
General Manager

James C. Lundy
President

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached and not the truthfulness accuracy or validity of that document.

State of California)
County of _____)

On _____, 2021, before me, _____,
Notary Public, personally appeared _____, who proved to me on the basis
of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within
instrument and acknowledged to me that he/she/they executed the same in his/her/their
authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s),
or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached and not the truthfulness accuracy or validity of that document.

State of California)
County of _____)

On _____, 2021, before me, _____,
Notary Public, personally appeared _____, who proved to me on the basis
of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within
instrument and acknowledged to me that he/she/they executed the same in his/her/their
authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s),
or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)



TRACT 6353
PHASE 1
M.B. 57, PGS 80-83



REV.	DATE	DESCRIPTION
1	12/28/2020	REVISED FROM 42" RCP TO 48" RCP

DATE: JANUARY 04, 2021
SCALE: AS NOTED
DRAWN BY: A. TAYLOR
CHECKED BY: W. ZEIDERS
FILE NAME: BRANCH-1-PIPELINE.DWG

**BRANCH 1 CANAL
RELOCATION AND PIPELINE**
OVERALL MAP

ZEIDERS CONSULTING
1655 GREELEY ROAD
BAKERSFIELD, CA. 93314
(661) 589-8366

DRAWING NO.

3

of 34

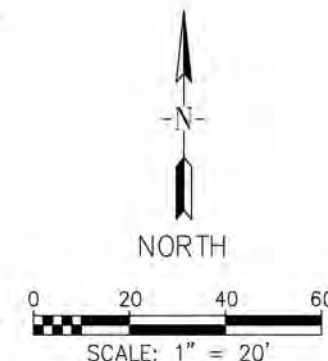
ZEIDERS CONSULTING
1655 GREELEY ROAD
BAKERSFIELD, CA. 93314
(661) 589-8366

**BRANCH 1 CANAL
RELOCATION AND PIPELINE
SITE PLAN**

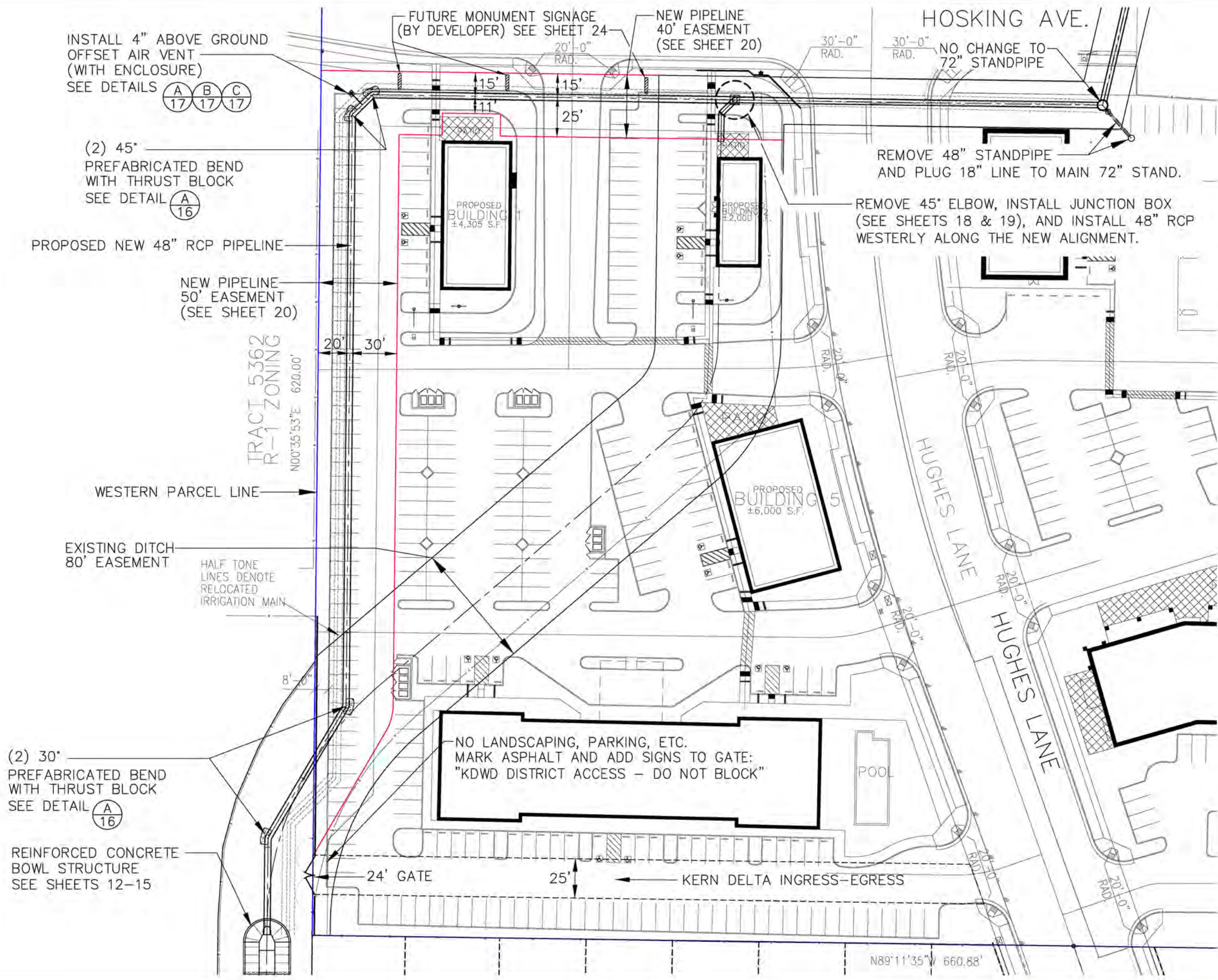
REV.	DATE	DESCRIPTION
1	12/28/2020	REVISED FROM 42" RCP TO 48" RCP
2	JANUARY 04, 2021	SCALE: AS NOTED
		DRAWN BY: A. TAYLOR
		CHECKED BY: W. ZEIDERS
		FILE NAME: BRANCH-1-PIPELINE.DWG



Know what's below.
Call before you dig.

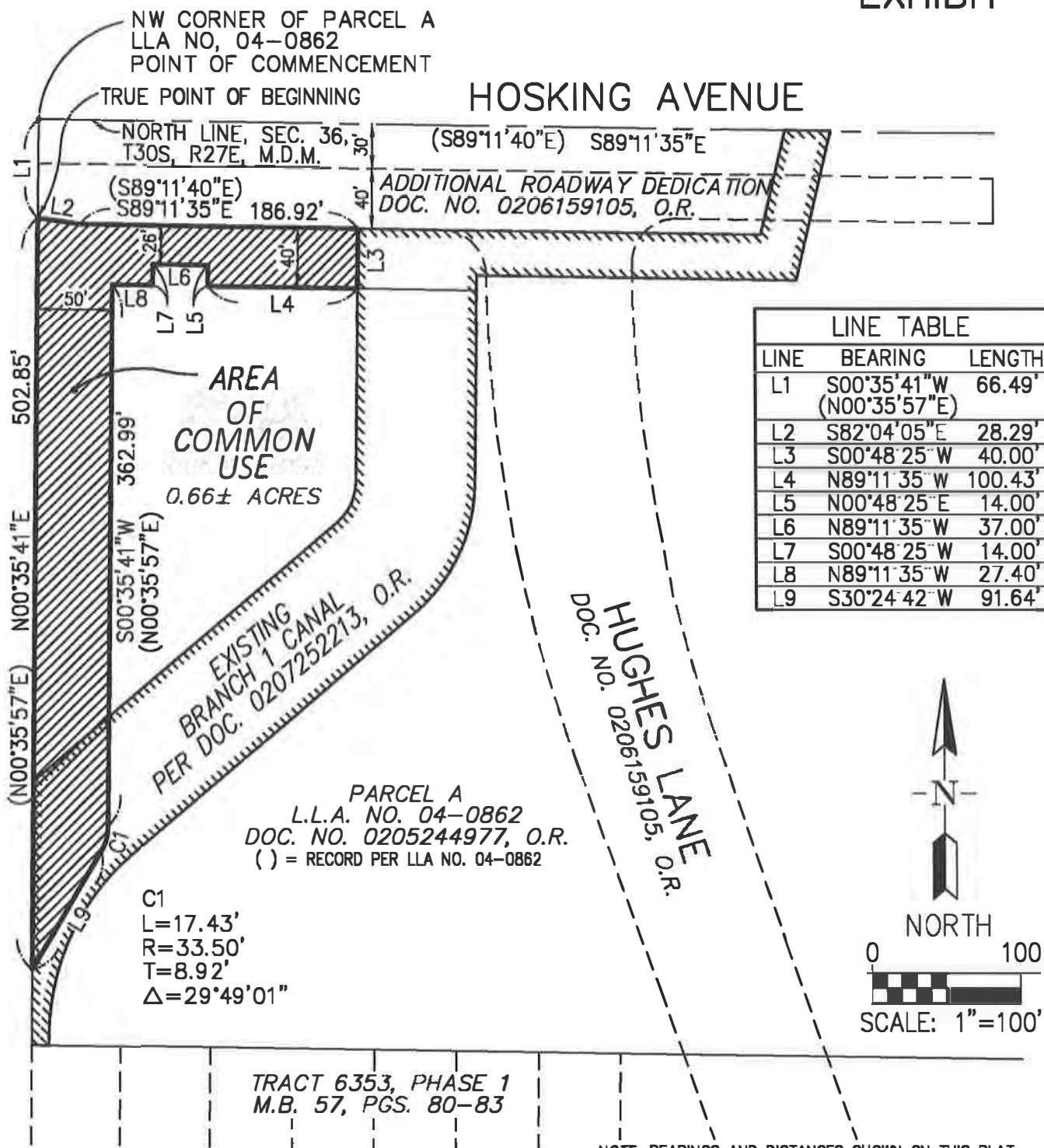


LEGEND	
	= EXISTING FENCE



AREA OF COMMON USE

EXHIBIT "B"



FILE: KDWD\BRANCH 1\PLATS-LEGALS-BRANCH-1-CANAL.DWG

**KERN DELTA
WATER DISTRICT**

501 TAFT HWY
BAKERSFIELD, CALIFORNIA 93307

AREA OF COMMON USE

DATE: 11/12/2020

SCALE: 1" = 100'

DRAWN BY: JRS

CHECKED BY: WWZ

Tab V



KERN DELTA WATER DISTRICT

March 10, 2021

	3/10/2021	Last Year
KERN RIVER 3 DAY MEAN INFLOW	252 CFS	469 CFS
KERN RIVER MEAN OUTFLOW	246 CFS	326 CFS
ISABELLA RESERVOIR STORAGE	94,284 ACFT	174,705 ACFT
REQUESTED OUTFLOW	240 CFS	325 CFS

Estimated: (CFS)

KDWD DAILY DIVERTED: (MARCH 10, 2021)	@HEAD	STATE	XCHNG	BANKING
KERN ISLAND	99	0	0	0
EASTSIDE	48	0	0	0
BUENA VISTA -LEVEE	0	0	0	0
STINE	0	0	0	0
OTHER - River Channel	0	0	0	0
K.I. / A.E. Exchange Gate	0	0	0	0
STINE / A.E. Exchange Gate	0	0	0	0
Total CFS	147	0	0	0

Estimated: (Acre Feet)

DIVERTED (FEBRUARY 2021)	UTILITY	STATE	PURCHASE	BANKING
KERN ISLAND	11,137	0	0	0
EASTSIDE	1,946	0	0	0
C.O.B. Misc.	0	0	0	0
BUENA VISTA	0	0	0	0
STINE	0	0	0	0
FARMERS	0	0	0	0
SOUTH FORK	0	0	0	0
West Side State Sale	0	0	0	0
MONTHLY TOTAL	13,083	0	0	0
YEAR TO FEBRUARY 28, 2021	19,888 ACFT	0	0	0
Year to February 28, 2021 Utility - State - Banking	19,888 ACFT			

ACFT. STORAGE BALANCE AS OF:	2/28/2021	Estimate 3/10/2021	Max Storage
KERN ISLAND	829	1,236	Store All
BUENA VISTA	1,450	1,440	Store All
STINE	1,450	1,450	Store All
FARMERS	1,367	1,367	Store All
STATE (20) Carryover	4,431	4,431	N/A
STATE (21) Contract	0	0	N/A
RRBWS STORAGE	23,805	23,805	N/A
PIONEER PROJECT STORAGE	23,285	23,285	N/A
TOTAL ACFT.	56,617	57,014	

K.D.W.D. CLIMATOLOGICAL OBSERVATION:

<u>42</u>	MINIMUM TEMPERATURE	<u>31</u>
<u>64</u>	MAXIMUM TEMPERATURE	<u>49</u>
<u>47</u>	PRESENT TEMPERATURE	<u>38</u>
<u>0.02</u>	PRECIPITATION - 24 HR. DAY	<u>0.07</u>
<u>0.02</u>	PRECIPITATION - MONTH	<u>0.07</u>
<i>Seasonal</i> <u>1.07</u>	YEAR TO DATE PRECIP.	<u>3.45</u> <i>Seasonal</i>

ISABELLA CLIMATOLOGICAL OBSERVATION:ISABELLA RESEVOIR:

LAKE ELEVATION (FT.)	2,545.24	FEBRUARY AC. FT. INFLOW	15,288
STORAGE ACFT.	94,284	FEBRUARY AC. FT. OUTFLOW	15,525
STORAGE CAPACITY	568,075	ACCUMULATIVE ACFT. INFLOW (20-21)	59,828
% OF CAPACITY	17%	ACCUMULATIVE ACFT. OUTFLOW	59,568
COE STORAGE CAPACITY	360,000	% OF COE CAPACITY	26%

Summary of Utility Water Diverted Year to Date: 2/28/2021

	Utility	North Kern*	Other Exchanges
<i>January</i>	6,805	0	0
<i>February</i>	13,083	0	0
<i>March</i>			
<i>April</i>			
<i>May</i>			
<i>June</i>			
<i>July</i>			
<i>August</i>			
<i>September</i>			
<i>October</i>			
<i>November</i>			
<i>December</i>			
<i>Total</i>	19,888	0	0

Summary of Other Water Diverted Year to Date: 2/28/2021

	State	Purchase	Banking
<i>January</i>	0	0	0
<i>February</i>	0	0	0
<i>March</i>			
<i>April</i>			
<i>May</i>			
<i>June</i>			
<i>July</i>			
<i>August</i>			
<i>September</i>			
<i>October</i>			
<i>November</i>			
<i>December</i>			
<i>Total</i>	0	0	0

Water owed to K.D.W.D as of: 2/28/2021

B.V.W.S.D. 2020 State Carryover*: 4,431
2021 State Contract: Table A

Quantities in acft. TOTAL 4,431

*Maximum State Carryover Balance: 6,000 acre feet

Summary of Total State Water Used Year to Date: 2/28/2021

	(OWED)	(USED)
2020 Carryover	4,431	0
2021 Contract		
<i>Total</i>	4,431	0
Net Owed to KDWD	TOTAL	4,431



Statewide Summary of Snow Water Content

Current Regional Snowpack from Automated Snow Sensors

% of April 1 Average / % of Normal for This Date



NORTH	
Data as of March 11, 2021	
Number of Stations Reporting	32
Average snow water equivalent (Inches)	17.7
Percent of April 1 Average (%)	62
Percent of normal for this date (%)	64

CENTRAL	
Data as of March 11, 2021	
Number of Stations Reporting	42
Average snow water equivalent (Inches)	18.2
Percent of April 1 Average (%)	62
Percent of normal for this date (%)	66

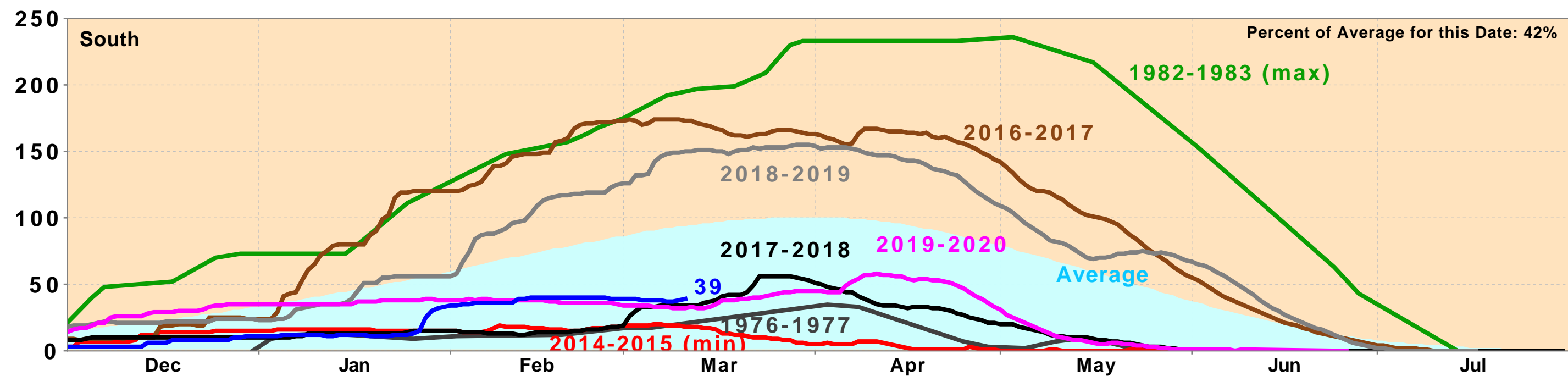
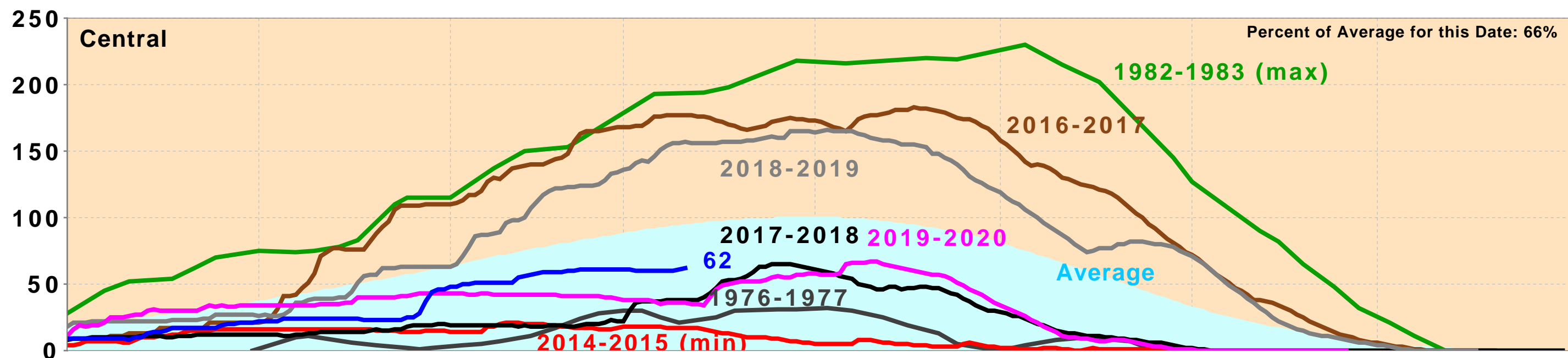
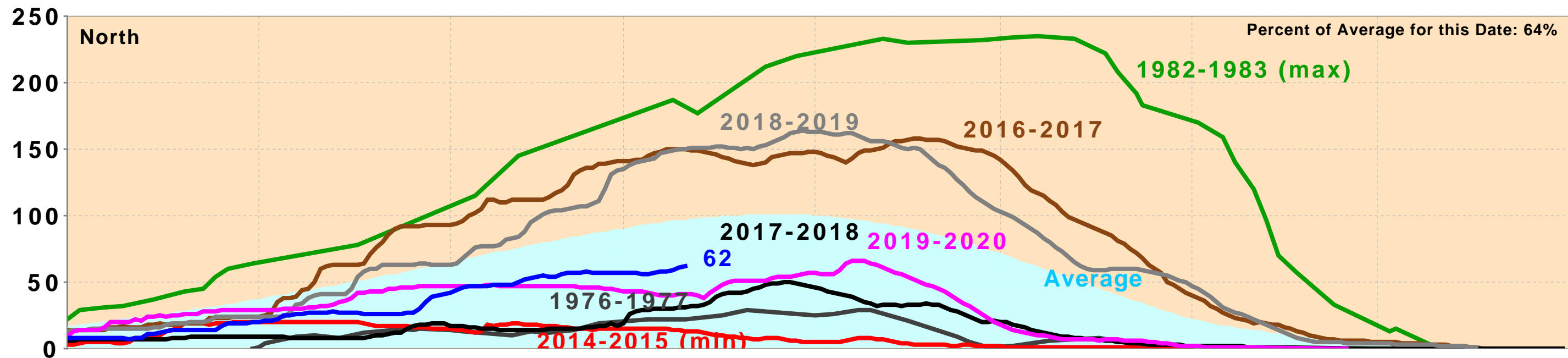
SOUTH	
Data as of March 11, 2021	
Number of Stations Reporting	29
Average snow water equivalent (Inches)	10.1
Percent of April 1 Average (%)	39
Percent of normal for this date (%)	42

STATE	
Data as of March 11, 2021	
Number of Stations Reporting	103
Average snow water equivalent (Inches)	15.8
Percent of April 1 Average (%)	56
Percent of normal for this date (%)	59

Statewide Average: 56% / 59%

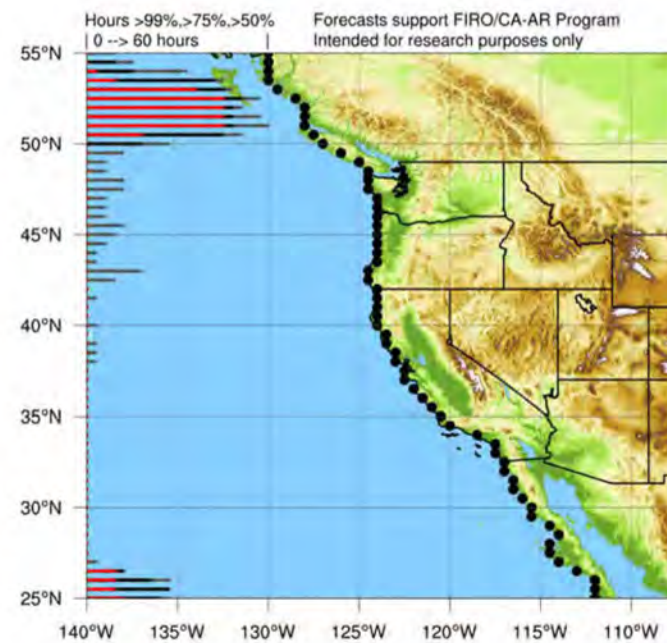
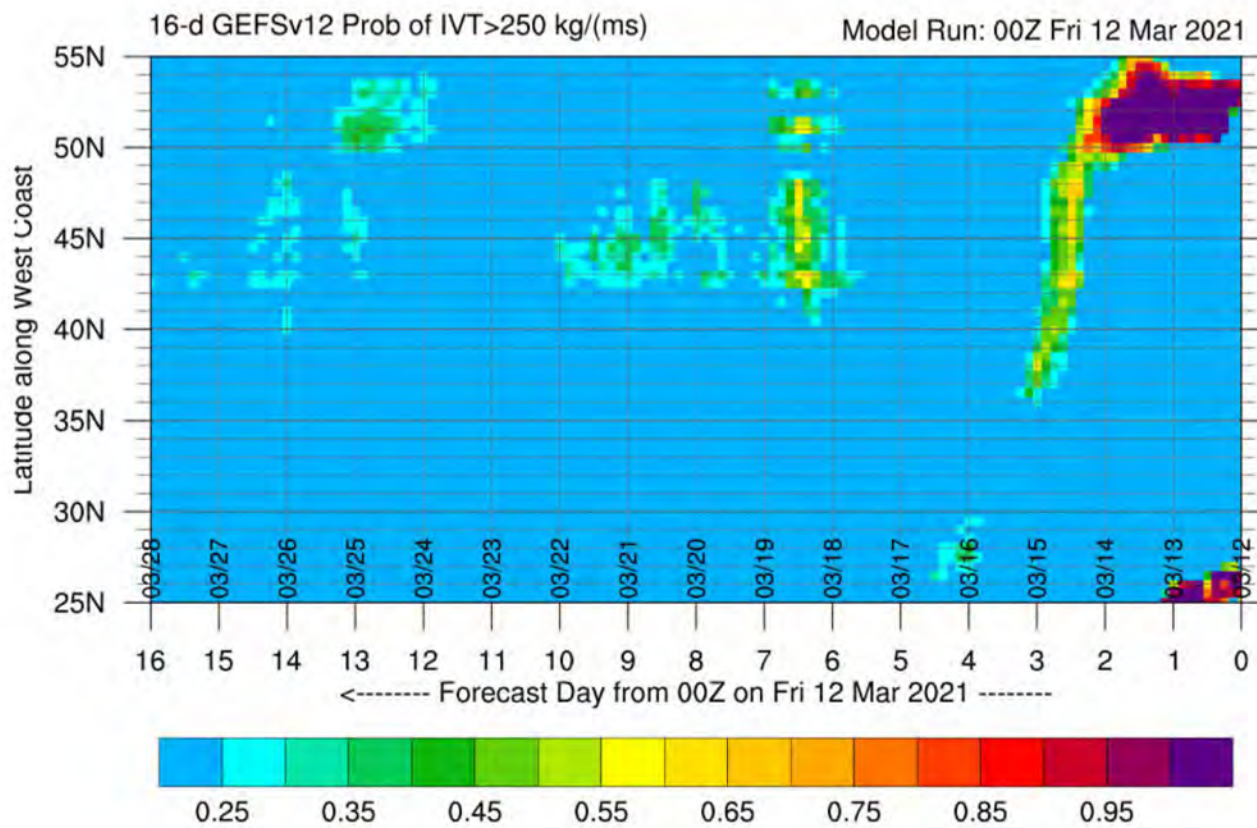
Data as of March 11, 2021

California Snow Water Content, March 11, 2021, Percent of April 1 Average



Statewide Percent of April 1: 56%

Statewide Percent of Average for Date: 59%



APRIL-JULY FORECAST UPDATE SUMMARY (IN THOUSANDS OF ACRE-FEET)

90% Exceedance	65	14
50% Exceedance	135	29
10% Exceedance	250	55

NOTES

- Runoff forecasts are unimpaired (full natural) flows which represent the natural water production of the river basin, unaltered by upstream diversions, storage, or export or import of water to or from other watersheds.
- Runoff exceedance levels are derived from historical data. The 90 percent exceedance level and the 10 percent exceedance level together comprise a range about the median forecast in which the actual runoff should fall 8 times out of 10.
- Forecasts are stated in 1,000's of acre-feet and percent of (50-year) average.
- The averages are for the period 1966 to 2015.

CONTACT INFORMATION

FIRST NAME	LAST NAME	EMAIL	PHONE
Sean	de Guzman	Sean.deGuzman@water.ca.gov	(916) 572-2208
Andrew	Reising	Andrew.Reising@water.ca.gov	(916) 574-2181
Ashok	Bathulla	Ashok.Bathulla@water.ca.gov	(916) 574-2634
Lauren	Miller	Lauren.Miller@water.ca.gov	(916) 574-1433
Anthony	Burdock	Anthony.Burdock@water.ca.gov	(916) 574-2637

Depth-to-Groundwater 2021

		JAN 2015	JAN 2016	JAN 2017	JAN 2018	JAN 2019	JAN 2020	JAN 2021	FEB 2021	MAR 2021	APR 2021	MAY 2021	JUN 2021	JUL 2021	AUG 2021	SEP 2021	OCT 2021	NOV 2021	DEC 2021	HIGH	LOW	AVERAGE
Northwest Quadrant	30/26-26C	R	196	206	190	R	204	L	L	L										0	0	####
	30/26-26G	187	199	207	197	R	199	L	L	L										0	0	####
	30/26-27J	177	198	206	198	R	210	L	L	L										0	0	####
	30/26-35N			NR	181	184	171	169	175	175										175	169	173
	30/27-31E	185	202	214	181	202	219	201	208	218										218	201	209
	31/26-08G	152	168	NR	168	NR	204	205	202	NR										205	202	204
	31/26-10J	175	206	NR	170	202	NR	203	201	201										203	201	202
	31/27-06C	200	195	202	NR	208	215	203	209	209										209	203	207
	31/27-07B	189	198	NR	199	R	200	NR	223	R										223	223	223
Southwest Quadrant	31/26-13N			198	180	201	NR	NR	208	R										208	208	208
	31/26-15J			200	168	205	NR	201	200	200										201	200	200
	31/26-16P			NR	168	207	204	202	209	211										211	202	207
	31/26-17Q			NR	NR	210	203	219	219	201										219	201	213
	31/26-21N			NR	175	238	204	204	202	202										204	202	203
	31/26-30G			186	159	240	268	203	R	R										203	203	203
	31/27-18D01			NR	NR	206	201	203	204	211										211	203	206
	32/26-08J			132	189	215	209	212	206	206										212	206	208
	32/27-07N			160	NR	200	288	200	200	202										202	200	201
North-Central Quadrant	30/28-29B			NR	236	243	229	225	223	R										225	223	224
	31/27-01L			190	260	220	232	219	217	206										219	206	214
	31/27-04A			158	176	183	184	179	178	186										186	178	181
	31/27-05J			NR	200	NR	228	207	207	211										211	207	208
	31/27-10B			NR	NR	NR	208	208	207	207										208	207	207
	31/27-11K			171	170	330	227	333	328	331										333	328	331
	31/27-12Q			NR	140	140	139	141	140	R										141	140	141
	31/28-08A			216	220	243	244	249	248	250										250	248	249

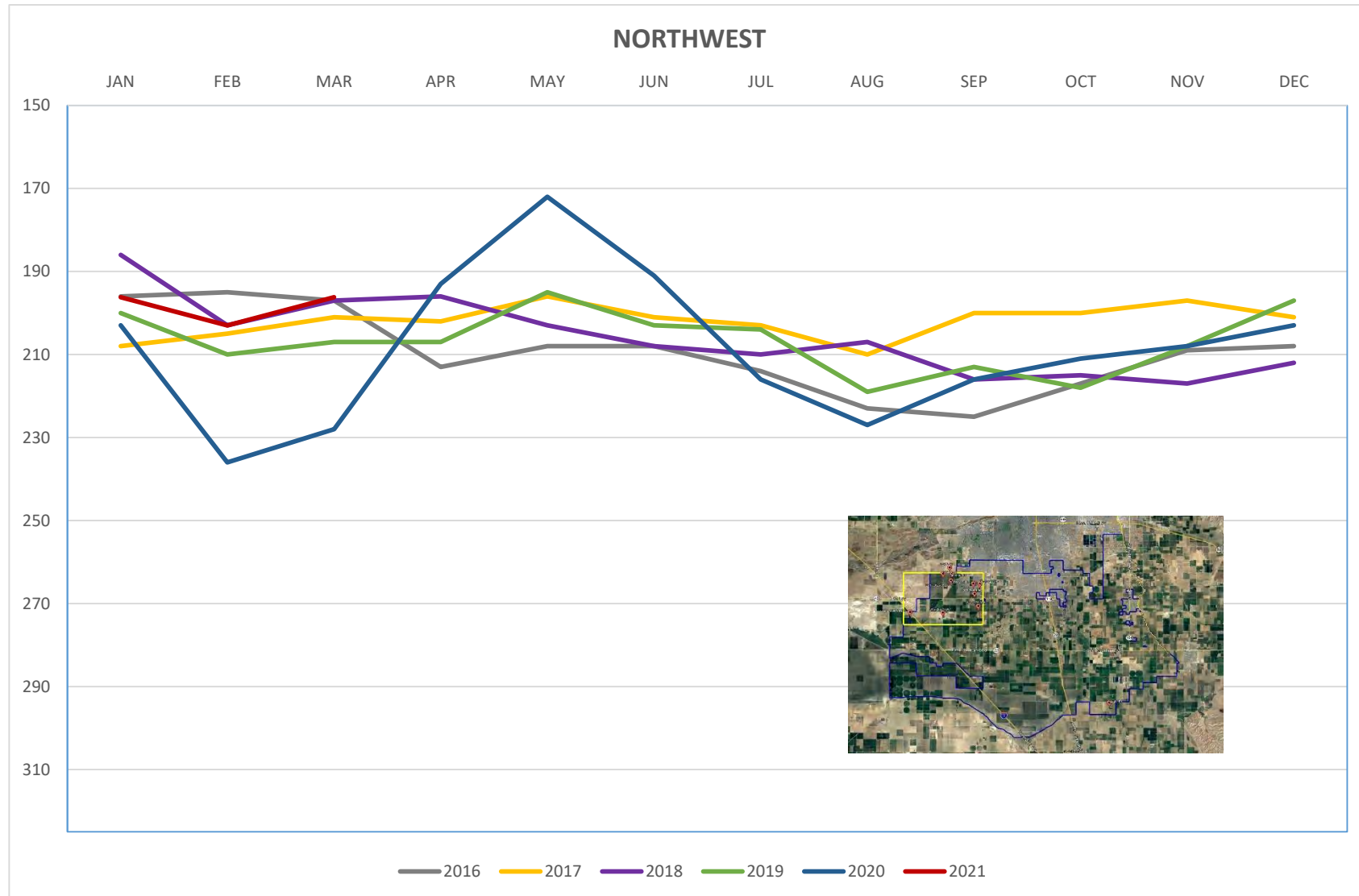
Depth-to-Groundwater 2021

		JAN 2015	JAN 2016	JAN 2017	JAN 2018	JAN 2019	JAN 2020	JAN 2021	FEB 2021	MAR 2021	APR 2021	MAY 2021	JUN 2021	JUL 2021	AUG 2021	SEP 2021	OCT 2021	NOV 2021	DEC 2021	HIGH	LOW	AVERAGE
South-Central Quadrant	31/27-20H			NR	NR	NR	211	NR	NR	208										208	208	208
	31/27-21M			NR	160	L	L	NR	NR	189										189	189	189
	31/28-20D			NR	180	190	201	R	202	R										202	202	202
	32/27-15B			192	196	231	202	200	NR	NR										200	200	200
	32/28-19A			216	NR	215	222	222	220	222										222	220	221
	32/28-05A			NR	NR	250	239	220	202	227										227	202	216
	32/28-05B			NR	NR	226	201	205	211	202										211	202	206
	32/28-08R			NR	NR	224	253	222	238	202										238	202	221
Northeast Quadrant	30/28-11F	240	250	254	248	263	263	264	263	264										264	263	264
	30/28-13C			299	290	R	300	331	308	328										331	308	322
	30/28-24R			NR	NR	306	311	309	305	309										309	305	308
	30/28-26R			NR	NR	287	NR	NR	NR	NR										0	0	####
	30/28-36A						212	NR	308	311										311	308	310
	30/29-31C			319	323	327	338	330	338	328										338	328	332
	31/28-02H			NR	288	291	290	295	238	241										295	238	258
	31/28-10A			328	249	253	253	258	266	260										266	258	261
	31/28-12P			NR	222	286	284	NR	260	R										260	260	260
Southeast Quadrant	31/28-13H2					NR	NR	NR	285	R										285	285	285
	31/28-14D			226	233	239	230	235	233	236										236	233	235
	31/28-23H			NR	278	290	286	275	293	NR										293	275	284
	31/28-34H			NR	NR	337	206	204	NR	NR										204	204	204
	31/29-18A			NR	234	335	333	241	336	328										336	241	302
	31/29-28C	326	257	NR	219	347	344	NR	348	338										348	338	343
	31/29-30H			NR	NR	NR	NR	331	R	R										331	331	331
	31/29-33D			NR	294	342	250	338	326	318										338	318	327
	32/28-14F	287	NR	NR	NR	NR	222	241	245	246										246	241	244
	32/28-15R	250	305	NR	300	263	272	291	290	307										307	290	296
	32/28-01P			NR	NR	NR	NR	L	L											0	0	####
	32/29-06P	193	198	201	NR	183	177	208	189	NR										208	189	199

	High	Low	Ave.
NORTHWEST	223	169	203
SOUTHWEST	219	200	205
NORTH-CENTRAL	333	140	219
SOUTH-CENTRAL	238	189	208
NORTHEAST	338	238	289
SOUTHEAST	348	189	277

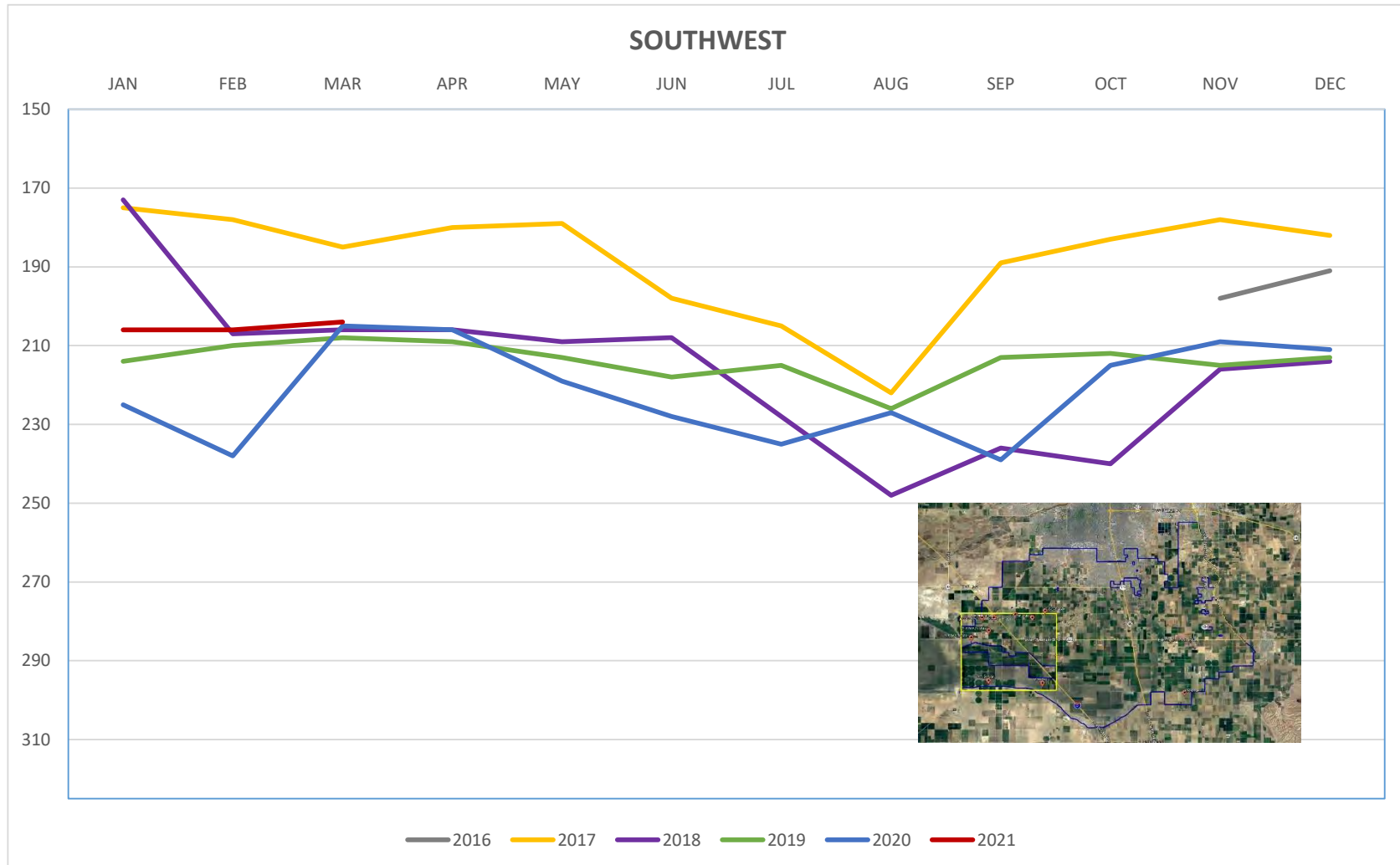
A=anomalous reading (either wildly high or wildly low, therefore not included in data)
 R = Pump Running
 NR = No Reading (well temporarily inaccessible, unreliable reading, etc)
 CAP = Well has been Capped
 WA= Well added to rotation
 NW = No well, well removed since previous well run
 L = Gated well, letter has been sent to property owner requesting access

Depth-to-Groundwater 2021

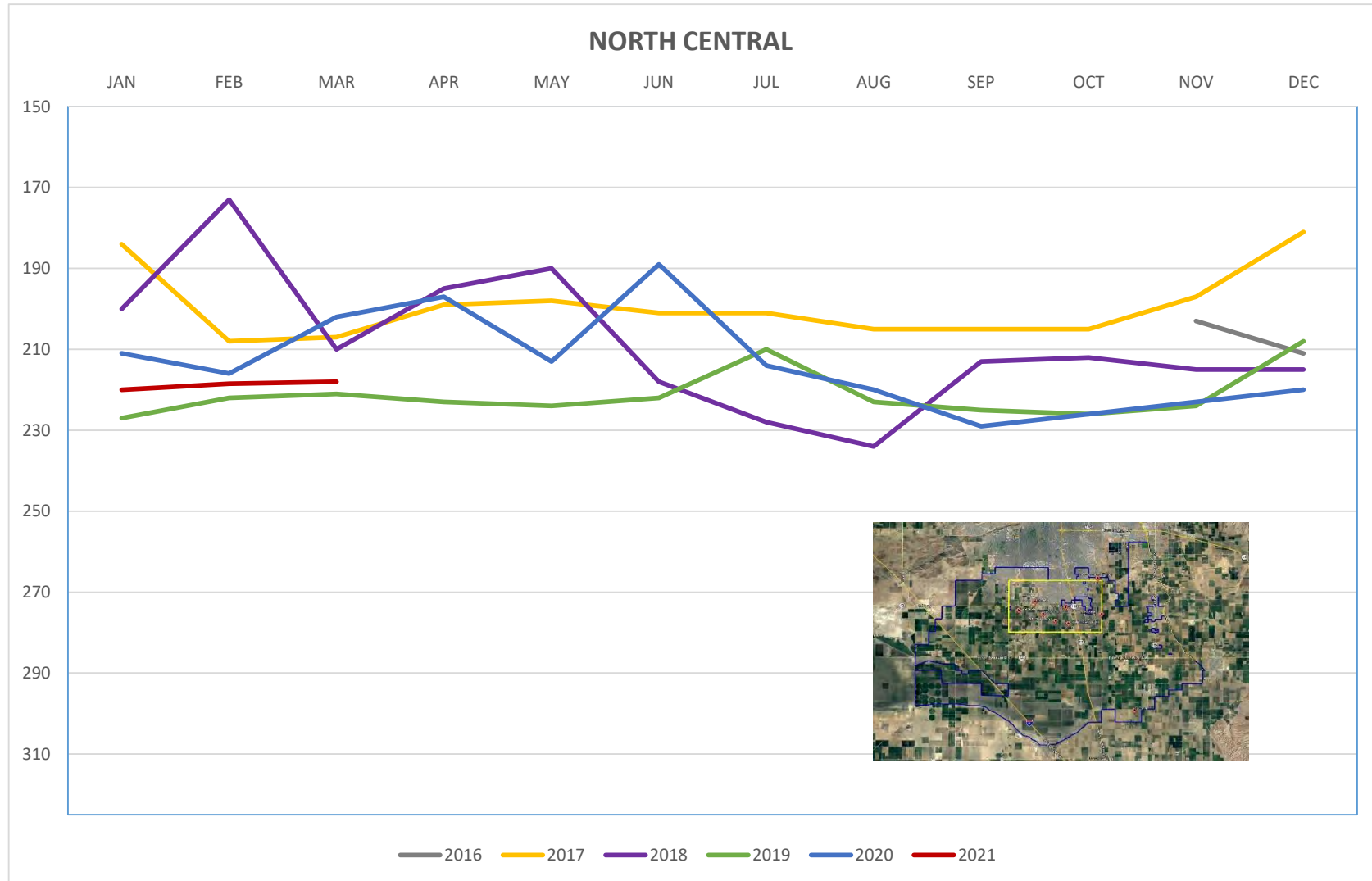


depth to groundwater unit of measurement = feet

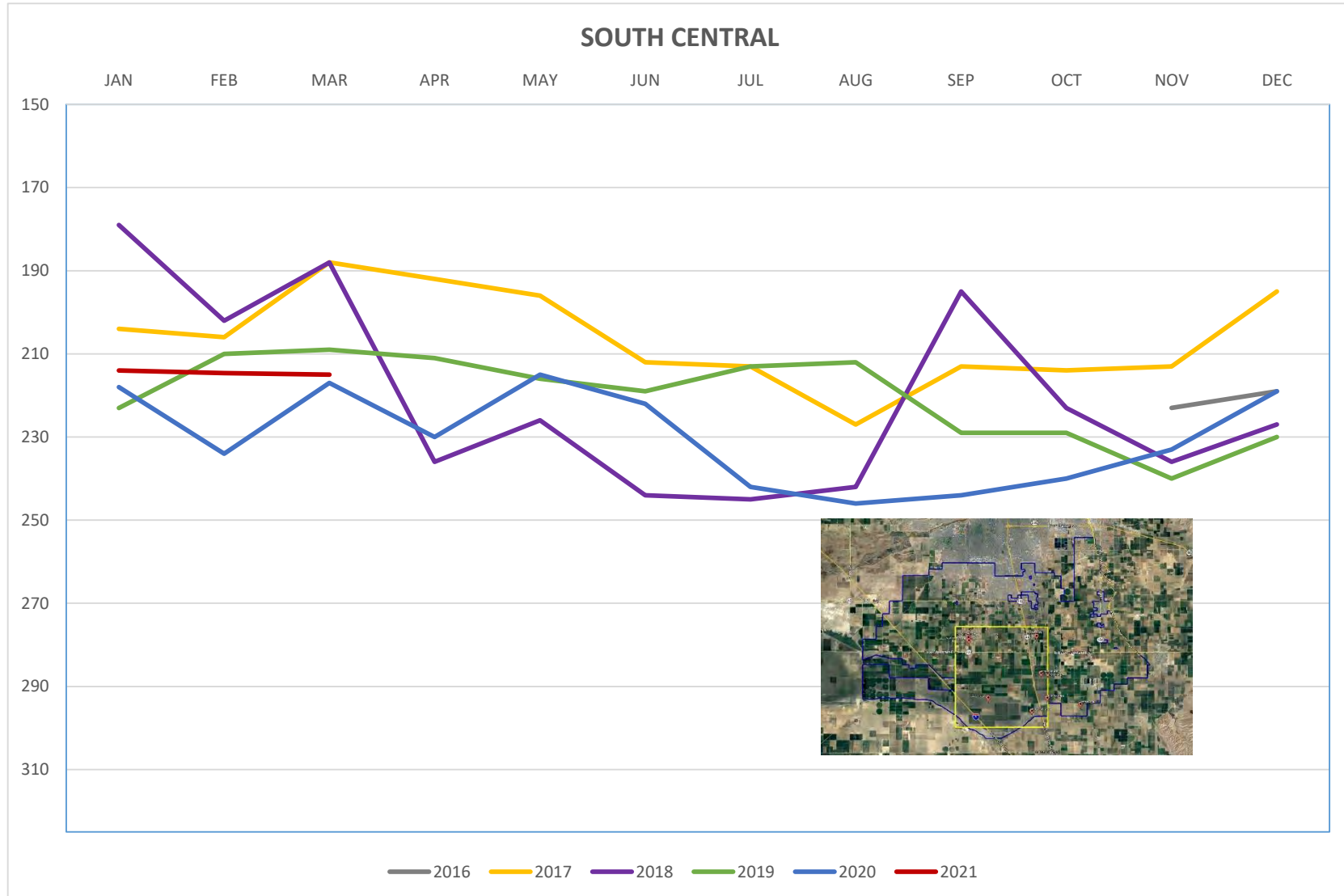
Depth-to-Groundwater 2021



Depth-to-Groundwater 2021

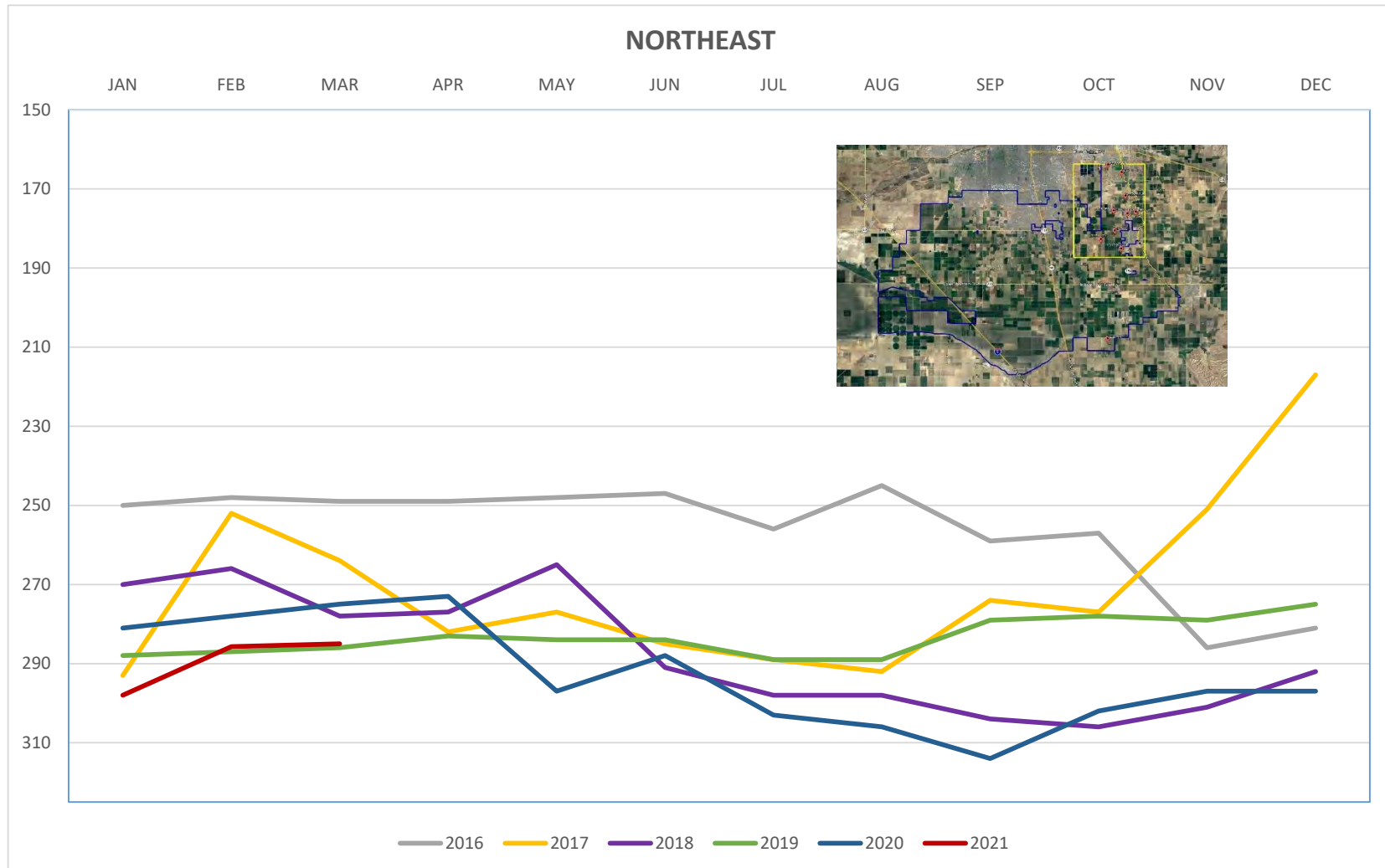


Depth-to-Groundwater 2021

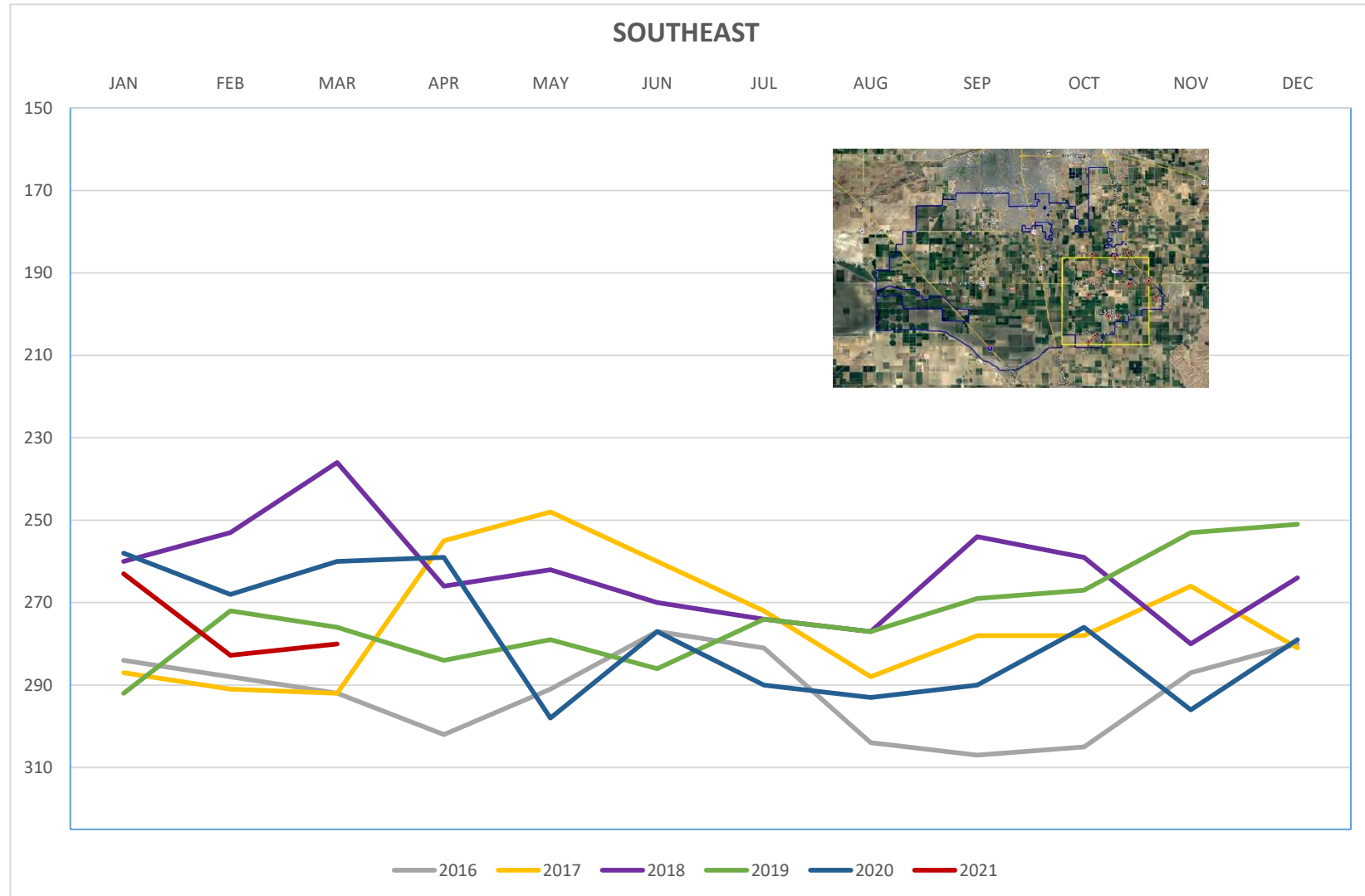


depth to groundwater unit of measurement = feet

Depth-to-Groundwater 2021



Depth-to-Groundwater 2021



Tab VI



RESOLUTION NO. 2021-04

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
KERN DELTA WATER DISTRICT ADOPTING THE 2020
AGRICULTURAL WATER MANAGEMENT PLAN**

WHEREAS, Kern Delta Water District (“District”) is a California Water District formed pursuant to Division 13 of the California Water Code; and

WHEREAS, Part 2.8 (commencing with §10800) of Division 6 of the California Water Code, otherwise known as the Agricultural Water Management Planning Act, requires this District to prepare, adopt, and implement an agricultural Water Management Plan; and

WHEREAS, notice as required by Water Code §10821 has been provided to the City of Bakersfield and the County of Kern regarding the proposed adoption of an agricultural water management plan for the Kern Delta Water District; and

WHEREAS, notice of a public hearing to consider the adoption of the Agricultural Water Management Plan was published as required by Water Code §10841, and a public hearing was held pursuant thereto on March 16, 2021.

NOW THEREFORE, BE IT RESOLVED by this Board of Directors that:

1. The foregoing is true and correct.
2. The Board of Directors hereby adopts the 2020 Agricultural Water Management Plan in accordance with Part 2.8 of Division 6 of the California Water Code.
3. The Board of Directors hereby authorizes the General Manager to execute all documents and take any other action necessary or advisable to carry out the purpose of this resolution.

ALL THE FOREGOING being on motion of Director _____, second by Director _____ and authorized by the following vote:

AYES:	DIRECTOR
NOES:	NONE
ABSTAIN:	NONE
ABSENT:	DIRECTOR

I HEREBY CERTIFY that the foregoing is a full, true, and correct copy of a resolution of the Board of Directors of Kern Delta Water District adopted at its meeting held on March 16, 2021.

RODNEY PALLA
President of the Board

RICHARD TILLEMA
Secretary of the Board



To: Kern Delta Water District Board of Directors

From: Steven Teglia – General Manager

Date: March 16, 2021

Re: Agenda Item VI B – External Agency Report

RECOMMENDATION:

Receive report, informational item only.

DISCUSSION:

Staff participates in / monitors multiple external agency meetings monthly. Below is a summary including items of note from the various meetings:

[Kern County Water Agency:](#)

- The KCWA Board met February 25, 2021.
- Most KCWA Office Staff teleworking...CVC field and ID-4 staff working as normal (social distancing).
- Next meeting will be March 25, 2021.
- Special KCWA Board Meeting March 15, 2021 @ 3:00PM to fill Division 2 vacancy (agenda attached).
- Summary of groundwater and overdraft correction accounts (attached).
- Delta Conveyance project timeline (attached).

Kern Fan Authority:

- The KFA did not meet in February.

[Kern River Groundwater Sustainability Agency \(KRGSA\):](#)

- The KRGSA meeting of March 4, 2021 was canceled.

[Kern Groundwater Authority \(KGA\):](#)

- The KGA met February 24, 2021.
- Approval of Todd Groundwater & ITRC Proposals for Subbasin Annual Report.
- Approval of selection of GEI as the DMS Consultant for the subbasin.

[Kern River Watershed Coalition Authority \(KRWCA\)\(ILRP\):](#)

- The KRWCA meeting of March 4, 2021 was canceled.

South Valley Water Resources Authority:

- The SVWRA met February 25, 2021.
- Water Blueprint for the San Joaquin Valley – KGA donation.
- Pilot project continued discussion.

Integrated Regional Water Management Plan:

- No Report.

Water Association of Kern County (WAKC):

- The WAKC met February 23, 2021.
- Approved plan for virtual 2021 Water Summit in May.
- Discussed potential programs for bi-monthly virtual presentations.
- Update on Magic of Water awareness campaign.



KERN COUNTY WATER AGENCY

Stuart T. Pyle Water Resources Center

3200 Rio Mirada Drive
Bakersfield, California

Notice of Special Board Meeting

March 15, 2021

Conference Line: [+1 \(571\) 317-3122](tel:+15713173122)

Access Code: 863-465-805#

<https://global.gotomeeting.com/join/863465805>

AGENDA

- I. Call to Order – 3:00 p.m.
- II. Appointment of a Director to Fill the Vacancy in Division 2 of the Board of Directors of the Kern County Water Agency
- III. Directors' Forum
- IV. Public Comment

Anyone may comment on any subject within Agency jurisdiction whether or not it is on the agenda. Time for such comment may be limited.
- V. Report of the General Manager
- VI. Public Hearing – Improvement District No. 4 2020 Report on Water Conditions
- VII. Adjournment

NOTICE: This meeting is being conducted primarily by telephone conference.

Conference Line: [+1 \(571\) 317-3122](tel:+15713173122) / Access Code: 863-465-805# / <https://global.gotomeeting.com/join/863465805>

DECLARATION OF POSTING: I declare under penalty of perjury, that I am employed by the Kern County Water Agency and that I posted the foregoing Agenda at the Agency Office on March 11, 2021.

A handwritten signature in blue ink, appearing to read "Stephanie N. Prince", is written over a horizontal line.

Stephanie N. Prince, Board Secretary

Requests for a disability-related modification or accommodation, including auxiliary aids or services, in order to attend or participate in a meeting should be made to the Board Secretary in advance of the meeting to ensure availability of the requested service or accommodation.

**Kern County Water Agency
Estimated Summary of Overdraft Correction Accounts
As of December 31, 2020**

Preliminary - Subject to Revision

Quantities in acre-feet

District	Estimated Balance as of December 31, 2019	Estimated Balance as of December 31, 2020				
		Pioneer Property	2800 Acres	Pioneer Project Subtotal	Berrenda Mesa	Kern Water Bank ^[1] Total
Buena Vista WSD	39,246	39,246	0	39,246	0	6,869
Henry Miller WD	58,208	42,526	375	42,901	2,584	19,592
Kern County Water Agency	55,030	35,356	7,121	42,477	0	12,553
Kern Delta WD	73,078	57,032	409	57,441	1,508	20,998
Rosedale-Rio Bravo WSD	207,826	159,549	3,268	162,817	2,725	49,153
Total	433,388	333,709	11,173	344,882	6,817	109,165
						460,864

^[1] Does not include purchase of 2011 4% reserve water.

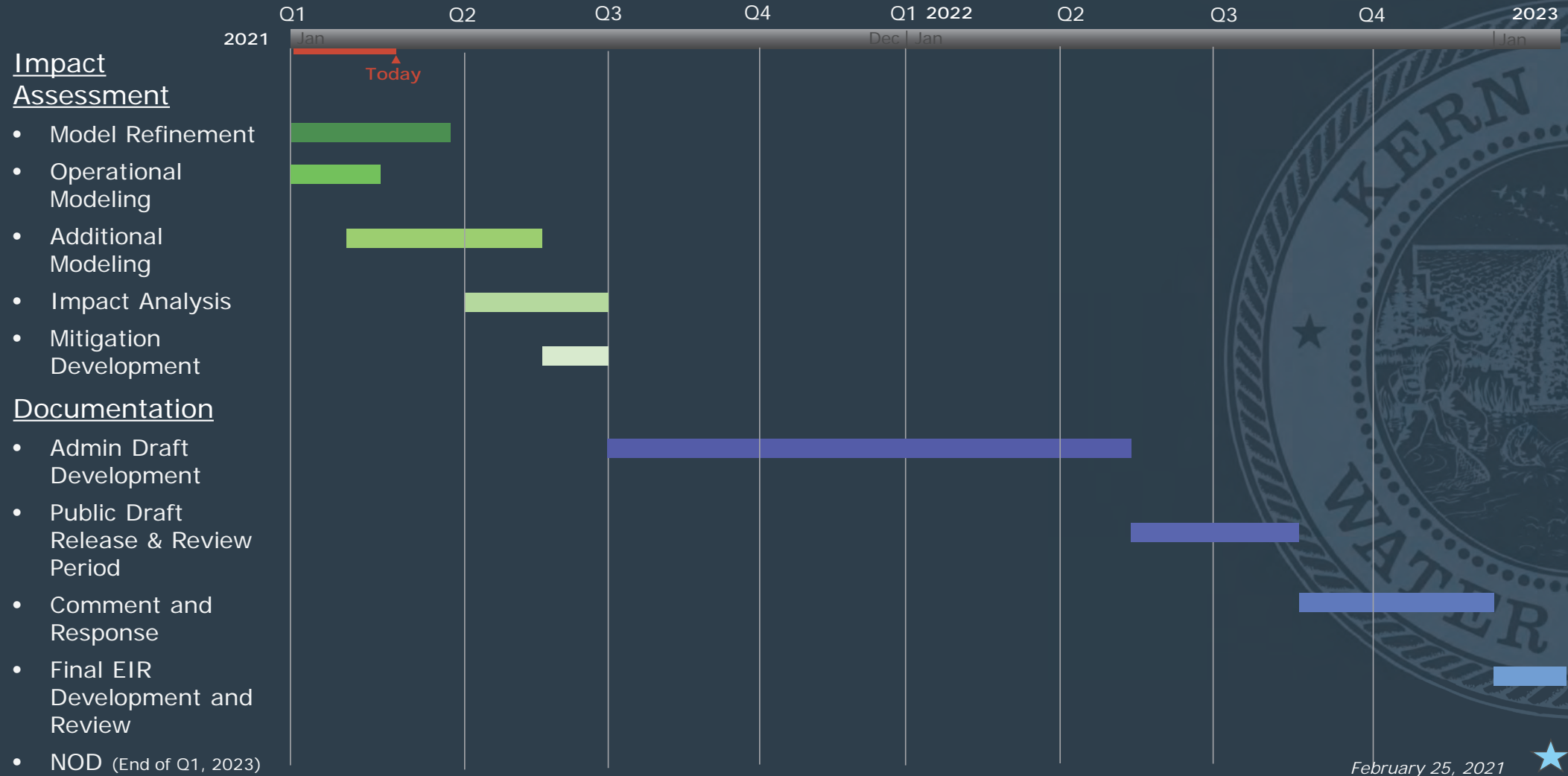
**Kern County Water Agency
Estimated Summary of Groundwater Bank Accounts
As of December 31, 2020**

Preliminary - Subject to Revision

Quantities in acre-feet

District	Estimated Balance as of December 31, 2019	Estimated Balance as of December 31, 2020					
		Pioneer Property	2800 Acres	Pioneer Project Subtotal	Berrenda Mesa	Kern Water Bank	Total
Belridge WSD	96,427	72,973	11,872	84,845	9,355	0	94,200
Berrenda Mesa WD	145,653	70,518	8,813	79,331	33,980	0	113,311
Buena Vista WSD	46,564	31,295	1,939	33,234	0	0	33,234
Cawelo WD	652	0	0	0	0	0	0
Dudley Ridge WD	66,576	0	0	0	0	57,560	57,560
Henry Miller WD	5,365	5,365	0	5,365	0	0	5,365
Improvement District No. 4	255,146	45,159	24,155	69,314	0	174,131	243,445
Kern County Water Agency	201,684	112,294	62,766	175,060	3,499	17,958	196,517
Kern Delta WD	23,285	23,285	0	23,285	0	0	23,285
Lost Hills WD	99,848	60,883	28,000	88,883	11,039	0	99,922
Rosedale-Rio Bravo WSD	38,043	41,232	0	41,232	0	0	41,232
Semitropic WSD	275,203	33,931	42	33,973	0	214,369	248,342
Tehachapi-Cummings CWD	5,820	0	0	0	0	5,820	5,820
Tejon-Castac WD	60,554	2,193	1,247	3,440	0	57,614	61,054
Westside Mutual Water Co.	455,788	0	0	0	0	424,515	424,515
Wheeler Ridge-Maricopa WSD	258,521	19,031	18,993	38,024	11,327	164,122	213,473
Total	2,035,129	518,159	157,827	675,986	69,200	1,116,089	1,861,275

Delta Conveyance Planning and Permitting Timeline





To: Kern Delta Water District Board of Directors

From: Steven Teglia – General Manager

Date: March 16, 2021

Re: Agenda Item VI C. – Water Banking Projects Report

RECOMMENDATION:

Receive report, informational item only.

DISCUSSION:

Below is a summary of activities of note related to various water banking projects/activities of interest to the District.

Kern Fan Recovery Activity:

- As of March 9, 2021, Kern Fan groundwater recovery was approximately 738cfs from 149 wells, as reported via KCWA weekly call.
- See attached graphs provided by KCWA for recovery information through Jan. 31, 2021.

Pioneer Participant Meeting:

- The Pioneer Project Participant Meeting of March 11, 2021 was canceled.

Kern Fan Monitoring Committee:

- The Kern Fan Monitoring Committee met January 20, 2021.
- New Chair: Dave Beard; Vice-Chair: Jon Parker.
- Cash Call: KD \$6,210
- Approval of 2021 Budget
- Discussion regarding review of cost % split between projects/agencies to take place.

KDWD Water Banking Project:

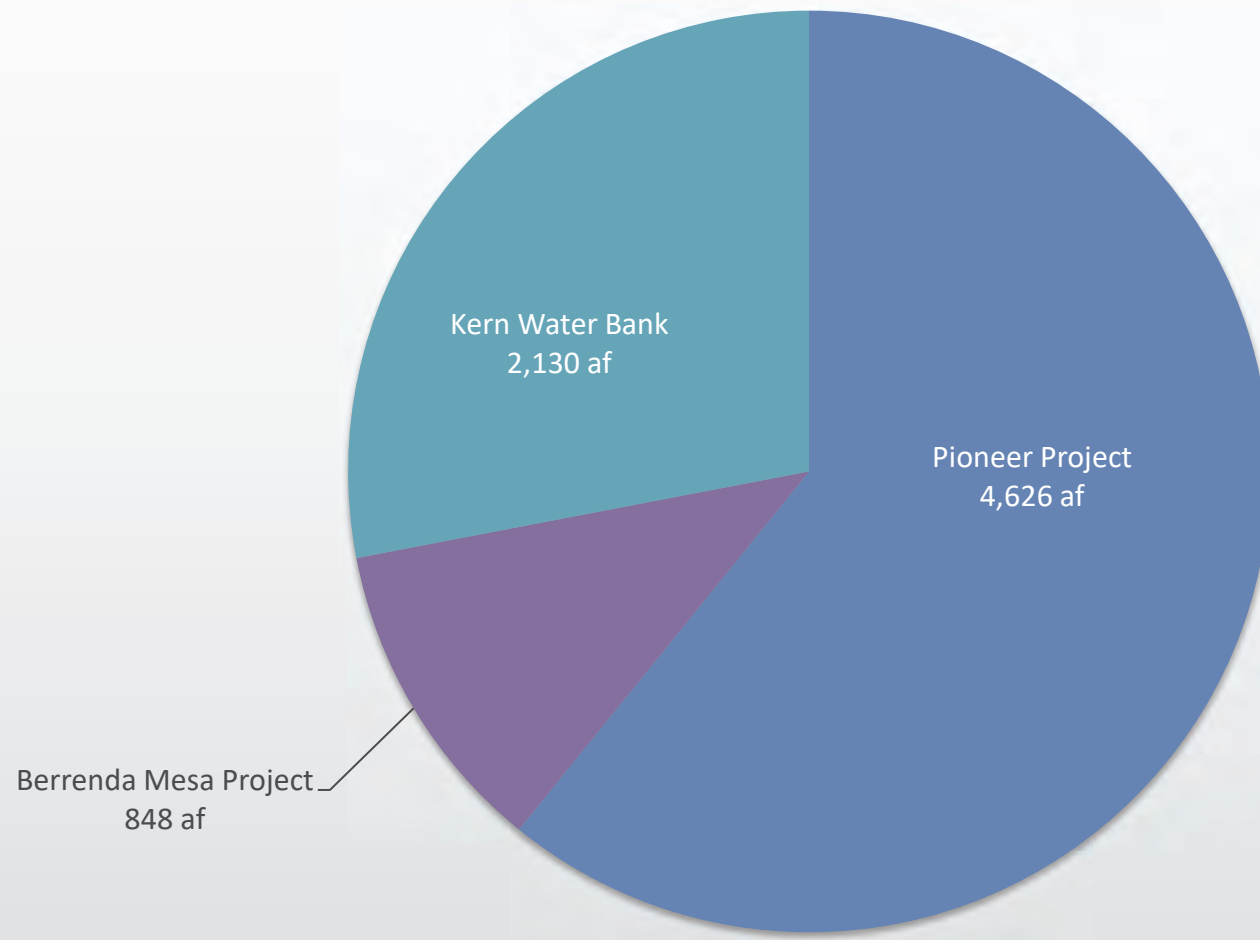
- MET has provided the District with an official request for the return of regulated water for calendar year 2021 (attached). The District has developed and implemented a plan to return just over 40,000af of return water to MET by December 31, 2021.

Cross Valley Canal Advisory Committee:

- The CVC Advisory Committee met February 24, 2021.
- Continued discussion regarding CVC hydraulic analysis.
- See attached graphs provided by KCWA regarding CVC utilization.

**Kern Fan Banking Projects
2021 Estimated Gross Recovery by Project
Through January 31, 2021**

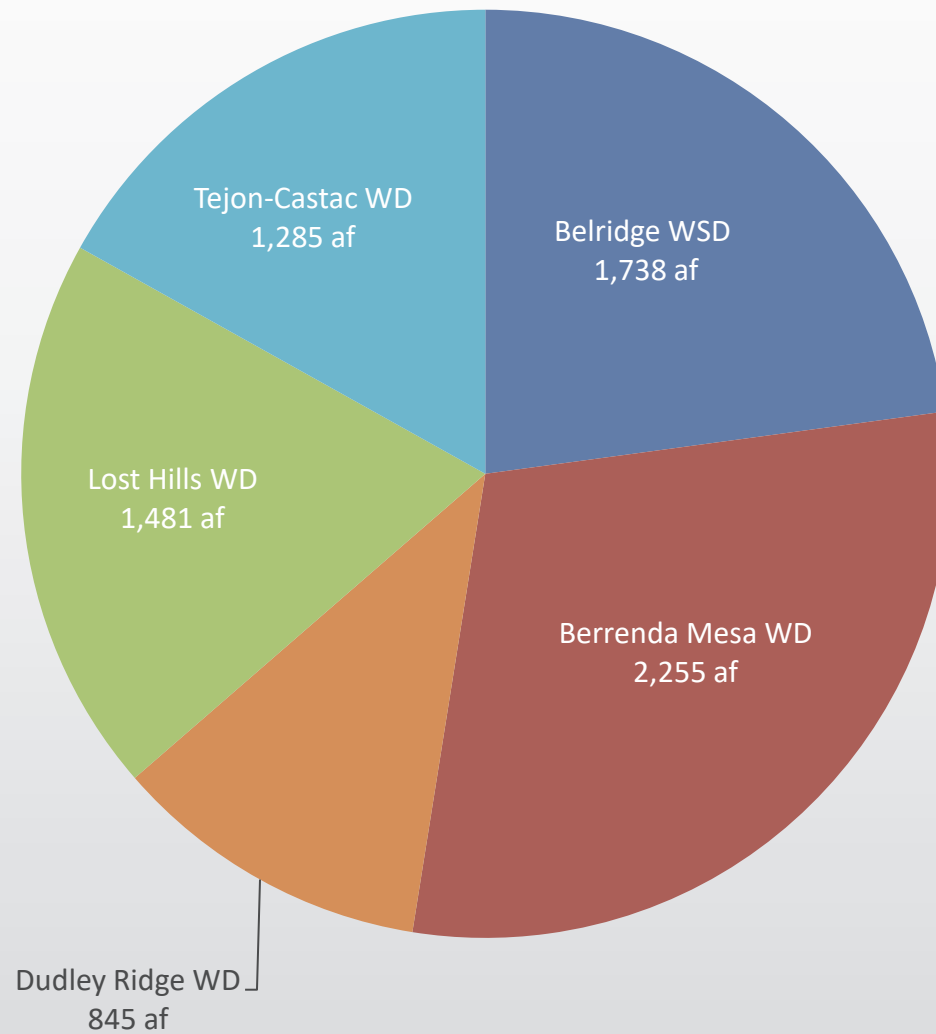
Attachment 1



Total Gross Recovery 7,604 af

**Kern Fan Banking Projects
2021 Estimated Recovery by Participant
Through January 31, 2021**

Attachment 2





THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

March 4, 2021

Via email: Steven@kerndelta.org

Mr. Steven L. Teglia
General Manager
Kern Delta Water District
501 Taft Highway
Bakersfield, CA 93307

Dear Mr. Teglia:

Request for Return of Regulated Water in Calendar Year 2021

Due to the low State Water Project allocation this year, The Metropolitan Water District of Southern California (Metropolitan) requests the maximum return of Regulated Water in accordance with the "Agreement Between Kern Delta Water District and The Metropolitan Water District of Southern California for a Water Management Program," in calendar year 2021. Kern Delta Water District (Kern Delta) has indicated that the maximum return capability in calendar year 2021 is approximately 40,200 acre-feet. Should conditions change and Metropolitan needs to revise its request, we will work with Kern Delta to minimize any water supply impacts within your district.

Metropolitan understands that Kern Delta will coordinate with Kern County Water Agency to meet its responsibility for scheduling delivery of this Regulated Water with the Department of Water Resources. Metropolitan appreciates Kern Delta's efforts to provide the highest quality return water available by maintaining an approved pump-in plan with the Department of Water Resources. Additionally, Metropolitan appreciates Kern Delta's ongoing cooperation in managing this Program for the benefit of each agency. Please contact Mr. Derrick Cheng at (213) 217-7500 to coordinate the schedule for the return of Regulated Water, or if you need further information.

Very truly yours,

DocuSigned by:
A handwritten signature in blue ink that reads "Deven Upadhyay".
C67E88792A494F9...

Deven Upadhyay
Assistant General Manager/Chief Operating Officer

DC:lj

S:\Planning\Resources\SWP Banking Programs\KernDelta\FY20-21\KernDelta_RequestforReturn - February 2021.docx

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Mr. Steven L. Teglia

Page 2

March 4, 2021

cc:

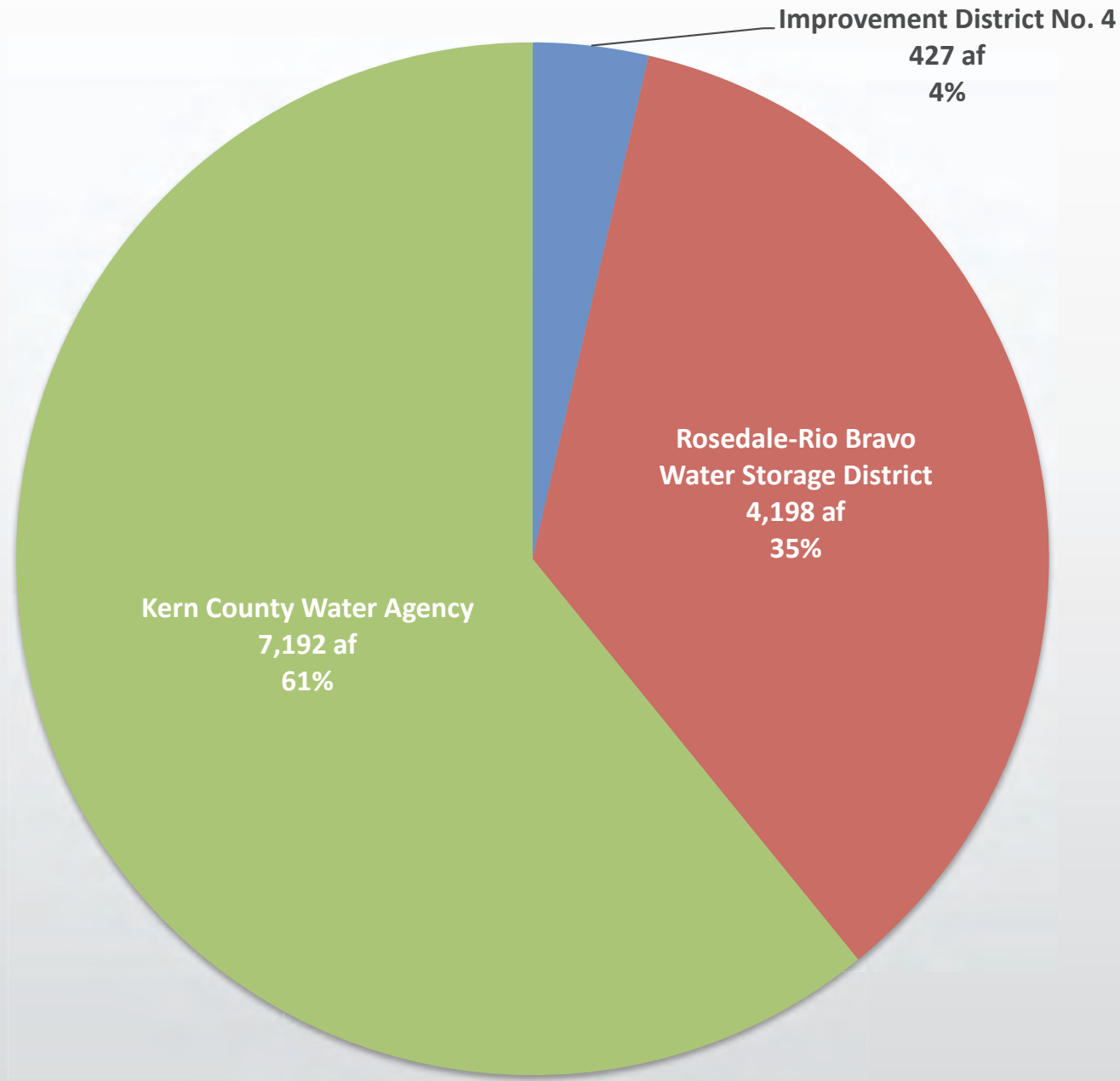
Ms. Tasmin Eusuff
Chief, Water Delivery Analysis and Documentation Branch
Department of Water Resources
State of California
P.O. Box 942836
Sacramento, CA 94236-0001
Via email: Tasmin.Eusuff@water.ca.gov

Mr. Gerald Snow
Chief, Environmental Assessment Branch
Division of Operations and Maintenance
Department of Water Resources
State of California
P.O. Box 942836
Sacramento, CA 94236-0001
Via email: Gerald.Snow@water.ca.gov

Ms. Holly L. Melton
Water Resources Manager
Kern County Water Agency
P.O. Box 58
Bakersfield, CA 93302-0058
Via email: hmelton@kcwa.com

Mr. Perry L. Hyatt, Jr.
Watermaster
Kern Delta Water District
501 Taft Highway
Bakersfield, CA 93307
Via email: perry@kerndelta.org

**Cross Valley Canal
January 2021 Deliveries
Total deliveries 11,817 af**



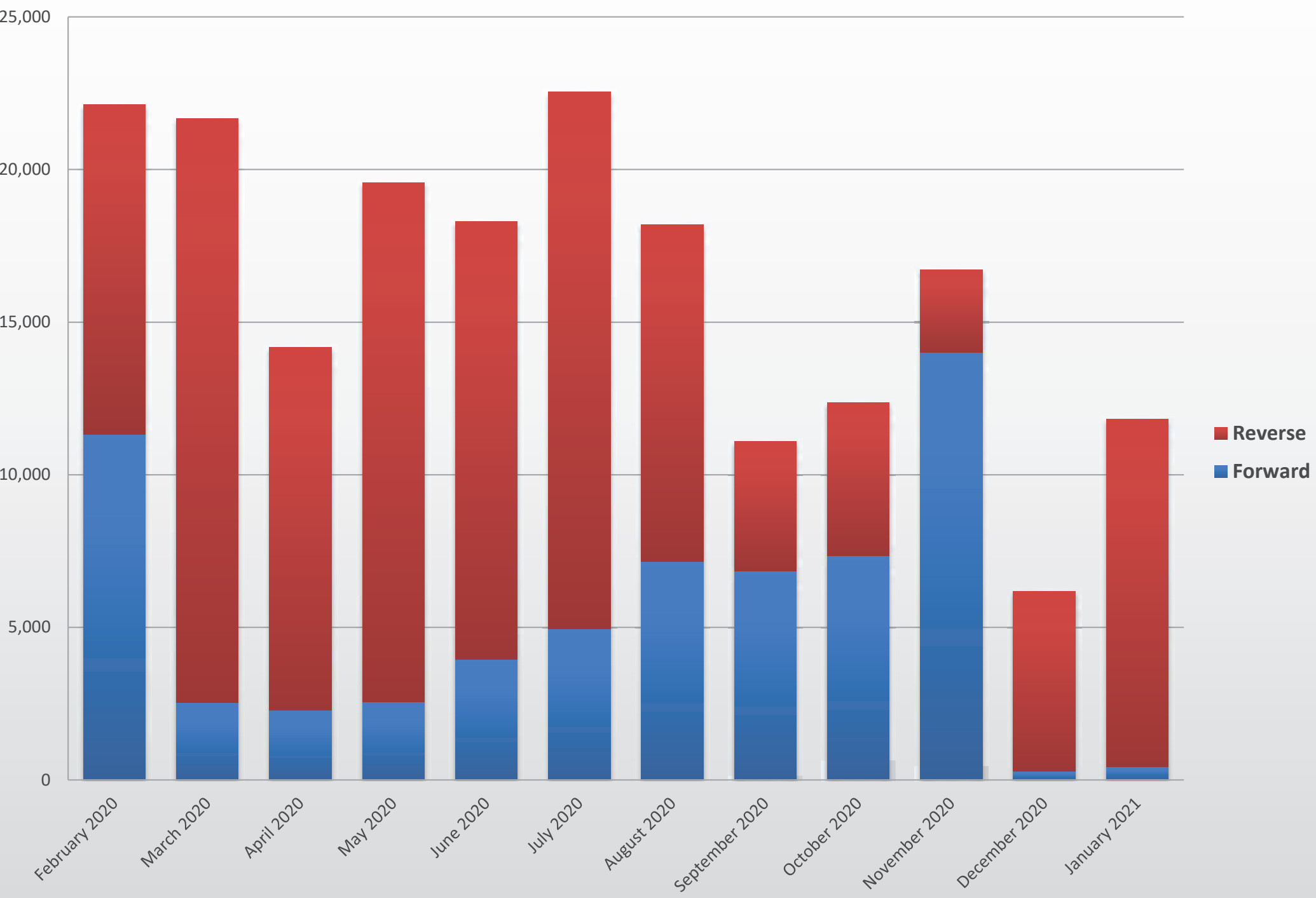
Cross Valley Canal Deliveries by Direction and Source 2021

Deliveries are shown in acre feet

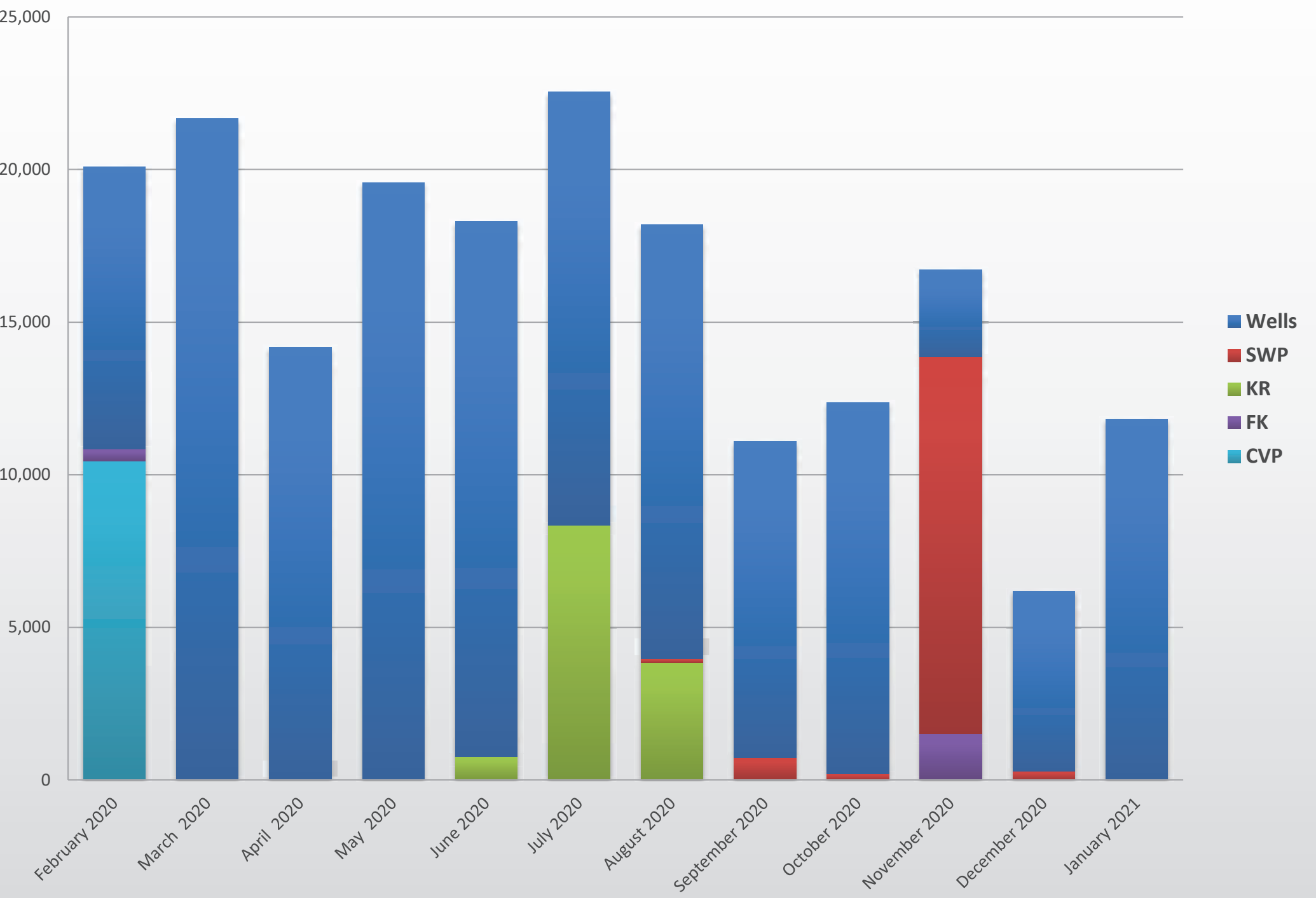
	Deliveries by Direction			Deliveries by Source				
	Forward Flow	Reverse Flow	Total	State Water Project	Central Valley Project	Kern River	Recovered Groundwater	Total
January	427	11,390	11,817	-	-	-	11,817	11,817
February	-	-	-	-	-	-	-	-
March	-	-	-	-	-	-	-	-
April	-	-	-	-	-	-	-	-
May	-	-	-	-	-	-	-	-
June	-	-	-	-	-	-	-	-
July	-	-	-	-	-	-	-	-
August	-	-	-	-	-	-	-	-
September	-	-	-	-	-	-	-	-
October	-	-	-	-	-	-	-	-
November	-	-	-	-	-	-	-	-
December	-	-	-	-	-	-	-	-
Total	427	11,390	11,817	-	-	-	11,817	11,817

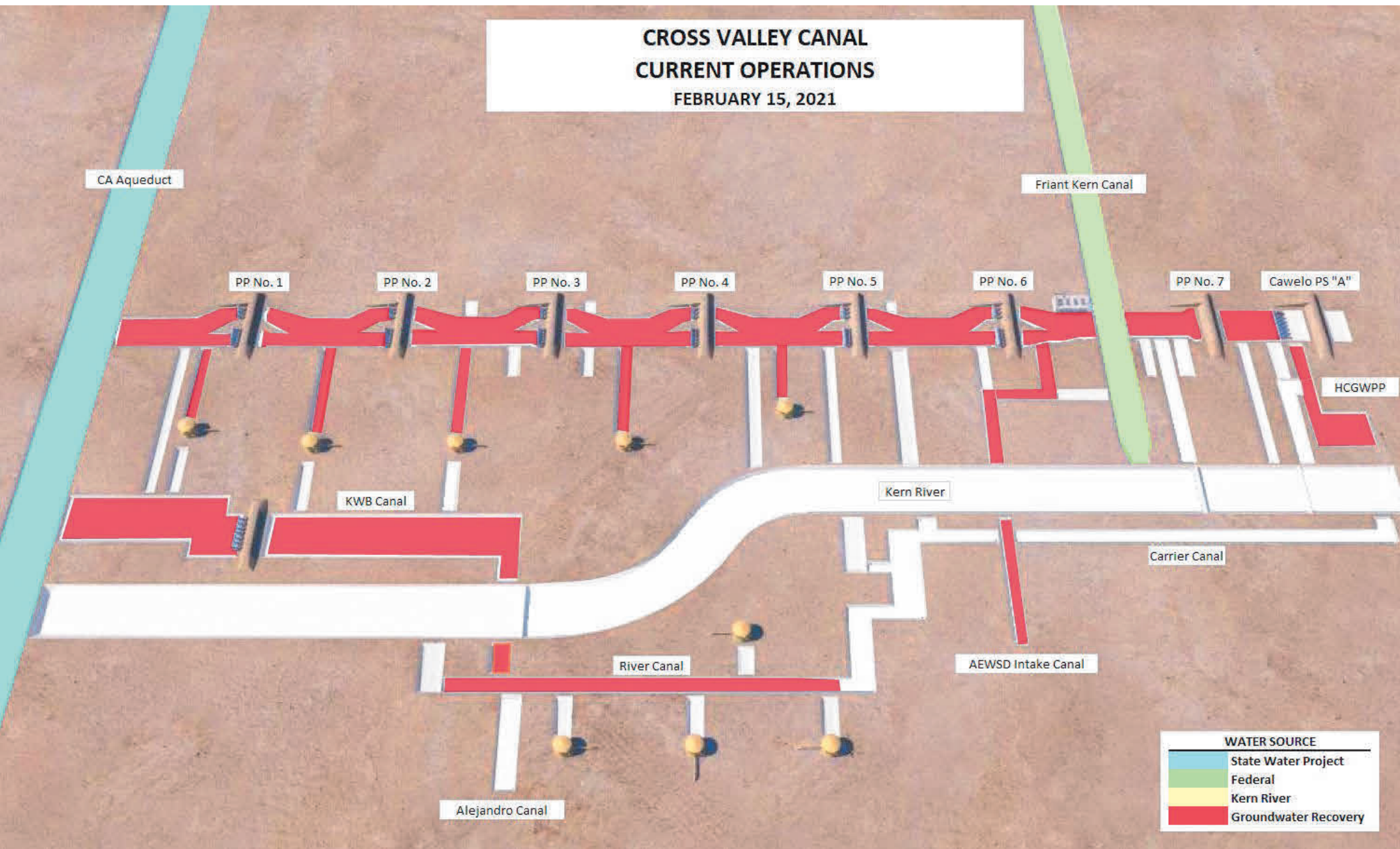
Cross Valley Canal

Twelve Month Delivery by Direction



Cross Valley Canal
Twelve Month Delivery by Source





Tab VII



Valley Ag Water Coalition 2021-22 Regular Session, First Year

AB 377 (Rivas, Robert D) **Water quality: impaired waters.**

Current Text: Introduced: 2/1/2021 [html](#) [pdf](#)

Status: 2/12/2021-Referred to Com. on E.S. & T.M.

Is Urgency: N

Is Fiscal: Y

Location: 2/12/2021-A. E.S. & T.M.

Summary: Would require all California surface waters to be fishable, swimmable, and drinkable by January 1, 2050, as prescribed. The bill would prohibit the state board and regional boards from authorizing an NPDES discharge, waste discharge requirement, or waiver of a waste discharge requirement that causes or contributes to an exceedance of a water quality standard, or from authorizing a best management practice permit term to authorize a discharge that causes or contributes to an exceedance of a water quality standard in receiving waters. The bill would prohibit, on or after January 1, 2030, a regional water quality control plan from including a schedule for implementation for achieving a water quality standard that was adopted as of January 1, 2021, and would prohibit a regional water quality control plan from including a schedule for implementation of a water quality standard that is adopted after January 1, 2021, unless specified conditions are met.

Laws: An act to add Chapter 3.5 (commencing with Section 13150) to Chapter 3 of Division 7 of the Water Code, relating to water quality.

Notes: This legislation would require all waters of the state to be fishable, swimmable, and drinkable by 2050. This is contrary to federal and state law regarding the designation of water bodies for beneficial uses. The legislation provides that a basin water quality control plan can only include a schedule for implementation of a water quality standard that is adopted after January 1, 2021, if certain conditions are met. This provision would, in effect, end the recent CV-Salts program that is the product of a collaborative stakeholder driven and managed program to develop sustainable salinity and nitrate management planning for the Central Valley. The Central Valley Salinity Alternatives for Long-Term Sustainability initiative (CV-SALTS) began in 2006 as a coalition of representatives from agriculture, municipalities, industry, water supply, environmental justice, state and federal regulatory agencies and the public to develop an environmentally and economically sustainable plan for the management of salt and nitrate in the Central Valley. A Salt and Nutrient Management Plan is addressing legacy and ongoing loadings of salt and nitrate in the Central Valley, and presents a comprehensive regulatory and programmatic approach for the sustainable management of salt and nitrate in groundwater and surface water. The Plan Antidegradation Analysis notes: "U.S. EPA regulations also require state water quality standard submittals to include an antidegradation policy to protect beneficial uses and prevent further degradation of high quality waters (33 U.S.C. § 1313(d) (4)(B); 40 C.F.R. § 131.12). In general, the Federal Antidegradation Policy emphasizes the maintenance of existing ambient conditions. The Federal Antidegradation Policy considers lowering of water quality to be allowable in some cases, including those where the costs of control would cause widespread and substantial economic and social impacts." The State's Antidegradation Policy is embodied in SWRCB Resolution No. 68-16 (Statement of Policy with Respect to Maintaining High Quality Waters in California). In general, the policy emphasizes the protection of high quality waters, which include groundwater.

According to the Central Valley Salinity Coalition: "Many activities are underway to achieve compliance with the new Nitrate Control Program in the Central Valley's six Priority 1 subbasins, where safe drinking water must be provided in areas with high nitrate levels and nitrate management plans must be adopted beginning in 2021. These subbasins include Modesto, Turlock, Chowchilla, Kings, Kaweah, and Tule. Early steps on the path toward compliance have included outreach to permittees and disadvantaged community leaders, data collection, cost assessments, provision of drinking water, and progress toward the complex task of Management Zone formation."

Similarly, this legislation would negatively affect the Irrigated Lands Regulatory Program, which was initiated in 2003 to prevent agricultural runoff from impairing surface waters. Groundwater regulations were added to the program in 2012. Waste discharge requirements designed to protect both surface water and groundwater address irrigated agricultural discharges throughout the Central Valley.

Current Position: Not Yet Considered

Recommended Position: Oppose

AB 564 (Gonzalez, Lorena D) **Biodiversity Protection and Restoration Act.**

Current Text: Introduced: 2/11/2021 [html](#) [pdf](#)

Status: 2/18/2021-Referred to Coms. on A. & A.R. and W.,P., & W.

Is Urgency: N

Is Fiscal: Y

Location: 2/18/2021-A. A. & A.R.

Summary: Would establish the Biodiversity Protection and Restoration Act and would provide that it is the policy of the state that all state agencies, boards, and commissions shall utilize their authorities in furtherance of the biodiversity conservation purposes and goals of certain executive orders. The bill would require all state agencies, boards, and commissions to consider and prioritize the protection of biodiversity in carrying out their statutory mandates. The bill would require strategies related to the goal of the state to conserve at least 30% of California's land and coastal waters by 2030 to be made available to the public and provided to certain legislative committees by no later than June 30, 2022.

Laws: An act to add Chapter 14 (commencing with Section 2950) to Division 3 of Fish and Game Code, relating to biodiversity.

Notes: This legislation would establish two state policies: First, that all state agencies, boards, and commissions must utilize their authorities in furtherance of the biodiversity conservation purposes and goals of Executive Orders B-54-18 and N-82-20; and, all state agencies, boards, and commissions must consider and prioritize the protection of biodiversity in carrying out their statutory mandate. Second, that public agencies are prohibited from approving projects as proposed that are inconsistent with or would impair the successful implementation of strategies that will not be recommended to Governor Newsom until next year.

The legislation is premature at best. Like the Human Right to Water state policy, this legislation will influence every state action in the resources arena. The legislation is unclear in many aspects. For example, does the requirement to prioritize the protection of biodiversity become the top priority? Or one of many priorities? Local agencies are "public agencies." Project approvals by local agencies run the gamut from housing to transportation to water. The terms "inconsistent" and "impair" are not defined.

Current Position: Not Yet Considered

Recommended Position: Oppose

AB 754

(Mathis R) Sustainable Groundwater Management Act.

Current Text: Introduced: 2/16/2021 [html](#) [pdf](#)

Status: 2/17/2021-From printer. May be heard in committee March 19.

Is Urgency: N

Is Fiscal: N

Location: 2/16/2021-A. PRINT

Summary: The Sustainable Groundwater Management Act requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020, and requires all other groundwater basins designated as high- or medium-priority basins to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2022, except as specified. This bill would state the intent of the Legislature to enact statutory changes relating to the Sustainable Groundwater Management Act.

Laws: An act relating to groundwater.

Notes: This legislation is a placeholder that will require substantive amendments before it can be referred to an Assembly policy committee. The Coalition should monitor the legislation given the subject matter--Sustainable Groundwater Management Act.

Current Position: Not Yet Considered

Recommended Position: Watch

AB 1021

(Mayes I) Irrigation districts: divisions.

Current Text: Introduced: 2/18/2021 [html](#) [pdf](#)

Status: 2/19/2021-From printer. May be heard in committee March 21.

Is Urgency: N

Is Fiscal: N

Location: 2/18/2021-A. PRINT

Summary: Current law, the Irrigation District Law, provides for the formation of irrigation districts with prescribed powers. The law authorizes an irrigation district to control, distribute, store, spread, sink, treat, purify, recapture, and salvage any water, as specified. Current law provides that each district

shall contain 5 divisions unless otherwise specified. This bill would make a nonsubstantive change to the law providing for those 5 divisions.

Laws: An act to amend Section 21550 of the Water Code, relating to irrigation districts.

Notes: This legislation is a placeholder that will require substantive amendments before it can be referred to an Assembly policy committee. The Coalition should monitor the legislation given the subject matter--irrigation districts.

Current Position: Not Yet Considered

Recommended Position: Watch

AB 1164 (Flora R) Dams and reservoirs: exclusions.

Current Text: Introduced: 2/18/2021 [html](#) [pdf](#)

Status: 2/19/2021-From printer. May be heard in committee March 21.

Is Urgency: N

Is Fiscal: Y

Location: 2/18/2021-A. PRINT

Summary: Current law requires the Department of Water Resources to supervise the maintenance and operation of dams and reservoirs as necessary to safeguard life and property. Current law requires the department to adopt, by regulation, a schedule of fees to cover the department's costs in carrying out the supervision of dam safety. Current law excludes certain obstructions from being considered a dam, including a barrier that is not across a stream channel, watercourse, or natural drainage area and that has the principal purpose of impounding water for agricultural use. This bill would specify that the exclusion from being considered a dam for a barrier that is not across a stream channel, watercourse, or natural drainage area and that has the principal purpose of impounding water for agricultural use applies only to a barrier owned or operated by a private entity. The bill would provide that a barrier owned or operated by a public entity that is not across a stream channel, watercourse, or natural drainage area and that has the principal purpose of impounding water for agricultural use shall not be considered a dam only if certain criteria are met.

Laws: An act to amend Section 6004 of the Water Code, relating to water.

Notes: This legislation is similar to AB 727 (2019) by the same author. The Coalition supported that bill, which was held in Senate Natural Resources & Water Committee. Existing law excludes certain obstructions from being considered a dam, including a barrier not across a stream channel, watercourse, or natural drainage area and that has the principal purpose of impounding water for agricultural use. This legislation would specify that a structure owned or operated by a public entity may have the principal purpose of impounding water for agricultural use for the purposes of an exclusion from being a considered a dam.

Farm water districts often rely on diversion structures across a watercourse to deliver water supplies for agricultural purposes. DWR has interpreted the above provision of law to only apply to a private entity. VAWC disagrees with this interpretation and believes the proper focus should be on the purpose of the barrier and not the owner.

Current Position: Not Yet Considered

Recommended Position: Favor

AB 1376 (Gray D) Water quality: state certification.

Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)

Status: 2/22/2021-Read first time.

Is Urgency: N

Is Fiscal: Y

Location: 2/19/2021-A. PRINT

Summary: The Porter-Cologne Water Quality Control Act authorizes the State Water Resources Control Board to certify or provide a statement to a federal agency, as required pursuant to federal law, that there is reasonable assurance that an activity of any person subject to the jurisdiction of the state board will not reduce water quality below applicable standards. The federal act provides that if a state fails or refuses to act on a request for this certification within a reasonable period of time, which shall not exceed one year after receipt of the request, then the state certification requirements are waived with respect to the federal application. This bill would require the state board to make the certificate or statement available on its internet website for a 60-day public comment and review period, and would provide that the certificate or statement shall not be final until voted upon by a majority of the members of the state board at the conclusion of that period.

Laws: An act to amend Section 13160 of the Water Code, relating to water quality.

Notes: This legislation could add to the amount of time that the State Water Board dedicates to review and approval of a water quality certification (e.g., a Section 401 certification). While the specified review periods may improve transparency and public access to the process, the 60-day period could lead to increased issuances of the certificate or statement before completion of the environmental review.

Current Position: Not Yet Considered

Recommended Position: Watch

AB 1399 (Flora R) Diversion or use of water: penalties.

Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)

Status: 2/22/2021-Read first time.

Is Urgency: N

Is Fiscal: N

Location: 2/19/2021-A. PRINT

Summary: Under current law, the diversion or use of water other than as authorized by specified provisions of law is a trespass, subject to specified civil liability. This bill would make nonsubstantive changes to those provisions.

Laws: An act to amend Section 1052 of the Water Code, relating to water.

Notes: This legislation is a placeholder that will require substantive amendments before it can be referred to an Assembly policy committee. The Coalition should monitor the legislation given the subject matter--diversion of water and penalties related thereto.

Current Position: Not Yet Considered

Recommended Position: Watch

SB 359 (Caballero D) Climate change: natural and working lands.

Current Text: Introduced: 2/9/2021 [html](#) [pdf](#)

Status: 2/22/2021-Art. IV. Sec. 8(a) of the Constitution dispensed with. (Ayes 32. Noes 4.) Joint Rule 55 suspended. (Ayes 32. Noes 4.)

Is Urgency: N

Is Fiscal: N

Location: 2/9/2021-S. RLS.

Summary: Would state the intent of the Legislature to enact subsequent legislation to advance a pilot project to be administered by the Department of Conservation in the County of Merced that will support county-scale efforts to integrate natural and working lands in its land use and climate action plans and provide financial incentives and technical assistance to landowners to voluntarily implement activities that support those plans.

Laws: An act relating to climate change.

Notes: This legislation is a placeholder that will require substantive amendments before it can be referred to an Assembly policy committee. The Coalition should monitor the legislation given the subject matter--working lands and climate change.

Current Position: Not Yet Considered

Recommended Position: Watch

SB 559 (Hurtado D) Department of Water Resources: water conveyance systems: Canal Conveyance Capacity Restoration Fund.

Current Text: Introduced: 2/18/2021 [html](#) [pdf](#)

Status: 2/22/2021-Art. IV. Sec. 8(a) of the Constitution dispensed with. (Ayes 32. Noes 4.) Joint Rule 55 suspended. (Ayes 32. Noes 4.)

Is Urgency: N

Is Fiscal: Y

Location: 2/18/2021-S. RLS.

Summary: Would establish the Canal Conveyance Capacity Restoration Fund in the State Treasury to be administered by the Department of Water Resources. The bill would require all moneys deposited in

the fund to be expended, upon appropriation by the Legislature, in support of subsidence repair costs, including environmental planning, permitting, design, and construction and necessary road and bridge upgrades required to accommodate capacity improvements. The bill would require the department to expend from the fund, upon appropriation by the Legislature, specified monetary amounts to restore the capacity of 4 specified water conveyance systems, as prescribed, with 2 of those 4 expenditures being in the form of a grant to the Friant Water Authority and to the San Luis and Delta-Mendota Water Authority. The bill would make these provisions inoperative on July 1, 2030, and would repeal the provisions as of January 1, 2031.

Laws: An act to add and repeal Section 140.5 of the Water Code, relating to water.

Notes: This legislation would authorize the State of California to cost-share in projects to address subsidence damage to four conveyance facilities in the San Joaquin Valley--California Aqueduct, Delta-Mendota Canal, Friant-Kern Canal, and the joint use facilities at San Luis Reservoir. It is anticipated that supporters of the legislation will seek Federal and local cost-share authorizations in equal amounts. This legislation does not contain an appropriation. A combination of State General Fund and State General Obligation Bond proceeds is likely to be considered. SB 45, the Senate Democratic leadership resources bond proposal, as introduced, includes a \$50 million allocation for Friant-Kern Canal.

Current Position: Not Yet Considered

Recommended Position: Support

Total Measures: 9

Total Tracking Forms: 9