

501 Taft Highway Bakersfield, California

TUESDAY, February 7, 2023

AGENDA

CALL TO ORDER AND ANNOUNCEMENT OF QUORUM

12:00PM

CLOSED SESSION:

- **A.** Conference with Legal Counsel Existing Litigation Closed Session Pursuant to Gov. Code § 54956.9(d)(1):
 - 1. SWRCB Kern River.
 - 2. Rosedale Rio Bravo Water Storage District, et al. v. Kern County Water Agency, et al. (CVC)
 - 3. Kern Delta Water District et al. v. Rosedale Rio Bravo Water Storage District et al. (Onyx Ranch CEQA).
 - 4. Rosedale Rio Bravo Water Storage District v. Buena Vista Water Storage District, et al. (Onyx Ranch Water Rights).
 - 5. Bring Back the Kern, et al. v. City of Bakersfield, et al.
- **B.** Conference with Legal Counsel Potential Litigation Closed Session Pursuant to Gov. Code § 54956.9(d)(2),(e)(1):
 - 1. Two Matters.
- C. Conference with Real Property Negotiators Pursuant to Gov. Code Section 54956.8:
 - 1. Potential Recharge Property
 - a. District Negotiator: Steven Teglia

REGULAR SESSION:

INTRODUCTION OF GUESTS AND PUBLIC

- I. <u>PUBLIC COMMENT</u> (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. 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. Approve Minutes of the Regular Board Meeting of January 17, 2023.
 - B. Verbal:
 - i. SWP 2023 Allocation 30%.
 - ii. Update Regarding 3rd Party Development Projects and Kern Delta Facilities.

III. BOARD MEMBER COMMENTS (This item provides Board Members with an opportunity to make announcements or provide general comments.)

IV. ADJOURN

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.



MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS

January 17, 2023

TUESDAY, January 17, 2023, 12:00PM-3:03PM

DIRECTORS PRESENT: Mendonca, Tillema, Antongiovanni, Spitzer, Fanucchi, Kaiser, and Borba.

DIRECTORS ABSENT: Palla and Garone.

STAFF PRESENT: General Manager Teglia, Water Resources Manager Mulkay, Assistant General

Manager Bellue, General Counsel Iger, Controller Duncan, Hydrographer Hyatt, and

Groundwater Manager Marquez.

OTHERS PRESENT: None.

CLOSED SESSION DECLARED AT 12:07PM

Vice President Mendonca called to order the Closed Session of the Kern Delta Board of Directors at 12:00PM regarding the following agenda items:

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

- 1. SWRCB Kern River.
- 2. Rosedale Rio Bravo Water Storage District, et al. v. Kern County Water Agency, et al. (CVC.
- 3. Kern Delta Water District et al. v. Rosedale Rio Bravo Water Storage District et al. (Onyx Ranch CEOA).
- 4. Rosedale Rio Bravo Water Storage District v. Buena Vista Water Storage District, et al. (Onyx Ranch Water Rights).
- 5. Bring Back the Kern, et al. v. City of Bakersfield, et al.
- B. Conference with Real Property Negotiators Pursuant to Gov. Code Section 54956.8:
 - 1. Potential Recharge Property
 - a. District Negotiator: Steven Teglia
- C. Public Employee Performance Evaluation Closed Session Pursuant to Gov. Code § 54957(b)(1)/54957.6.
 - 1. Position: Water Resources Manager

Closed Session concluded at 1:11PM.

REGULAR SESSION DECLARED AT 1:02PM

Vice President Mendonca called to order the Regular Session of the Kern Delta Board of Directors at 1:13PM.

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

Item A: No reportable action.

Item B: No reportable action.

Item C: No reportable action.

INTRODUCTION OF GUESTS AND PUBLIC

None.

I. PUBLIC COMMENT

None.

II. CONSENT CALENDAR

M/S/C (Spitzer/Fanucchi) (yes-7, no-0): By unanimous vote, with Directors Palla and Garone absent, the Board approved and authorized items II A through II D of the Consent Calendar.

- A. Approval of Minutes from the Regular Board Meeting of December 6, 2022.
- B. Approval of the November/December/January District Construction and Water Banking Project(s) Disbursements.
- C. Approval of the November/December/January District Disbursements.
- D. Approval of Resolution 2023-01 Consent for Temporary Water Service Contract Between the United States and Kern Delta Water District (Section 215 Water).

III. BUSINESS AND FINANCE

- A. <u>Business & Finance Committee Report(s) December 15, 2022 & January 12, 2023:</u> District Controller Duncan provided a report from the December and January Business & Finance Committee Meetings.
- A(i). <u>Approval of November & December 2022 Financial Reports:</u> Mr. Duncan presented the November & December 2022 District and Water Banking Project(s) Financial Statements, Treasurer's Reports, and District Delinquency Report.
- M/S/C (Antongiovanni/Tillema (yes-7, no-0): By unanimous vote, with Directors Palla and Garone absent, the Board approved the November and December 2022 District and Water Banking Project(s) Financial Statements, Treasurer's Reports, and Delinquency Report as presented.
- A(ii). Quarterly District Investment Update: Staff provided a brief overview of the District's current investments. This was an informational item only.
- A(iii). <u>Prepay Policy Discussion:</u> Staff discussed the issue of accepting prepayments on District accounts with the Board. The Board conveyed their support for creating a policy to allow District acceptance of such payments. Staff was directed to bring a draft policy to the Business and Finance Committee for review and ultimate recommendation to the Board.

IV. OPERATIONS AND PROJECTS

A. - A(i-iv). Operations and Projects Committee – December 6, 2022 (January 3, 2023 – Canceled): Assistant General Manager Bellue briefly reported on several items. Mr. Bellue's update included District maintenance

activities, recent encroachment permit requests, pending development projects impacting District facilities, and a status update related to the Old River and Sunset Groundwater Banking projects.

B. Authorization to Purchase a New Sloper Board for the Motor Grader from Quinn Company in an amount not to exceed \$91,312.53 (Recommended by the Operations and Projects Committee): Staff discussed the necessity to replace the existing sloper board attachment to the motor grader due to recent cumulative failures and maintenance costs. It was stated that the new generation sloper board that will be purchased will have better design features allowing for better reach on canal banks than the current attachment.

M/S/C (Spitzer/Borba) (yes-7, no-0): By unanimous vote, with Directors Palla and Garone absent, the Board authorized staff to purchase a new sloper board for the motor grader from Quinn Company, in an amount not to exceed \$91,312.53.

V. WATER RESOURCES REPORT

- A. A(i-ii). <u>District Watermaster Report:</u> Staff reviewed and discussed the water supplies of the District for the month of December and early January. Approximately 2061 acre-feet of water was diverted in District during December. Staff also provided information related to current precipitation totals and future forecasts. It was also stated that the current SWP allocation remained at 5%.
- B. B(i). <u>Kern River Watermaster Report:</u> The January Kern River Watermaster Report and Isabella construction update, provided by the Army Corps of Engineers, was included in the Board packet.
- C. <u>District Groundwater Manager Report:</u> Groundwater Manager Marquez provided graphical information regarding depth to groundwater at various monitoring locations throughout the District.

VI. MANAGER'S REPORT

- A. Mr. Teglia provided a brief verbal report regarding the North West Kern Resource Conservation District Mobile Irrigation Lab 2022 Annual Report, which was provided in the Board packet. In addition, Mr. Teglia highlighted work the Administrative and Executive Committee is doing to review a potential pilot program for incentivizing well meter utilization and reporting.
- B. External Agency Report: Mr. Teglia provided verbal comments supplementing a memorandum included in the Board package which provided information on the meetings and activities of various external agencies. These agencies include, but are not limited to, the Kern County Water Agency (including the status of the Delta Conveyance Project and Contract Extension), Kern Fan Authority, Kern River Watershed Coalition Authority, Kern Groundwater Authority, Kern River Groundwater Sustainability Agency, the South Valley Water Resources Authority, the Water Association of Kern County, and the Integrated Regional Water Management Plan.
- C. <u>Water Banking Projects Report:</u> Mr. Teglia provided verbal comments supplementing a memorandum included in the Board package which provided information on water banking project activity on the Kern Fan. Mr. Teglia also conveyed that based on recent discussions, the District anticipates recovering previously banked MWD water and returning regulated water back to MWD in 2023.

VII. ATTORNEY'S REPORT

None.

VIII. BOARD MEMBER COMMENTS

None.

IX. ADJOURNMENT:

There being no further business, Vice President Mendonca adjourned the meeting at approximately 3:03PM.

Respectfully Submitted,

Shuan Topla

Steven Teglia, General Manager

Approved by Board,

Richard Tillema, Board Secretary



Directors:

Ted R. Page President Division 1

Laura Cattani Division 2

Martin Milobar Vice President Division 3

Eric L. Averett Division 4

Charles (Bill) W. Wulff, Jr. Division 5

Royce Fast Division 6

Gene A. Lundquist Division 7

Thomas D. McCarthy General Manager

Amelia T. Minaberrigarai General Counsel January 27, 2023

Basic Contract Member Units

Re: 2023 SWP Table A Water Allocation

Basic Contract Member Units:

On January 26, 2023, the California Department of Water Resources announced that it is increasing the allocation of 2023 State Water Project (SWP) Table A water from 218,908 acre-feet (af) to 1,268,727 af as shown in Attachment 1. This allocation reflects implementation of the Monterey Principles (for those who have signed), and represents at least 30 percent of most SWP contractors' requests.

Attachment 2 represents the 2023 Member Unit allocation based upon the Kern County Water Agency's currently approved allocation of 294,819 af. If you have any questions, or require further information, please contact Veronica Arreola at (661) 634-1480.

Sincerely,

Lauren Bauer

Water Resources Manager

Enclosure

Phone No. (661) 634-1400

Mailing Address 3200 Rio Mirada Drive Bakersfield, CA 93308 State of California

DEPARTMENT OF WATER RESOURCES CALIFORNIA STATE WATER PROJECT California Natural Resources Agency

NOTICE TO STATE WATER PROJECT CONTRACTORS



Date: 1/26/2023

Number: 23-03

Subject: Increase of State Water Project 2023 Allocation to 30 Percent

From:

Ted Craddock

Deputy Director, State Water Project Department of Water Resources

Hed, Cradbal

Due to extreme weather and a series of atmospheric rivers from late December 2022 through January 2023, the Department of Water Resources (DWR) is increasing the State Water Project (SWP) allocation from 5 percent to 30 percent of most¹ SWP contractors Maximum Annual Table A amounts.

Based on currently available information, the 30 percent Table A allocation should be sufficient to eliminate all contractors' provisional human health and safety (HH&S) allocations identified in the Notice to State Water Project Contractors 22-04, Initial 2023 Allocation.

In determining available SWP supplies, DWR has considered several factors including SWP contractors' projected 2023 demands, existing storage in SWP conservation facilities, estimates of future runoff, SWP operational and regulatory requirements from the federal Endangered Species Act and California Endangered Species Act, and water rights obligations under the State Water Resources Control Board's authority. DWR may revise the SWP allocation if warranted by the year's developing hydrologic conditions and available SWP water supplies.

DWR will utilize the 30 percent schedules submitted by the Contractors in October 2022 (as part of initial requests), including any subsequent updates that may have been

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¹ Attachment A presents these allocations.

State of California

DEPARTMENT OF WATER RESOURCES CALIFORNIA STATE WATER PROJECT

California Natural Resources Agency

provided to DWR. If a contractor foresees any changes to their water delivery schedule, please communicate such changes with DWR in a timely manner.

If you have any questions or need additional information, please contact John Leahigh, Assistant Division Manager, Water Management, SWP Division of Operations and Maintenance, at (916) 902-9876.

Attachment A: Updated 2023 SWP Allocation Table

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Attachment A 2023 STATE WATER PROJECT ALLOCATION Updated 1/26/2023

	TABLE A	TABLE A	TABLE A	TABLE A
	(Acre-Feet)	INITIAL REQUEST	APPROVED	PERCENT INITIAL
01177 0011771 07070	(7.0.0 1.00.)	(Acre-Feet)	ALLOCATION	REQUEST
SWP CONTRACTORS		(7101011001)	(Acre-Feet)	APPROVED
			(Acic-i cct)	ATTROVED
	(1)	(2)	(3)	(4) = (3)/(2)
FEATHER RIVER	27 500	27 500	40.500	000/
County of Butte	27,500	27,500	16,500	60%
Plumas County FC&WCD	2,700	2,700	810	30%
City of Yuba City	9,600	9,600	3,840	40%
Subtotal	39,800	39,800	21,150	
Napa County FC&WCD	20.025	20.025	44.040	400/
	29,025	29,025	11,610	40%
Solano County WA	47,756 70,784	47,756	19,103	40%
Subtotal SOUTH BAY	76,781	76,781	30,713	
Alameda County FC&WCD, Zone 7	80,619	80,619	24 406	200/
Alameda County FC&VVCD, Zone / Alameda County WD	42,000	42,000	24,186 12,600	30% 30%
Santa Clara Valley WD	100,000	100,000	30,000	30%
Subtotal	222,619	222,619	66,786	30%
SAN JOAQUIN VALLEY	222,013	222,019	00,700	
Oak Flat WD	5,700	5,700	1 710	30%
County of Kings	9,305	9,305	1,710 2,792	30%
Dudley Ridge WD	41,350	41,350	12,405	30%
Empire West Side ID	3,000	3,000	900	
Kern County WA	982,730		294.819	30%
Tulare Lake Basin WSD				30% 30%
Subtotal	1,129,556	1,129,556	26,242 338,868	30%
CENTRAL COASTAL	1,120,000	1,123,330	330,000	
San Luis Obispo County FC&WCD	25,000	25,000	7,500	30%
Santa Barbara County FC&WCD	45,486	45,486	13,646	30%
Subtotal	70,486	70,486	21,146	30%
SOUTHERN CALIFORNIA	70,400	70,400	21,140	
Antelope Valley-East Kern WA	144,844	144.844	43,454	30%
Santa Clarita Valley WA	95,200	95,200	28,560	30%
Coachella Valley WD	138,350	138,350	41,505	30%
Crestline-Lake Arrowhead WA	5,800	5,800	1,740	30%
Desert WA	55,750	55,750	16,725	30%
Littlerock Creek ID	2,300	2,300	690	30%
Metropolitan WDSC	1,911,500	1,911,500	573,450	30%
Mojave WA	89,800	89,800	26,940	30%
Palmdale WD	21,300	21,300	6,390	30%
San Bernardino Valley MWD	102,600	102,600	30,780	30%
San Gabriel Valley MWD	28,800	28,800	8,640	30%
San Gorgonio Pass WA	17,300	17,300	5,190	30%
Ventura County WPD	20,000	20,000	6,000	30%
Subtotal	2,633,544	2,633,544	790,064	0070
TOTAL	4,172,786	4,172,786	1,268,727	30%

2023 Kern County Water Agency Current State Water Project Allocation (Estimate as of 01/27/23)

	(1)	(2)	(3)	(4)
Ĺ.	Firm [1]	Surplus	Total	
KCWA Table 1 Ent (AF)	982,730	94,098	1,076,828	
Current DWR Allocation:		_		
Allocation to KCWA (AF)	294,819	0	294,819	
Supply (%)	30.00%	0.00%	27.38%	
Shortage (AF)	687,911	94,098	782,009	
Deficiency (%)	70.00%	100.00%	72.62%	
				Current
		2023		Allocation
	Ta		to MU's (30% of	
-	Firm [1]	ble 1 Entitlement Surplus	Total	Firm Ent)
Member Units:	(AF)	(AF)	(AF)	(AF)
Berrenda Mesa WD	92,600	6,301	98,901	27,780
Lost Hills WD	119,110	0,00	119,110	35,733
Belridge WSD	121,508		121,508	36,452
Semitropic ID	155,000	24,762	179,762	46,500
Cawelo WD	38,200	6,800	45,000	11,460
Improvement Dist 4 - Ag	5,946	899	6,845	1,784
Improvement Dist 4 - M&I	77,000		77,000	23,100
Rosedale-Rio Bravo WSD	29,900	5,100	35,000	8,970
Buena Vista WSD	21,300	3,750	25,050	6,390
Kern Delta WD	25,500	4,500	30,000	7,650
Henry Miller WD.	35,500	6,250	41,750	10,650
West Kern WD - M&I	25,000	5,255	25,000	7,500
West Kern WD - Ag	6,500		6,500	1,950
Wheeler Ridge-Maricopa WSD	197,088	34,205	231,293	59,126
Tehachapi-Cummings CWD - Ag	4,300	700	5,000	1,290
Tehachapi-Cummings CWD - M&I	15,000		15,000	4,500
Tejon-Castac WD - M&I	2,000		2,000	600
Tejon-Castac WD - Ag	3,278	471	3,749	984
KCWA	8,000	360	8,360	2,400
Total	982,730	94,098	1,076,828	294,819
		*		1072
Total Ag	863,730	94,098	957,828	259,119
Total M&I	119,000	0	119,000	35,700
:-	982,730	94,098	1,076,828	294,819

^{[1] -} Reflects 40,670 AF relinquished (KWB), 25,000 AF sold (BMWD to Mojave WD); 41,000 AF sold (WSD to Castaic WD); 4,000 AF sold (BWSD to Palmdale WD); 15,000 AF sold (LHWD to Alameda Zone 7); 7,000 AF sold (BMWD to Alameda Zone 7), 10,000 AF sold (BWSD to Alameda Zone 7); 5,756 AF sold (BWSD to Solano County WA); 4,025 AF sold (BWSD to Napa County FC&WCD); 6,500 AF sold (BMWD to WKWD); 2,219 AF (BWSD to Alameda Zone 7); 12,000 AF sold (BMWD to Coachella Valley WD); and 4,000 AF sold (BMWD to Desert WA).

0

8,000

8,000

Western Hills WD.....

350



				1					Plans		l Process	
Project #	Status	Organization	Project Facility Location		Location		Received Reviewed EP		Board	Comments		
1	P	AEWSD	FFP Inter-tie	Eastside Canal	South of Muller Road	-	-	X	-	Construction slated for December 2022		
2	P	AT&T	Install fiber crossing	Central Branch Canal	Panama Lane	X	X	X	-	Construction TBD		
3	P	Cal Water	Well Purge/Tie-In	Multiple	Multiple	_	_	_	-	Reveiewing water quality data		
4	P	Caltrans	Pumpkin Center	Multiple	Taft Hwy	_	_	_	X	Grant Deeds reviewed		
5	P	DeWalt	Culvert Extension	Kern Island Main Canal	South of Hosking	X	P	_	X	Ongoing		
6	P	KC Superintendent of Schools	Block Wall	East Branch Canal	Union Ave					Staff yet to receive plans		
7	P	KDWD	Grading	Old River Basins	North of Taft Hwy	-	-	-	X	Construction underway		
8	P	KDWD	Pumps and pipeline(s)	Sunset Basins	North of Sunset Blvd	X	X	-	X	Construction underway		
9	P	KDWD	Wells	Old River Basins	North of Taft Hwy	-	-	-	X	Need to selcect consulting engineer		
10	P	Lane Engineers	Culvert Extension	Kern Island Main Canal	North of Taft Hwy	X	P	-	X	No update		
11	P	Lane Engineers	Utility crossing	Kern Island Main Canal	North of Taft Hwy	X	P	X	-	No update		
12	P	Laurel Ag	New turnout	Eastside Canal	End of Eastside	X	P	X		Under review		
13	P	LAV // Pinnacle	Pipeline & Realignment	Branch One Canal	South of Taft Hwy	-	-	-	X	No update		
14	P	McIntosh & Associates	Pipeline & Realignment	Section 31 Ditch	North of McCutchen	X	X	-	X	Waiting for new turnout structure		
15	P	McIntosh & Associates	Fencing, Road crossing	Burness Ditch	North of Taft Hwy	X				Plans under review		
16	P	McIntosh & Associates	Pipeline & Realignment	Branch II Canal	North of McKee	X	P	-	X	Zeiders working with McIntosh		
17	P	McIntosh & Associates	Wrought Irion Fencing	Branch One Canal	East of Hwy 99	X	X	X	-	Waiting for contractor insurance		
18	P	McIntosh & Associates	Pipeline & Realignment	Branch II & Stine Canal	West of Gosford	-	-	-	X	No update		
19	P	Memorial	Solar Project	Eastside Canal	North of 34th Street	-	-	-	X	No update		
20	P	Panama Buena Vista USD	Pipeline & Realignment	Randall Ditch	West and East of Gosford					Staff met with school district		
21	P	PG&E	Bridge removal	Eastside Canal	North of 30th Street	-	-	-	X	Expected to be completed by Feb 8th, 2023		
22	P	PG&E	Undgerounding power, 34th St	Multiple	34th Street	X	X	X	-	No update		
23	P	WRMWSD/KDWD	5G Tie-In	Buena Vista	North of S. Lake Rd	-	-	-	-	On going staff discussions		
24	С	Cal Water	Waterline	Kern Island Main Canal	N Street	X	X	X	-	Complete		
25	C	EDP Renewables	Canal Access	Rim Ditch	Between I-5 and Ashe	-	-	-	X	Complete		
26	C	KDWD	Traveling Screens	Central Branch Canal	North of AE Intake Canal	-	-	-	X	Complete		
27	C	Murray Family Farms	Install sign	Rim Ditch	North of Rim Ditch	X				Complete		
28	C	KDWD	Annual Engineering Report	N/A	N/A	-	-	-	-	Complete		
29	C	KDWD	2021 Crop Report	N/A	N/A	-	-	-	-	Complete		
30	C	PG&E	Overhead Power	Central Branch Canal	South of Panama Lane	X	X	X	-	Complete		
31	C	Power Plus!	Temp Overhead Power	Central Branch Canal	Central near KD-02 Site	X	X	X	-	Installed		
32	C	South Valley	Well discharge	Kern Island Main Canal	South of McKee	X	X	X	-	Purge well into canal		
33	C	Swanson Engineers	Branch One Easement	Branch One Canal	Planz Road	X	X		X	Quitclaim of old easement needs to be recorded		
34	C	Cal Water	New water line crossing	13 Ditch	South of Shafter Rd	-	-	X	-	Bore completed. Waiting for temp line to be removed		
35	C	PG&E	Overhead Power	Stine Canal	North of McCutchen	X	X	X		Overhead power installed		
36	C	KHSD	Pedestrian path	Central Branch Canal	North of Panama Lane	X	X	X	-	Temporary pedestrian path insalled		
37	C	McIntosh & Associates	Culvert Extension	Eastside Canal	South of Redbank	X	X	-	X	Culvert Extension completed		
38	C	Kern Oil Refining	Relocate vents	Central Branch Canal	Panama Lane	X	X	X	-	Relocation of existing vets		
39	C	KDWD	Fencing	Banking Ponds	Romero, KI, B1 Basins	-	-	-	X	Board approved contract with Lamont Fence		
40	C	KDWD	East Branch Canal Pipeline	East Branch Canal	South of Casa Loma	-	-	-	-	Busted pipeline		
41	C	Watson AG/2B Farming	Canal crossing	Stine Canal	South of Taft Hwy	X	X	X				