



REGULAR BOARD OF DIRECTORS MEETING

501 Taft Highway
Bakersfield, California

TUESDAY, March 21, 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. Three Matters.

REGULAR SESSION:

1:00PM

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 7, 2023.
 - B.** Approval of February/March District Construction and Water Banking Project(s) 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 16, 2023.
 - i.** Approval of February 2023 Financial Reports.
 - B.** Approval of Resolution 2023-02 – Setting District State Water Tolls (Recommended by the

Business and Finance Committee).

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 7, 2023.

- i. District Encroachment Permit Report.
 - a. Review and approval of Encroachment Permit for Hathaway LLC on the Eastside Canal.
- ii. District Facility and Banking Maintenance Report.
- iii. Pending Development Projects.
- iv. Old River & Sunset Groundwater Banking Projects Update.

V. WATER RESOURCES REPORT (The Board will consider various items and issues relating to the Kern River of interest to the District.)

A. District Watermaster Report.

- i. State Water Project – 35%.
- ii. Kern River Runoff Forecast February B120 – 351% A-J.

B. Kern River Watermaster Report.

- i. Isabella Dam Safety Remediation Report.

C. District Groundwater Manager 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. Verbal

- i. WAKC Water Summit March 24, 2023.
- ii. Discussion with City of Bakersfield – Potential Kern Island / Eastside Canal Projects.
- iii. 2023 Water Management.

B. External Agency Report.

C. Water Banking Projects Report.

VII. ATTORNEY'S REPORT (Legal Counsel will discuss, and the Board will consider items and issues of legal interest to the District.)

A. Form 700 Reminder – April 1, 2023

B. Legislative Update.

- i. VAWC 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 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.

Tab II





To: Kern Delta Water District Board of Directors

From: Steven Teglia – General Manager

Date: March 21, 2023

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 7, 2023 (attached).

II B. Approval of February/March District Construction and Water Banking Project(s) Disbursements totaling \$1,276,169.50* (attached), partially recommended for approval by the Operations and Projects Committee (*see March 7, 2023 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 16, 2023, Business and Finance Committee Minutes for additional detail*).

**The total includes disbursements approved by the Operations and Projects Committee (\$432,736.77) and an additional amount (\$843,432.73) for invoices which came in after February 7, 2023 and were subsequently recommended for approval by the Business and Finance Committee on February 16, 2023).*



MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS

March 7, 2023

TUESDAY, March 7, 2023, 12:03PM – 1:41PM

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

DIRECTORS ABSENT: None.

STAFF PRESENT: General Manager Teglia, Assistant General Manager Bellue, General Counsel Iger, Water Resources Manager Mulkay, Controller Duncan, Staff Engineer Deleon, and Administrative Assistant Rodriguez.

OTHERS PRESENT: None.

CLOSED SESSION DECLARED AT 12:03PM

President Palla called to order the Closed Session of the Kern Delta Board of Directors at 12:03PM 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 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.

Closed Session concluded at 1:29PM.

REGULAR SESSION DECLARED AT 1:30PM

President Palla called to order the Regular Session of the Kern Delta Board of Directors at 1:30PM.

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

Item A: No reportable action.
Item B: No reportable action.

INTRODUCTION OF GUESTS AND PUBLIC

Those listed as others present above were introduced.

I. PUBLIC COMMENT

None.

II. MANAGER'S REPORT

A. Approve Minutes of the Regular Board Meeting of February 21, 2023:

M/S/C (Antongiovanni/Spitzer) (yes-9, no-0): By unanimous vote the Board approved the minutes from the regular board meeting of February 21, 2023, as presented.

B. - B(i). Verbal Report: General Manager Teglia provided a report on several items including an update regarding current conditions and SWP water allocation, and a reminder to the Board about the March 24, 2023 WAKC Water Summit.

B(ii). Authorization for Emergency Repair/Replacement of the 13 Ditch Return to the Kern Island Canal (Amount to be Determined): Staff provided a brief report regarding the recent findings regarding the failure of the 13 Ditch Return structure. Staff explained the importance of this structure and the need to repair/replace the structure and associated pipeline under emergency circumstances utilizing an outside contractor. At the time of the agenda posting the amount was unknown, however staff was able to report to the Board that Ruben's Pipeline Inc was able to complete the project for an amount not to exceed \$57,375.

M/S/C (Mendonca/Spitzer) (yes-8, no-0, abstain-1): By unanimous vote, with Director Antongiovanni abstaining, the Board authorized staff to move forward with the emergency repair/replacement of the 13 Ditch Return and pipeline utilizing Ruben's Pipeline Inc, in an amount not to exceed \$57,375.

B(iii). County Road Crossing – Eastside Canal at Buena Vista Blvd: Staff provided a brief report regarding the failure of the County road crossing of the Eastside Canal at Buena Vista Blvd. Staff reported that they had been in communication with the County and plans to address the situation were being developed.

III. BOARD MEMBER COMMENTS

None.

IV. ADJOURNMENT:

There being no further business, President Palla adjourned the meeting at approximately 1:41PM.

Respectfully Submitted,



Steven Teglia, General Manager

Approved by Board,



Richard Tillema, Board Secretary



To: Kern Delta Water District Board of Directors

From: Steven Teglia

Date: March 21, 2022

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 -- \$30,265.77; 3) Kern Delta Water District construction -- \$00.00. The total expenditure in February for these areas is \$30,265.77 (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) PG&E – \$64.70 (AE-03, Power/stand-by energy cost for the wells associated with the Water Banking water production)
- 2) PG&E – \$119.24 (AE-04, Power/stand-by energy cost for the wells associated with the Water Banking water production)
- 3) PG&E – \$41.99 (FR-03, Power/stand-by energy cost for the wells associated with the Water Banking water production)
- 4) PG&E – \$156.20 (KD-02, Power/stand-by energy cost for the wells associated with the Water Banking water production)
- 5) PG&E – \$11.71 (OR Booster, Power/stand-by energy cost for the wells associated with the Water Banking water production)
- 6) Quinn – \$2,938.92 (Repairs #402)
- 7) Stephen B. Smith Veg – \$7,590.00 (Weed Control)
- 8) Target Specialty – \$12,700.34 (Sonar Genesis)
- 9) Target Specialty – \$6,642.67 (Roundup, Cheetah)

Third group (Kern Delta Construction)

KERN DELTA WATER BANKING PROGRAM DISBURSEMENTS
RECOMMENDED BY THE OPERATIONS & PROJECTS COMMITTEE
Tuesday, March 7, 2023

#	PAYEE	AMOUNT	CHECK	
1	PGE - AE3	Well Utilities	64.70	3564
2	PGE - AE4	Well Utilities	119.24	3565
3	PGE - FR3	Well Utilities	41.99	3566
4	PGE - KD2	Well Utilities	156.20	3567
5	PGE - OR BOOSTER	Well Utilities - Account Closed	11.71	3568
6	QUINN	Repairs #402	2,938.92	3569
7	STEPHEN B. SMITH VEG	Weed Control	7,590.00	3570
8	TARGET SPECIALTY	Sonar Genesis	12,700.34	3571
9	TARGET SPECIALTY	Roundup, Cheetah	6,642.67	3572
TOTAL		30,265.77		

The following were received after the March 7, 2023 Operations & Projects Committee meeting and will be reviewed at the March 16th, 2023 Business and Finance Committee meeting.

□

#	PAYEE		AMOUNT	CHECK
1	KCWA	2023 2nd Qtr. CVC	300,553.00	3573
2	PGE - KB3	Well Utilities	45.87	3574
3	PGE - BV3	Well Utilities	7.54	3575
4	PGE - BV2	Well Utilities	27.00	3576
5	PGE - KB4	Well Utilities	56.56	3577
6	PGE - KB1	Well Utilities	61.24	3578
7	PGE - FR1	Well Utilities	29.30	3579
8	PGE - AE1	Well Utilities	137.00	3580
9	PGE - FR2	Well Utilities	7.57	3581
10	PGE - BV5	Well Utilities	7.48	3582
11	PGE - KB6	Well Utilities	61.29	3583
12	ZEIDERS CONSULTING	Old River Consulting	26,672.75	3584
13	CROSS LANDLEVELING	Progress Payment 2	389,213.19	3585
TOTAL			716,879.79	

SUNSET WATER BANKING PROGRAM DISBURSEMENTS
RECOMMENDED BY THE OPERATIONS & PROJECTS COMMITTEE

Tuesday, March 7, 2023

#	PAYEE		AMOUNT	CHECK
1	PACIFIC PREMIER BANK	Retainage	20,123.55	20
2	SPECIALTY CONSTRUCTION, INC.	Progress payment 4	382,347.45	21
TOTAL			402,471.00	

The following were received after the March 7th, 2023 Operations & Projects committee meeting and will be reviewed at the March 16th, 2023 Business and Finance Committee meeting. □

□

#	PAYEE		AMOUNT	CHECK
1	ZEIDERS CONSULTING	Consulting & Design	126,552.94	22
TOTAL			126,552.94	

KERN DELTA WATER DISTRICT
DISBURSEMENTS RECOMMENDED BY THE BUSINESS AND FINANCE COMMITTEE
Thursday, March 16, 2023

FEBRUARY 2023 SUB TOTAL \$ 245,856.98

# PAYEE	AMOUNT	CHECK
1 ADVANCED DISTRIBUTION - Fuse Holder, Lights, Blade, Grease Gun	281.36	46329
2 AG SPRAY EQUIPMENT - O-Ring	26.74	46330
3 AGILITECH, IES - Change Order 1	2,963.30	46331
4 AMERICAN BUSINESS MACHINES - Toner	15.00	46332
5 AMERICAN HYDROTECH - Lawn Service	325.00	46333
6 AMERIFUEL - Fuel	7,612.34	46334
7 BATTERY SYSTEMS, INC. - Battery #225	277.28	46335
8 BLUE PRINT SERVICE CO. - Copies, Maps	1,861.67	46336
9 CARQUEST, INC. - Tire Patches, Glue, Grease Gun Cert	32.62	46337
10 CORE & MAIN - 48" HDPE Pipe	11,630.62	46338
11 DANIELS TIRE SERVICE - Spare Tires, Flat Repair #326	823.56	46339
12 ELLISON, SCHNEIDER & HARRIS L.L.P. - Professional Services	33,935.71	46340
13 GRAINGER - Light For Shop	400.76	46341
14 CRYSTAL CLEAN, LLC - Oil Waste Removal	225.00	46342
15 HOME DEPOT CREDIT SERVICES - Recycling Bins	71.94	46343
16 JIM BURKE FORD - Transmission Mount #214	116.10	46344
17 KERN FAN MONITORING COMMITTEE - 2022 Inst #2	5,410.00	46345
18 MARCOM GROUP - Website Hosting	95.00	46346
19 O'REILLY AUTO PARTS - Silicone, Additives, Belt #T14	31.50	46347
20 PACIFIC GAS & ELECTRIC - Office Utilities	2,587.88	46348
21 PITNEY BOWES - Postage Lease	260.80	46349
22 PRINCIPAL LIFE INSURANCE - 03/01/23-03/31/23	4,804.61	46350
23 PROGRESSIVE TECHNOLOGY, INC. - Phone Service	440.58	46351
24 QUINN - Filters #403, Latches #404, Emissions Repair #403	4,113.69	46352
25 RAY MORGAN COMPANY - 2023 Support Agreement	3,212.50	46353
26 RELIABLE JANITORIAL - Cleaning Service	1,185.00	46354
27 SAN JOAQUIN TRACTOR CO. - Oil & Air Filters	118.97	46355
28 SPECTRUM - Internet Service	373.69	46356
29 STINSON STATIONERS - Office Supplies	341.24	46357
30 TARGET SPECIALTY PRODUCTS - 30-Gallons	695.39	46358
31 WEST - Patrol Service	1,408.55	46359
32 TRUCKPRO, LLC - U-Joint	396.16	46360
33 U.S. IRRIGATION - Bait Stations	192.10	46361
34 VERIZON - Cell Service	656.12	46362
35 WHITE CAP - Cement Vibrator	1,565.93	46363
36 SPARKLE - Uniforms, Towels, Mats	1,261.50	46364
37 SPRAYTEC - 750gal Sprayer #329	80,622.50	46365
38 STERLING HSA - Dec. Admin Fee	125.00	Wire
39 STERLING HSA - Feb. Admin Fee	125.00	Wire
40 PAYROLL #4	71,358.32	Wire
41 PAYROLL PEOPLE #4	163.10	Wire

42 EDD-STATE P/R #4	4,296.35	Wire
43 EFT-IRS P/R #4	23,160.46	Wire
44 LINCOLN LIFE - retirement program	12,397.68	Wire
45 LINCOLN LIFE - deferred comp.	2,929.45	Wire
46 EMPOWER - deferred comp.	1,715.00	Wire
FEBRUARY 2023 TOTAL		532,500.05

# PAYEE	AMOUNT	CHECK
1 A-1 ANSWERING SERVICE - Answering Service	596.15	46366
2 AGRICULTURAL ENERGY CONSUMERS ASSOCIATION - 2023 Membership Dues	1,000.00	46367
3 AMERICAN HYDROTECH - Lawn Service	325.00	46368
4 AMERIFUEL - Fuel	7,730.10	46369
5 CITIZENS - Subscriptions, Office Supplies, Lunch	6,819.26	46370
6 CITY OF BAKERSFIELD - 2022 4th Qtr Isabella/Clearing	64,695.08	46371
7 GREENFIELD COUNTY WATER DIST. - Office Utilities	98.09	46372
8 HALL LETTER SHOP - Business Cards	161.95	46373
9 INDUSTRIAL MEDICAL GROUP - Physicals	1,500.00	46374
10 INTERNATIONAL WATER SCREENS - Installment 2	83,401.01	46375
11 J & E RESTAURANT SUPPLY - Ice Machine	5,791.38	46376
12 KERN COUNTY PUBLIC WORKS - Dump Fees	3,191.74	46377
13 KERN COUNTY RECORDER - Redemptions 03/08/2023	60.00	46378
14 KERN COUNTY WATER AGENCY - 2nd Qtr Cvc O&M Standby	6,235.72	46379
15 KERN DELTA WATER BANKING PROJECT - 2023 2nd Qtr Cvc	75,138.25	46380
16 LOWE'S BUSINESS ACCOUNT - Cement, Coupler, Cap	259.46	46381
17 McMURTREY, HARTSOCK, et al. - February Professional Services	12,551.00	46382
18 NORTH KERN WATER STORAGE DISTRICT - Weather Mod	9,762.05	46383
19 PACIFIC GAS & ELECTRIC - Office Utilities	12.42	46384
20 PRICE DISPOSAL - Waste Removal	15.05	46385
21 PROGRESSIVE TECHNOLOGY, INC. - It Support	1,438.25	46386
22 SSD ALARM - Alarm Service	1,074.90	46387
23 STERICYCLE, INC. - Shred Service	111.65	46388
24 VERIZON CONNECT - Gps Service	178.45	46389
25 FANUCCHI ROBERT - Member Fees 01/23-02/23	300.00	46390
26 FRED GARONE - Member Fees 01/23-02/23	400.00	46391
27 GEORGE BORBA - Member Fees 01/23-02/23	300.00	46392
28 JOEY MENDONCA - Member Fees 01/23-02/23	200.00	46393
29 JOHN KAISER - Member Fees 01/23-02/23	500.00	46394
30 KEVIN ANTONGIOVANNI - Member Fees 01/23-02/23	500.00	46395
31 RICHARD TILLEMA - Member Fees 01/23-02/23	500.00	46396
32 RODNEY PALLA - Member Fees 01/23-02/23	1,000.00	46397
33 ROSS E. SPITZER - Member Fees 01/23-02/23	300.00	46398
34 UNITED AG BENEFIT TRUST - 04/2023 Medical Premium	29,542.84	46399
35 PAYROLL #5	75,825.58	Wire
36 EFT-IRS P/R #5	24,306.50	Wire
37 EDD-STATE P/R #5	4,537.95	Wire
38 PAYROLL PEOPLE #5	168.80	Wire

39 LINCOLN LIFE - retirement program	12,546.48	Wire
40 LINCOLN LIFE - deferred comp.	2,929.45	Wire
41 EMPOWER - deferred comp.	1,715.00	Wire
42 PAYROLL #6	76,212.85	Wire
43 EFT-IRS P/R #6	24,173.15	Wire
44 EDD-STATE P/R #6	4,400.72	Wire
45 PAYROLL PEOPLE #6	173.15	Wire
46 <u>CENTRALIZE HR - admin fee</u>	1,895.00	Wire
MARCH 2023 SUBTOTAL		544,574.43

KERN DELTA WATER DISTRICT**Anticipated Disbursements - Month End - March 2023**

Payee	Reason	March 2023 Estimated
ADVANCED DIST.	truck maintenance/repair	250.00
AG SPRAY EQUIPMENT	spray parts	150.00
AGILITECH	trash screens installation	2,500.00
AMERICAN HYDROTECH	lawn service	325.00
AMERIFUEL	gas/diesel fuel	8,000.00
B & G MACHINE & WELDING	welding service	300.00
BATTERY SYSTEMS	vehicle maintenance	300.00
BLUE PRINT SERVICE CO.	blue prints	1,500.00
BSE RENTS	concrete	250.00
BUDGET BOLT	maintenance materials	150.00
CARQUEST	brake fluid, lube	250.00
CITIZENS CARDMEMBER SERV	misc expenses	4,000.00
CORE & MAIN	pipe	5,000.00
COUNTRY TIRE	vehicle tires	1,000.00
COX, CASTLE & NICHOLSON LLP	professional services	5,000.00
DANIELS TIRE SERVICE	vehicle tires/repair	400.00
DERREL'S MINI STORAGE	storage rental	1,004.40
ELLISON, SCHNEIDER & HARRIS	professional services	10,000.00
EMPOWER	deferred comp contributions	1,715.00
GRAINGER	safety materials	400.00
HALL LETTER SHOP	mass mailing service	300.00
HERITAGE - CRYSTAL CLEAN LLC	waste oil removal	225.00
HOME DEPOT	maintenance materials	100.00
INDUSTRIAL MEDICAL GROUP	new hire drug screens, physicals	500.00
JERRY & KEITH'S	truck maintenance/repair	50.00
JIM BURKE	truck maintenance/repair	200.00
K.C. WASTE (PUBLIC WORKS)	dumping	2,500.00
KERN COUNTY RECORDER	lien redemption	100.00
LINCOLN FINANCIAL	pension/deferred comp contributions	15,475.00
MARCOM GROUP	district web site support	95.00
MOSSMAN'S	catering	325.00
O'REILLY AUTO PARTS	vehicle repair parts	100.00
P.G.&E.	district office utilities	2,750.00
PITNEY BOWES	postage	260.80
PRINCIPAL LIFE INS.	dental/vision/life insurance premium	4,804.61
PROGRESSIVE TECH.	IT and computer system support	450.00
QUINN	motorgrader maintenance/repair	2,500.00
RELIABLE JANITORIAL	janitor service	1,185.00
SCHWEBEL PETROLEUM	oil/lubricants	1,250.00
SPARKLE	uniform/laundry service	1,200.00
SPECTRUM	internet access	373.69
SSD SYSTEMS	office alarm monitoring	250.00
STERICYCLE, INC (Shred-it)	office shredding and disposal	118.00
STERLING ADMINISTRATION	medical insurance - annual fees	125.00
STINSON'S	office supplies	350.00
TARGET	weed control chemicals	5,000.00
TRANS-WEST	drive-by security monitoring	1,408.55
UNITED AG	medical insurance premium	30,500.00
VERIZON	cell phones and service	700.00
WHITE CAP	maintenance peripherals	500.00
		<u>116,190.05</u>

Tab III





BUSINESS & FINANCE COMMITTEE MEETING

**501 Taft Highway
Bakersfield, CA**

**THURSDAY, March 16, 2023
10:00AM**

A G E N D A

- 1. Call to Order**
- 2. Public Comment Period**
- 3. Approve Minutes of February 16, 2023, Special Meeting of the Business & Finance Committee**
- 4. Financial Reports and Disbursements:**
 - a. Approve February and March District and Banking Project(s) Disbursements
 - b. Approve February 2023 Financial Reports
- 5. District Controller's Report:**
 - a. Review of District Investments
 - b. Resolution 2023-02 – 2023 State Water Tolls
- 6. Committee Comments**
- 7. 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 13, 2023
Bakersfield, California**

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MINUTES OF THE BUSINESS & FINANCE COMMITTEE MEETING
Thursday, March 16, 2023

DIRECTORS PRESENT: Antongiovanni, Garone and Kaiser.

OTHERS PRESENT: From KDWD: General Manager Teglia, Water Resources Manager Mulkay, Assistant General Manager Bellue, Controller Duncan, General Counsel Iger, Hydrographer Hyatt, and Administrative Assistant Rodriguez.

1. CALL TO ORDER

Chair Antongiovanni called the meeting to order at 10:04 A.M.

2. PUBLIC COMMENTS

None.

3. APPROVAL OF PREVIOUS COMMITTEE MEETING MINUTES

- a. **M/S/C (Kaiser/Garone) (yes – 3, no – 0):** The Business & Finance Committee approved the minutes of the Special Business & Finance Committee meeting held on February 16, 2023, as presented.

4. FINANCIAL REPORTS AND DISBURSEMENTS

- a.- b. Approval of February 2023 and March 2023 Disbursements and February 2023 Financial Reports.

M/S/C (Kaiser/Garone) (yes – 3, no – 0): The Business & Finance Committee recommends the Board approve the February 2023 and March 2023 District Disbursements, the February 2023 and March 2023 Water Banking Projects' Disbursements, the anticipated March 2023 end of month Disbursements, and the February 2023 District and Water Banking Projects' Financial Statements, Treasurer's Reports, and Delinquency Report as presented.

5. DISTRICT CONTROLLER'S REPORT

- a. Review of District Investments.

Staff reviewed recent performance of investments held in US Treasuries and at JP Morgan and current yields available. No changes in current portfolio were recommended.

- b. Resolution 2023-02 – 2023 State Water Tolls

M/S/C (Kaiser/Garone) (yes – 3, no – 0): The Business & Finance Committee recommends the Board adopt Resolution 2023-02 "Revising District State Water Tolls" which sets District State Water Tolls at the rates approved in 2022 and currently in force. Additionally, the Committee recommends that State Water will not be forced or blended in water charges to growers until Utility and/or Transfer Water supplies are no longer available in 2023.

6. DIRECTORS' COMMENTS

None.

7. ADJOURN

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

Respectfully submitted,

Kevin Antongiovanni – Chair

**Kern Delta Water District
Balance Sheet
As of February 28, 2023**

	<u>02/28/2023</u>	<u>01/31/2023</u>	<u>Month-to-Month Variance</u>
Assets			
Current Assets			
Cash & Cash Equivalents	21,015,518	20,862,589	152,928
Accounts Receivable	651,976	1,077,717	(425,739)
Inventory & Prepaid Expenses	587,314	611,645	(24,332)
Total Current Assets	<u>22,254,808</u>	<u>22,551,951</u>	<u>(297,143)</u>
Net Fixed Assets			
Fixed Assets			
District Structures, Rights of Way	18,056,787	18,056,787	0
CVC Expansion	8,776,668	8,776,668	0
Machinery & Equipment	3,019,017	2,933,865	85,152
Fixed Assets	<u>29,852,472</u>	<u>29,767,320</u>	<u>85,152</u>
Less Accumulated Depreciation	<u>(7,722,423)</u>	<u>(7,673,422)</u>	<u>(49,000)</u>
Net Fixed Assets	<u>22,130,049</u>	<u>22,093,898</u>	<u>36,152</u>
Investment in Joint Powers Authority	<u>7,922</u>	<u>7,922</u>	<u>0</u>
Investment in Banking Project	<u>9,527,538</u>	<u>9,527,537</u>	<u>0</u>
Investment in Sunset Banking Program	<u>500,000</u>	<u>500,000</u>	<u>0</u>
Total Assets	<u>54,420,317</u>	<u>54,681,308</u>	<u>(260,991)</u>
Liabilities & Equity			
Current Liabilities			
Accounts Payable	164,578	211,182	(46,604)
Deposits Held for Others	107,553	107,553	0
Other Liabilities	184,129	177,625	6,504
Total Current Liabilities	<u>456,260</u>	<u>496,360</u>	<u>(40,100)</u>
Long Term Liabilities			
Bonds & COP Debt	3,565,000	3,565,000	0
Bonds Premium & Costs	113,548	113,548	0
Total Long Term Liabilities	<u>3,678,548</u>	<u>3,678,548</u>	<u>0</u>
Equity From Past Years	51,900,586	51,900,586	0
Accumulated Equity - Current Year	<u>(1,615,078)</u>	<u>(1,394,186)</u>	<u>(220,891)</u>
Total Liabilities & Equity	<u>54,420,317</u>	<u>54,681,308</u>	<u>(260,991)</u>

Kern Delta Water District
Cash Variance Analysis
February 28, 2023

Cash Received:

Accounts Receivable Collections	553,970
Share of Property Tax Receipts	77,115
Interest Received	59,825
	<u>690,910</u>

Cash Disbursed:

Disbursements for Goods and Services:

Spraytec - Capital - Weed Spreading Articulating Arm	(80,623)
Professional Services	(48,792)
UPL NA/Target - Weed Chemicals Inventory	(35,072)
Medical/Dental Monthly Insurance Premiums	(34,597)
Diesel/Gas for Fleet	(15,933)
NKWSD - Weather Modification	(14,146)
Core & Main - Pipe - Repair of Failed Xing on BV	(11,631)
Other Disbursements	(58,965)
	<u>(299,757)</u>

Payrolls Paid	(233,336)
	<u>(533,093)</u>

Positive/(Negative) Cash Variance Before FMV Adjustment	157,817
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FMV Adjustment to Kern County Funds	(4,889)
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Adjusted Positive/(Negative) Cash Variance	152,928
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Kern Delta Water District
Accounts Receivable Variance Analysis
February 28, 2023

Revenue Added to Accounts:

Water Sales - Utility Water	100,354
Equalization - 2023 Billing	9,045
COB - Weed Control Charges for 2022	2,500
District Wells Revenue	53

Other Misc Revenues:

Land IQ Reimbursement	5,493
CVC 2021 Reimbursement	5,437
Penalties/Interest/Adjustments	2,484
Misc Leases and Rentals	1,495
Pumping Agreements	700
Other	670

128,231

Cash Received:

Water Payments	(91,125)
Misc Payments	(261,580)
Assessments Payments	(201,264)
	(553,970)

Interest Payments

-

(553,970)

Net positive/(negative) variance

(425,739)

**Kern Delta Water District
Inventory/Prepays Variance Analysis
February 28, 2023**

Additions to Accounts:

Weed Control Chemicals Purchased	15,210
Prepaid Additions	3,213
	<hr/>
	18,423

Usage/Amortization:

Chemicals Consumed During Month	(20,595)
Amortization of Prepaid Accounts	(22,159)
	<hr/>
	(42,754)

Net positive/(negative) variance	(24,332)
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Kern Delta Water District
Statement of Operating Results
Through the Period Ended February 28, 2023

	<u>Current Month</u>	<u>Year to Date</u>	<u>Annual Budget</u> KDWD Budget 2023	<u>YTD as %age of Budget (Target is 17%)</u>	<u>Budget Remaining</u>
REVENUE					
State Water Sales	0	0	1,105,543	0 %	(1,105,543)
Utility Water Sales	100,502	162,842	3,214,296	5 %	(3,051,454)
Seepage Revenue	0	0	750,000	0 %	(750,000)
Equalization	9,046	9,045	9,198	98 %	(153)
Assessments	0	997,686	1,006,879	99 %	(9,194)
Share of County Property Tax	77,115	119,910	6,085,317	2 %	(5,965,406)
Interest Revenue	59,825	36,515	208,045	18 %	(171,530)
Other Revenue	11,246	52,890	250,000	21 %	(197,110)
Water Transfer Charges	0	211,353	835,400	25 %	(624,047)
Expense Reimb From Banking	0	0	150,000	0 %	(150,000)
Total Revenue	<u>257,734</u>	<u>1,590,241</u>	<u>13,614,678</u>	<u>12 %</u>	<u>(12,024,437)</u>
EXPENDITURES					
Source of Supply					
State Water Costs	0	2,164,282	3,500,000	62 %	(1,335,718)
Exchange Fees	0	0	68,850	0 %	(68,850)
Watermaster, City, Isabella	0	(39,430)	435,400	(9) %	(474,830)
Grower Recharge Program Costs	0	0	0	0 %	0
Miscellaneous Source Costs	0	10,099	731,000	1 %	(720,902)
Total Source of Supply	<u>0</u>	<u>2,134,951</u>	<u>4,735,250</u>	<u>45 %</u>	<u>(2,600,300)</u>
Transmission and Distribution					
Labor	214,617	441,512	2,866,402	15 %	(2,424,889)
Employee Benefits	72,577	150,932	990,269	15 %	(839,337)
Maintenance & Repairs	55,482	109,162	1,484,564	7 %	(1,375,402)
Total Transmission and Distribution	<u>342,676</u>	<u>701,606</u>	<u>5,341,235</u>	<u>13 %</u>	<u>(4,639,628)</u>
Administrative & Other Costs					
Engineering Consultants	0	0	50,000	0 %	(50,000)
Legal Expense	0	0	10,000	0 %	(10,000)
Special Legal/Engineering	46,486	59,038	500,000	12 %	(440,962)
Office Operations	19,910	78,675	357,407	22 %	(278,733)
Insurance	15,748	29,424	173,426	17 %	(144,001)
Special Expenses	5,410	230,244	811,000	28 %	(580,756)
Kern River GSA & SGMA	(5,493)	(5,493)	300,000	(2) %	(305,493)
Construction Expense - Peripheral	0	1,005	0	0 %	1,004
Bond Interest Expense	0	0	115,439	0 %	(115,439)
FMV Adjustment	4,888	(122,131)	0	0 %	(122,131)
Depreciation	49,000	98,000	0	0 %	98,000
Total Administrative & Other	<u>135,949</u>	<u>368,762</u>	<u>2,317,272</u>	<u>16 %</u>	<u>(1,948,511)</u>
Total Expenses	<u>478,625</u>	<u>3,205,319</u>	<u>12,393,757</u>	<u>26 %</u>	<u>(9,188,439)</u>
Net Fav/(Unfav) Operating Results	<u>(220,891)</u>	<u>(1,615,078)</u>	<u>1,220,921</u>	<u>(132) %</u>	<u>(2,835,999)</u>

KERN DELTA WATER DISTRICT

Labor and Benefits Tracker

2023

[illegible]

Budgeted Cost

[illegible]

Budget vs Actual Variance - Fav/(Unfav)

[illegible]

KERN DELTA WATER DISTRICT

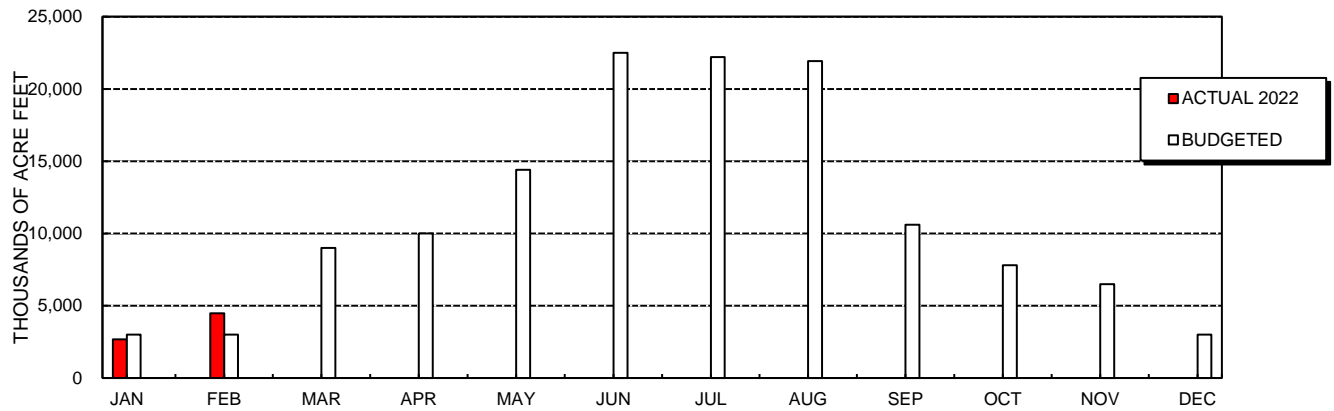
TREASURER'S REPORT

February 2023

	2023	2022	2021	2020
Cash & Securities on hand - February 1, 2023	\$ 20,862,589	\$ 21,302,591	\$ 24,183,021	\$ 20,018,463
Add: February receipts	690,910	495,426	731,939	2,121,233
Less: February disbursements	(537,981)	(498,586)	(712,230)	(1,779,904)
Cash & Securities on hand - February 28, 2023	\$ 21,015,518	\$ 21,299,431	\$ 24,202,731	\$ 20,359,792
Petty Cash \$ 500				
Citizens Business Bank 472,876				
Kern County Treasury 1,973,627				
JP Morgan Money Market 5,019,316				
LPL Financial 13,549,199				
\$ 21,015,518				
Restricted Reserves:				
Restricted Reserve Fund - Water Resources Manager	\$ (289,166)	\$ (300,000)	\$ (300,000)	\$ (300,000)
Unrestricted Reserves:				
Pipeline Maintenance	(216,912)	(213,845)	(213,845)	(213,845)
Water Rights Protection & Litigation Reserve	(3,168,358)	(2,718,358)	2,832,213	(3,227,447)
2015-A COP Reserve Fund	(3,565,000)	(4,015,000)	(4,015,000)	(372,600)
Operating Reserve	(5,000,000)	(5,000,000)	(5,000,000)	
Capital Reserve	(2,000,000)	(2,000,000)	(2,000,000)	
Groundwater Program Reserve	(3,500,000)	(3,500,000)	(3,500,000)	
Total Reserves	\$ (17,739,437)	\$ (17,747,203)	\$ (12,196,632)	\$ (4,113,892)
Cash Available - February 28, 2023	\$ 3,276,081	\$ 3,552,228	\$ 12,006,099	\$ 16,245,900

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

	2022	2023										
	Actual (Accum- ulated)	Budgeted		Actual								
		Monthly	(Accum- ulated)	Monthly				Accumulated				% of Budget
				Utility	State	Contracts	Total	Utility	State	Contracts	Total	
JAN	1,617	3,000	3,000	2,560	0	112	2,672	2,560	0	112	2,672	89%
FEB	6,341	3,000	6,000	4,178	0	298	4,477	6,738	0	411	7,149	119%
MAR	13,072	9,000	15,000									
APR	21,034	10,000	25,000									
MAY	33,412	14,400	39,400									
JUN	44,588	22,500	61,900									
JUL	53,801	22,200	84,100									
AUG	60,468	21,929	106,029									
SEP	66,341	10,600	116,629									
OCT	67,924	7,800	124,429									
NOV	69,652	6,500	130,929									
DEC	70,429	3,000	133,929									



KERN DELTA WATER DISTRICT

Aged Accounts Receivable

Past Due Accounts

March 16, 2023

Account	Name	0-30 Days	31-60 Days	61-90 Days	Over 90 Days	Total Past Due
5864	Rodd Living Trust	736.12	753.65	-	-	1,489.77
	OTHER	0.93	0.91	1.27	59.40	62.51
		737.05	754.56	1.27	59.40	1,552.28

**Kern Delta Water Banking Project
Balance Sheet
As of February 28, 2023**

	<u>02/28/2023</u>	<u>01/31/2023</u>	<u>Month-to-Month Variance</u>
Total Assets			
Current Assets			
Cash & Cash Equivalents	8,095,876	7,977,740	118,136
Due From MWD	820,672	820,672	0
Other Receivables	0	81,114	(81,114)
Inventory and Prepaids	148,355	150,159	(1,804)
Total Current Assets	<u>9,064,903</u>	<u>9,029,685</u>	<u>35,218</u>
Fixed Assets			
All Structures	63,351,349	63,351,349	0
Machinery and Equipment	418,064	418,064	0
Less Accumulated Depreciation	<u>(12,428,254)</u>	<u>(12,371,754)</u>	<u>(56,500)</u>
Fixed Assets Net of Depreciation	<u>51,341,159</u>	<u>51,397,659</u>	<u>(56,500)</u>
Other Assets			
Investment in Sunset Banking Project	1,627,929	1,627,929	0
Total Other Assets	<u>1,627,929</u>	<u>1,627,929</u>	<u>0</u>
Total Assets	<u>62,033,991</u>	<u>62,055,273</u>	<u>(21,282)</u>
Total Liabilities & Equity			
Equity			
Capital Contributions From KDWD	9,527,537	9,527,537	0
Equity From Past Years	52,773,444	52,773,444	0
Accumulative Equity - Current Year	<u>(266,990)</u>	<u>(245,708)</u>	<u>(21,282)</u>
Total Equity	<u>62,033,991</u>	<u>62,055,273</u>	<u>(21,282)</u>
Total Liabilities & Equity	<u>62,033,991</u>	<u>62,055,273</u>	<u>(21,282)</u>

**Kern Delta Water Banking Project
Cash Variance Analysis
February 28, 2023**

Cash Received:

Received From KDWD	6,543
Received From ID#4 - CVC Ops/Power	74,572
Interest Received	28,956
	<u>110,070</u>

Cash Disbursed:

Weed Chemicals Purchased	(19,343)
Weed Control Labor by Others	(7,590)
PG&E - Well Power	(1,290)
Disbursements - Other	(2,952.62)
	<u>(31,176)</u>

Positive/(Negative) Cash Variance Before FMV Adjustment

78,895

FMV Adjustment to Kern County Funds

39,242

Adjusted Positive/(Negative) Cash Variance

118,136

**Kern Delta Water Banking Project
Inventory/Prepays Variance Analysis
February 28, 2023**

Additions to Accounts:

Chemicals Purchased	19,343
	<hr/>
	19,343

Usage/Amortization:

Chemicals Consumed During Month	(21,147)
	<hr/>
	(21,147)

Net positive/(negative) variance	(1,804)
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**Kern Delta Water Banking Project
Statement of Operating Results
As of February 28, 2023**

	<u>Current Month</u>	<u>Year to Date</u>
REVENUE:		
Interest Revenue	28,956	8,556
Total Revenue	<u>28,956</u>	<u>8,556</u>
 EXPENSES		
Other Costs		
Power Cost - Wells	1,290	1,630
CVC Operating Costs	0	147,945
CVC Power Costs	0	1,199
Spreading OM&R	31,676	58,663
Wells OM&R and Other	14	13
FMV Adjustment	(39,242)	(46,903)
Depreciation	56,500	113,000
Total Other Costs	<u>50,238</u>	<u>275,547</u>
Total All Expenses	<u>50,238</u>	<u>275,547</u>
Favorable/(Unfavorable) Operating Results	<u>(21,282)</u>	<u>(266,991)</u>

KERN DELTA WATER BANKING PROJECT

TREASURER'S REPORT

February 2023

	2023	2022	2021	2020
Cash & Securities on hand - February 1, 2023	\$ 7,977,740	\$ 8,081,810	\$ 9,733,442	\$ 13,227,736
Add: February receipts	2,149,312	145,320	594,507	344,660
Less: February disbursements	(2,031,176)	(189,620)	(1,230,735)	(299,405)
Cash & Securities on hand - February 28, 2023	\$ 8,095,876	\$ 8,037,510	\$ 9,097,215	\$ 13,272,991
Citizens Business Bank \$ 637,974 Kern County Treasury 2,009,738 JP Morgan Money Market 2,508,452 LPL Financial 2,939,712 \$ 8,095,876				
Restricted Cash included in above: OM&R Spreading	\$ (83,223)	\$ (224,436)	\$ (375,211)	\$ 518,813
OM&R Extraction	(498,044)	(600,182)	(515,339)	(137,772)
OM&R CVC/Delivery Canal	-	-	-	(3,225,816)
Take/Put Fees	(3,900,399)	(2,538,972)	(1,237,011)	(4,382,706)
Total Restricted	\$ (4,481,666)	\$ (3,363,590)	\$ (2,127,561)	\$ (7,227,481)
Cash Available for Construction - February 28, 2023	\$ 3,614,211	\$ 4,673,920	\$ 6,969,655	\$ 6,045,512

**Sunset Water Banking Project
Balance Sheet
As of February 28, 2023**

	<u>02/28/2023</u>	<u>01/31/2023</u>	<u>Month-to-Month Variance</u>
Assets			
Current Assets			
Cash & Cash Equivalents	1,059,559	1,437,762	(378,202)
Total Current Assets	<u>1,059,559</u>	<u>1,437,762</u>	<u>(378,202)</u>
Fixed Assets			
Construction in Progress	3,166,710	2,764,238	402,471
Total Fixed Assets at Cost	<u>3,166,710</u>	<u>2,764,238</u>	<u>402,471</u>
Net Fixed Assets	<u>3,166,710</u>	<u>2,764,238</u>	<u>402,471</u>
Total Assets	<u>4,226,269</u>	<u>4,202,000</u>	<u>24,269</u>
Liabilities & Equity			
Current Liabilities			
Accounts Payable	0	0	0
Total Current Liabilities	<u>0</u>	<u>0</u>	<u>0</u>
Equity			
Contributions to Equity - KDWD	500,000	500,000	0
Contributions to Equity - KDWBP	1,627,928	1,627,928	0
Contributions to Equity - AEWS	2,127,929	2,127,929	0
Equity From Past Years	(49,350)	(49,350)	0
Accumulated Equity - Current Year	19,762	(4,507)	24,269
Total Equity	<u>4,226,269</u>	<u>4,202,000</u>	<u>24,269</u>
Total Liabilities & Equity	<u>4,226,269</u>	<u>4,202,000</u>	<u>24,269</u>

**Sunset Water Banking Project
Statement of Operating Results
As of February 28, 2023**

	<u>Current Month</u>	<u>Year to Date</u>
Revenue		
Interest Revenue	8,578	14
Miscellaneous Revenue	19	19
Total Revenue	<u>8,597</u>	<u>33</u>
Expenses		
FMV Adjustment	(15,672)	(19,729)
Total Expenses	<u>(15,672)</u>	<u>(19,729)</u>
Fav/(Unfav) Operating Results	<u>24,269</u>	<u>19,762</u>

SUNSET BANKING PROJECT

TREASURER'S REPORT

February 2023

	2023	2022	2021	
Cash & Securities on hand - February 1, 2023	\$ 1,437,762	\$ 1,497,209	\$ -	
Add: February receipts	33,836	31	-	
Less: February disbursements	(412,038)	(456,907)	-	
Cash & Securities on hand - February 28, 2023	\$ 1,059,559	\$ 1,040,333	\$ -	\$ -
Citizens Business Bank	82,309			
Kern County Treasury	977,250			
\$ 1,059,559				
Unrestricted Reserves:				
None				
Total Reserves	\$ -	\$ -	\$ -	\$ -
Cash Available - February 28, 2023	\$ 1,059,559	\$ 1,040,333	\$ -	\$ -

**Kern Delta Water District
Investments - LPL Financial
US Treasury Investment Summary**

CUSIP	Maturity Date	Quantity (Q)	Par Value (PV)	Customer Price (P)	Principal (Prin) (Q x P)	Accrued Interest (AI)	Service Charge	Net Money (NM) (Prin + AI)	Coupon Rate (CR)	Coupon Interest (Cou)	Discount Returned (Disc) (PV - Prin)	Estimated Total Yield (Y) (Cou + Disc)	YTM	Value at Maturity (Prin + EYV)	
912796ZL6	1/24/2023	999	999,000	991.61	990,615.59	-	5	990,621	0.000%	-	8,384	8,384	3.511%	999,000	
912796S34	1/26/2023	999	999,000	991.32	990,328.68	-	5	990,334	0.000%	-	8,671	8,671	3.551%	999,000	
912796XQ7	7/13/2023	1,000	1,000,000	971.80	971,803.96	-	5	971,809	0.000%	-	28,196	28,196	4.105%	1,000,000	
912796XY0	8/10/2023	1,000	1,000,000	968.43	968,427.19	-	5	968,432	0.000%	-	31,573	31,573	4.161%	1,000,000	
9128285D8	9/30/2023	1,000	1,000,000	987.39	987,390.00	1,105.77	5	988,501	2.875%	27,647	12,610	40,257	4.240%	1,027,647	
912828T26	9/30/2023	1,000	1,000,000	972.49	972,490.72	528.85	5	973,025	1.375%	13,223	27,509	40,732	4.355%	1,013,223	
91282CDA6	9/30/2023	1,000	1,000,000	961.80	961,803.13	96.15	5	961,904	0.250%	2,404	38,197	40,601	4.390%	1,002,404	
912828B66	2/15/2024	3,000	3,000,000	975.38	2,926,125.00	18,831.52	5	2,944,962	2.750%	105,103	73,875	178,978	4.801%	3,105,103	
912828X70	4/30/2024	3,000	3,000,000	962.00	2,886,000.00	1,160.22	5	2,887,165	2.000%	88,603	114,000	202,603	4.754%	3,088,603	
91282CDB4	10/15/2024	1,000	1,000,000	929.20	929,200.00	3,107.92	5	932,313	0.625%	12,106	70,800	82,906	4.606%	1,012,106	
9128283D0	10/31/2024	1,000	1,000,000	960.50	960,502.24	10,210.60	5	970,718	2.250%	44,568	39,498	84,066	4.419%	1,044,568	
912828YM6	10/31/2024	1,000	1,000,000	945.55	945,548.94	6,807.07	5	952,361	1.500%	29,712	54,451	84,163	4.494%	1,029,712	
			15,998,000			15,490,235	41,848	60	15,532,144			323,366	507,765	831,131	16,321,366

**Kern Delta Water Banking Project
Investments - LPL Financial
US Treasury Investment Summary**

CUSIP	Maturity Date	Quantity (Q)	Par Value (PV)	Customer Price (P)	Principal (Prin) (Q x P)	Accrued Interest (AI)	Service Charge	Net Money (NM) (Prin + AI)	Coupon Rate (CR)	Coupon Interest (Cou) (PV x CR)	Discount Returned (Disc) (PV - Prin)	Estimated Total Yield (Y) (Cou + Disc)	YTM (Y / Prin)	Value at Maturity (Prin + EYV)
912796YU7	4/13/2023	999	999,000	981.93	980,949.74	-	5	980,955	0.000%	-	18,050	18,050	4.198%	999,000
912796V48	4/20/2023	999	999,000	980.82	979,840.12	-	5	979,845	0.000%	-	19,160	19,160	4.274%	999,000
912796YV5	4/27/2023	999	999,000	979.89	978,907.61	-	5	978,913	0.000%	-	20,092	20,092	4.306%	999,000
			2,997,000			2,939,697	-	15	2,939,712			57,303	57,303	2,997,000

Table 5

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

State Water Toll Zones	Avg Depth to Static Water Fall 2022 ⁽³⁾ (feet)	Assumed Drawdown (feet)	Average Pumping Lift (feet)	PG&E Power Cost (\$/AF)	Assumed O&M Charge (\$/AF)	80%	85%	90%	95%	100%	105%	2022 State Water Toll (\$/AF)	2021 State Water Toll (\$/AF)	2020 State Water Toll (\$/AF)	2019 State Water Toll (\$/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)				
Via Eastside Canal	296	50	346	148.12	5.00	122.50	130.15	137.81	145.47	153.12	160.78	116.00	103.55	103.47	85.55
Via Kern Island Central Canal	236	50	286	122.44	5.00	101.95	108.32	114.69	121.06	127.44	133.81	88.00	81.45	81.56	74.06
Via Kern Island 20-foot Ditch	241	50	291	124.58	5.00	103.66	110.14	116.62	123.10	129.58	136.06	90.00	83.12	79.94	66.85
Via Stine/Farmers Canals	229	50	279	119.44	5.00	99.55	105.77	112.00	118.22	124.44	130.66	87.00	75.85	75.35	66.40
Via Buena Vista Canal	227	50	277	118.58	5.00	98.87	105.05	111.23	117.40	123.58	129.76	84.00	75.01	76.70	62.35

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

90%

90%

90%

80%

Note:

1. Unit power cost (see Table 4) = \$0.4281 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. 2023-02

SETTING DISTRICT 2023 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 2023, 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, 2023, the Board of Directors hereby sets the water tolls for 2023 as follows:

<u>State Water Toll Zone</u>	<u>Charge per Acre-foot</u>
Via Eastside Canal	\$116.00
Via Kern Island Central Canal	\$88.00
Via Kern Island 20-foot Ditch	\$90.00
Via Stine/Farmers Canal	\$87.00
Via Buena Vista Canal	\$84.00

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 21, 2023.

WITNESS my hand and the Seal of said Board of Directors this 21st day of March 2023.

Rodney Palla
President of the Board

Richard Tillema
Secretary of the Board

Tab IV





**OPERATIONS AND PROJECTS
COMMITTEE MEETING**

**501 Taft Highway
Bakersfield, CA**

**TUESDAY March 7, 2023
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 7, 2023
 - b. Encroachment Permit Update
 - c. District Facility and Banking Maintenance Report
 - d. Water Banking Construction and Power Invoices
 - e. Pending Development Projects
 - f. Update on Automated Flow Measurement Project
 - g. Update on Wheeler Ridge Intertie Concept Evaluation
 - h. Sunset Basins Update
 - i. Old River Basins Update
- 4. Committee Comments**
- 5. Adjourn**

A handwritten signature in black ink, appearing to read "Chris Bellue", is positioned above the printed name and title.

Chris Bellue
Assistant General Manager

Posted: Friday, March 3, 2023
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.



MINUTES OF THE OPERATIONS AND PROJECTS COMMITTEE
Tuesday, March 7, 2023

DIRECTORS PRESENT: Mendonca, Spitzer, Fanucchi and Borba.

OTHERS PRESENT: From KDWD: General Manager Teglia, Assistant General Manager Bellue, Controller Duncan, District Counsel Iger, Staff Engineer DeLeon, and Administrative Assistant Rodriguez.

CALL TO ORDER

Director Mendonca called the meeting to order at 10:31 A.M.

1. PUBLIC COMMENTS

None.

2. ASSISTANT GENERAL MANAGER'S REPORT:

- a. Approve minutes of the Operations and Projects Committee Meeting of February 7, 2023: **M/S/C (Fanucchi/Ross) (yes-4, no-0):** The Committee approved the minutes of the Operations and Projects Committee meeting held on February 7, 2023.
- b. Encroachment Permit Update: Mr. Bellue presented two encroachment requests, the first from HP Communications to install fiber conduit underneath the Eastside Canal at 34th Street and on the Branch One Canal at White Lane. The second request was received from Hathaway LLC on the Eastside Canal, for a long-term encroachment to access oil wells for rehabilitation. After some discussion, The Committee directed Staff to draft an encroachment permit and forward to the Board for approval. **M/S/C (Borba/Fanucchi) (yes-4, no-0):** The Committee recommended the item be forwarded to the March 21, 2023 Board Meeting for further discussion and approval.
- c. District Facility and Banking Maintenance: Mr. Bellue discussed several items of note including the addition of back up lighting to the Volvo Dump Truck. The repair of a bypass on the Eastside Canal at the Sunset basins was discussed as well as the hauling of dirt and repair due to a breach also on the Eastside Canal, at DiGiorgio Road. Preemergent efforts on the Eastside Canal along DiGiorgio Road as well as Lake Street were noted. Mr Bellue also discussed future projects involving the replacement of a crossing on the Buena Vista Canal near Panama Lane and the removal of the Buena Vista Boulevard crossing on the Eastside Canal.
- d. Water Banking Construction and Power Invoices: **M/S/C (Spitzer/Borba) (yes-4, no-0):** The Committee recommended the Board approve payment of Water Banking and Power Invoices totaling \$30,265.77 as well as Sunset Banking Project Invoices totaling \$402,471.00. See the attached March 21, 2023, Invoice and Disbursements memo to the Board for a full breakdown of the invoices.
- e. Pending Development Projects: Mr. Bellue provided a brief update on pending projects throughout the District.
- f. Update on Automated Flow Measurement Project: Staff provided an update on the status of quotes received from Sierra Hydrographic and ProSys as well as one pending from Aspect Engineering.

- g. Update on Wheeler Ridge Intertie Concept Evaluation: Staff presented and discussed a draft evaluation report received from GEI Consultants.
- h. Sunset Basins Update: Staff provided a brief update on this item.
- i. Old River Basins Update: Staff provided a brief update on this item.

3. **ADJOURN**

Director Mendonca adjourned the meeting at 11:48 A.M.

Respectfully submitted,

Joey Mendonca – Chair



To: Kern Delta Water District Board of Directors

From: Steven Teglia

Date: March 21, 2023

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: HP Communications

Location: Eastside Canal at 34th Street and Branch One Canal at White Lane

Purpose: Install fiber conduit underneath canal

Anticipated Start Date: TBD

Organization: Hathaway

Location: Eastside Canal

Purpose: Access agreement

Anticipated Start Date: TBD

GRANT OF PRIVATE ACCESS/ENCROACHMENT PERMIT

Encroachment Permit Number: _____

THIS AGREEMENT is entered into this ____ day of _____, 20____, by and between **KERN DELTA WATER DISTRICT**, a California water district (hereinafter called "District" and _____, (hereinafter called "Grantee").

WITNESSETH

WHEREAS, District is the owner and operator of a certain canal commonly referred to as the Eastside Canal ("Canal" herein); and

WHEREAS, Grantee is the owner of real property commonly referred to as APN 178-240-05 as shown in Exhibit "A" which is attached hereto and made a part hereof by this reference ("Grantee Property"); and

WHEREAS, Grantee desires to obtain private, commercial access for the present and future owners of the Grantee Property; and

WHEREAS, in accordance with the terms stated herein stated, District is willing to allow a portion of the canal depicted on Exhibit "B", which is attached hereto and made a part hereof by this reference (the "West Levee") to be used for private, commercial access to and from the Grantee Property.

NOW, THEREFORE, District and Grantee agree as follows:

1. District hereby grants to Grantee an Access/Encroachment permit for ingress, egress, and road purposes on, along, and over the West Levee.
2. The Access/Encroachment Permit hereby is granted for ingress and egress to the property of Grantee only, is non-exclusive and is appurtenant to the Grantee Property.
3. Grantee will not contest District's title to said Canal or any portion thereof or the underlying property, or the priority of the District's title over Grantee's rights created by this Access/Encroachment Permit. Except as expressly set forth herein, this Access/Encroachment Permit shall not in any way alter, modify, or terminate the legal rights of District in said Canal.
4. The maximum speed for and on the West Levee shall not exceed 15 miles per hour.
5. Grantee and any contractors and subcontractors of Grantee are required to use the West levee in a safe and responsible manner, including abiding by the 15 miles per hour speed limit.
6. In the event any damage is caused to the West Levee by Grantee, Grantee's contractors or subcontractors, Grantee shall bear the cost of repairs, which may be done by the District, at the District's option. Grantee shall not perform any maintenance or provide any modifications to the West Levee without the express written consent of the District.

7. Grantee shall maintain Grantee Property in a condition that avoids any negative impacts to Canal by conducting dust control where vehicles travel and weed control to avoid accumulation of tumbleweeds.
8. Grantee agrees that the District has sole discretion to clean the Canal, use the levee, or perform other actions which may impede or temporarily deny access to West Levee for ingress or egress. Grantee agrees their use is at all times subordinate to that of District.
9. Grantee agrees to indemnify, defend, and hold District free and harmless of and from any and all claims, demands, losses, costs, expenses, obligations, liabilities, damages, recoveries and deficiencies arising out of or connected with any intended or unintended use of the West Levee by Grantee, Grantee's contractors or subcontractors, which includes but is not limited to any claims or liabilities arising out of use of, or presence on, the West Levee by contractors or subcontractors of Grantee.
10. Grantee further agrees to hold District free and harmless of and from any and all claims, demands, losses, costs, expenses, obligations, liabilities, damages, recoveries and deficiencies arising out of or in any way connected with the use and/or maintenance by District, and District's agents or contractors, of the Canal or West Levee described in this Access/Encroachment Permit, even to the extent alleged to have been caused by acts or omissions by District in the course of ownership, operation, maintenance or repair, and Grantee also waives and releases District from any such claim or any damage related thereto. Grantee will indemnify, defend, and hold District harmless from any such claims that may be brought by Grantee, Grantee's contractors or subcontractors. This Access/Encroachment Permit is to be strictly construed for the purposes of allowing access to the Grantee Property, while not imposing any obligations or liability upon the District whatsoever.
11. This permit is to be strictly construed as to purpose and location and no encroachment or use, other than that specifically described herein is authorized hereby.
12. The District may revoke this Access/Encroachment Permit for reasonable cause or as deemed necessary or appropriate by District having a written notice of revocation delivered to Grantee at least thirty (30) days prior to the termination date specified in the notice.
13. The benefits and burdens of this Access/Encroachment Permit shall apply to and be binding upon successive owners of the Grantee Property, which may include the heirs, executors, administrators, successors, and assigns of Grantee, but shall be subject to District's right of revocation.
14. Grantee shall procure and maintain for the duration of this Access/Encroachment Permit insurance against claims for injuries or death to persons or damages to property which may arise from or in connection with the use of the West Levee by Grantee, their agents, representatives, employees or subcontractors. **Coverage** – Coverage shall be at least as broad as the following:
 - a. **Commercial General Liability (CGL)** – Insurance Services Office (ISO) Commercial General Liability Coverage (Occurrence Form CG 00 01) including products and completed operations, property damage, bodily injury, personal and advertising injury with the limit of at least two million dollars (\$2,000,000.00) per occurrence or the full per occurrence limits of the policies available, whichever is greater. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location (coverage as broad as the ISO CG 25 03,

or ISO CG 25 04 endorsement provided to District), or general aggregate limit shall be twice the required occurrence limit.

- b. **Automobile Liability** – Insurance Office (ISO) Business Auto Coverage (Form CA 00 01), covering Symbol 1 (any auto) or if Grantee has no owned autos, Symbol 8 (hired) and 9 (non-owned) with limit of one million dollars (\$1,000,000.00) for bodily injury and property damage each accident.
- c. **Worker’s Compensation Insurance** – as required by the State of California, with Statutory Limits, and Employer’s Liability Insurance with limit of no less than \$1,000,000.00 per accident for bodily injury or disease. **Waiver of Subrogation:** The insurer(s) named above agree to waive all rights of subrogation against the District, its elected or appointed officers, officials, agents, authorized volunteers and employees for losses paid under the terms of this policy which arise from work performed by the Named Insured for the District; but this provision applies regardless of whether or not the District has received a waiver of subrogation from the insurer.

15. **Other Required Provisions** – The general liability policy must contain, or be endorsed to contain, the following provisions:

- a. **Notice of Cancellation:** Each insurance policy required above shall provide that coverage shall not be cancelled, except with notice to the District.
- b. **Acceptability of Insurers:** Insurance is to be placed with insurers having current A.M. Best rating of no less than A: VII or as otherwise approved by District.
- c. **Verification of Coverage:** Grantee shall furnish the District with certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause.
- d. **Subcontractors:** Grantee shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein.

16. Special Consideration: Permit Fee – \$500.00

IN WITNESS WHEREOF, the Parties have executed this Access/Encroachment Permit the date first above written.

“DISTRICT”

KERN DELTA WATER DISTRICT

By: _____
Steven Teglia, General Manager

“Grantee”

HATHAWAY LLC

By: _____
Name: _____

Title: _____

Maintenance Report

February 2023

1. **Structure and Turnout Repairs.** The following jobs were completed during the month.
 - a. Install screens and catwalks on new Eastside turnouts #298 and Rim Ditch.
 - b. Installed Staff gauges on the Eastside Canal at Bear Mtn.
 - c. Built and installed a new screen on 15-Ditch at gate #146.
2. **Shop.** The following jobs were completed during the month;
 - a. Normal service and repairs on District vehicles and equipment.
 - b. Modifications to turn table pump.
 - c. Changed emissions code sensor and changed motor and transmission oil on Motor-grader #403.
 - d. Repaired tire on truck #326.
 - e. Added backup lighting on Volvo dump truck #330.
 - f. Repaired rear end and transmission on truck #214.
3. **District Wells.**
 - a. New motor installed on well #KB-4.
4. **Motor Grader # 403** The following canals were sloped, and roads graded;
 - a. Finished sloping banks on Eastside Canal and sloped the BV Canal from Mtn Vista to the head.
5. **Backhoe # 402** The following jobs were completed during the month;
 - a. Dig up rodent holes on Stine from the Bladder Basin to end.
 - b. Repair bypass on Eastside Canal at Sunset Basins.
 - c. Clean leaves out of 15-Ditch.
 - d. Repair wash ins on BV Canal at the basins.
 - e. Dip Eastside canal due to trash.
 - f. Haul dirt and repair breach on Eastside canal north of DiGiorgio Rd.
 - g. Remove tumbleweeds from canals.
6. **Backhoe # 404** The following jobs were completed this month;
 - a. Fix bank on Rim ditch from breach also dug up rodent holes that were leaking.
 - b. Remove tumbleweeds from canals.
 - c. Dig up rodent holes on Kern Island north of Bear Mtn on both banks.
 - d. Pick up piles of tumbleweeds on canals.
7. **Weed Spraying.** The following canals were sprayed during the month;
 - a. Apply preemergent to Eastside Canal, sides and bottom from DiGiorgio Rd to end and also on the canal sides along Lake St (bottom had water present).
 - b. Sprayed the Stine from bottom working north inside and outside banks.
8. **Aquatic Treatments.** Treatments including surface spraying for algae mats and injection treatments for control of algae or vascular aquatic weeds;
 - a. No treatments needed this month.

9. Rodent Control

- a. Bait stations were checked and filled throughout the district this month.
- b. Placed two new bait stations on Eastside Canal north of DiGiorgio Rd where breach occurred.

10. Trash Removal.

- a. Clean trash racks throughout District.
- b. Remove tumbleweeds throughout District blown in from storms.

11. Fence Repairs. Fences and Gates were repaired at the following locations;

- a. Kern Island Canal at Golden State Ave. (air vent cage), Columbus, 30th, and Pacheco Rd.
- b. Central Canal at Union Ave., Planz Rd., Belle Terrace, Terrace Way, South Gate and Ming Ave.

12. Safety Meetings. Weekly tailgate safety topics were;

- a. Proper Tire Wear.
- b. How To Be A Better Driver.
- c. The Importance of Standard Operating Procedures.

13. Water Banking Activities. The following jobs were completed during the month;

- a. Remove tumbleweeds along banks and fence lines of basin properties in preparation for pre-emergent application.
- b. Apply preemergent to banks and fence lines at the Stonefield and Buena Vista and Stine basins.

14. Future Projects. The following projects will be completed as time permits:

- a. Trim and remove trees/brush as needed along canals for grader passage.
- b. Oversee subcontractor in replacement of 13-Ditch Return Structure and pipeline.
- c. Replace BV Canal crossing at the BV Basins
- d. Coordinate Buena Vista Blvd crossing repair with KC Roads Department

15. Future Water Banking Projects.

- a. Install permanent staff gauges at basin properties.
- b. Inspect structures at basin properties in preparation for a water banking year.



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

Tab V



KERN DELTA WATER DISTRICT

March 15, 2023

	3/15/2023	Last Year
KERN RIVER 3 DAY MEAN INFLOW	8,525 CFS	544 CFS
KERN RIVER MEAN OUTFLOW	1,038 CFS	392 CFS
ISABELLA RESERVOIR STORAGE	278,588 ACFT	64,894 ACFT
REQUESTED OUTFLOW	1,075 CFS	389 CFS

Estimated: (CFS)

KDWD DAILY DIVERTED: (MARCH 15, 2023)	@HEAD	STATE	XCHNG	BANKING
KERN ISLAND	102	0	0	0
EASTSIDE	43	0	0	0
BUENA VISTA -LEVEE	64	0	0	0
STINE	16	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	225	0	0	0

Estimated: (Acre Feet)

DIVERTED (FEBRUARY 2023)	UTILITY	STATE	PURCHASE	BANKING
KERN ISLAND	7,030	0	0	0
EASTSIDE	655	0	0	756
C.O.B. Misc.	0	0	0	0
BUENA VISTA	1,989	0	0	0
STINE	2,600	0	0	0
FARMERS	226	0	0	0
SOUTH FORK	0	0	0	0
West Side State Sale	0	0	0	0
MONTHLY TOTAL	12,500	0	0	756
YEAR TO FEBRUARY 28, 2023	27,840 ACFT	0	0	756
Year to February 28, 2023 Utility - State - Banking	28,596 ACFT			

ACFT. STORAGE BALANCE AS OF:	2/28/2023	Estimate 3/15/2023	Max Storage
KERN ISLAND	10,123	8,100	Store All
BUENA VISTA	3,485	5,687	Store All
STINE	6,180	8,039	Store All
FARMERS	3,417	5,367	Store All
STATE (21 & 22) Carryover	0	0	N/A
STATE (23) Contract	0	0	N/A
RRBWSO STORAGE	18,805	18,805	N/A
PIONEER PROJECT STORAGE	15,189	15,189	N/A
TOTAL ACFT.	57,199	61,187	

K.D.W.D. CLIMATOLOGICAL OBSERVATION:

<u>47</u>	MINIMUM TEMPERATURE	<u>39</u>
<u>59</u>	MAXIMUM TEMPERATURE	<u>55</u>
<u>53</u>	PRESENT TEMPERATURE	<u>52</u>
<u>0.56</u>	PRECIPITATION - 24 HR. DAY	<u>1.65</u>
<u>1.24</u>	PRECIPITATION - MONTH	<u>4.57</u>
Seasonal <u>8.79</u>	YEAR TO DATE PRECIP.	<u>17.28</u> Seasonal

ISABELLA CLIMATOLOGICAL OBSERVATION:ISABELLA RESEVOIR:

LAKE ELEVATION (FT.)	2,575.91	FEBRUARY AC. FT. INFLOW	39,085
STORAGE ACFT.	278,588	FEBRUARY AC. FT. OUTFLOW	20,785
STORAGE CAPACITY	568,075	ACCUMULATIVE ACFT. INFLOW (20-21)	170,414
% OF CAPACITY	49%	ACCUMULATIVE ACFT. OUTFLOW	72,010
COE STORAGE CAPACITY	360,000	% OF COE CAPACITY	77%

Summary of Utility Water Diverted Year to Date: 2/28/2023

	Utility	North Kern*	Other Exchanges
January	15,340	2,000	0
February	12,500	0	0
March			
April			
May			
June			
July			
August			
September			
October			
November			
December			
Total	27,840	2,000	0

Summary of Other Water Diverted Year to Date: 2/28/2023

	State	Purchase	Banking
January	0	0	0
February	0	0	756
March			
April			
May			
June			
July			
August			
September			
October			
November			
December			
Total	0	0	756

Water owed to K.D.W.D as of: 2/28/2023

B.V.W.S.D. 2021 State Balance*:	1,275
B.V.W.S.D. 2022 State Balance*:	1,275
2023 State Contract: Table A	8,925

Summary of Total State Water Used Year to Date: 2/28/2023

	(OWED)	(USED)
2023 Contract	0	0
Total	0	0

Quantities in acft. TOTAL 11,475

Net Owed to KDWD

TOTAL 0

Maximum Annual State Carryover Balance: 6,000 acre feet *Owed to KDWD on a mutually agreeable year.

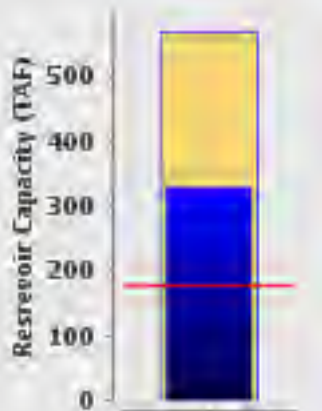


CURRENT RESERVOIR CONDITIONS



Isabella Lake Conditions

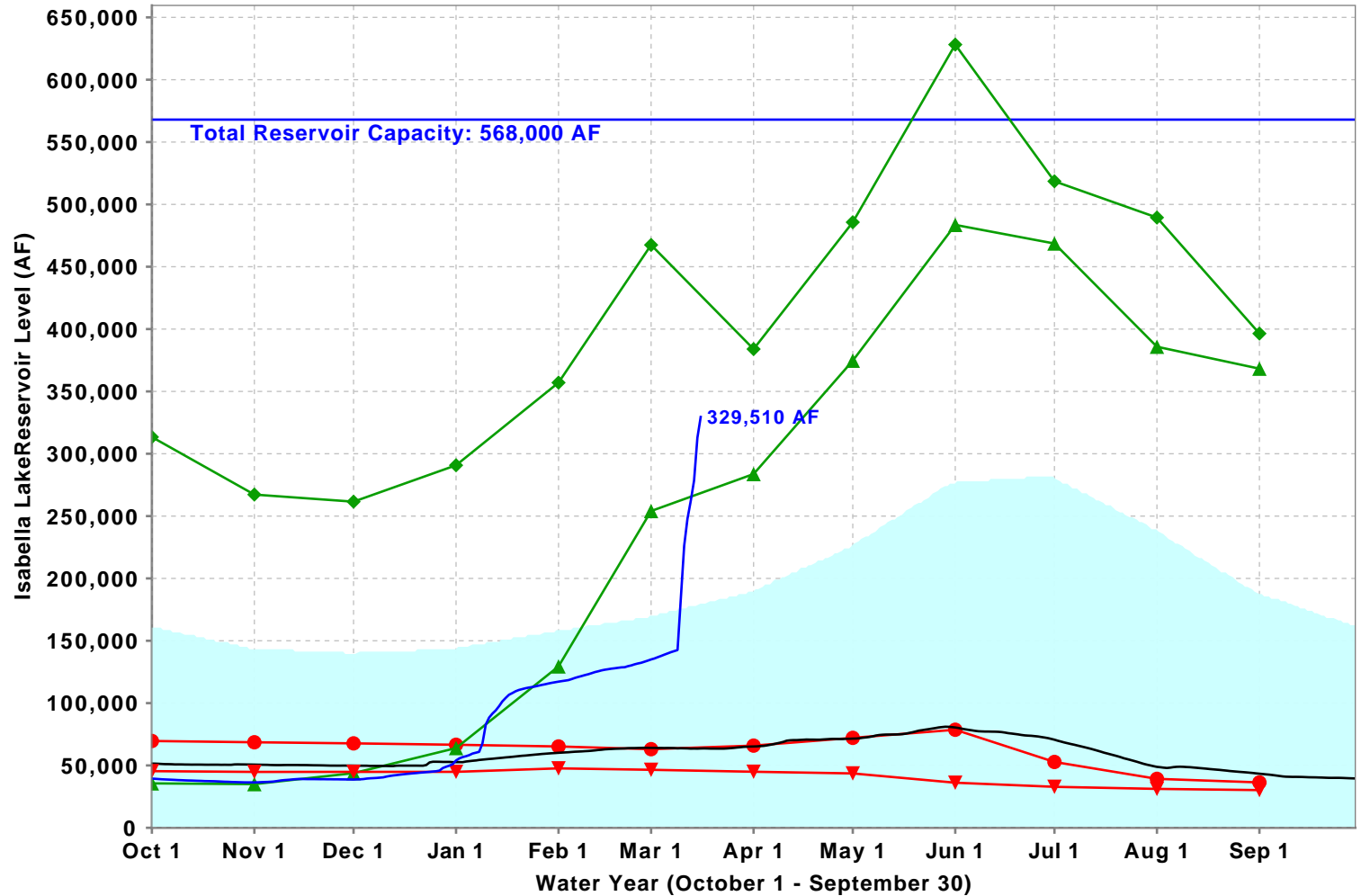
(as of Midnight - March 16, 2023)



Current Level: 329,510 AF

58% (Total Capacity)
185% (Historical Avg.)

Isabella Lake Levels: Various Past Water Years and Current Water Year, Ending At Midnight March 16, 2023



■ Historical Average
 — Total Reservoir Capacity
 ● 1976-1977
 ▲ 1977-1978
 ◆ 1982-1983 (Wettest)
 — 2021-2022
 ▼ 2014-2015 (Driest)
 — Current: 2022-2023

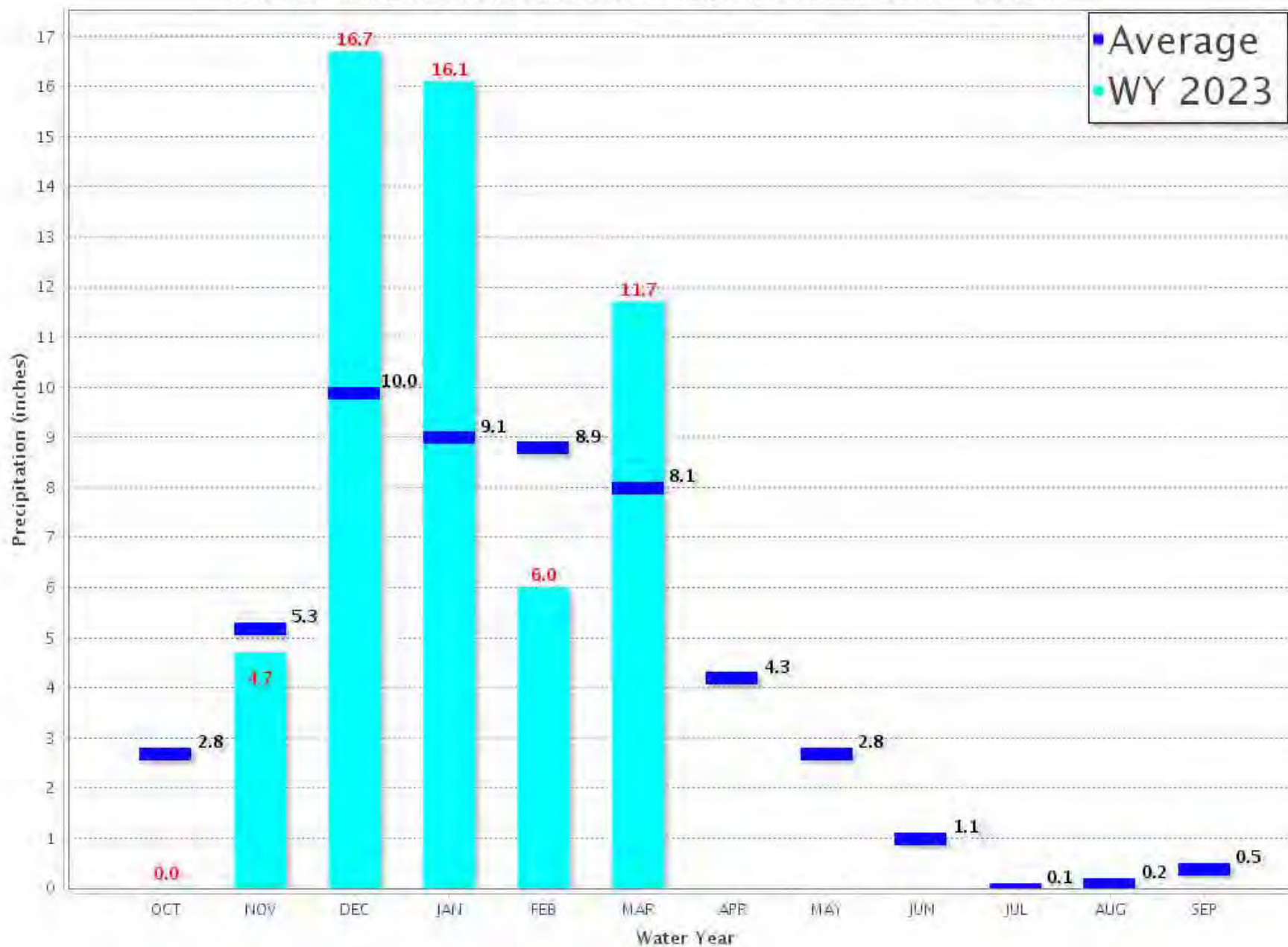


Northern Sierra 8-Station

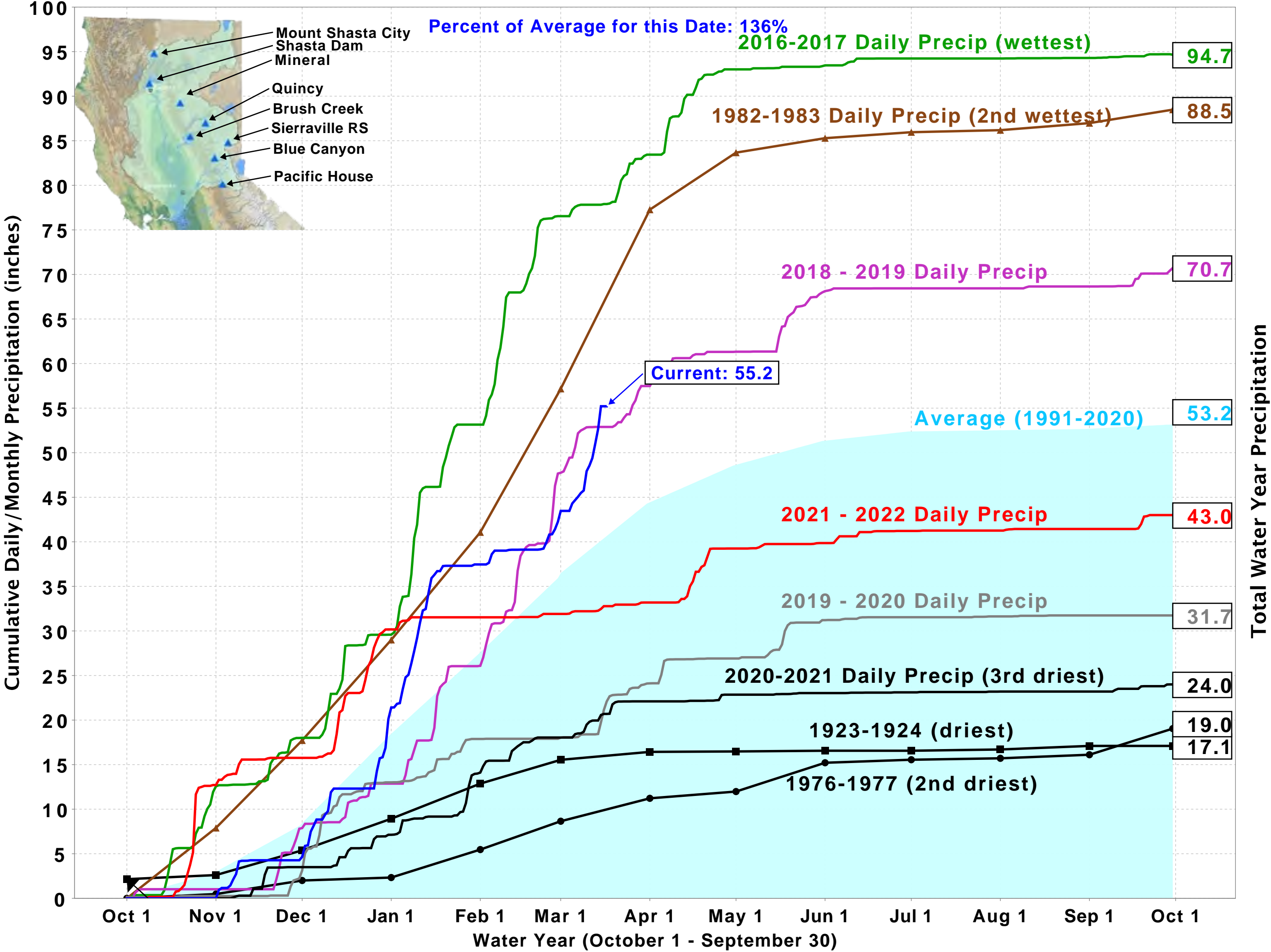
Precipitation Index for Water Year 2023 - Updated on March 17, 2023 08:48 AM

Note: Monthly totals may not add up to seasonal total because of rounding

Water Year Monthly totals are calculated based on Daily precipitation data from 12am to 12am PST



Northern Sierra Precipitation: 8-Station Index, March 17, 2023



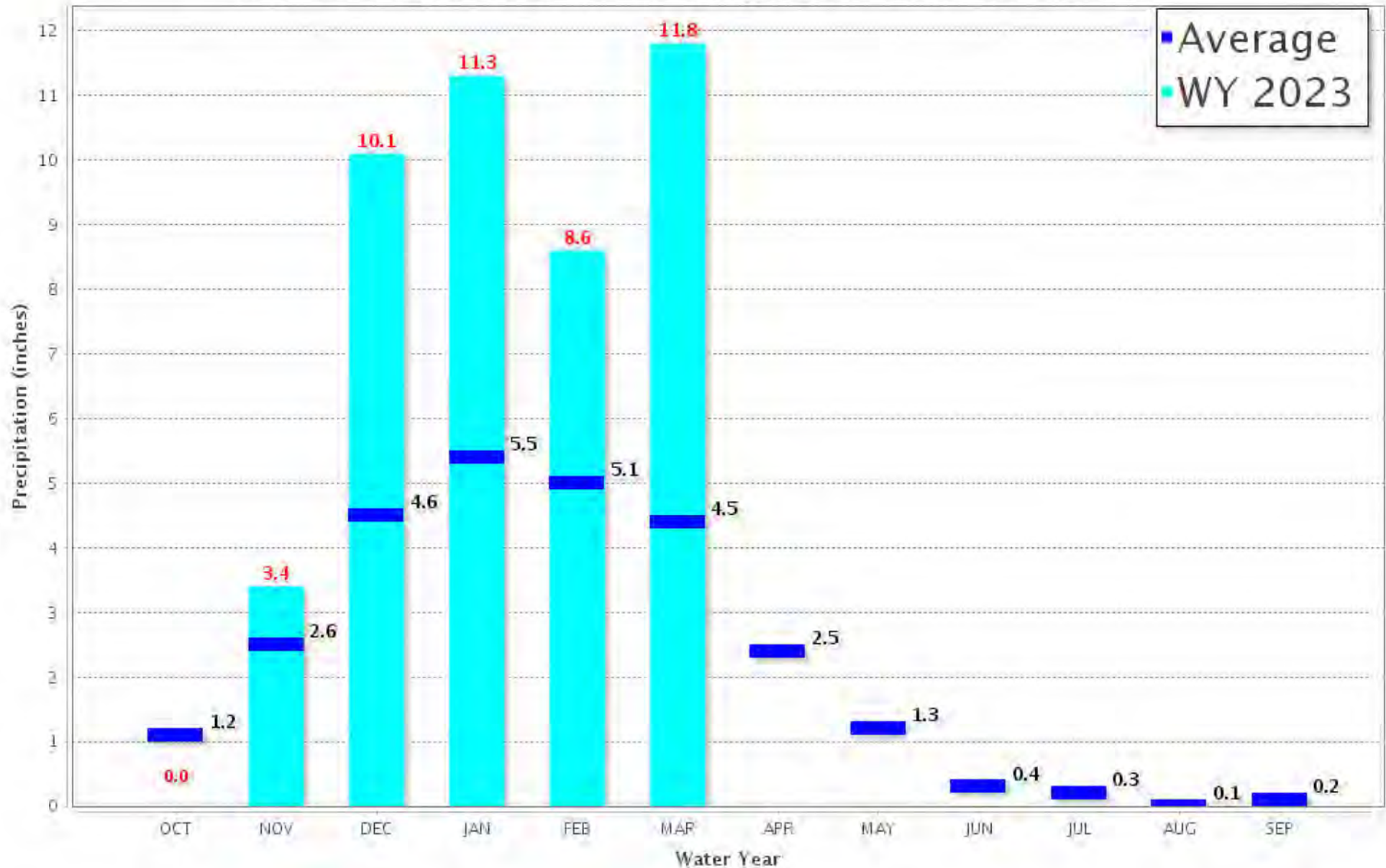


Tulare Basin 6-Station

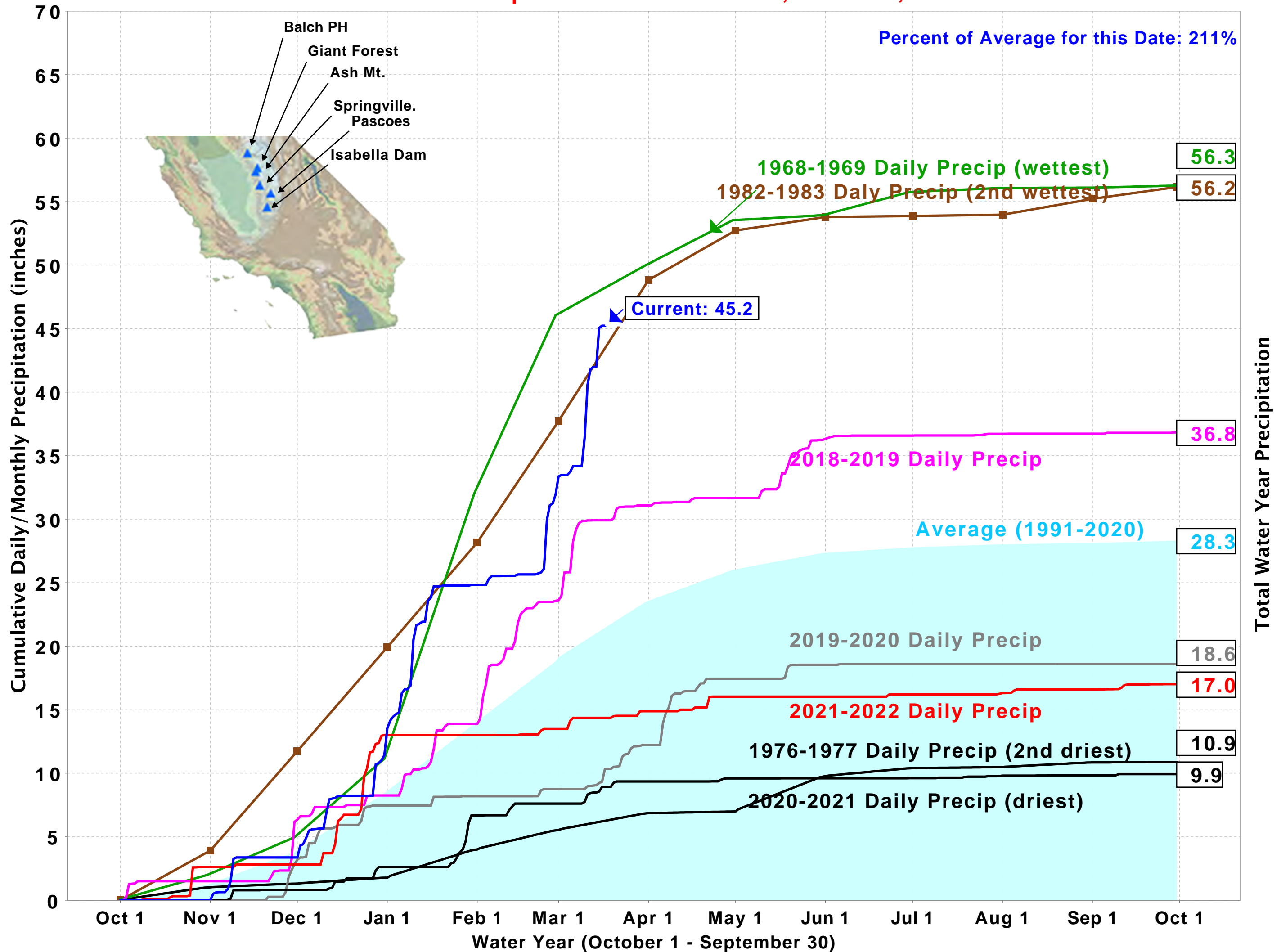
Precipitation Index for Water Year 2023 - Updated on March 17, 2023 08:48 AM

Note: Monthly totals may not add up to seasonal total because of rounding

Water Year Monthly totals are calculated based on Daily precipitation data from 12am to 12am PST



Tulare Basin Precipitation: 6-Station Index, March 17, 2023

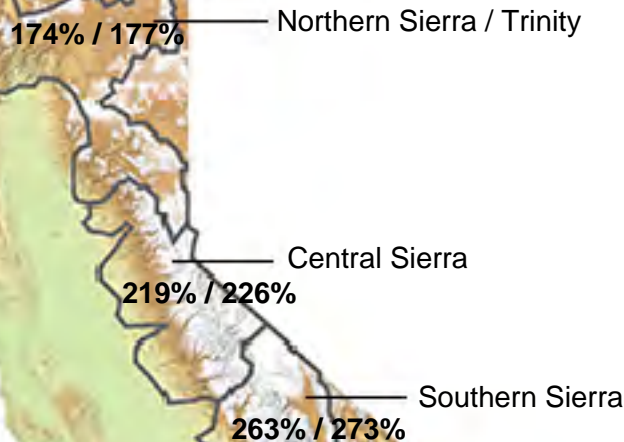




STATEWIDE SNOW WATER CONTENT

CURRENT REGIONAL SNOWPACK FROM AUTOMATED SNOW SENSORS

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



NORTH

Data as of March 17, 2023

Number of Stations Reporting	29
Average snow water equivalent (Inches)	50.8
Percent of April 1 Average (%)	174
Percent of normal for this date (%)	177

CENTRAL

Data as of March 17, 2023

Number of Stations Reporting	47
Average snow water equivalent (Inches)	57.8
Percent of April 1 Average (%)	219
Percent of normal for this date (%)	226

SOUTH

Data as of March 17, 2023

Number of Stations Reporting	29
Average snow water equivalent (Inches)	56.6
Percent of April 1 Average (%)	263
Percent of normal for this date (%)	273

STATE

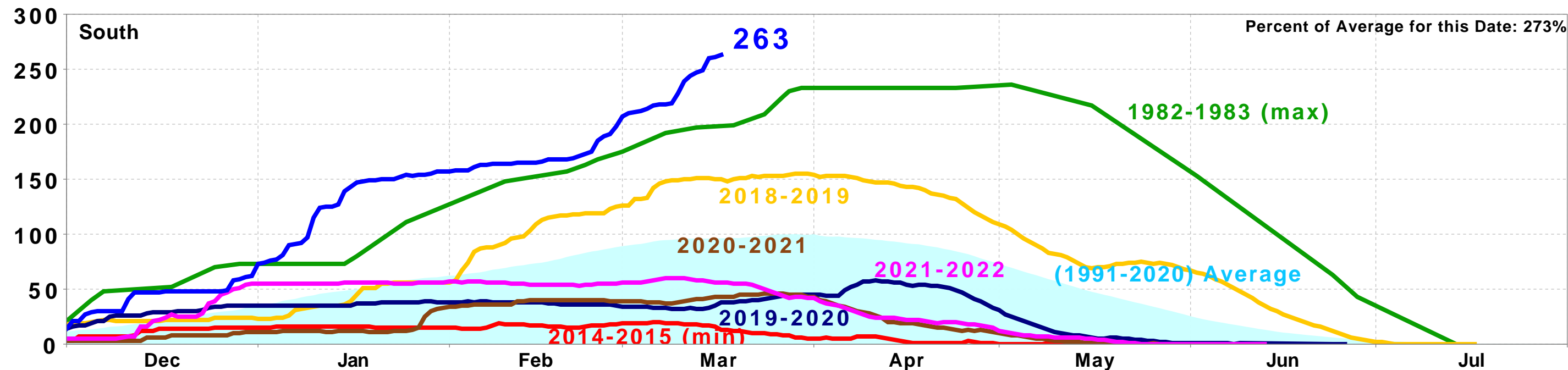
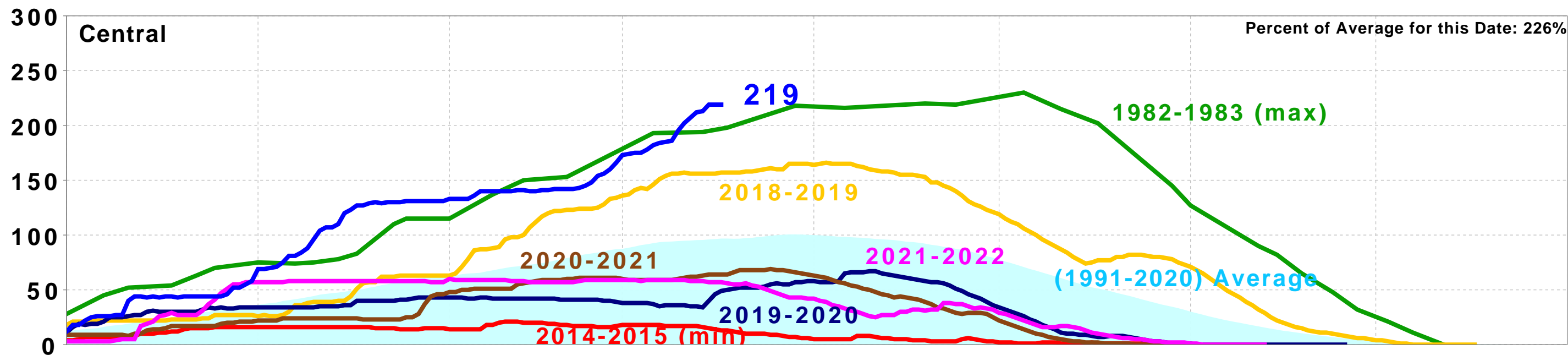
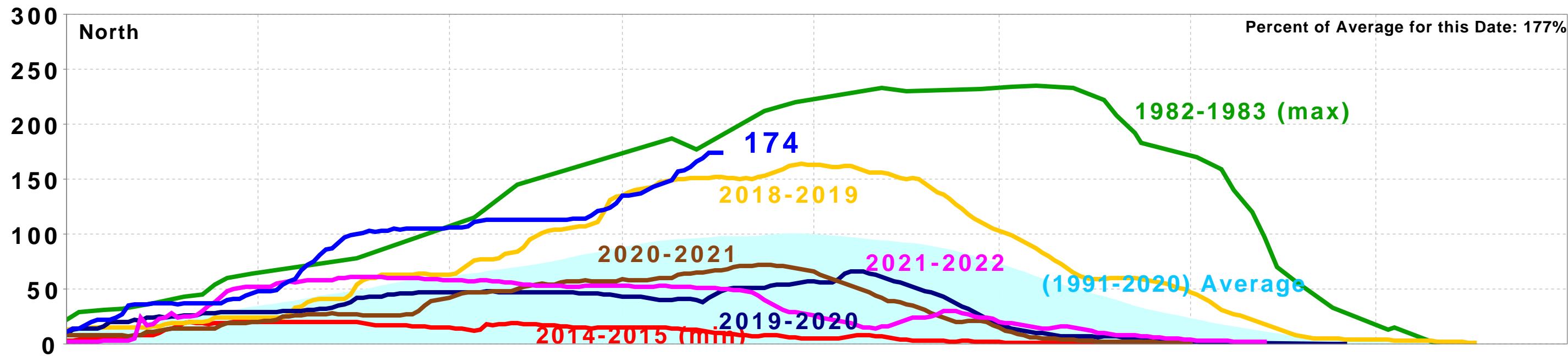
Data as of March 17, 2023

Number of Stations Reporting	105
Average snow water equivalent (Inches)	55.5
Percent of April 1 Average (%)	215
Percent of normal for this date (%)	222

Statewide Average: 215% / 222%

Data as of March 17, 2023

California Snow Water Content, March 17, 2023, Percent of April 1 Average



Statewide Percent of April 1: 215%

Statewide Percent of Average for Date: 222%



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

February 23, 2023

Basic Contract Member Units

Re: 2023 SWP Table A Water Allocation

Basic Contract Member Units:

On February 22, 2023, the California Department of Water Resources announced that it is increasing the allocation of 2023 State Water Project (SWP) Table A water from 1,268,727 acre-feet (af) to 1,477,369 af as shown in Attachment 1. This allocation reflects implementation of the Monterey Principles (for those who have signed), and represents at least 35 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 343,956 af. If you have any questions, or require further information, please contact Veronica Arreola at (661) 634-1480.

Sincerely,

A handwritten signature in blue ink that reads "Lauren Bauer".

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: 2/22/2023****Number: 23-05****Subject: Increase of State Water Project 2023 Allocation to 35 Percent****From:**

A handwritten signature in blue ink that reads "Ted Craddock".

Ted Craddock
Deputy Director, State Water Project
Department of Water Resources

Substantial precipitation in January 2023, which resulted in an above average snowpack in the Sierras, was followed by a mostly dry February. With an updated water supply forecast, the Department of Water Resources (DWR) is increasing the State Water Project (SWP) allocation from 30 to 35 percent of most¹ SWP contractors' Maximum Annual Table A amounts.

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 develop the 35 percent water delivery schedules by prorating the existing schedules submitted by the Contractors in October 2022 (as part of initial requests), including any subsequent updates that may have been provided to DWR. If a contractor foresees any changes to their water delivery schedule, please communicate such changes to DWR in a timely manner.

¹ Attachment A presents these allocations.

State of California

DEPARTMENT OF WATER RESOURCES
CALIFORNIA STATE WATER PROJECT

California Natural Resources Agency

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

Attachment A
2023 STATE WATER PROJECT ALLOCATION
Updated
2/22/2023

SWP CONTRACTORS	TABLE A (Acre-Feet)	TABLE A INITIAL REQUEST (Acre-Feet)	TABLE A APPROVED ALLOCATION (Acre-Feet)	TABLE A PERCENT INITIAL REQUEST APPROVED
	(1)	(2)	(3)	(4) = (3)/(2)
<u>FEATHER RIVER</u>				
County of Butte	27,500	27,500	17,875	65%
Plumas County FC&WCD	2,700	2,700	945	35%
City of Yuba City	9,600	9,600	4,320	45%
Subtotal	39,800	39,800	23,140	
<u>NORTH BAY</u>				
Napa County FC&WCD	29,025	29,025	13,062	45%
Solano County WA	47,756	47,756	21,491	45%
Subtotal	76,781	76,781	34,553	
<u>SOUTH BAY</u>				
Alameda County FC&WCD, Zone 7	80,619	80,619	28,217	35%
Alameda County WD	42,000	42,000	14,700	35%
Santa Clara Valley WD	100,000	100,000	35,000	35%
Subtotal	222,619	222,619	77,917	
<u>SAN JOAQUIN VALLEY</u>				
Oak Flat WD	5,700	5,700	1,995	35%
County of Kings	9,305	9,305	3,257	35%
Dudley Ridge WD	41,350	41,350	14,473	35%
Empire West Side ID	3,000	3,000	1,050	35%
Kern County WA	982,730	982,730	343,956	35%
Tulare Lake Basin WSD	87,471	87,471	30,615	35%
Subtotal	1,129,556	1,129,556	395,346	
<u>CENTRAL COASTAL</u>				
San Luis Obispo County FC&WCD	25,000	25,000	8,750	35%
Santa Barbara County FC&WCD	45,486	45,486	15,921	35%
Subtotal	70,486	70,486	24,671	
<u>SOUTHERN CALIFORNIA</u>				
Antelope Valley-East Kern WA	144,844	144,844	50,696	35%
Santa Clarita Valley WA	95,200	95,200	33,320	35%
Coachella Valley WD	138,350	138,350	48,423	35%
Crestline-Lake Arrowhead WA	5,800	5,800	2,030	35%
Desert WA	55,750	55,750	19,513	35%
Littlerock Creek ID	2,300	2,300	805	35%
Metropolitan WDSC	1,911,500	1,911,500	669,025	35%
Mojave WA	89,800	89,800	31,430	35%
Palmdale WD	21,300	21,300	7,455	35%
San Bernardino Valley MWD	102,600	102,600	35,910	35%
San Gabriel Valley MWD	28,800	28,800	10,080	35%
San Geronimo Pass WA	17,300	17,300	6,055	35%
Ventura County WPD	20,000	20,000	7,000	35%
Subtotal	2,633,544	2,633,544	921,742	
TOTAL	4,172,786	4,172,786	1,477,369	35%

2023
Kern County Water Agency
Current State Water Project Allocation
(Estimate as of 02/22/23)

	(1)	(2)	(3)	(4)
	Firm [1]	Surplus	Total	
KCWA Table 1 Ent (AF).....	982,730	94,098	1,076,828	
Current DWR Allocation:				
Allocation to KCWA (AF).....	343,956	0	343,956	
Supply (%).....	35.00%	0.00%	31.94%	
Shortage (AF).....	638,774	94,098	732,872	
Deficiency (%).....	65.00%	100.00%	68.06%	
				Current Allocation to MU's (35% of Firm Ent)
				(AF)
Member Units:				
Berrenda Mesa WD.....	92,600	6,301	98,901	32,410
Lost Hills WD.....	119,110		119,110	41,689
Belridge WSD.....	121,508		121,508	42,528
Semitropic ID.....	155,000	24,762	179,762	54,250
Cawelo WD.....	38,200	6,800	45,000	13,370
Improvement Dist 4 - Ag.....	5,946	899	6,845	2,081
Improvement Dist 4 - M&I.....	77,000		77,000	26,950
Rosedale-Rio Bravo WSD.....	29,900	5,100	35,000	10,465
Buena Vista WSD.....	21,300	3,750	25,050	7,455
Kern Delta WD.....	25,500	4,500	30,000	8,925
Henry Miller WD.....	35,500	6,250	41,750	12,425
West Kern WD - M&I.....	25,000		25,000	8,750
West Kern WD - Ag.....	6,500		6,500	2,275
Wheeler Ridge-Maricopa WSD.....	197,088	34,205	231,293	68,981
Tehachapi-Cummings CWD - Ag.....	4,300	700	5,000	1,505
Tehachapi-Cummings CWD - M&I.....	15,000		15,000	5,250
Tejon-Castac WD - M&I.....	2,000		2,000	700
Tejon-Castac WD - Ag.....	3,278	471	3,749	1,147
KCWA.....	8,000	360	8,360	2,800
Total.....	982,730	94,098	1,076,828	343,956
Total Ag.....	863,730	94,098	957,828	302,306
Total M&I.....	119,000	0	119,000	41,650
	982,730	94,098	1,076,828	343,956
Western Hills WD.....	8,000	0	8,000	350

[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).

(./index.html).

B-120 WATER SUPPLY FORECAST UPDATE SUMMARY

UNIMPAIRED FLOW FOR - March 2023

(Provisional data, subject to change)

Report generated: March 16, 2023 17:49

APRIL-JULY FORECAST UPDATE SUMMARY (IN THOUSANDS OF ACRE-FEET)								
DAYS OF MONTH	MARCH 01		MARCH 14					
WATERSHED PERCENTILES	AJ VOL	% AVG	AJ VOL	% AVG	AJ VOL	% AVG	AJ VOL	% AVG
Shasta Lake, Total Inflow								Average = 1,767
90% Exceedance	1,200	68	1,530	87				
50% Exceedance	1,780	101	2,030	115				
10% Exceedance	2,800	158	2,940	166				
Sacramento River above Bend Bridge (near Red Bluff)								Average = 2,474
90% Exceedance	1,470	59	1,950	79				
50% Exceedance	2,320	94	2,680	108				
10% Exceedance	3,920	158	4,200	170				
Feather River at Oroville								Average = 1,710
90% Exceedance	1,620	95	2,220	130				
50% Exceedance	2,540	149	2,970	174				
10% Exceedance	4,000	234	4,150	243				
Yuba River near Smartsville								Average = 993
90% Exceedance	1,030	104	1,330	134				
50% Exceedance	1,540	155	1,720	173				
10% Exceedance	2,220	224	2,300	232				
American River below Folsom Lake								Average = 1,247
90% Exceedance	1,390	111	1,770	142				
50% Exceedance	2,060	165	2,330	187				
10% Exceedance	2,760	221	2,910	233				
Mokelumne River, Inflow to Pardee Reservoir								Average = 469
90% Exceedance	620	132	760	162				
50% Exceedance	850	181	950	203				
10% Exceedance	1,080	230	1,140	243				

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

Stanislaus River below Goodwin Res (blw New Melones)							Average = 699		
90% Exceedance	990	142	1,230	176					
50% Exceedance	1,390	199	1,540	220					
10% Exceedance	1,840	263	1,850	265					
Tuolumne River below La Grange Res (blw Don Pedro)							Average = 1,222		
90% Exceedance	1,890	155	2,220	182					
50% Exceedance	2,350	192	2,600	213					
10% Exceedance	3,070	251	3,050	250					
Merced River below Merced Falls (blw Lake McClure)							Average = 627		
90% Exceedance	1,040	166	1,300	207					
50% Exceedance	1,300	207	1,540	246					
10% Exceedance	1,760	281	1,880	300					
San Joaquin River below Millerton Lake							Average = 1,229		
90% Exceedance	2,120	172	2,600	212					
50% Exceedance	2,640	215	3,030	247					
10% Exceedance	3,410	277	3,600	293					
DAYS OF MONTH		MARCH 01		MARCH 14					
WATERSHED PERCENTILES		AJ VOL	% AVG	AJ VOL	% AVG	AJ VOL	% AVG	AJ VOL	% AVG
Kings River below Pine Flat Reservoir							Average = 1,204		
90% Exceedance	2,210	184	2,600	216					
50% Exceedance	2,670	222	2,980	248					
10% Exceedance	3,400	282	3,530	293					
Kaweah River below Terminus Reservoir							Average = 276		
90% Exceedance	470	170	630	228					
50% Exceedance	590	214	730	264					
10% Exceedance	820	297	920	333					
Tule River below Lake Success							Average = 56		
90% Exceedance	95	170	145	259					
50% Exceedance	145	259	200	357					
10% Exceedance	245	438	270	482					
Kern River, Inflow to Lake Isabella							Average = 427		
90% Exceedance	900	211	1,310	307					
50% Exceedance	1,120	262	1,500	351					
10% Exceedance	1,600	375	1,910	447					

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.

Archived Report Products:

(/index2023-03-16



B-120 WATER SUPPLY FORECAST SUMMARY

UNIMPAIRED FLOW FOR - March 14, 2023

(Provisional data, subject to change)

Report generated: March 16, 2023 17:52

WATER YEAR FORECAST SUMMARY AND MONTHLY DISTRIBUTION (IN THOUSANDS OF ACRE-FEET)

WATERSHED	OCT										WATER YEAR TOTAL	80% PROBABILITY RANGE		WY % AVERAGE
	THRU JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP			90%	10%	
Trinity, Lewiston	319	66	171	305	390	225	60	18	12	1,565		1,260	2,050	118
Inflow to Shasta	1,712	308	1,098	830	600	345	255	222	220	5,590		4,710	7,195	99
Sacrament, Bend	2,973	499	2,031	1,110	780	470	320	277	275	8,735		7,300	11,720	105
Feather, Oroville	1,790	349	1,088	1,155	1,060	540	215	127	106	6,430		5,345	8,135	148
Yuba, Smartville	999	147	620	580	635	410	95	35	29	3,550		3,000	4,365	156
American, Folsom	1,397	226	870	750	900	545	135	33	23	4,879		4,095	5,690	181
Cosumnes, Michigan Bar	479	62	259	135	92	35	8	3	2	1,075		915	1,435	275
Mokelumne, Pardee	301	55	200	250	340	290	70	15	7	1,527		1,290	1,765	200
Stanislaus, Goodwin	494	96	355	400	550	410	180	37	18	2,540		2,145	2,935	215
Tuolumne, La Grange	767	119	640	600	770	780	450	80	33	4,240		3,745	4,825	217
Merced, McClure	487	87	380	350	475	475	240	50	21	2,565		2,255	3,010	255
San Joaquin, Millerton	588	142	530	615	890	925	600	159	71	4,520		3,980	5,235	255
Kings, Pine Flat	406	100	475	500	860	970	650	167	67	4,195		3,720	4,880	251
Kaweah, Terminus	161	35	265	170	205	220	135	35	14	1,240		1,095	1,515	291
Tule, Success	88	20	210	81	70	35	14	4	3	525		410	675	397
Kern, Isabella	127	37	320	320	490	460	230	78	43	2,105		1,855	2,640	313

NOTES

- The averages are for the period 1991 to 2020.
- Unimpaired runoff represents the natural water production of a river basin, unaltered by upstream diversions, storage, or by export or import of water to or from other watersheds.
- Water year distributions and 90 and 10 percent exceedance water year forecasts from the February 1, March 1, April 1, and May 1 Bulletin 120 forecasts are official forecasts.
- Water year distributions and 90 and 10 percent exceedance water year forecasts from weekly Bulletin 120 Update forecasts are considered unofficial. Bulletin 120 Update forecasts are for conditions as of any day of the month other than the first of the month.



ASO + M3 Works Modeling Report

Kern River Basin

Model date: March 14, 2023



Historical data and reports can be found at:
data.airbornesnowobservatories.com

KERN RIVER BASIN MARCH 14, 2023 MODELING REPORT

Current model date: March 14, 2023

Model Total Snow Water Equivalent: 2102.9 TAF

Model Mean Snow Water Equivalent: 24.5 in.

Model Mean Cold Content: -2.3 MJ/m²

Model reporting period: March 01 - March 14, 2023

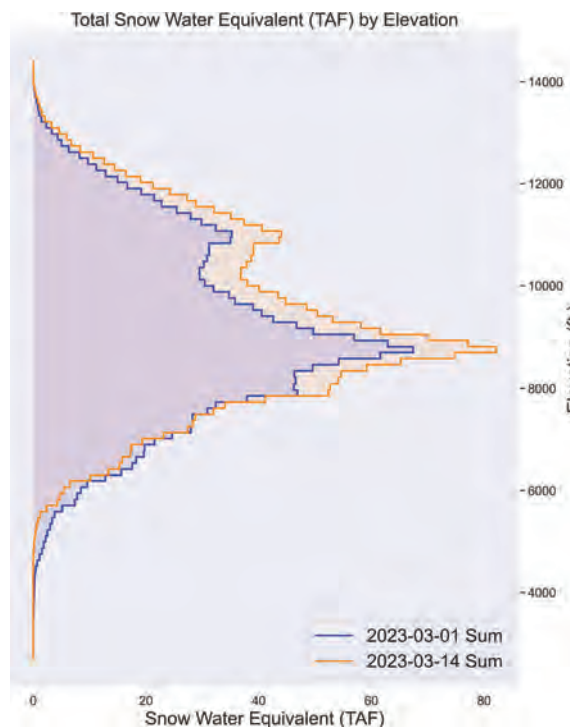
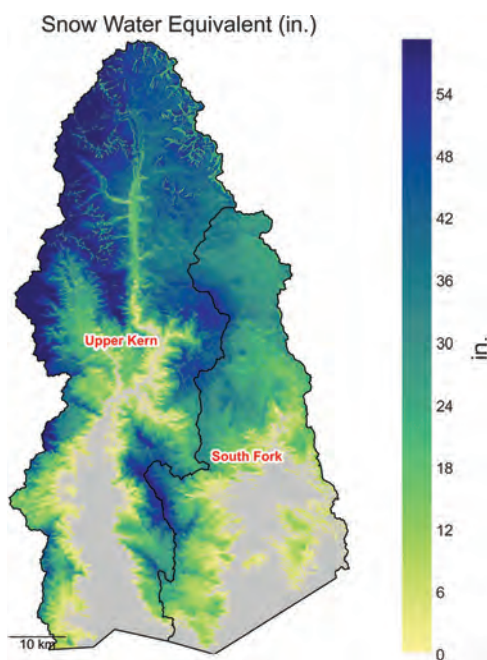
Change in Total Snow Water Equivalent: 284.8 TAF

Change in Mean Snow Water Equivalent: 3.3 in.

Accumulated Total Surface Water Input: 377.5 TAF

Accumulated Total Precipitation: 788.2 TAF

Change in Mean Cold Content: 2.4 MJ/m²

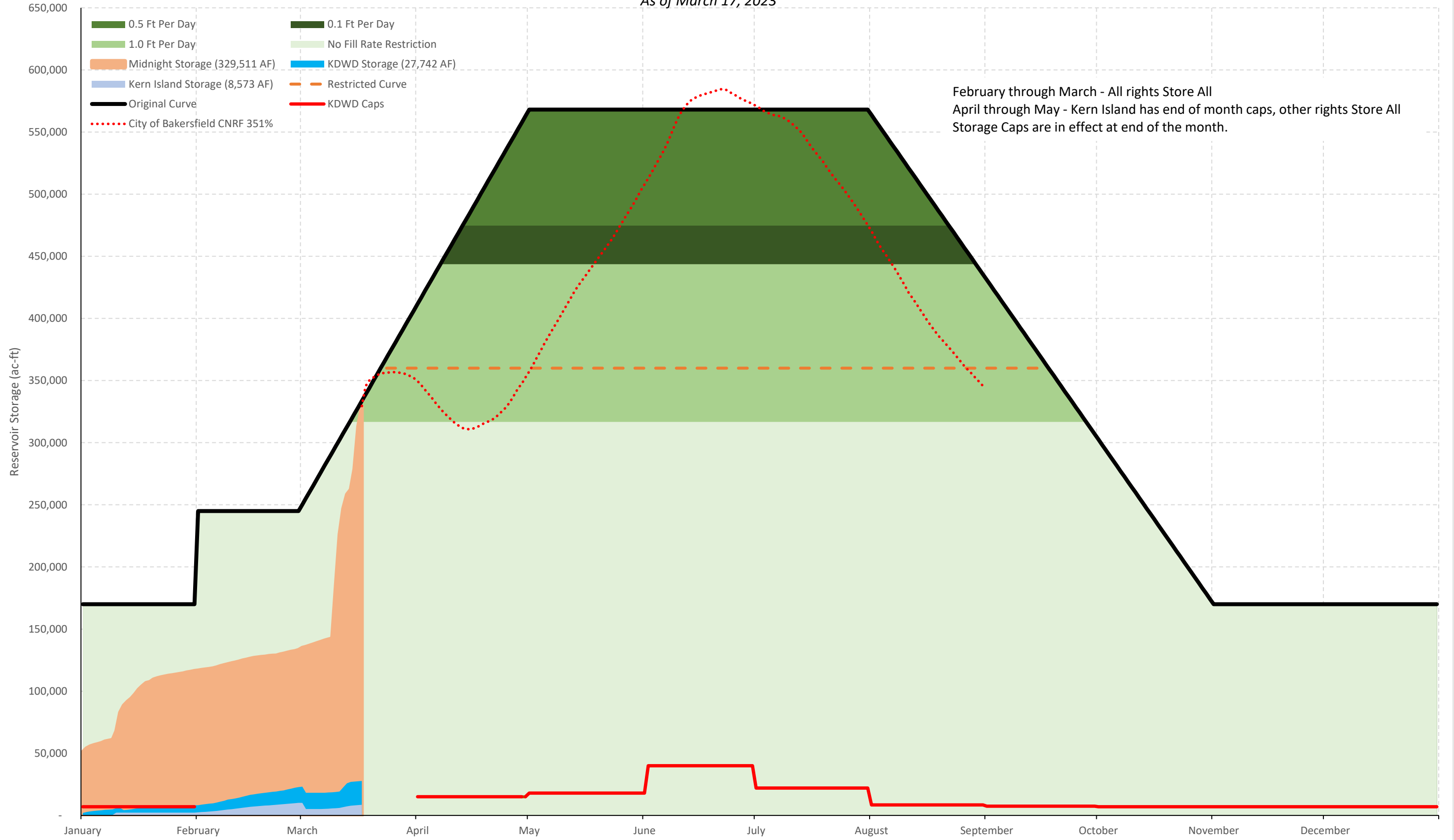


DESCRIPTION	TOTAL	SOUTH FORK	UPPER KERN
Mean SWE in.	24.5	15.3	29.8
Total SWE TAF	2102.9	479.6	1623.3

The model has been updated with ASO survey data, a brief summary of the changes to the model are provided:

February 04 update summary: added 269.7 Snow Water Equivalent, TAF

Midnight Lake Isabella Storage and Pool Restrictions
As of March 17, 2023



U.S. Drought Monitor California

March 14, 2023

(Released Thursday, Mar. 16, 2023)

Valid 8 a.m. EDT

Drought Conditions (Percent Area)

	None	D0-D4	D1-D4	D2-D4	D3-D4	D4
Current	44.66	55.34	36.42	8.49	0.00	0.00
Last Week <i>03-07-2023</i>	26.84	73.16	43.06	19.00	0.00	0.00
3 Months Ago <i>12-13-2022</i>	0.00	100.00	97.94	80.56	35.50	7.16
Start of Calendar Year <i>01-03-2023</i>	0.00	100.00	97.93	71.14	27.10	0.00
Start of Water Year <i>09-27-2022</i>	0.00	100.00	99.76	94.01	40.91	16.57
One Year Ago <i>03-15-2022</i>	0.00	100.00	100.00	93.23	35.22	0.00

Intensity:

 None	 D2 Severe Drought
 D0 Abnormally Dry	 D3 Extreme Drought
 D1 Moderate Drought	 D4 Exceptional Drought

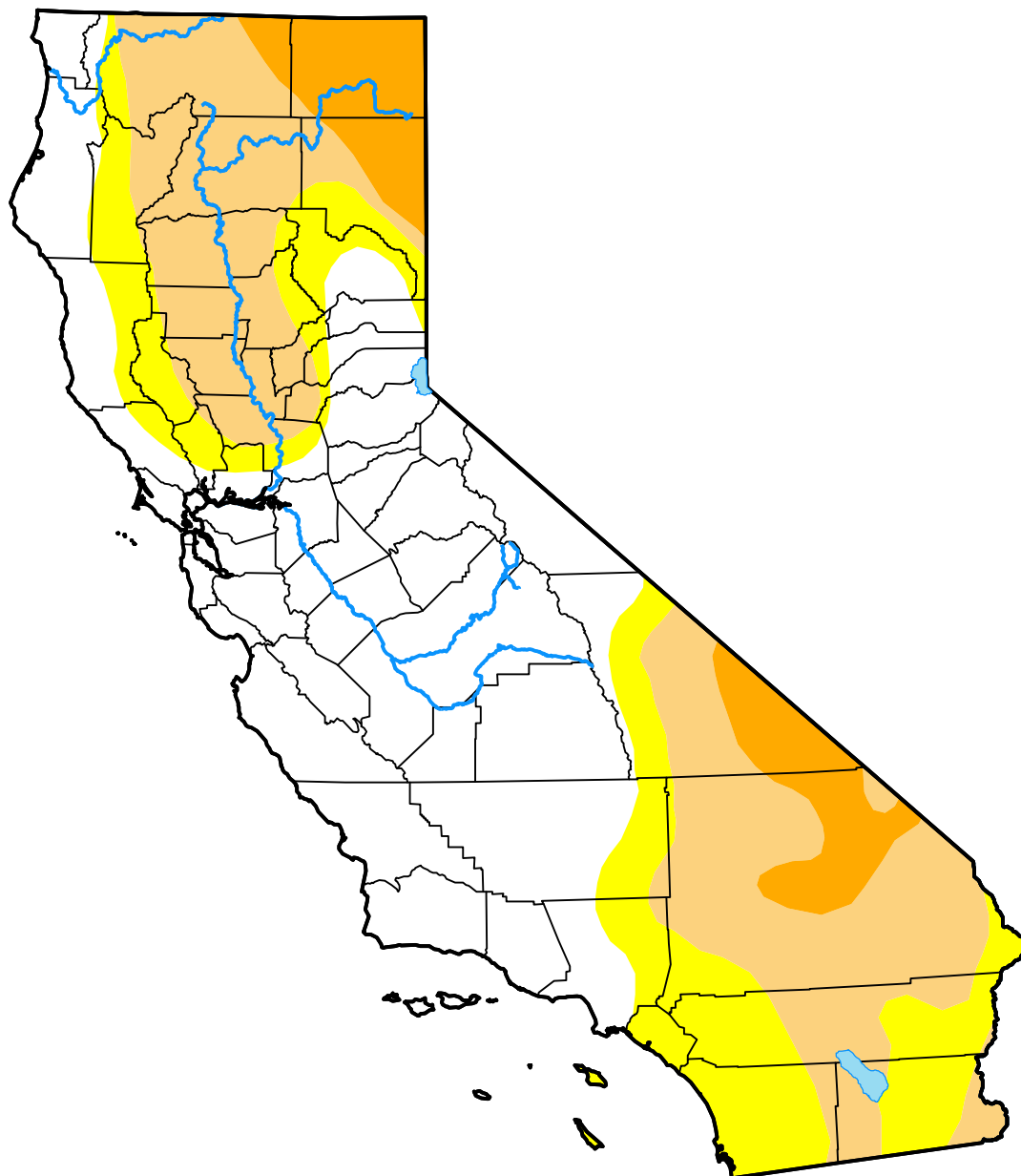
The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. For more information on the Drought Monitor, go to <https://droughtmonitor.unl.edu/About.aspx>

Author:

Brad Rippey
U.S. Department of Agriculture



droughtmonitor.unl.edu



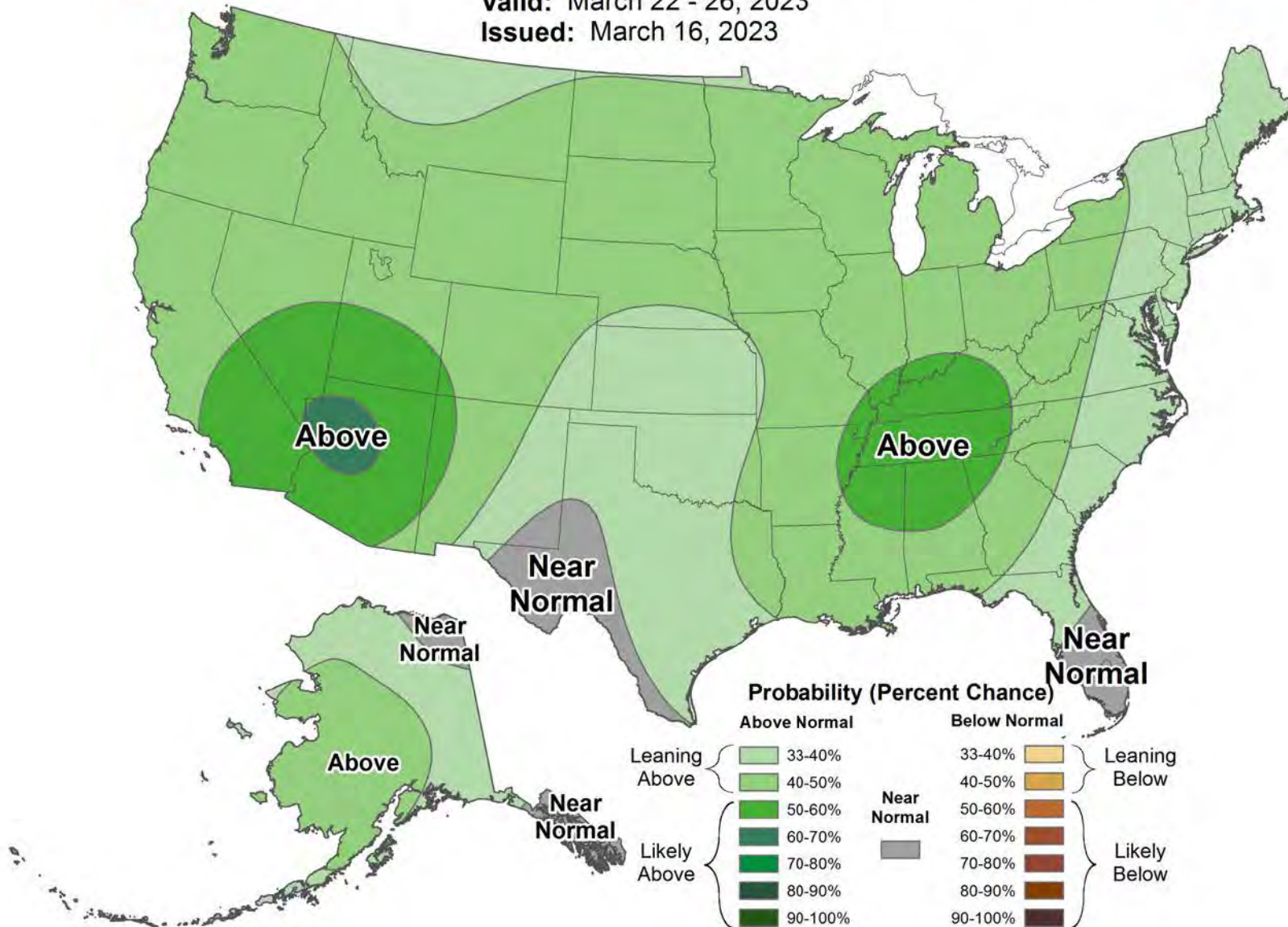


6-10 Day Precipitation Outlook



Valid: March 22 - 26, 2023

Issued: March 16, 2023



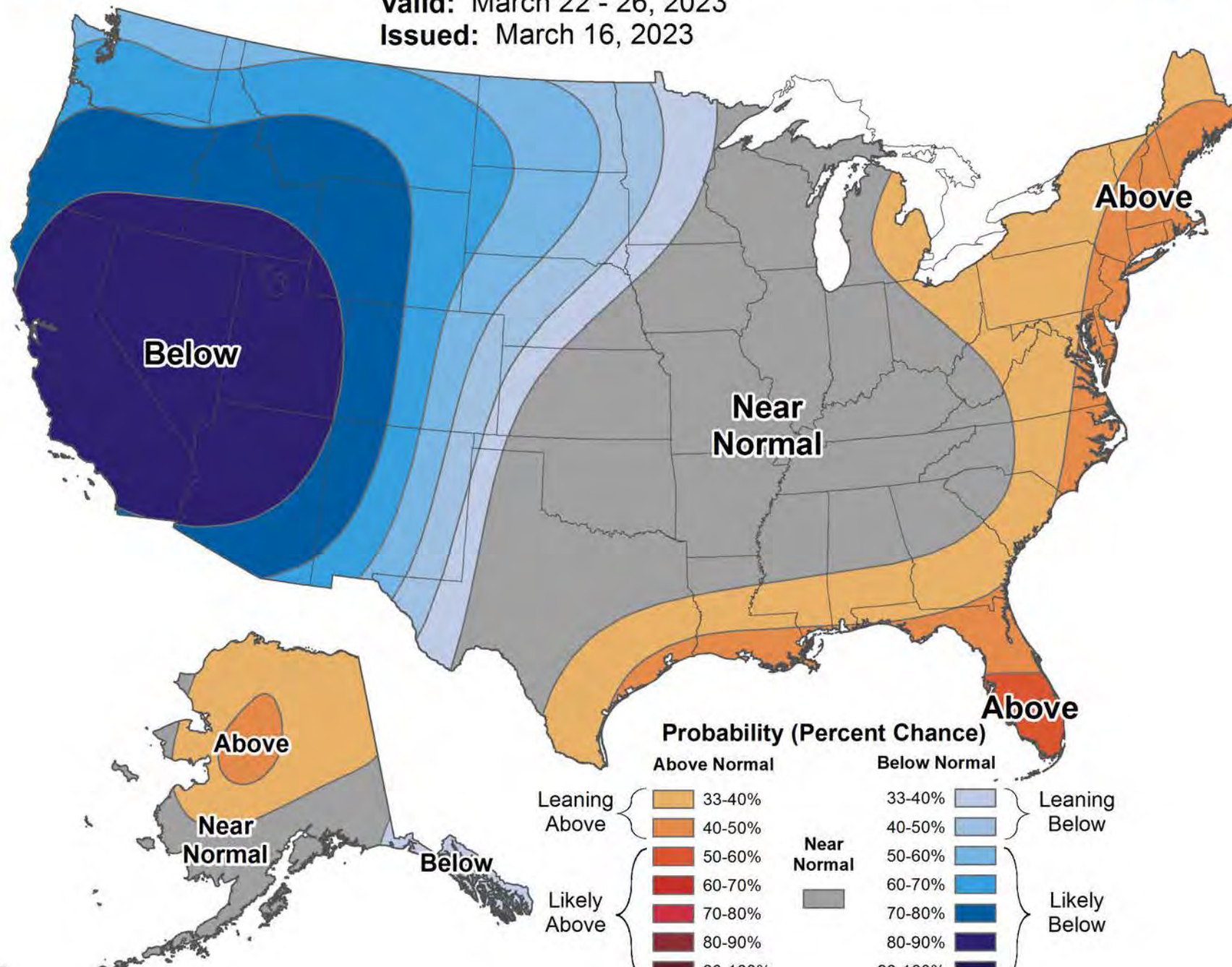


6-10 Day Temperature Outlook



Valid: March 22 - 26, 2023

Issued: March 16, 2023



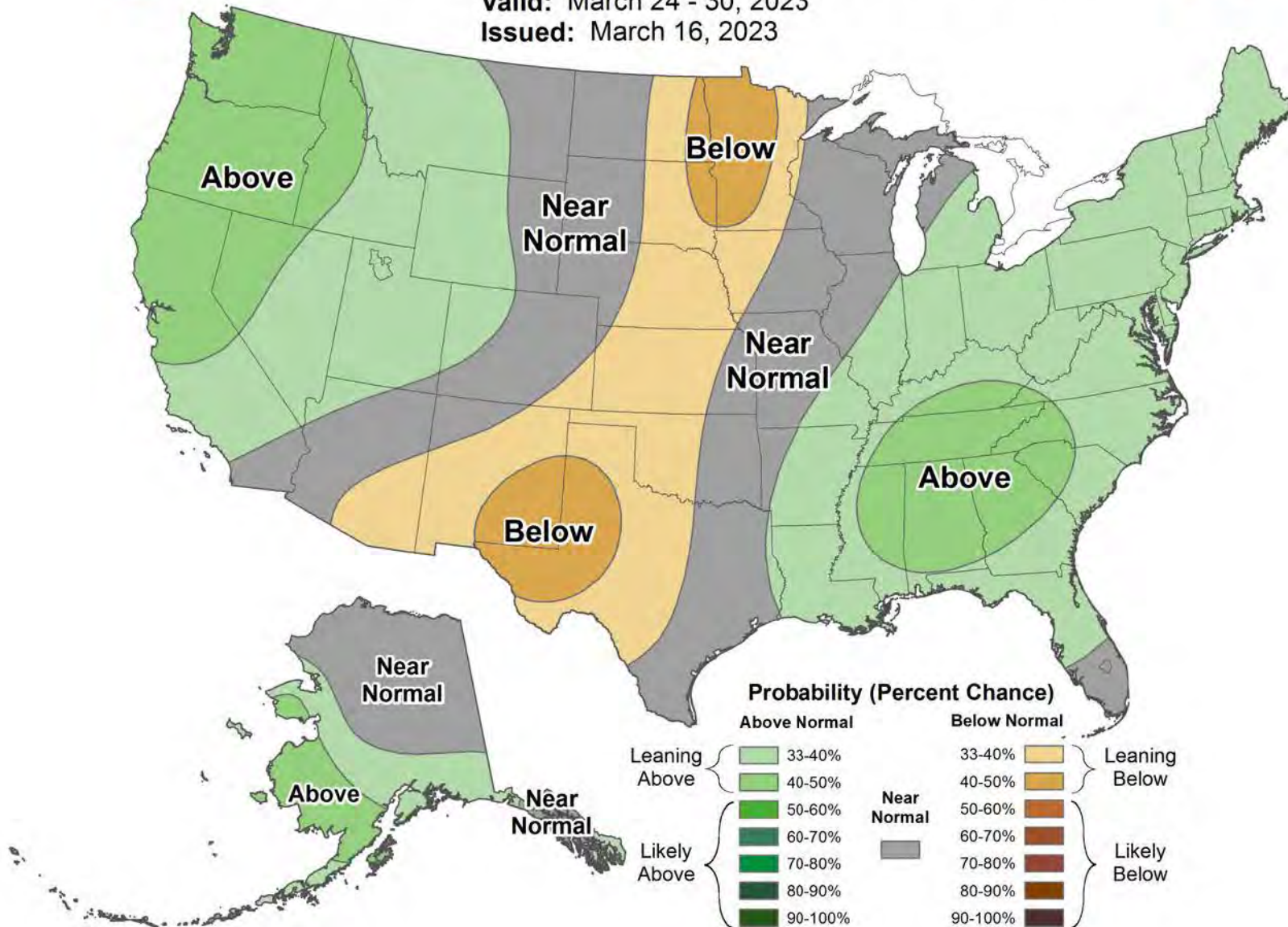


8-14 Day Precipitation Outlook



Valid: March 24 - 30, 2023

Issued: March 16, 2023



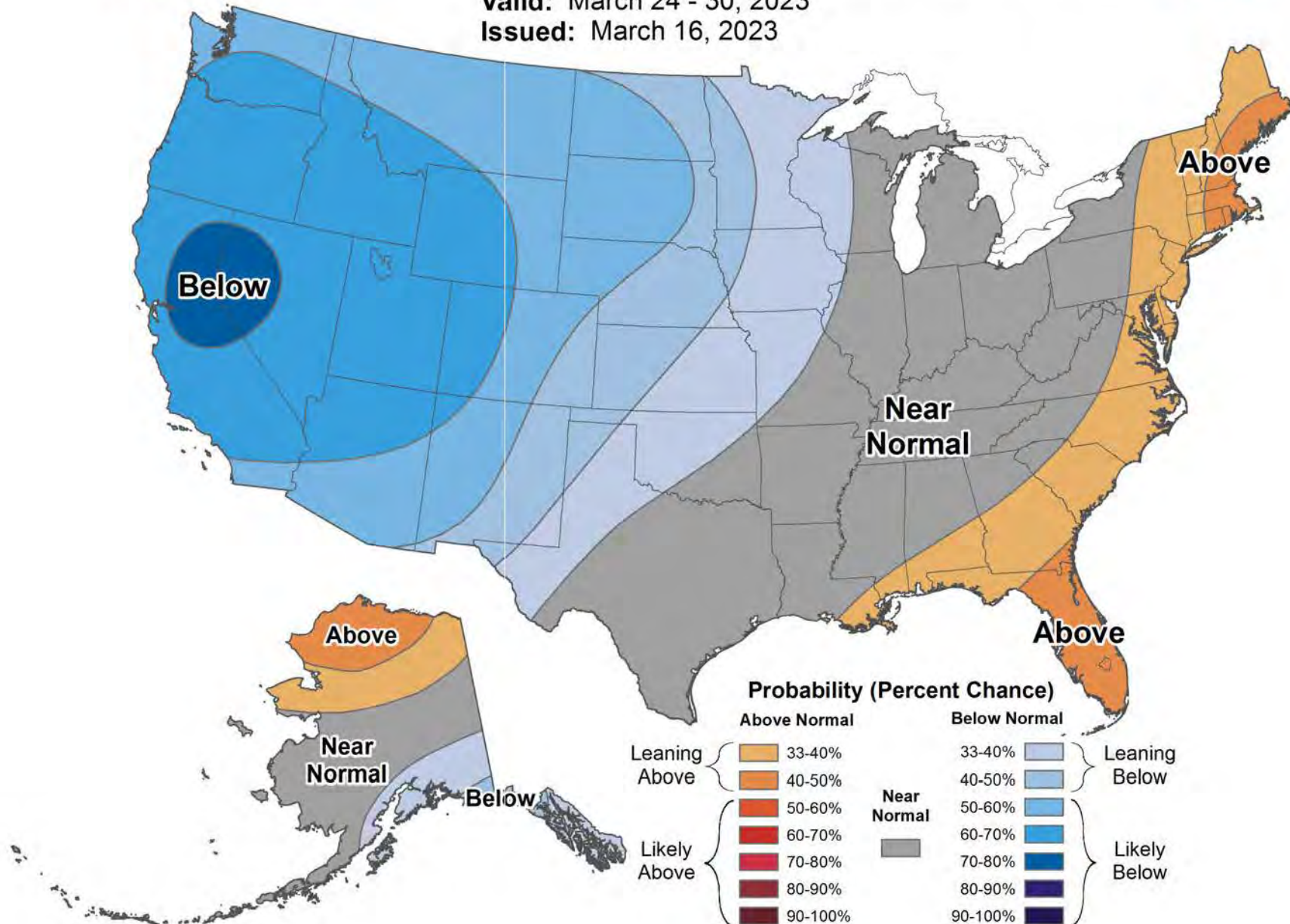


8-14 Day Temperature Outlook



Valid: March 24 - 30, 2023

Issued: March 16, 2023



KERN RIVER WATERMASTER

mark@kernriverwm.org

661-333-6981

March 13, 2023

To: Kern River Interests

From: L. Mark Mulkay
Kern River Watermaster

RE: Report of Recent Activities

This is the March 13, 2023, Kern River Watermaster Report.

Isabella Dam Safety Modification Project – The COE March 2023

Situation Report is attached for your review and information. There have been no significant updates since the January 2023 Report. The ongoing construction activities will not affect the functionality of the project.

The Kern River Group is meeting with the COE on a weekly basis to receive an update on the Project, Reservoir conditions, and Fill Plan. The Ribbon Cutting is scheduled for April 4, 2023. I received information that the 360,000 AF restriction will remain in place until mid-April. This new information may have significant impacts on the Fill Plan.

Runoff and Operations – January, February, and early March have been well above average. Isabella Reservoir storage has climbed to approximately 255,000 af as of this morning and is continuing to fill. Additional storms are expected this week and early next week. Attached is the March 13, 2023, Tulare Basin Precipitation 6-Station Index for water year 2023. The Index is at 42.4 inches of precipitation, 203% percent of average for this date compared to the water year, and continuing to rise. Also attached is the March 13th Tulare Basin 6-Station Precipitation Bar Chart showing the same information in a monthly format. The California Snow Water Content (copy attached) shows the southern Sierra at 248% of the April 1st average. These numbers are changing rapidly and will be out of date by the end of this week.

Public Outreach –I have had several calls and emails from individuals and news outlets regarding the above average precipitation, flooding, reservoir outflows, and the COE's Fill Plan.

California Cooperative Snow Surveys – The on the ground surveys were begun in January. Due to heavy storm activity, most of the surveys have not been done or updated. The DWR B-120 has not been updated since February 23rd.

Aerial Snow Observatory – The ASO is holding weekly meetings to discuss the schedule of flights, collection of data, and reporting. The second flight of the Kern Basin is scheduled for the last weekend in March. The ASO has received additional funding to add one more flight to the Kern Basin. Upcoming flights will be done the end of March, April, and May.

Attachments:

- COE Isabella Situation Report, March 2023
- Isabella Current Reservoir Conditions, March 12, 2023
- Tulare Basin Precipitation: 6-Station Index, March 13, 2023
- Tulare Basin 6-Station Index (bar chart), March 13, 2023
- California Snow Water Content Percent of April 1st, March 13, 2023



ISABELLA LAKE, CA CONSTRUCTION

U.S. ARMY CORPS OF ENGINEERS

BUILDING STRONG.

Location & Description

Isabella Lake Dam (consisting of a Main Dam, Auxiliary Dam and service spillway) is located about 40 miles northeast of Bakersfield in Kern County, California, and became fully operational in 1953. The Main Dam is located near the confluence of the north and south forks of the Kern River and the Auxiliary Dam is located about half a mile east of the Main Dam. The Main Dam is a 185-foot-high earth-fill dam, and the Auxiliary Dam is a 100-foot-high earth-fill dam. The service spillway is located between the two dams. The reservoir (Isabella Lake) has a gross storage capacity of 568,075 acre feet.

March 2023



Photo shows aerial visual overlooking the Labyrinth Weir

Advisory

- USACE is following the latest CDC guidelines to ensure the safety of our employees and our partners, and to take necessary precautions to prevent the spread of COVID-19.
- The Phase II Dams and Spillways contractor continues construction activities. As a result, the site including Engineers Point is an active construction area and is off limits to the public.
- Corps policy prohibits public operation of unmanned aircraft systems, such as drones, on or above federal lands and waters managed by USACE. The policy is intended to ensure critical infrastructure security and public safety.

Looking Ahead (Next 30+ days)

- There will be ongoing construction efforts into spring/summer 2023 that will not affect the functionality of the project; this includes road work, utilities, emergency spillway concrete apron, site restoration, disposal of waste materials, final clean-up of local rock surfaces, and demobilization.
- In support of the USFS Visitor's Center project, USACE continues working closely with the U.S. Forest Service on the design process. The Main Dam Campground is in the early stages of design.
- In the coming weeks, USACE will be releasing an SEA/FONSI to cover the remaining vegetation mitigation for the Isabella DSMP. Following the requirements of the National Environmental Policy Act, a Supplemental Environmental Assessment (SEA) and Finding of No Significant Impact (FONSI) for the Isabella Lake Dam Safety Modification Project, Fay Ranch Road East Vegetation Mitigation, Kern County, California, has been prepared and will be available at <https://www.spk.usace.army.mil/Missions/Civil-Works/Isabella-Dam/>.

Current Lake Status (as of March 7, 2023)

The current pool resides at 120,762 acre-feet (elevation 2,536 feet-IPD), which is 39% of restricted pool and 82% of flood conservation pool.

As part of our interim risk reduction measures, Isabella Lake is restricted to 361,250 acre-feet (elevation 2,585.5 feet-IPD) outside of flood season. During flood season (~November-April), flood conservation pool is restricted to 170,000 acre-feet (elevation 2,560.4 feet-IPD). Current lake status can be viewed at <https://www.spk-wc.usace.army.mil/fcgi-bin/hourly.py?report=isb>

Completion Milestones	
Pre-Construction Engineering and Design	Complete
Construction of USFS Fire Station and Admin Facilities	Complete
Dams and Spillways Construction	2023
Permanent Operations Facilities	2024
U.S. Forest Service Visitor's Information Center	2025

U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT, 1325 J ST., SACRAMENTO, CA 95814

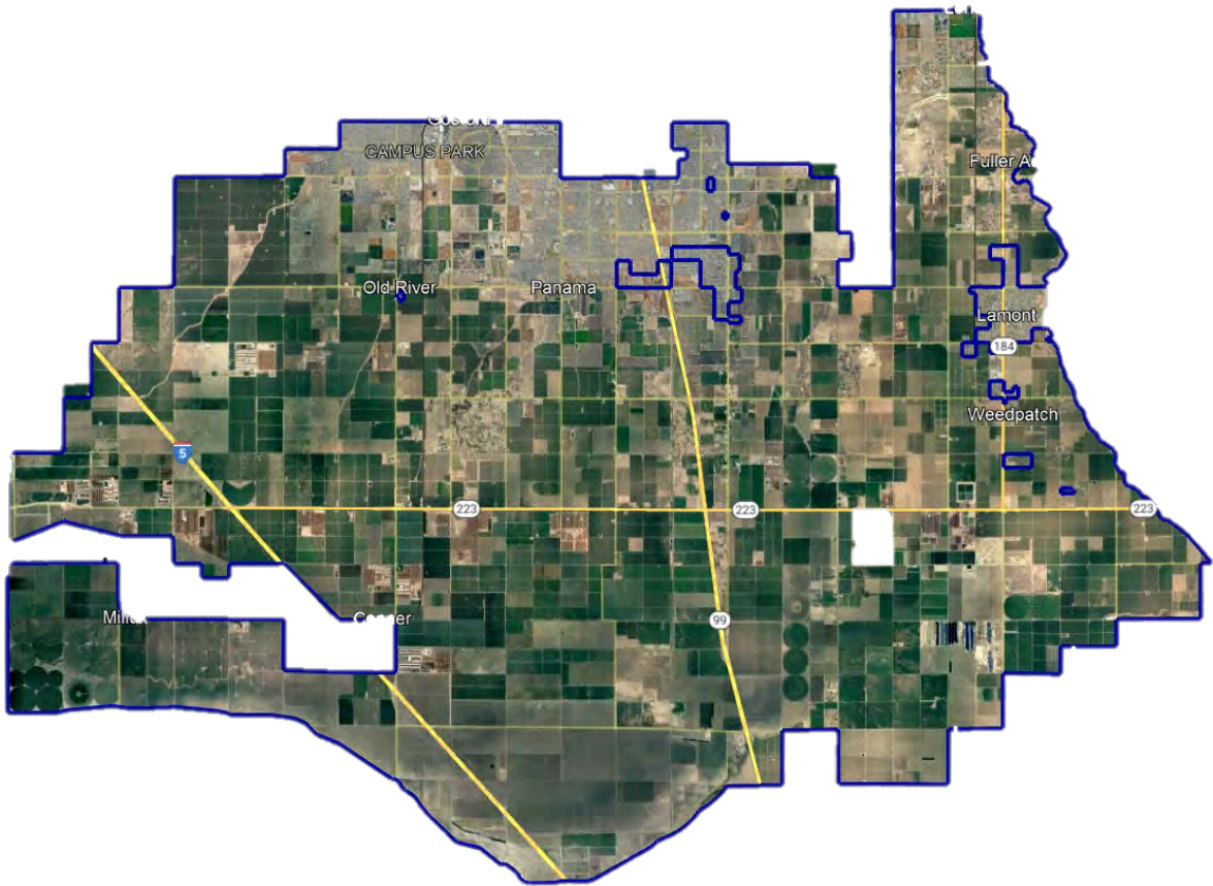
www.spk.usace.army.mil/Missions/CivilWorks/IsabellaDam.aspx

916-557-5100

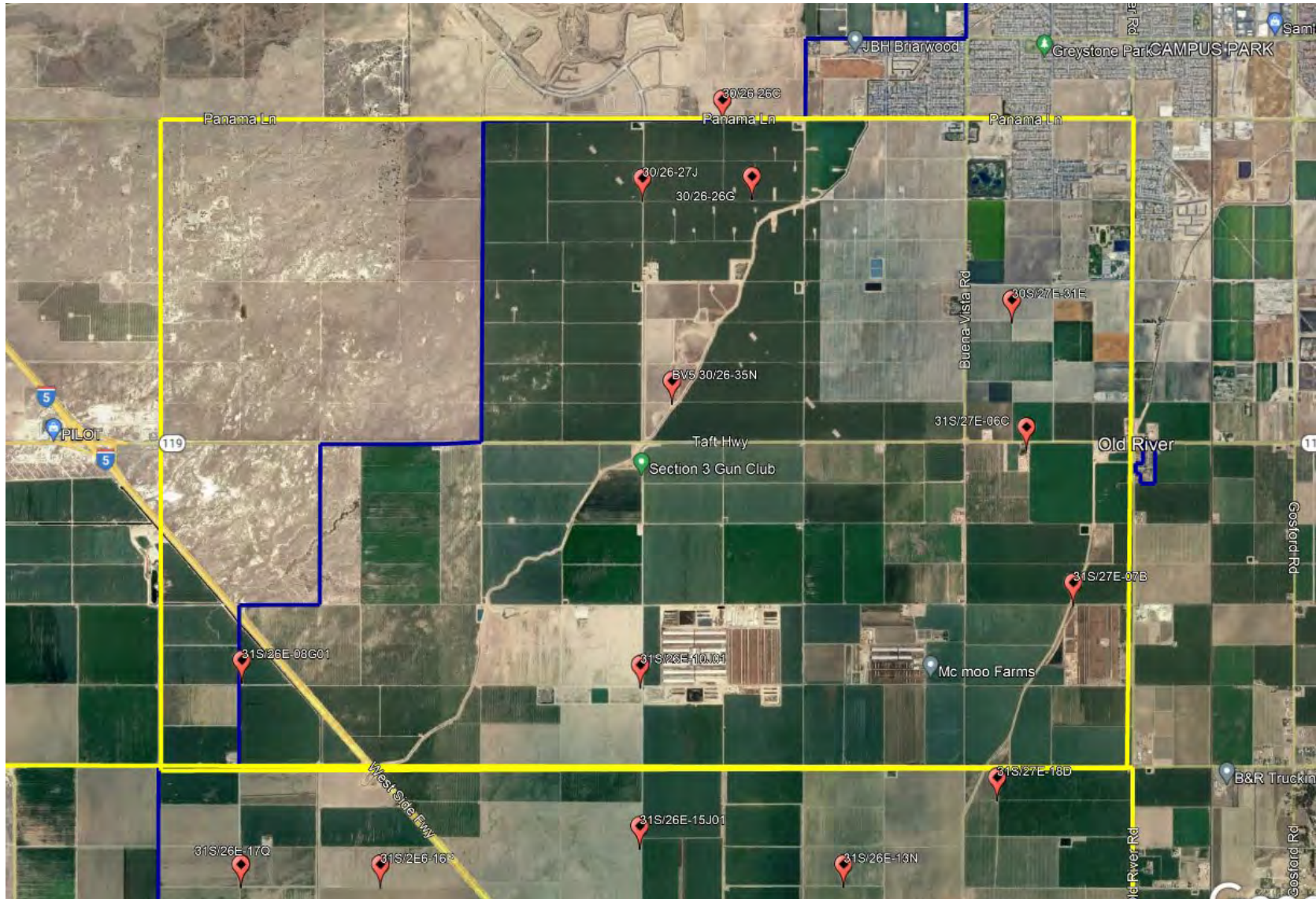
Isabella@usace.army.mil



Monthly Groundwater Report



March 2023



2023

Northwest Quadrant		JAN 2019	JAN 2020	JAN 2021	JAN 2022	JAN 2023	FEB 2023	MAR 2023	APR 2023	MAY 2023	JUN 2023	JUL 2023	AUG 2023	SEP 2023	OCT 2023	NOV 2023	DEC 2023	HIGH	LOW	AVERAGE
	30/26-26C	R	204	G	G	207	NR	NR										207	204	206
	30/26-26G	R	199	G	G	G	NR	NR										199	199	199
	30/26-27J	R	210	G	G	218	218	NR										218	210	215
	30/26-35N	184	171	169	185	217	207	202										217	169	191
	30/27-31E	202	219	201	224	228	219											228	201	217
	31/26-08G	NR	204	205	200	NR	217	216										217	200	208
	31/26-10J	202	NR	203	205	216	208	196										216	196	205
	31/27-06C	208	215	203	215	228	226	212										228	203	215
	31/27-07B	R	200	NR	235	207	207	202										235	200	210
	AVERAGE	199	203	196	211	217	216	208										217	196	207
Northwest District Maximum Depth to Water																		235		
Northwest District Minimum Depth to Water																		169		
Northwest District Average Depth to Water																		208		

G = gated well, unable to access

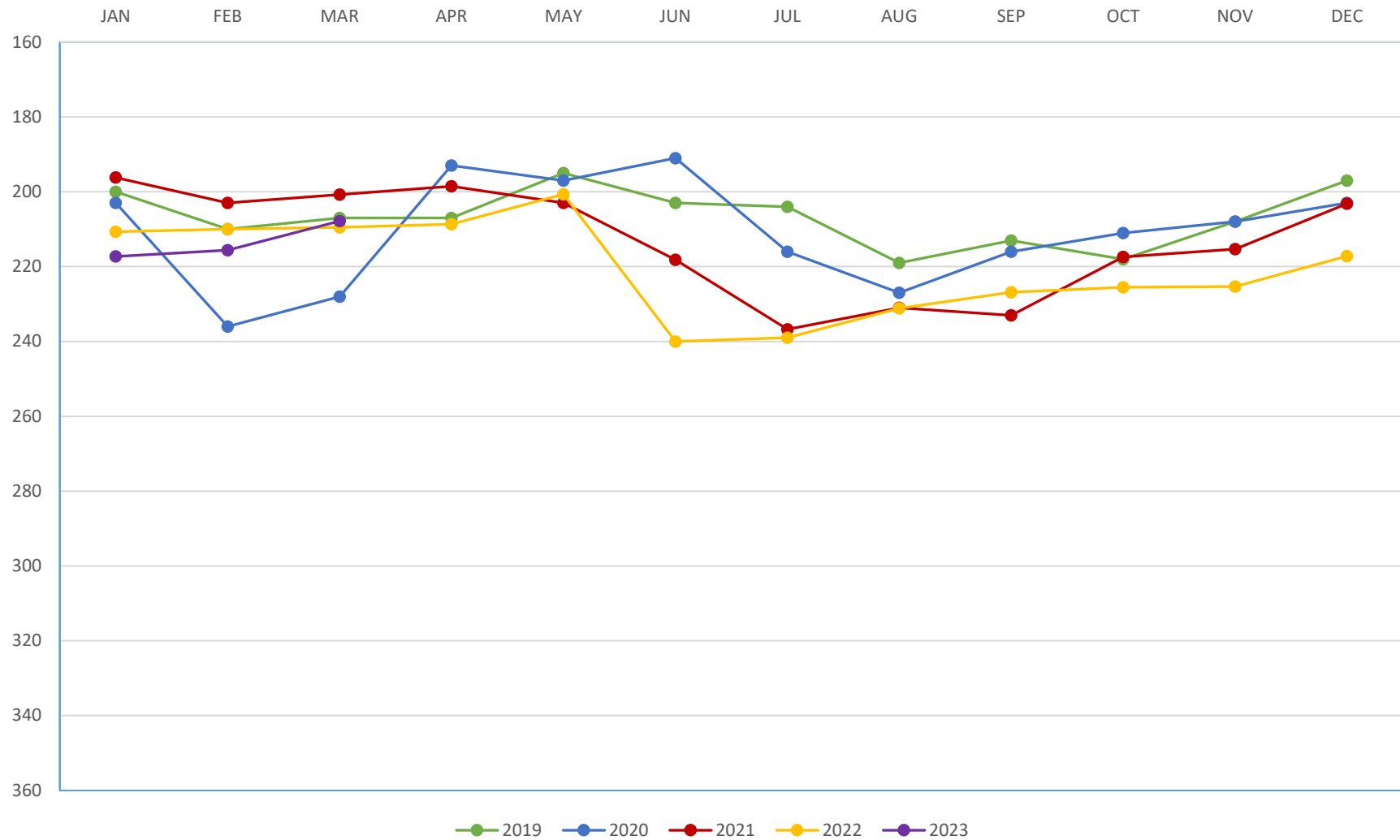
R = running well, no measurement taken

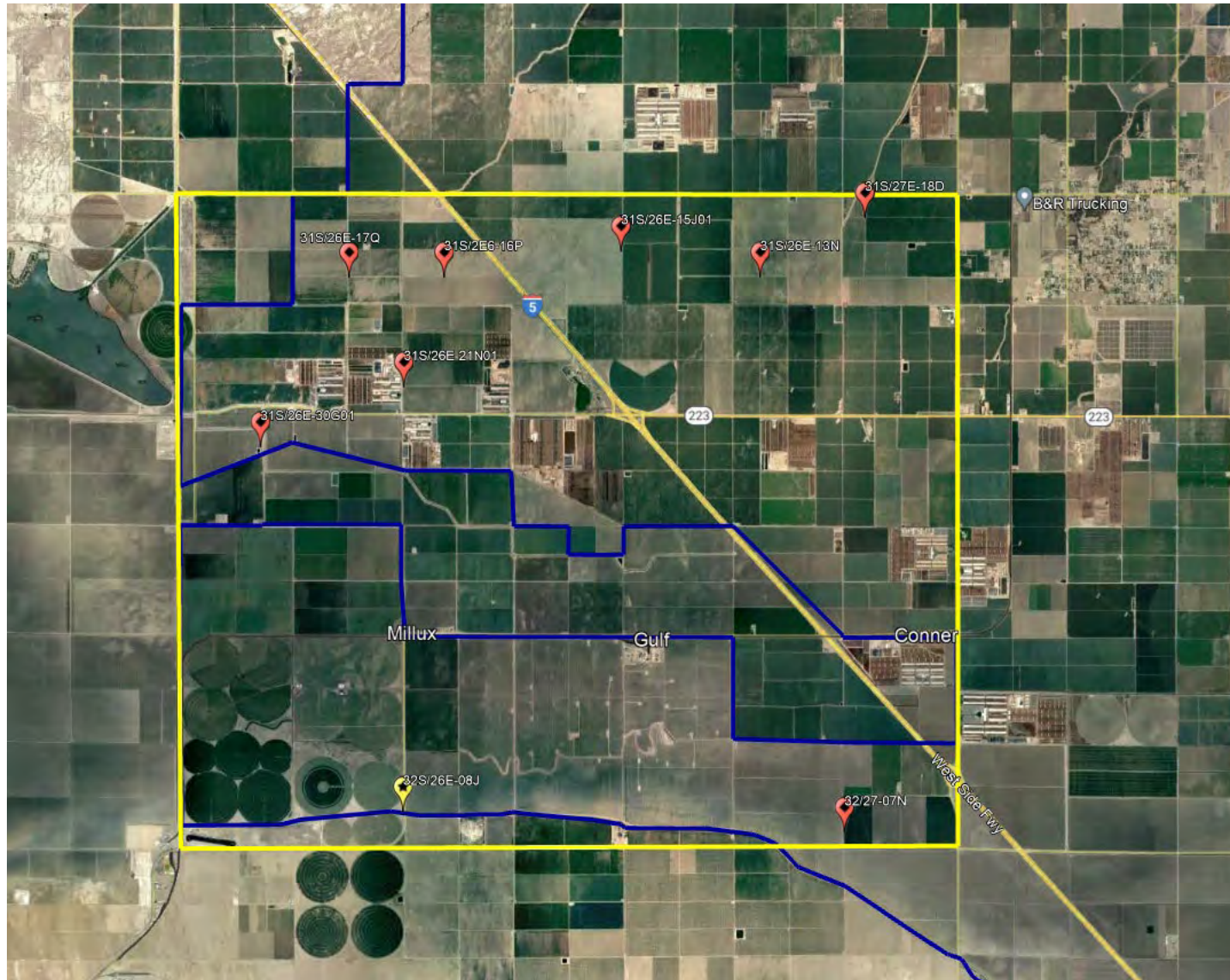
NR = temporary 'no reading', no measurement taken

yellow shading = inactive well

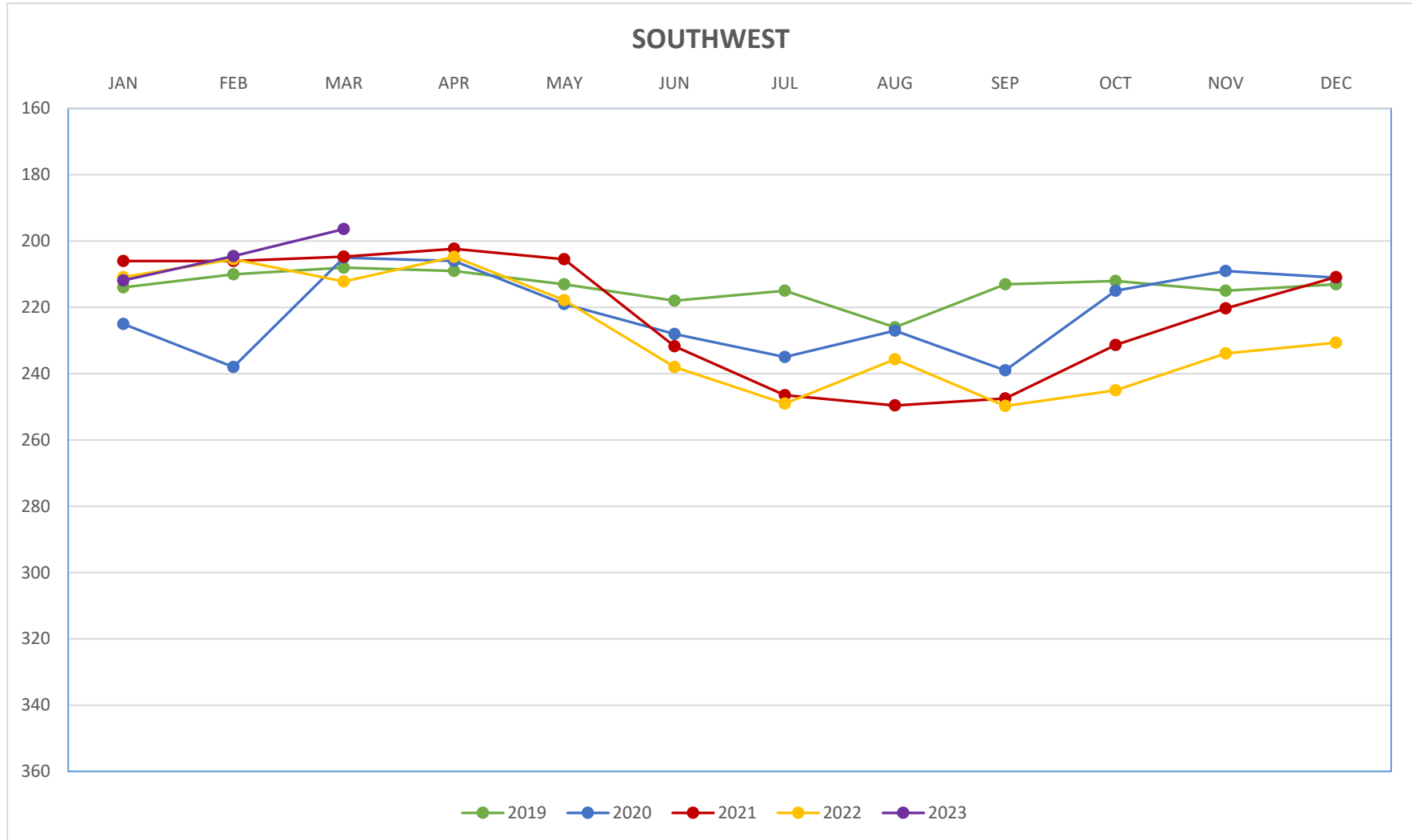
2023

NORTHWEST





2023



2023

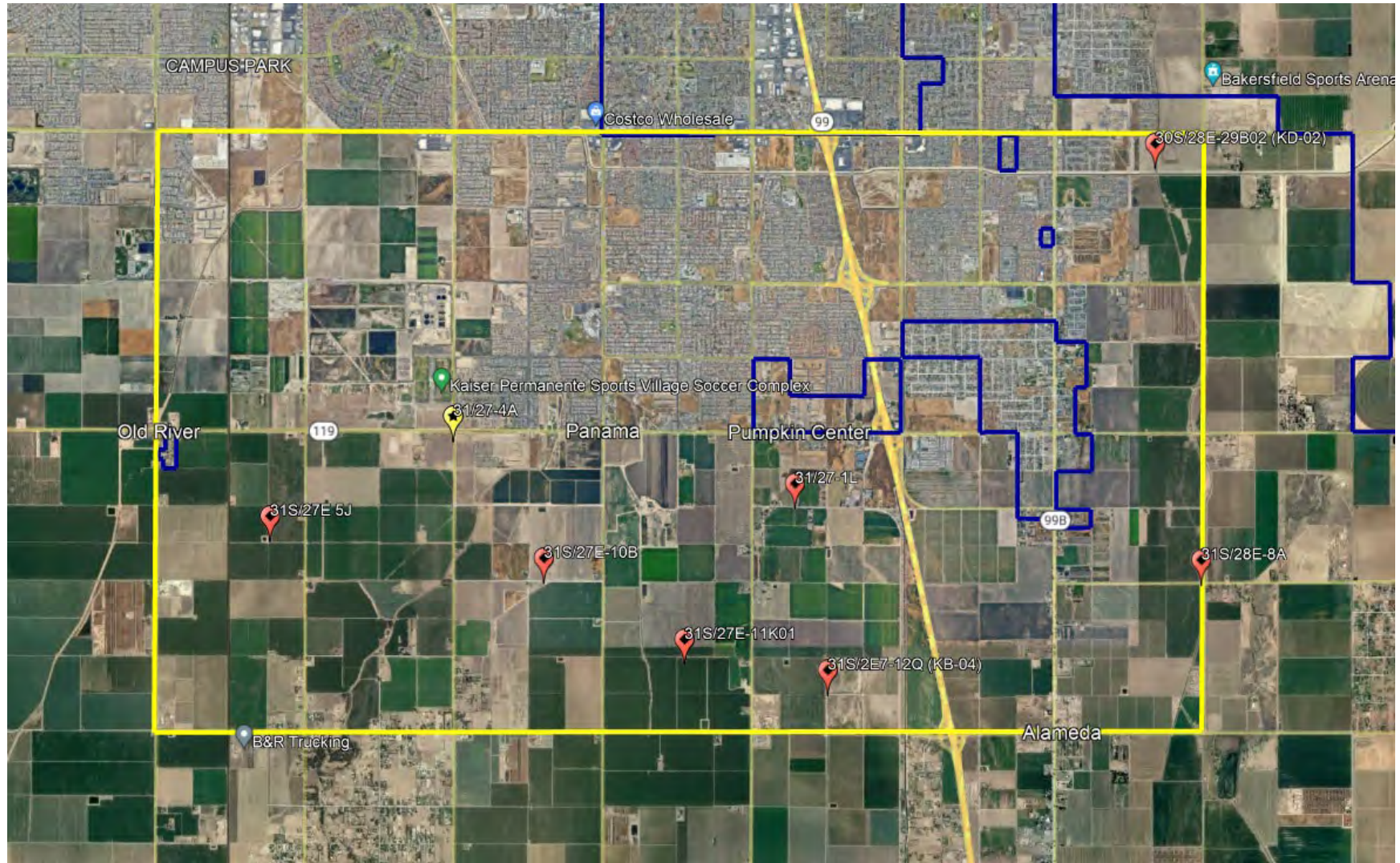
		JAN 2019	JAN 2020	JAN 2021	JAN 2022	JAN 2023	FEB 2023	MAR 2023	APR 2023	MAY 2023	JUN 2023	JUL 2023	AUG 2023	SEP 2023	OCT 2023	NOV 2023	DEC 2023	HIGH	LOW	AVERAGE
Southwest Quadrant	31/26-13N	201	NR	NR	206	215	204	201										215	201	205
	31/26-15J	205	NR	201	205	211	207	199										211	199	205
	31/26-16P	207	204	202	200	207	201											207	200	204
	31/26-17Q	210	203	219	202	NR	204	201										219	201	207
	31/26-21N	238	204	204	228	215	208	202										238	202	214
	31/26-30G	240	268	203	234	200	200	202										268	200	221
	31/27-18D01	206	201	203	222	222	217	201										222	201	210
	32/26-08J	215	209	212	200	213	200	202										215	200	207
	32/27-07N	200	288	200	201	NR	200	163										288	163	209
	AVERAGE	214	225	206	211	212	205	196										225	196	210
North-Central District Maximum Depth to Water																		288		
North-Central District Minimum Depth to Water																		163		
North-Central District Average Depth to Water																		209		

G = gated well, unable to access

R = running well, no measurement taken

NR = temporary 'no reading', no measurement taken

yellow shading = inactive well



2023

North-Central Quadrant		JAN 2019	JAN 2020	JAN 2021	JAN 2022	JAN 2023	FEB 2023	MAR 2023	APR 2023	MAY 2023	JUN 2023	JUL 2023	AUG 2023	SEP 2023	OCT 2023	NOV 2023	DEC 2023	HIGH	LOW	AVERAGE
	30/28-29B	243	229	225	231	240	237	236										243	225	234
	31/27-01L	220	232	219	170	219	217	217										232	170	213
	31/27-04A	183	184	179	182	186	185											186	179	183
	31/27-05J	NR	228	207	230	214	223	217										230	207	220
	31/27-10B	NR	208	208	210	210	210	208										210	208	209
	31/27-12Q	140	139	141	174	172	169	166										174	139	157
	31/28-08A	243	244	249	264	256	253	251										264	243	251
	AVERAGE	206	209	204	209	214	213	216										216	204	210
North-Central District Maximum Depth to Water																		264		
North-Central District Minimum Depth to Water																		139		
North-Central District Average Depth to Water																		210		

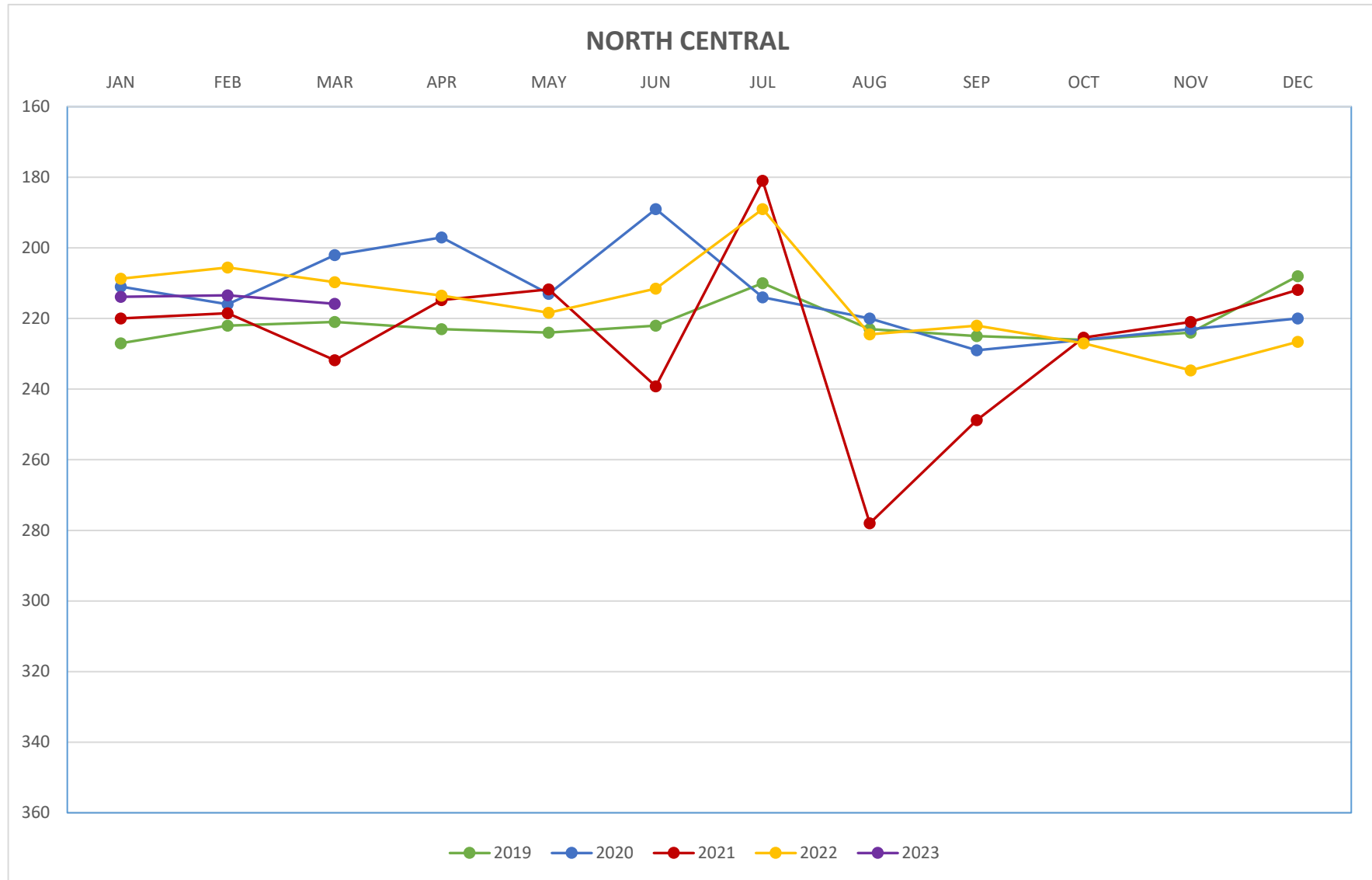
G = gated well, unable to access

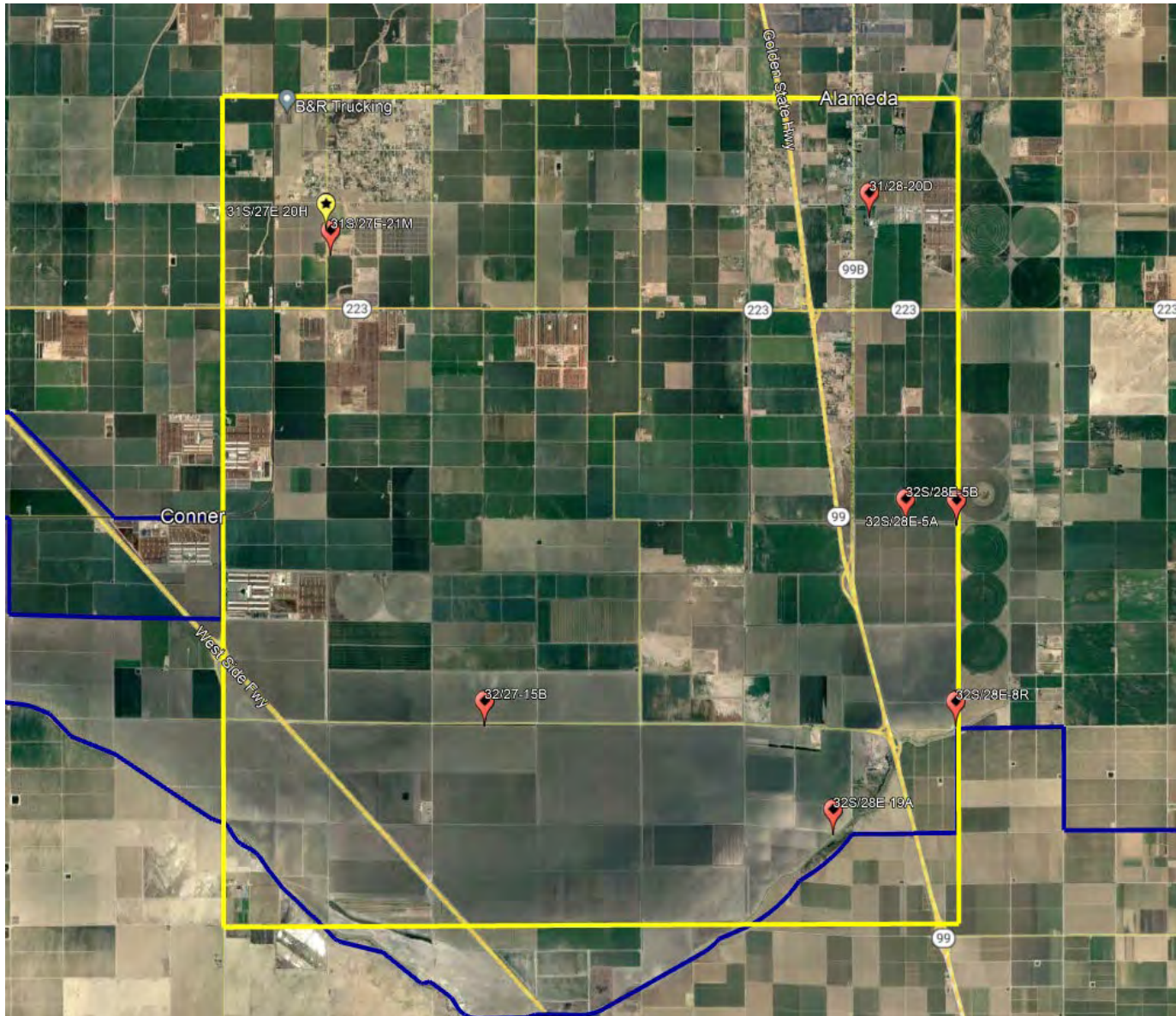
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NR = temporary 'no reading', no measurement taken

yellow shading = inactive well

2023





2023

		JAN 2019	JAN 2020	JAN 2021	JAN 2022	JAN 2023	FEB 2023	MAR 2023	APR 2023	MAY 2023	JUN 2023	JUL 2023	AUG 2023	SEP 2023	OCT 2023	NOV 2023	DEC 2023	HIGH	LOW	AVERAGE
South-Central Quadrant	31/27-20H	NR	211	NR	213	203	NR	188										213	188	204
	31/27-21M	L	L	NR	220	NR	NR	206										220	206	213
	31/28-20D	190	201	R	202	203	202	NR										203	190	200
	32/27-15B	231	202	200	201	338	270	264										338	200	244
	32/28-19A	215	222	222	255	NR	237	234										255	215	231
	32/28-05A	250	239	220	214	243	233	231										250	214	233
	32/28-05B	226	201	205	221	215	221	211										226	201	214
	32/28-08R	224	253	222	255	NR	234	248										255	222	239
	AVERAGE	223	218	214	223	240	233	226										240	214	225
	South-Central District Maximum Depth to Water																	338		
	South-Central District Minimum Depth to Water																	188		
	South-Central District Average Depth to Water																	225		

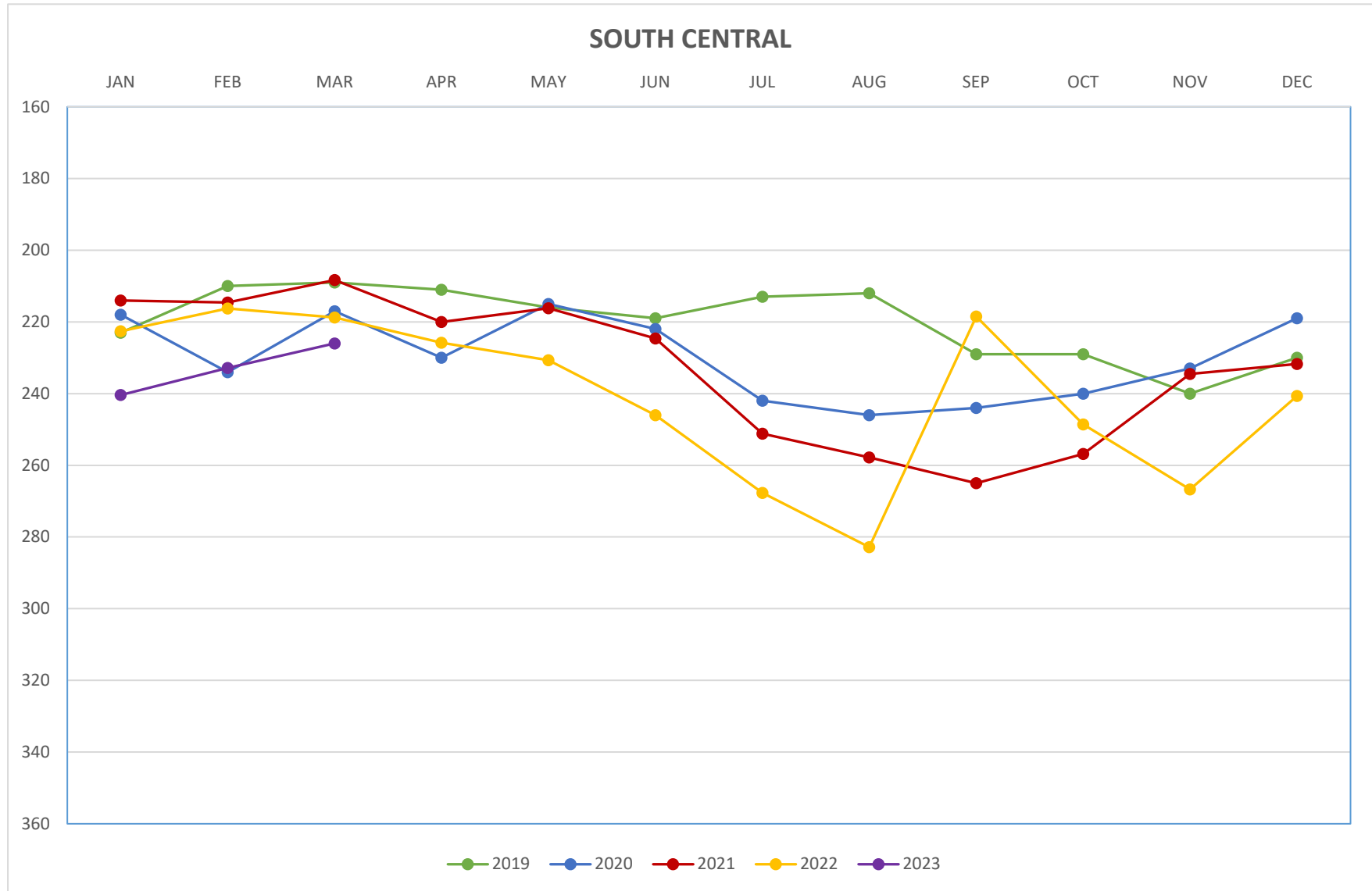
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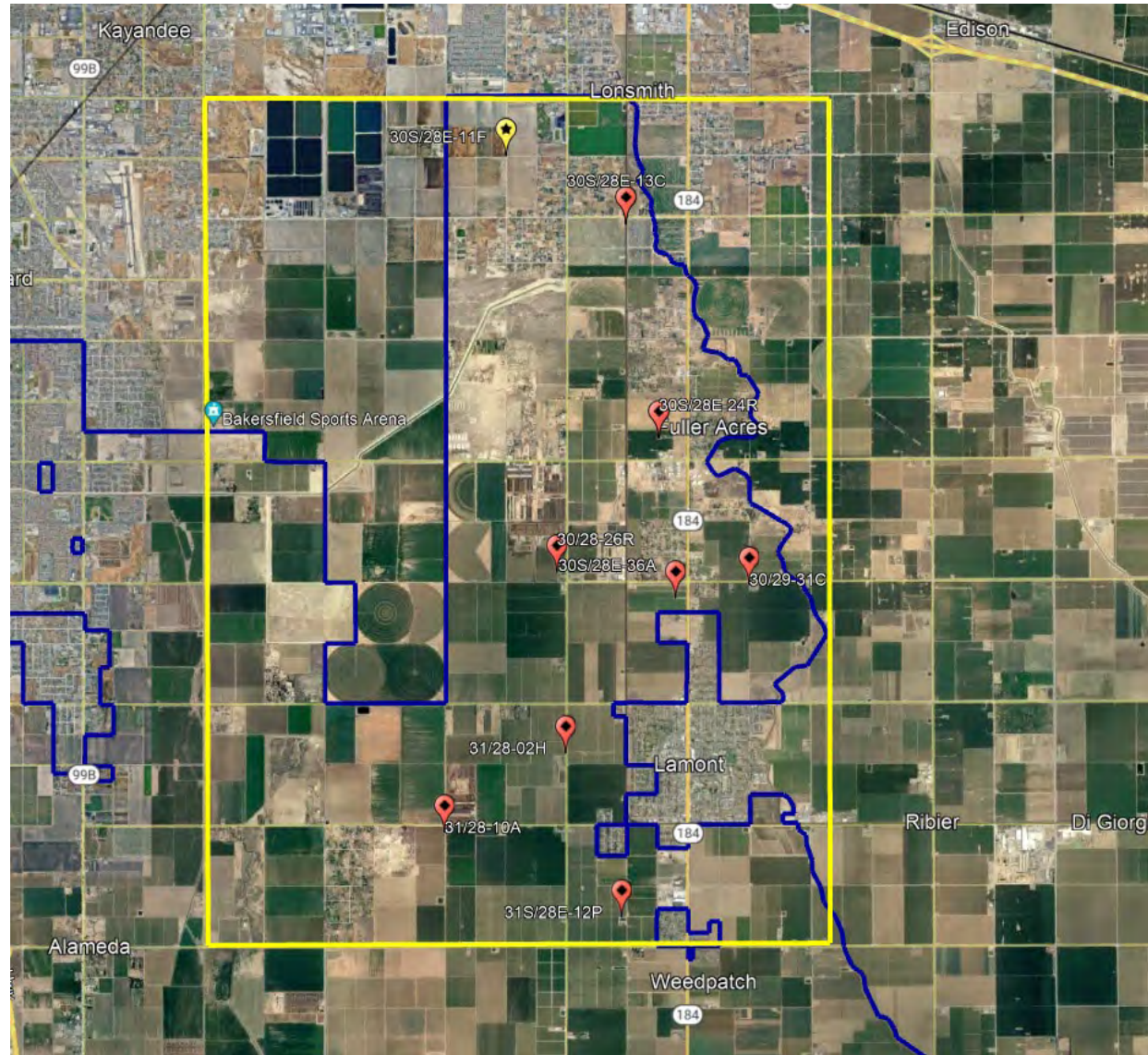
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yellow shading = inactive well

2023





2023

		JAN 2019	JAN 2020	JAN 2021	JAN 2022	JAN 2023	FEB 2023	MAR 2023	APR 2023	MAY 2023	JUN 2023	JUL 2023	AUG 2023	SEP 2023	OCT 2023	NOV 2023	DEC 2023	HIGH	LOW	AVERAGE
Northeast Quadrant	30/28-11F	263	263	264	272	NR	278	270										278	263	268
	30/28-13C	R	300	331	320	313	321	322										331	300	318
	30/28-24R	306	311	309	NR	NR	NR	NR										311	306	309
	30/28-26R	287	NR	NR	NR	NR	NR	NR										287	287	287
	30/28-36A		212	NR	NR	334	332	326										334	212	301
	30/29-31C	327	338	330	344	347	344	344										347	327	339
	31/28-02H	291	290	295	326	310	308	304										326	290	303
	31/28-10A	253	253	258	265	269	266	264										269	253	261
	31/28-12P	286	284	NR	NR	302	301	301										302	284	295
	AVERAGE	288	281	298	305	313	307	304										313	281	299
Northeast District Maximum Depth to Water																		347		
Northeast District Minimum Depth to Water																		212		
Northeast District Average Depth to Water																		299		

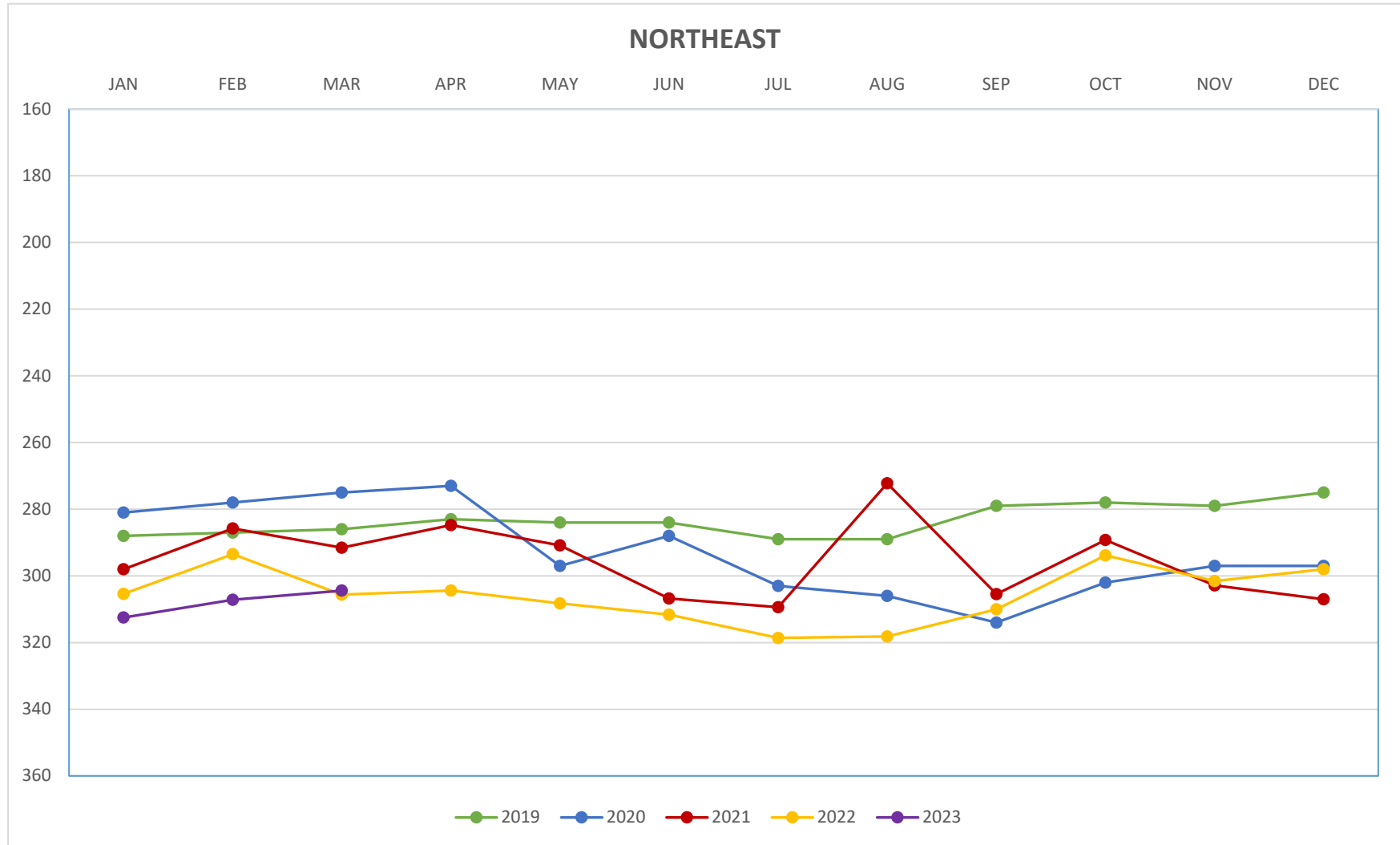
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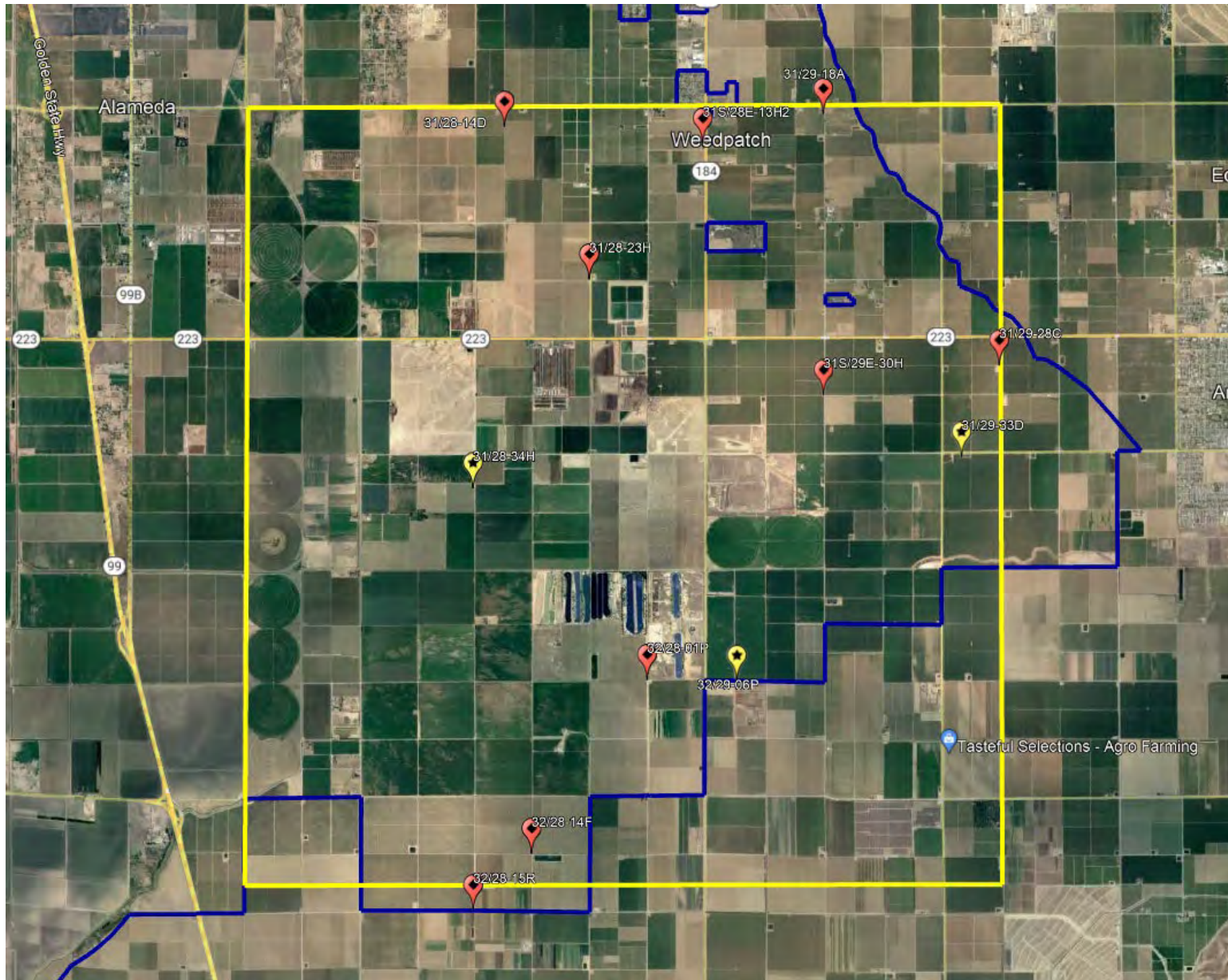
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2023





2023

		JAN 2019	JAN 2020	JAN 2021	JAN 2022	JAN 2023	FEB 2023	MAR 2023	APR 2023	MAY 2023	JUN 2023	JUL 2023	AUG 2023	SEP 2023	OCT 2023	NOV 2023	DEC 2023	HIGH	LOW	AVERAGE
Southeast Quadrant	31/28-13H2	NR	NR	NR	290	299	298	304										304	290	298
	31/28-14D	239	230	235	247	245	243	241										247	230	240
	31/28-23H	290	286	275	276	313	304	NR										313	275	291
	31/28-34H	337	206	204	203	213	223	NR										337	203	231
	31/29-18A	335	333	241	349	357	NR	NR										357	241	323
	31/29-28C	347	344	NR	NR	201	205	NR										347	201	274
	31/29-30H	NR	NR	331	353	333	R	328										353	328	336
	31/29-33D	342	250	338	239	347	345	346										347	239	315
	32/28-14F	NR	222	241	NR	NR	NR	NR										241	222	232
	32/28-15R	263	272	291	314	298	285	279										314	263	286
	32/28-01P	NR	NR	NR	207	NR	NR	202										207	202	205
	32/29-06P	183	177	208	NR	198	195	197										208	177	193
	AVERAGE	292	258	263	275	280	262	271										292	258	272
	Southeast District Maximum Depth to Water																	357		
	Southeast District Minimum Depth to Water																	177		
	Southeast District Average Depth to Water																	272		

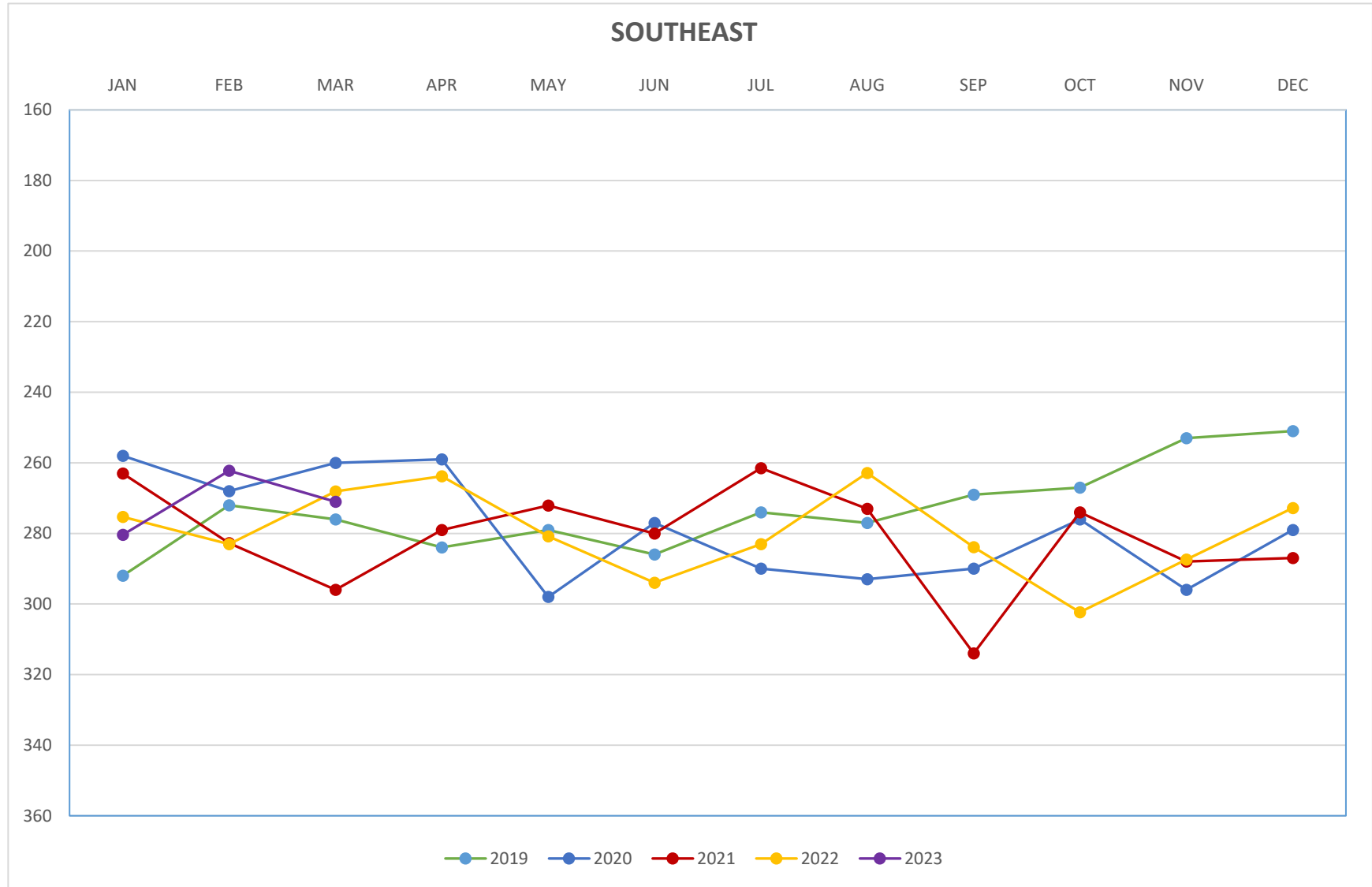
G = gated well, unable to access

R = running well, no measurement taken

NR = temporary 'no reading', no measurement taken

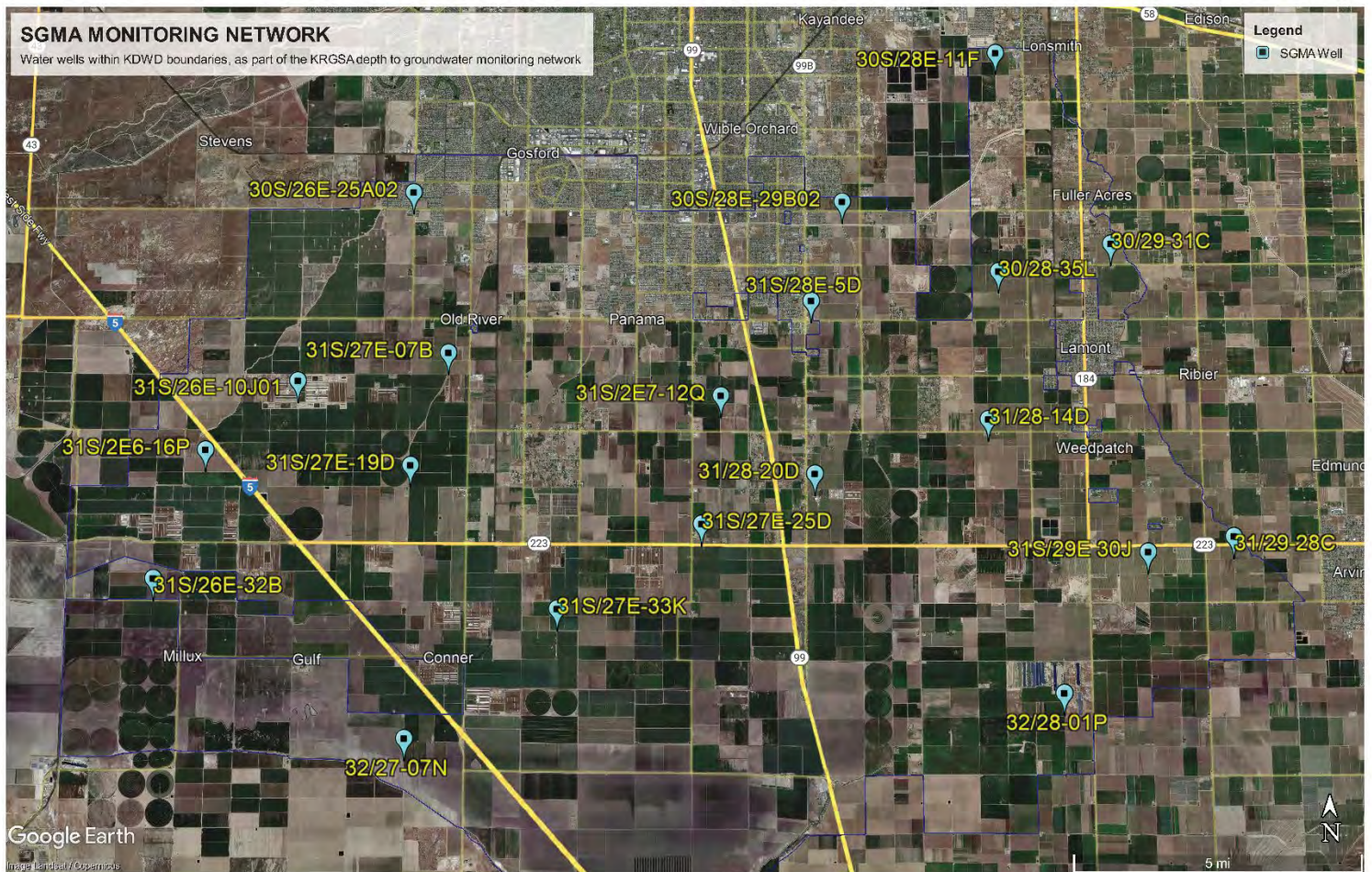
yellow shading = inactive well

2023





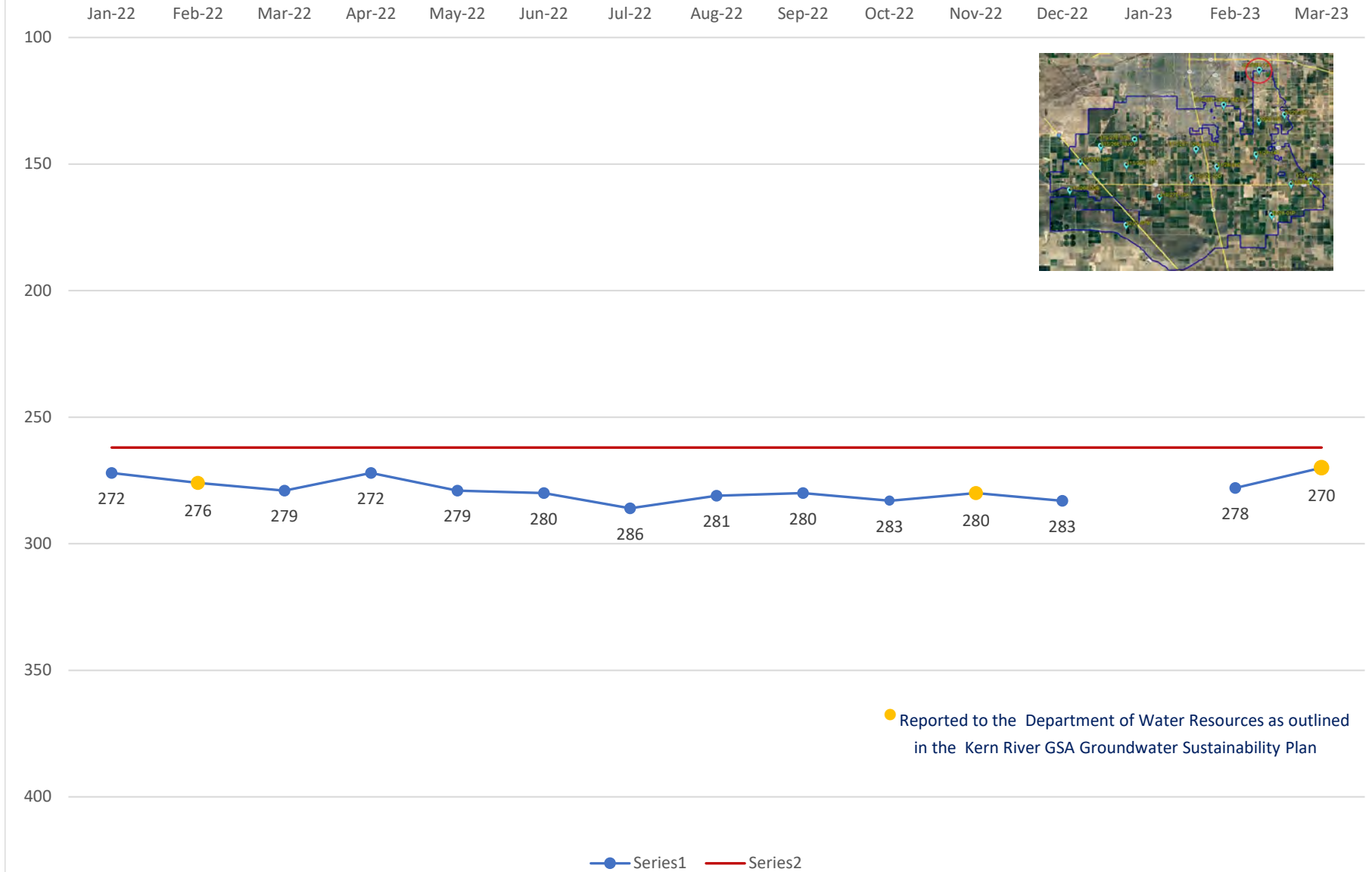
Monthly SGMA Wells Monitoring Report



March 2023

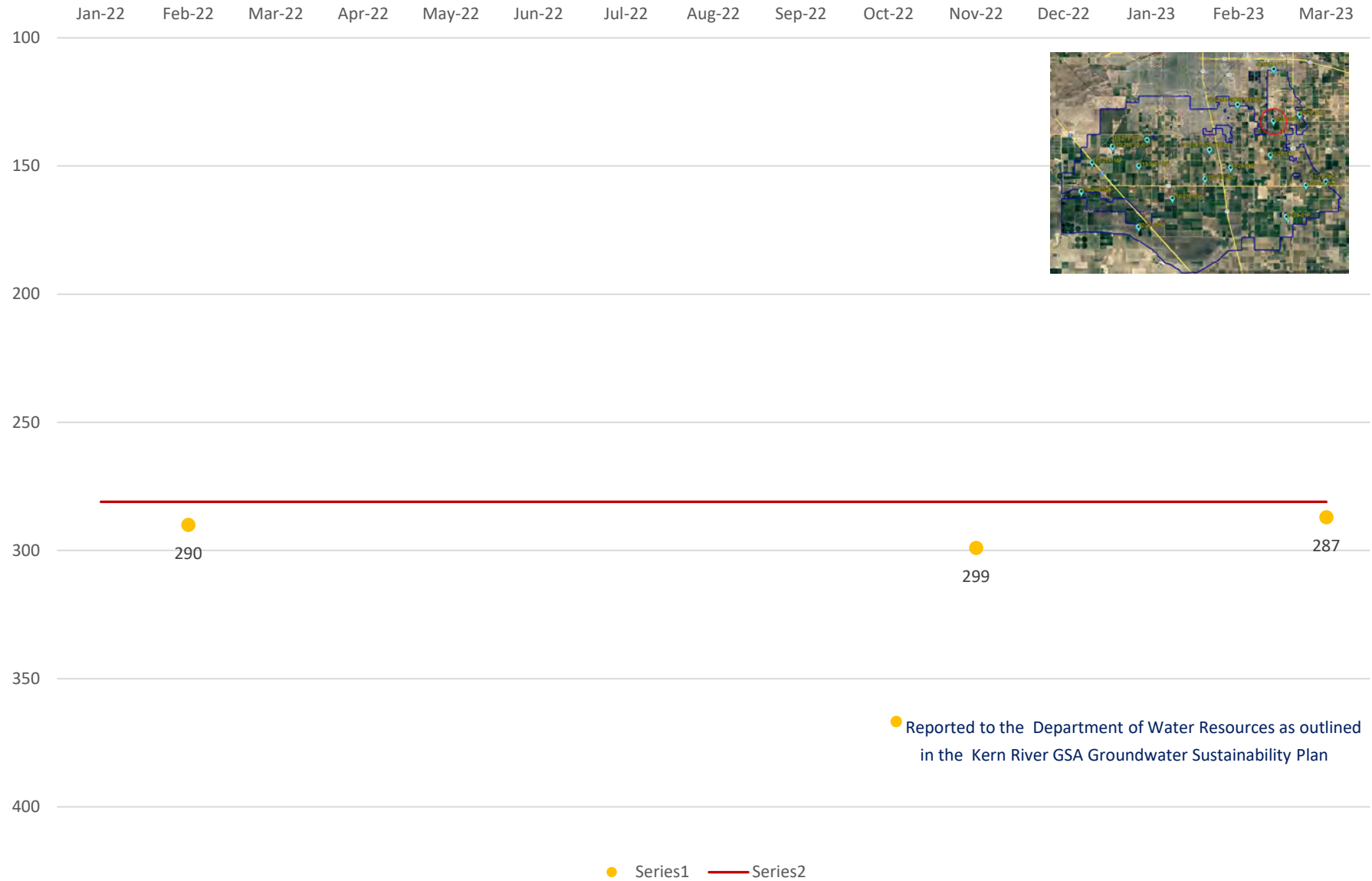
RMW-030 30S/28E-11F

not to exceed 262' (depth to water)



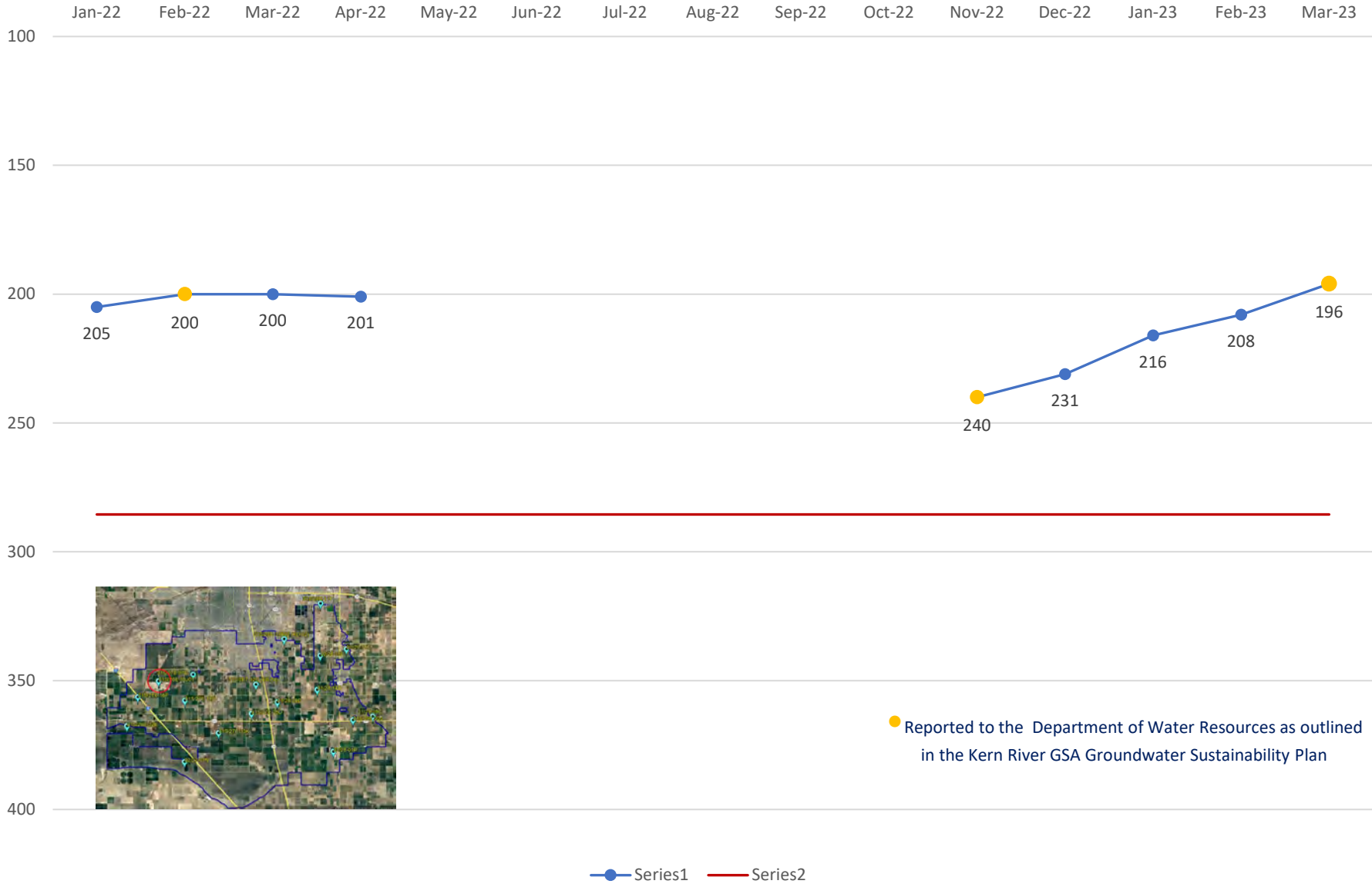
RMW-034 30S/28E-35L

not to exceed 281' (depth to water)



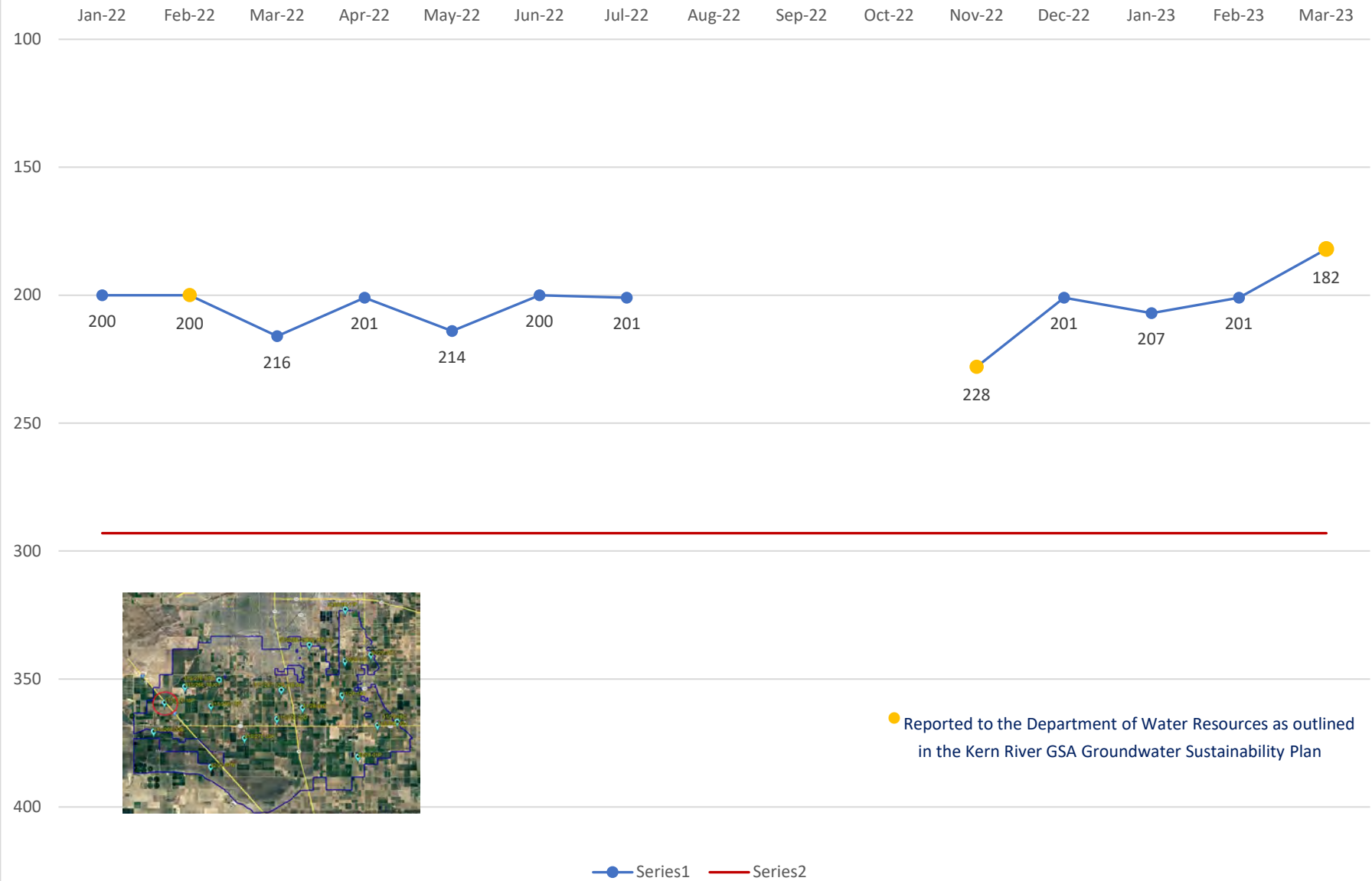
RMW-035R 31S/26E-10J

not to exceed 285.5' (depth to water)



RMW-037 31S/26E-16P

not to exceed 293' (depth to water)



RMW-038 31S/27E-19D

not to exceed 269.9' (depth to water)



RMW-040 31S/27E-25D

not to exceed 250' (depth to water)



RMW-041 31S/29E-30J

not to exceed 336' (depth to water)



RMW-042 31S/26E-32B

not to exceed 335' (depth to water)



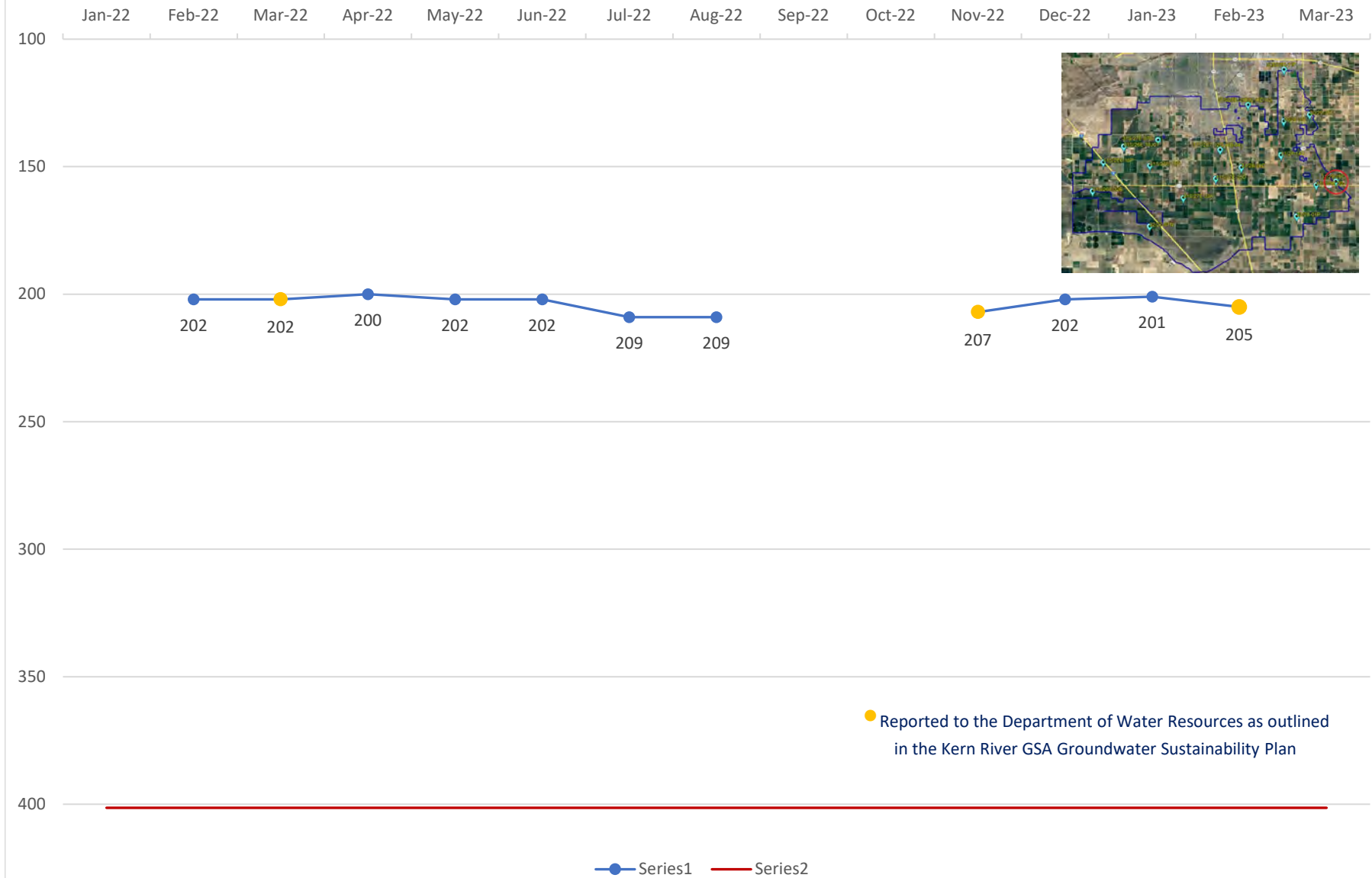
RMW-192 31S/28E-20D

not to exceed 293.4' (depth to water)



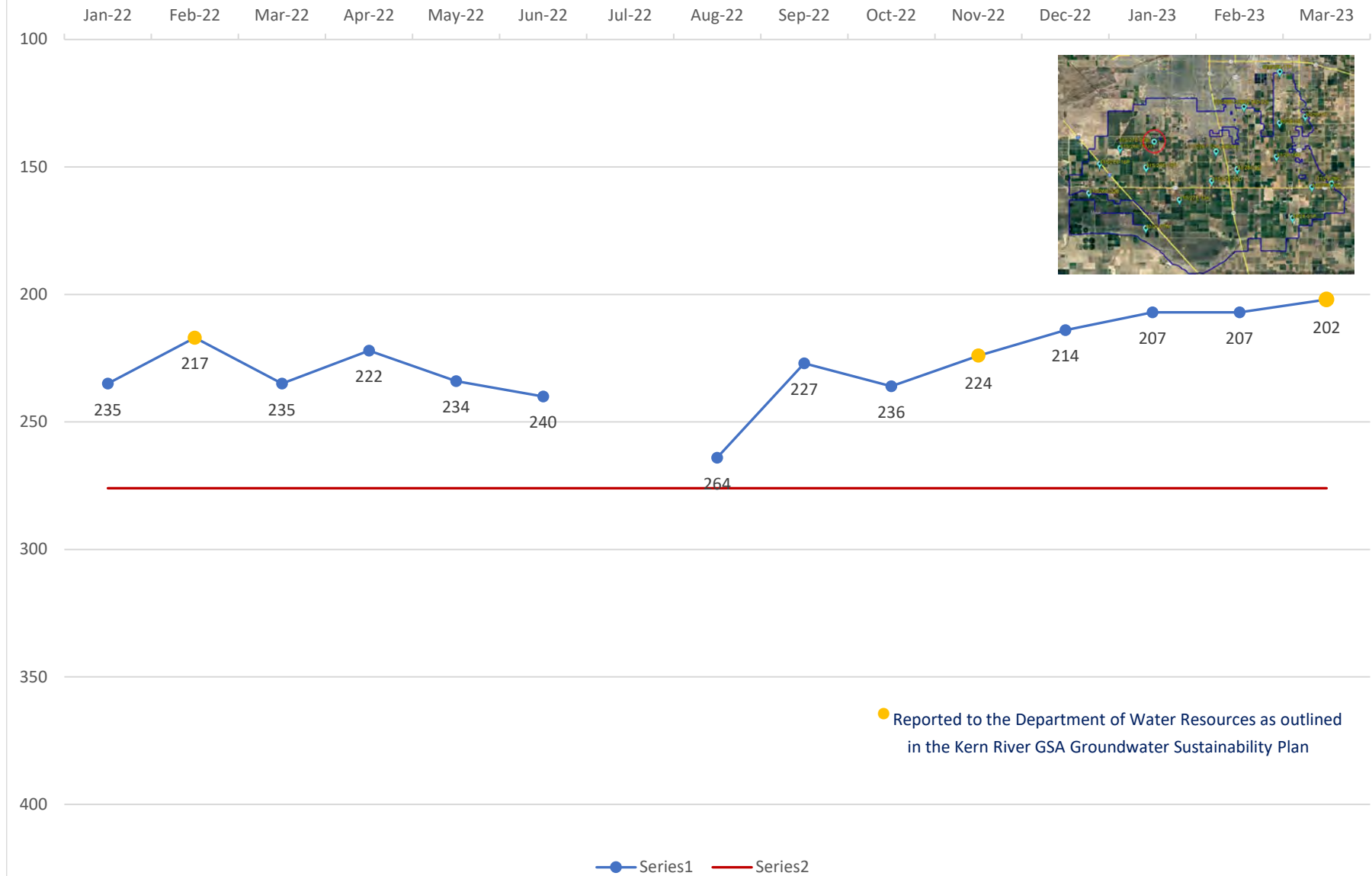
RMW-193 31S/29E-28C

not to exceed 401.4' (depth to water)



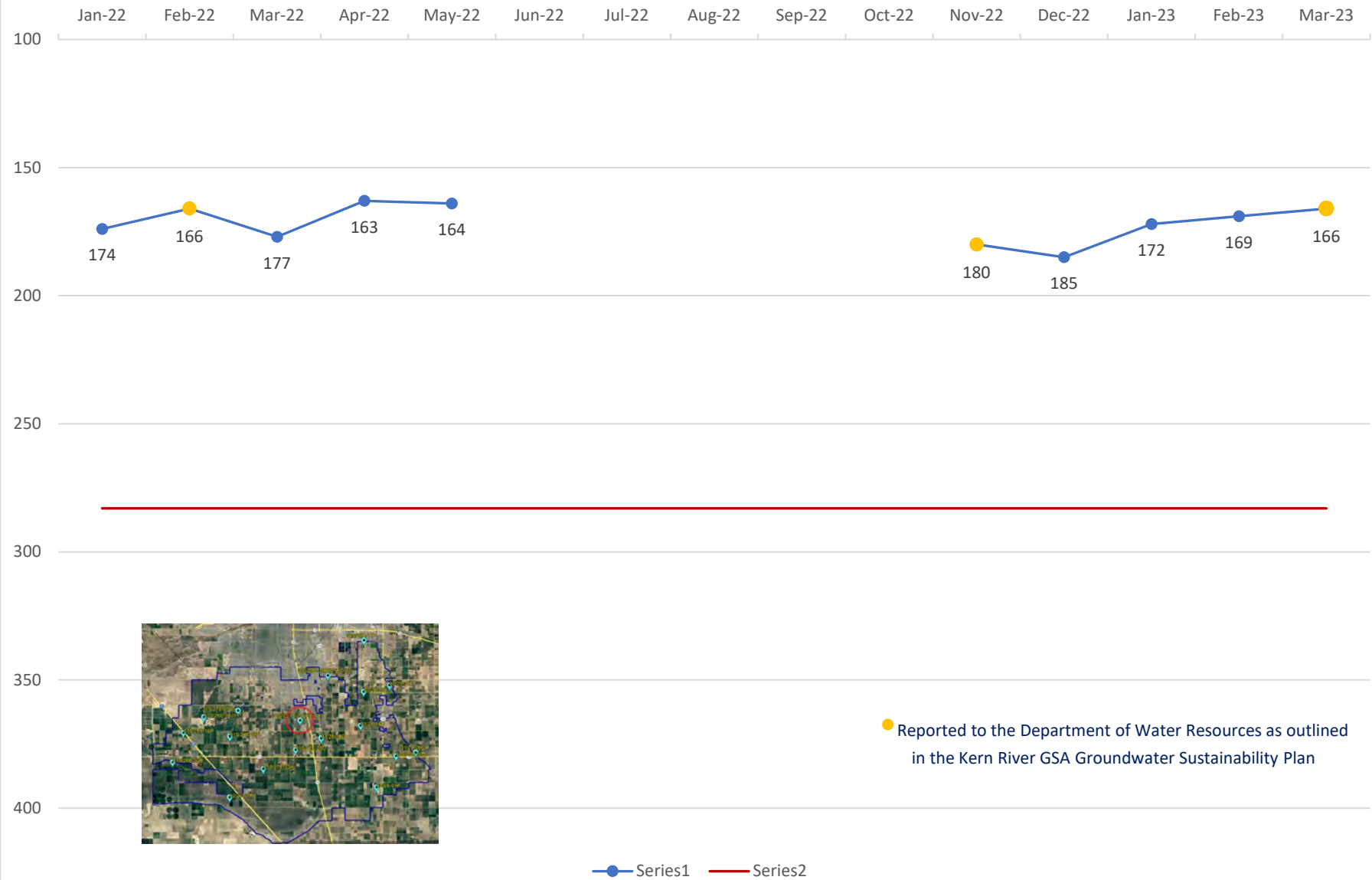
RMW-195 31S/27E-07B

not to exceed 276' (depth to water)



RMW-196 31S/27E-12Q

not to exceed 283' (depth to water)



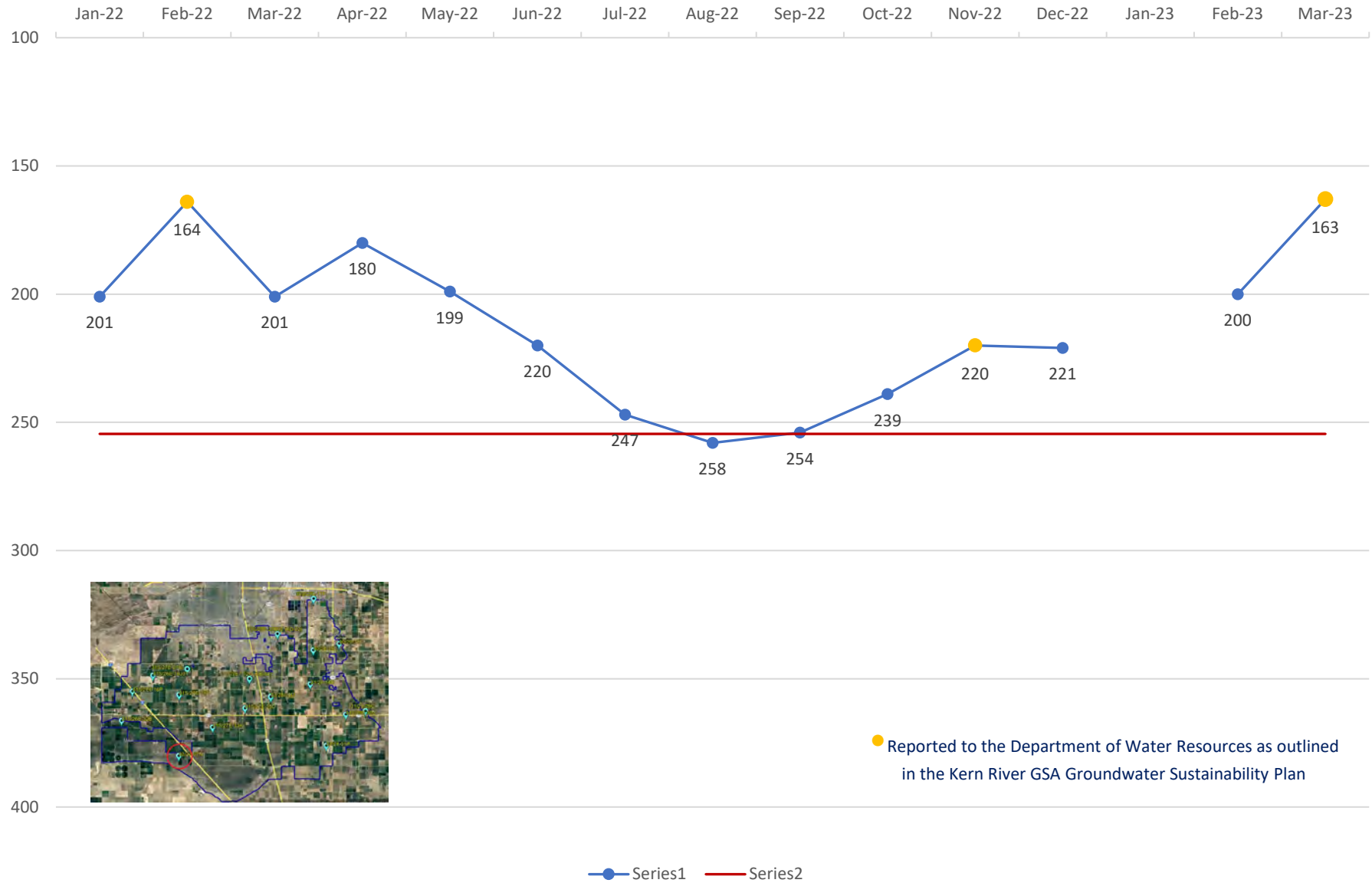
RMW-197 32S/28E-01P

not to exceed 337.6' (depth to water)



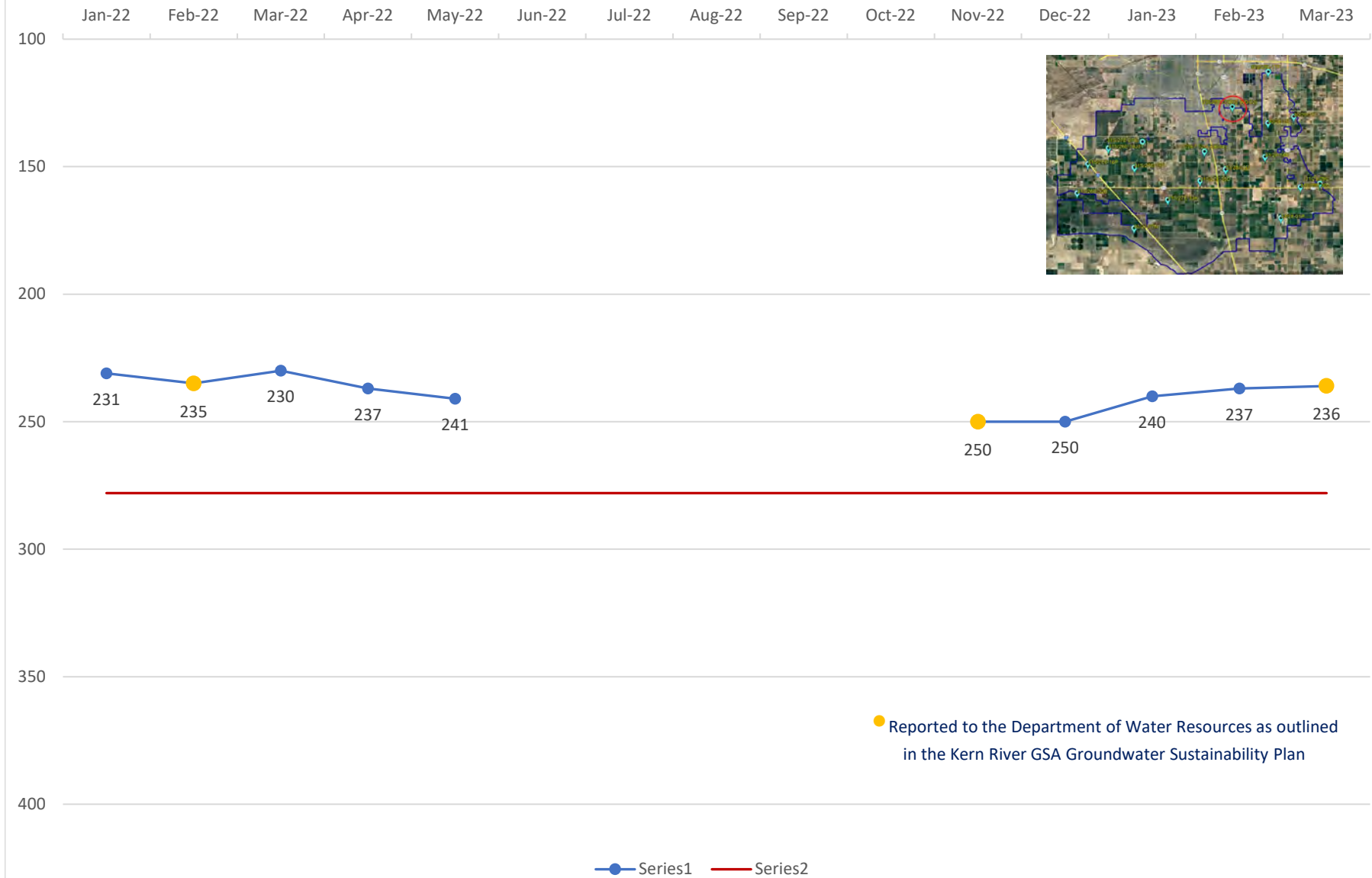
RMW-200 32S/27E-07N

not to exceed 254.5' (depth to water)



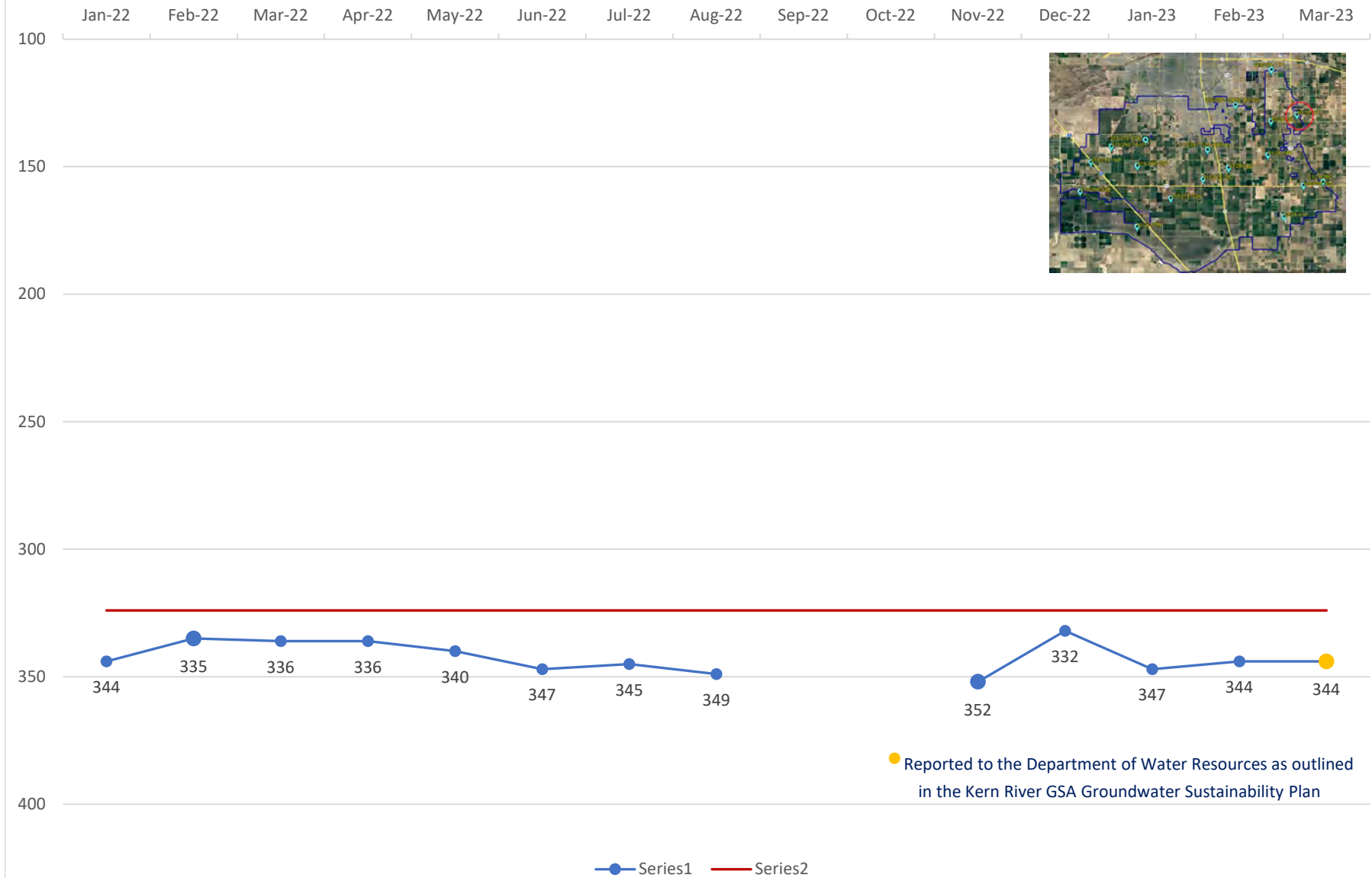
RMW-216 30S/28E-29B

not to exceed 278' (depth to water)



RMW-217 30S/29E-31C

not to exceed 324' (depth to water)



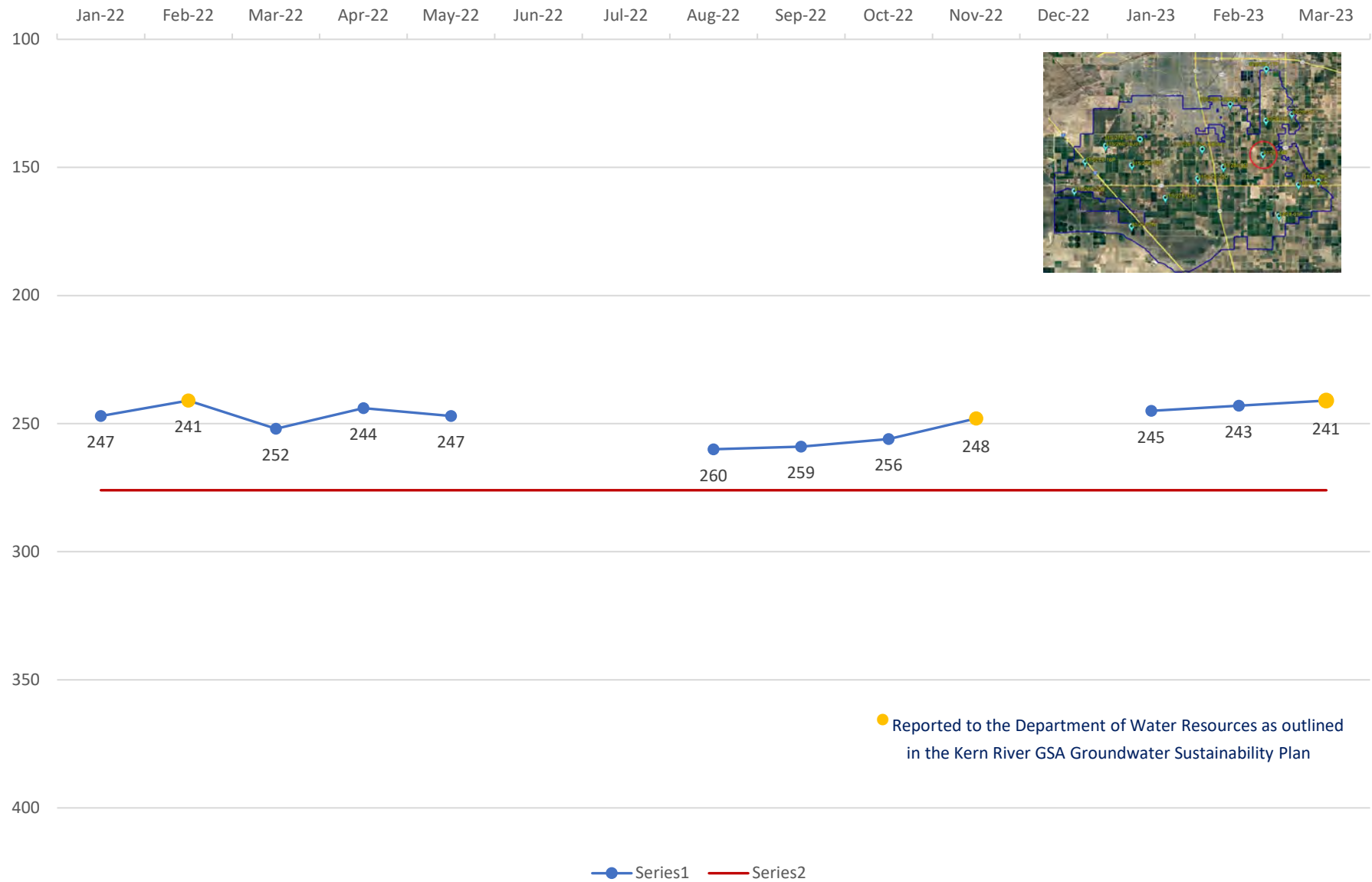
RMW-218 31S/27E-33K

not to exceed 202' (depth to water)



RMW-219 31S/28E-14D

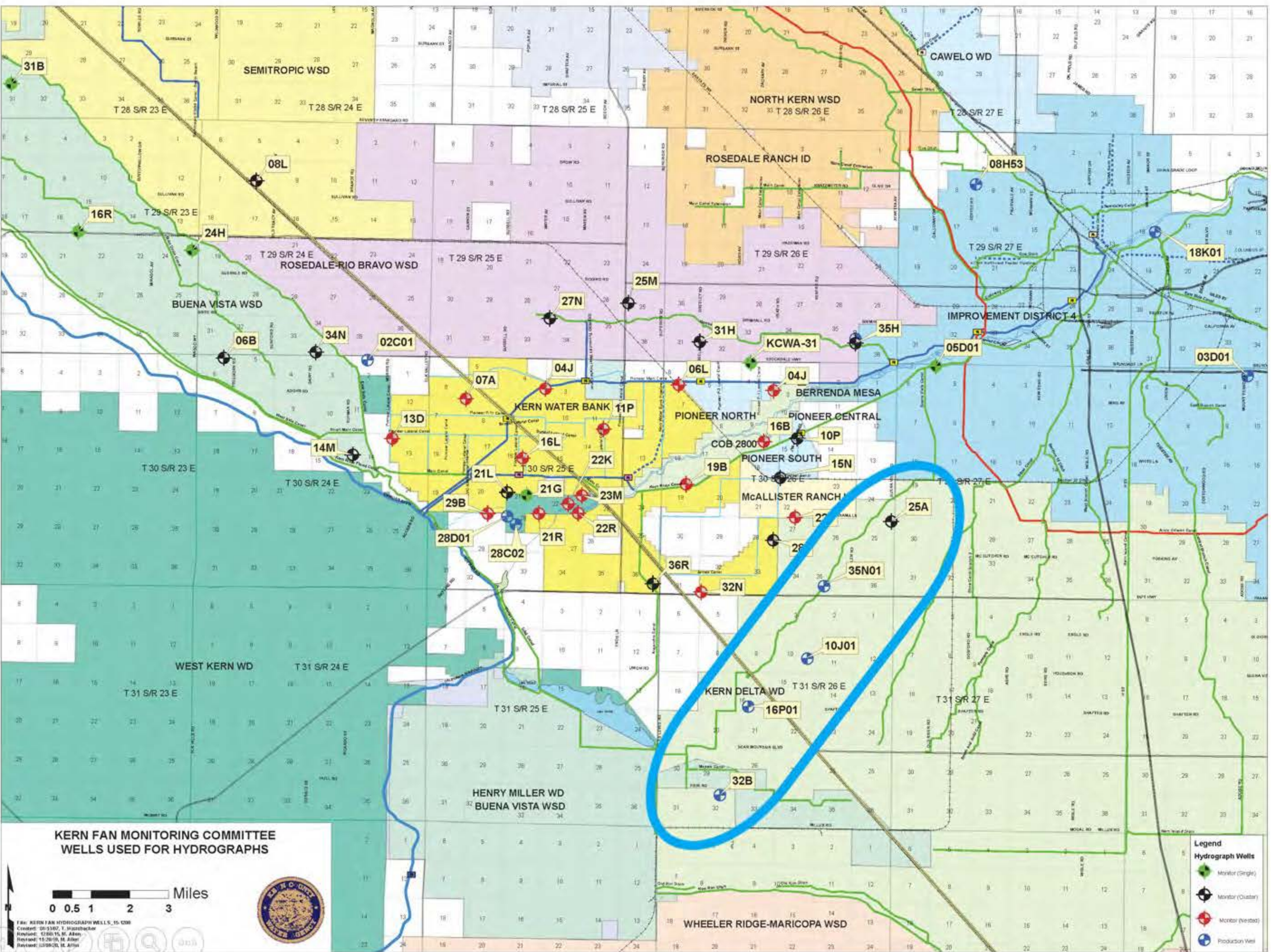
not to exceed 276' (depth to water)





KFMC
HYDROGRAPHS

March 2023



**KERN FAN MONITORING COMMITTEE
WELLS USED FOR HYDROGRAPHS**

0 0.5 1 2 3 Miles



FILE: KERN FAN HYDROGRAPH WELLS, 15, 0308
Created: 01/13/07, T. W. Hatcher
Revised: 11/26/10, M. Allen
Revised: 03/08/12, M. Allen

- Legend**
- Hydrograph Wells
 - Monitor (Single)
 - Monitor (Cluster)
 - Monitor (Nested)
 - Production Well

30S/26E-25A



KCWA
GROUNDWATER
DATABASE



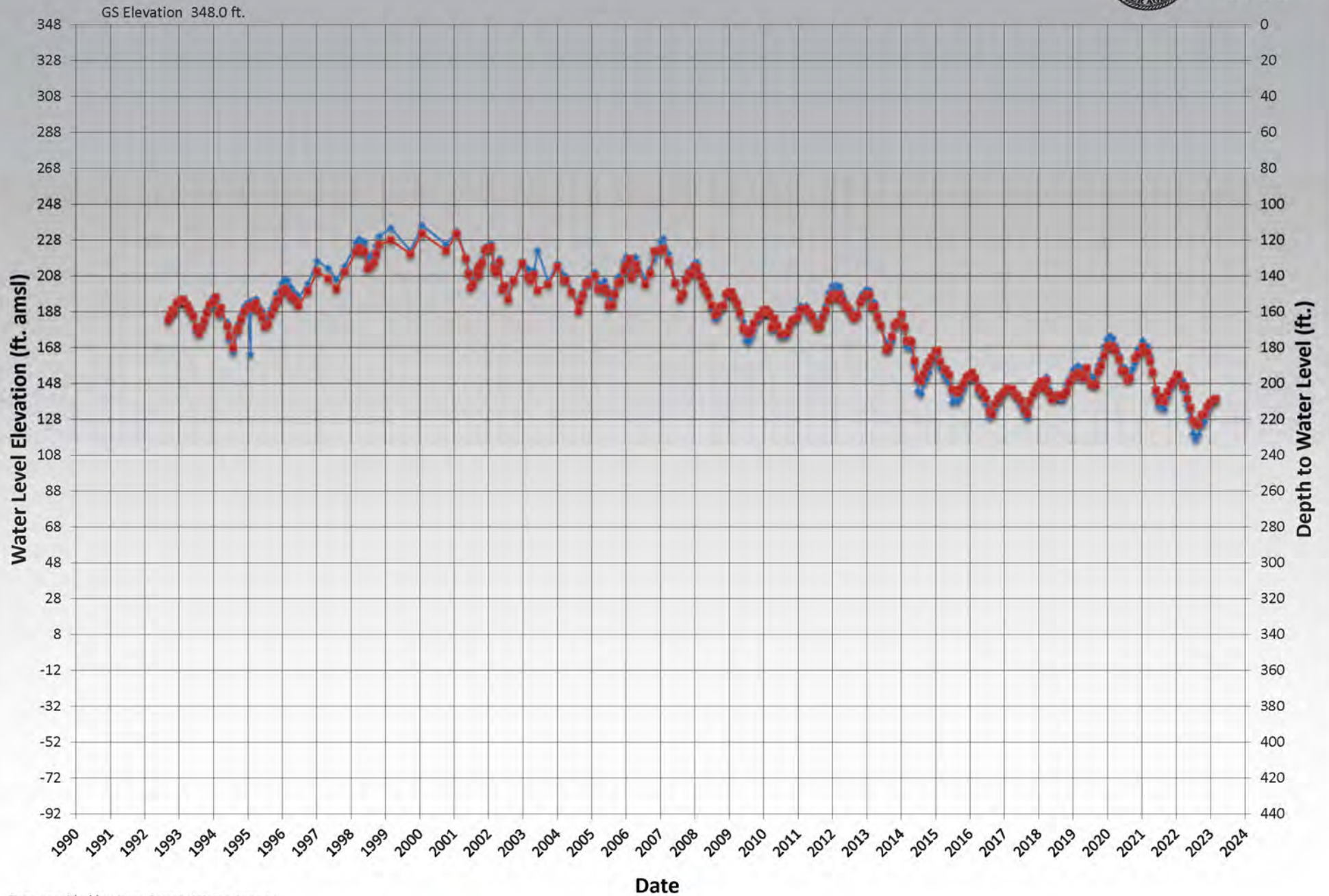
Data provided by: Kern County Water Agency

—◆— 25A02 PERF INT 590'-690' —■— 25A03 PERF INT 290'-390'

30S/26E-25A



KCWA
GROUNDWATER
DATABASE



Data provided by: Kern County Water Agency

30S/26E-35N01



KCWA
GROUNDWATER
DATABASE



Data provided by: Kern Delta Water District

35N01 PERF INT 200'-470', 530'-650', 750'-850'

30S/26E-35N01



KCWA
GROUNDWATER
DATABASE



Data provided by: Kern Delta Water District

35N01 PERF INT 200'-470', 530'-650', 750'-850'

31S/26E-10J01



KCWA
GROUNDWATER
DATABASE



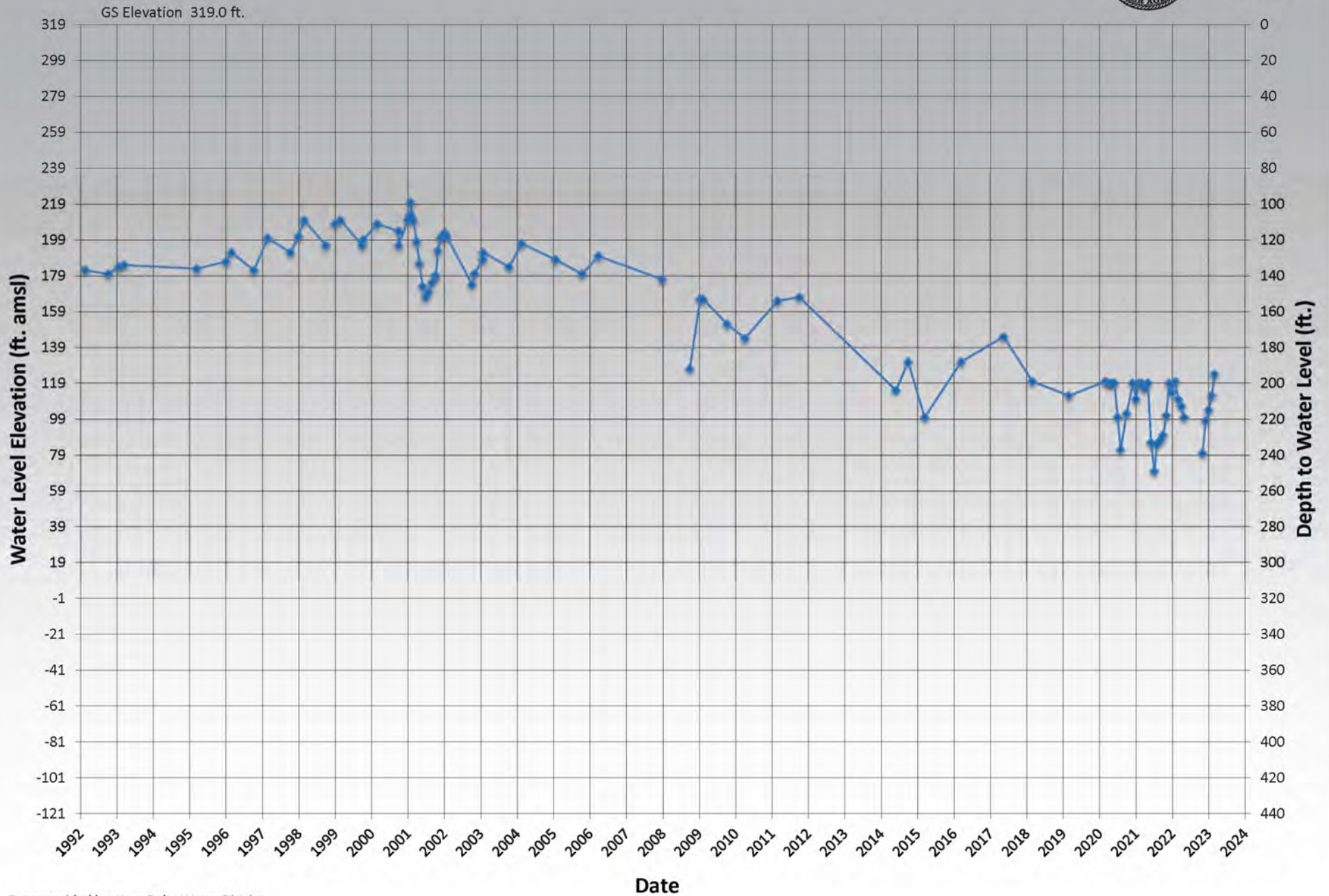
Data provided by: Kern Delta Water District

31S/26E-10J01

31S/26E-10J01



KCWA
GROUNDWATER
DATABASE



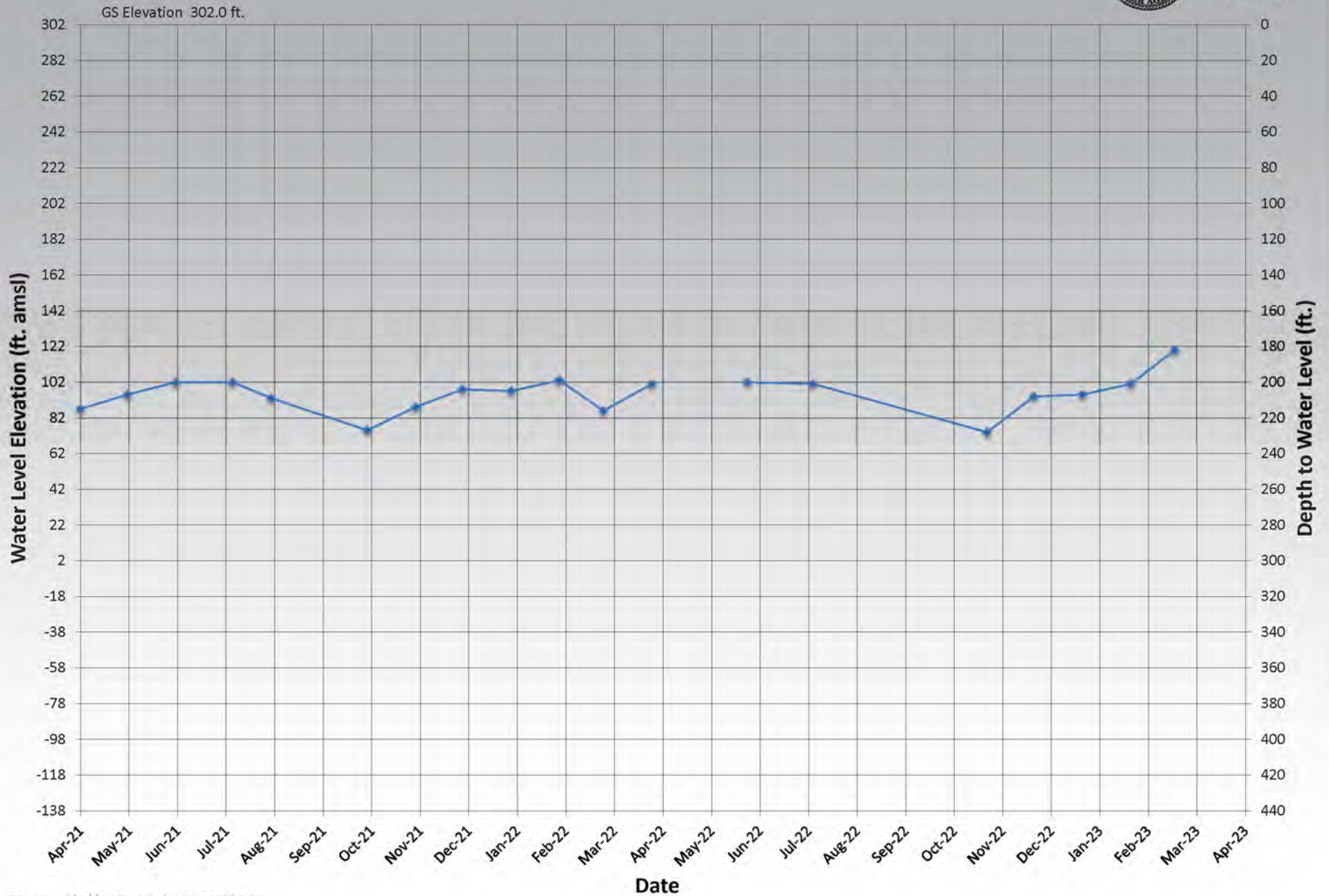
Data provided by: Kern Delta Water District

31S/26E-10J01

31S/26E-16P01



KCWA
GROUNDWATER
DATABASE



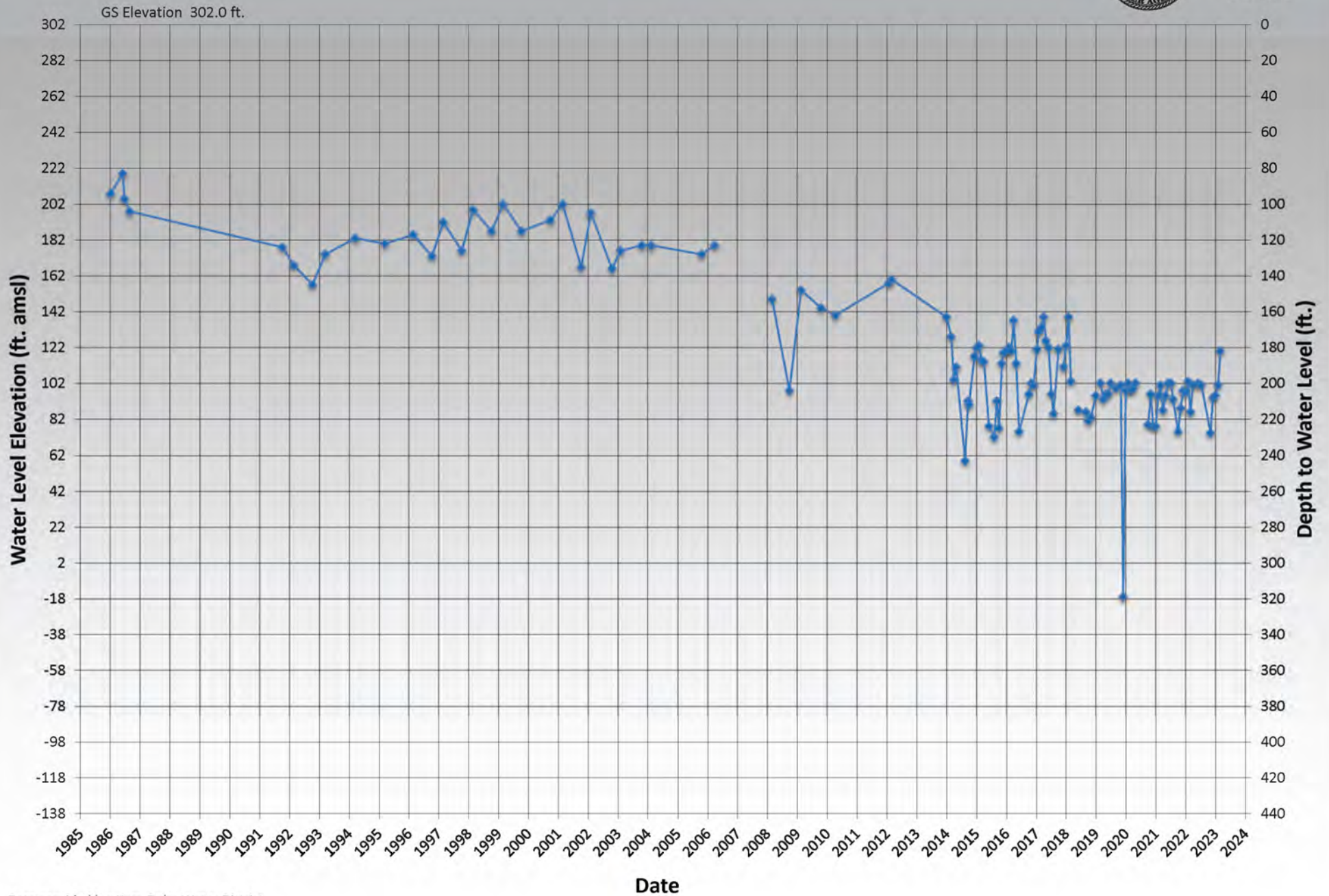
Data provided by: Kern Delta Water District

—●— 31S/26E-16P01

31S/26E-16P01



KCWA
GROUNDWATER
DATABASE



Data provided by: Kern Delta Water District

31S/26E-16P01

31S/26E-32B



KCWA
GROUNDWATER
DATABASE



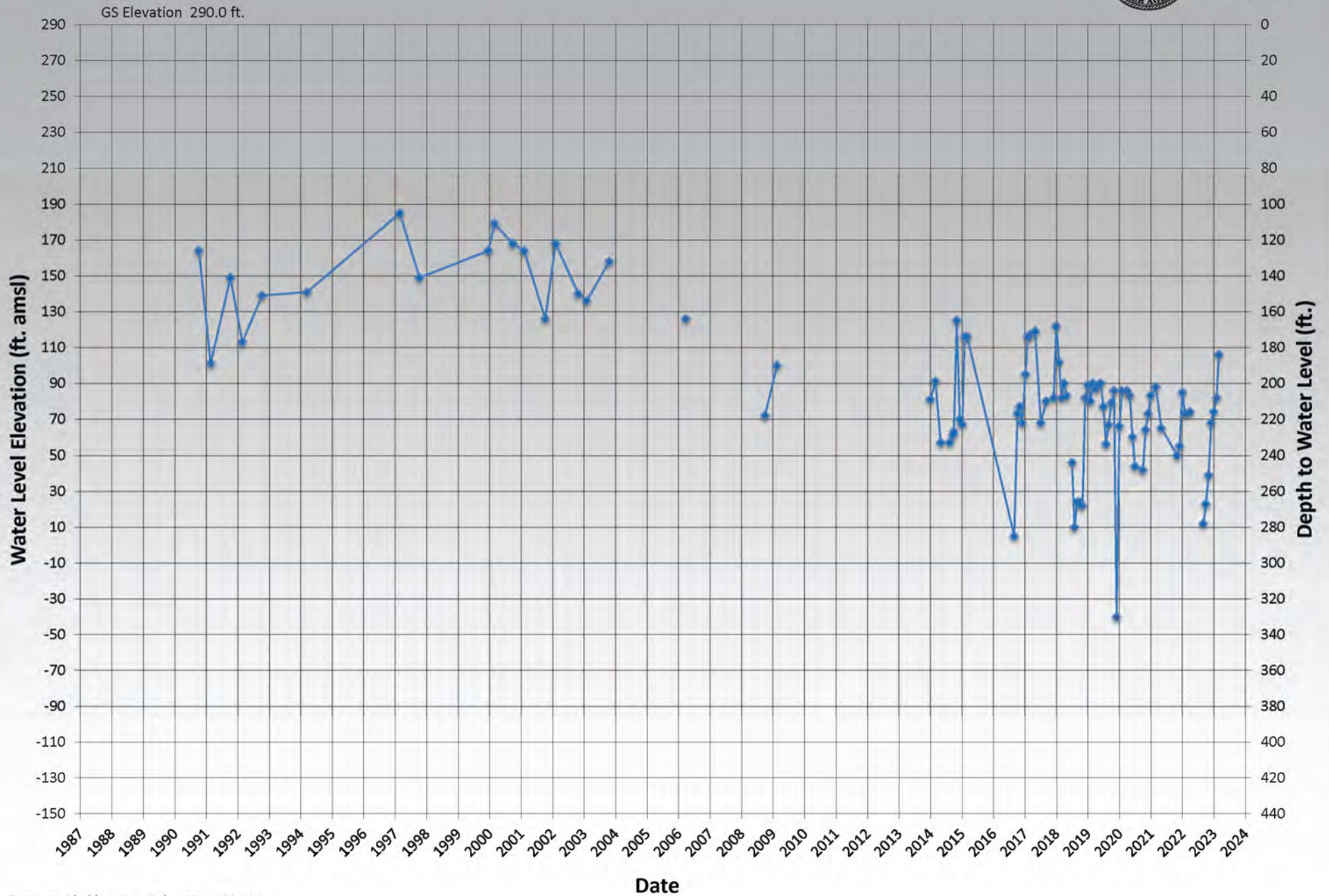
Data provided by: Kern Delta Water District

31S/26E-32B

31S/26E-32B



KCWA
GROUNDWATER
DATABASE



Data provided by: Kern Delta Water District

31S/26E-32B

Tab VI





To: Kern Delta Water District Board of Directors

From: Steven Teglia – General Manager

Date: March 21, 2023

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 23, 2023.
- President: Ted Page, Vice President: Marty Milobar.
- Next meeting will be March 23, 2023.
- Report from State Water Contractors GM.
- 2023 allocation for SWP – 35%.
- Summary of groundwater and overdraft correction accounts (attached).
- 2023 Kern Delta TRFs Approved.

Kern Fan Authority:

- The KFA meeting of February 22, 2023, was canceled.
- 2023 Water Supply.
- Review of KCWA Board agenda.
- Pioneer Project.
- Local SGMA activities.
- Other activities (IRWMP/CVSALTS).

Kern River Groundwater Sustainability Agency (KRGSA):

- The KRGSA met March 2nd and March 14th, 2023 (agendas attached).
- Basin SGMA Implementation Grant update (Basin Study/Land IQ/Subsidence Monitoring/Monitoring Network Improvements).
- WY 2022 Annual Report update.
- March 2, 2023 DWR SGMA Determination Letter Review.

Kern Groundwater Authority (KGA):

- The KGA met February 22nd and March 9th, 2023 (agendas attached).
- Rosedale Rio Bravo GSA Formation.
- March 2, 2023 DWR Determination Letter Review.

Kern River Watershed Coalition Authority (KRWCA)(ILRP):

- The KRWCA meeting of March 2, 2023 was canceled.
- Kern Water Collaborative Update.
- 2023 Membership Update.
- On Farm Drinking Water Well reports due Dec. 31, 2023 (BC Labs removed / BSK Labs added).
- Next meeting April 4, 2023.

South Valley Water Resources Authority:

- The SVWRA met February 23, 2023.
- Fish Friendly Diversion Pilot Project update/discussion regarding project funding.
- Blueprint activity update.

Integrated Regional Water Management Plan (IRWMP):

- No recent meetings.

Water Association of Kern County (WAKC):

- The WAKC met February 28, 2023.
- 2023 Water Summit March 24, 2023.

**Kern County Water Agency
Estimated Summary of Overdraft Correction Accounts
As of January 31, 2023**

Preliminary - Subject to Revision

Quantities in acre-feet

District	Estimated Balance as of December 31, 2022	Estimated Balance as of January 31, 2023				
		Pioneer Property	2800 Acres	Pioneer Project Subtotal	Berrenda Mesa	Kern Water Bank ^[1] Total
Buena Vista WSD	46,247	39,246	0	39,246	0	46,247
Henry Miller WD	65,209	42,526	375	42,901	2,584	65,209
Kern County Water Agency	55,030	35,356	7,121	42,477	0	55,030
Kern Delta WD	80,079	57,032	409	57,441	1,508	80,079
Rosedale-Rio Bravo WSD	214,829	158,627	4,190	162,817	2,725	214,829
Total	461,394	332,787	12,095	344,882	6,817	461,394

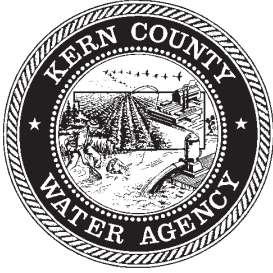
^[1] Does not include purchase of 2011 4% reserve water.

**Kern County Water Agency
Estimated Summary of Groundwater Bank Accounts
As of January 31, 2023**

Preliminary - Subject to Revision

Quantities in acre-feet

District	Estimated Balance as of December 31, 2022	Estimated Balance as of January 31, 2023					
		Pioneer Property	2800 Acres	Pioneer Project Subtotal	Berrenda Mesa	Kern Water Bank	Total
Belridge WSD	66,789	61,237	3,417	64,654	1,853	0	66,507
Berrenda Mesa WD	62,151	56,361	985	57,346	4,564	0	61,910
Buena Vista WSD	28,987	26,848	1,939	28,787	0	200	28,987
Cawelo WD	0	0	0	0	0	0	0
Dudley Ridge WD	29,334	0	0	0	0	28,814	28,814
Henry Miller WD	5,365	5,365	0	5,365	0	0	5,365
Improvement District No. 4	180,006	38,510	3,005	41,515	0	137,521	179,036
Kern County Water Agency	185,256	103,700	60,099	163,799	3,499	17,958	185,256
Kern Delta WD	23,285	23,285	0	23,285	0	0	23,285
Lost Hills WD	72,891	48,686	20,745	69,431	3,171	0	72,602
Rosedale-Rio Bravo WSD	22,391	22,391	0	22,391	0	0	22,391
Semitropic WSD	209,458	21,592	42	21,634	0	187,316	208,950
Tehachapi-Cummings CWD	5,820	0	0	0	0	5,820	5,820
Tejon-Castac WD	52,344	2,193	1,247	3,440	0	48,796	52,236
Westside Mutual Water Co.	228,577	0	0	0	0	225,980	225,980
Wheeler Ridge-Maricopa WSD	92,948	1,609	10,107	11,716	5,541	73,843	91,100
Total	1,265,602	411,777	101,586	513,363	18,628	726,248	1,258,239



MEMORANDUM

20.2.1

TO: Water Resources Committee
Agenda Item No. 4b

FROM: Veronica Arreola

DATE: February 23, 2023

SUBJECT: Update on Water Transfers, Exchanges and Purchases

Issue:

Update on water transfers, exchanges and purchases approved by the Water Resources Manager since the last Kern County Water Agency Board of Directors meeting.

Recommended Motion:

None – information only.

Discussion:

On December 14, 2022, the Kern County Water Agency (Agency) Board of Directors (Board) authorized the Water Resources Manager to approve and enter into contracts providing for the transfer, exchange and purchase of State Water Project (SWP) water, Central Valley Project (CVP) water and other water through December 31, 2023, on behalf of Member Units and the Agency, and to expend up to \$300,000 from the Supplemental Water Fund to fund such purchases.

Summarized below, and in Attachment 1, are those activities that have been approved by the Water Resources Manager in 2023 pursuant to the Board authorization described above since the last Agency Board meeting, or previously approved as a long-term program. Attachment 2 provides a summary of those activities in 2023 that have been approved by the Water Resources Manager or the Board, any pending requests and any previously approved requests since the last Agency Board meeting.

- **Buena Vista Water Storage District/Semitropic Water Storage District – Exchange (10,000 acre-feet):**
Buena Vista Water Storage District (WSD) requested approval to exchange up to 10,000 acre-feet (af) of its 2023 SWP Table 1 water for a like amount of Semitropic WSD's previously banked SWP Table 1 water.
- **Kern Delta Water District/Buena Vista WSD – Exchange (25,500 af):**
Kern Delta Water District (WD) requested approval to exchange up to 25,500 af of its 2023 SWP Table 1 water for a like amount of Buena Vista WSD's 2023 Kern River water.

- **Kern Delta WD/Lost Hills WD, Belridge WSD – Exchange (10,000 af):**
Kern Delta WD requested approval to exchange up to 10,000 af of its previously banked Kern River water for a like amount of Lost Hills WD and Belridge WSD's 2022 SWP Table 1 water.
- **Newhall Land and Farming Company/Semitropic WSD – Transfer (1,607 af):**
Newhall Land and Farming Company requested approval to transfer up to 1,607 af of its 2023 Nickel Kern River water to Semitropic WSD for banking.
- **Central Coast Water Authority (Montecito WD)/Semitropic WSD – Transfer (1,500 af):**
Central Coast Water Authority, on behalf of Montecito WD, requested approval to transfer up to 1,500 af of Santa Barbara County Flood Control and Water Conservation District's SWP Table A water to Semitropic WSD for banking.
- **Kern Delta WD/Metropolitan WD – Transfer (10,000 af):**
Kern Delta WD requested approval to transfer up to 10,000 af of its acquired 2022 SWP Table 1 water to Metropolitan WD pursuant to their long-term program.

2023 Water Management Program

Summary of Routine Water Transfers, Exchanges and Purchases Pursuant to the December 14, 2022 KCWA Board Authorization

	<i>TRF #</i>	<i>Parties</i>	<i>Description</i>	<i>Quantity (AF)</i>	<i>Date of Request</i>	<i>Date Approved</i>
1	23-001	DWR Turn-Back Pool	Purchase of water from Pools A and B	unknown		
2	23-002	Dry Year Transfer Program	North of Delta water transfers to KCWA	unknown		
3	23-003	Yuba Water Purchase Program	North of Delta water transfers to KCWA	unknown		
4	23-004	Article 21 Program	Purchase of water south of the Sacramento-San Joaquin Delta	unknown		
5	23-006	Kern Delta Water District to Improvement District No. 4	Exchange of Kern River water for SWP Table 1 water	30,000	12/27/22	01/10/23
6	23-007	Lost Hills WD to Berrenda Mesa WD, Belridge WSD, Wheeler Ridge-Maricopa WSD (Wonderful)	Transfer of SWP Table 1 water	900	1/10/23	01/16/23
7	23-008	Tejon-Castac Water District to Berrenda Mesa Water District	Transfer of Nickel Kern River water	2,000	1/10/23	01/16/23
8	23-018	Buena Vista Water Storage District to Semitropic Water Storage District	Exchange of SWP Table 1 water for banked SWP Table 1 water	10,000	1/31/23	Pending
9	23-020	Kern Delta Water District to Buena Vista Water Storage District	Exchange of Kern River water for SWP Table 1 water	25,500	2/2/23	Pending
10	23-021	Kern Delta Water District to Lost Hills Water District, Belridge Water Storage District	Exchange of banked Kern River water for SWP Table 1 water	10,000	2/3/23	Pending
11	23-025	Newhall Land and Farming Company to Semitropic Water Storage District	Transfer of Nickel Kern River water	1,607	2/8/23	Pending

Summary of Non-Routine Water Transfers, Exchanges and Purchases Approved Pursuant to KCWA Board Authorization

	<i>TRF #</i>	<i>Parties</i>	<i>Description</i>	<i>Quantity (AF)</i>	<i>Date of Request</i>	<i>Date Approved</i>
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Summary of Pending Water Transfers, Exchanges and Purchases

	<i>TRF #</i>	<i>Parties</i>	<i>Description</i>	<i>(AF)</i>	<i>Request</i>	<i>Approved</i>
12	23-012	Semitropic Water Storage District to Belridge Water Storage District	Transfer of SWP Table 1 water	2,000	1/12/23	
13	23-013	Semitropic Water Storage District to Berrenda Mesa Water District	Transfer of SWP Table 1 water	5,000	1/12/23	
14	23-014	Semitropic Water Storage District to Central Coast Water Authority (Montecito Water District)	Transfer of previously banked SWP water	1,600	1/12/23	
15	23-019	Semitropic Water Storage District to Berrenda Mesa Water District	Return of previously banked SWP and Kern River water	102	1/24/23	
16	23-023	Antelope-Valley East Kern Water Agency to San Geronio Pass Water Agency	Transfer of Nickel Kern River water	1,700	2/6/23	
17	23-024	Alameda County Water District to Semitropic Water Storage District	Transfer of SWP Table A water	8,500	2/7/23	

Summary of Previously Approved Annual, Long-Term Water Transfer, Exchange and Purchase Programs

	<i>TRF #</i>	<i>Parties</i>	<i>Description</i>	<i>Quantity (AF)</i>	<i>Date of Request</i>	<i>Date Approved</i>
18	23-005	Semitropic Water Storage District to Metropolitan Water District	Transfer of previously banked SWP water	60,000	1/12/23	N/A
19	23-009	Cawelo Water District to Zone 7	Transfer of previously banked SWP water	14,000	1/11/23	N/A
20	23-010	Semitropic Water Storage District to Zone 7	Transfer of previously banked SWP water	11,000	1/12/23	N/A
21	23-011	Semitropic Water Storage District to Alameda County Water District	Transfer of previously banked SWP water	13,500	1/12/23	N/A
22	23-015	Semitropic Water Storage District to Santa Clarita Valley Water Agency	Transfer of previously banked SWP water	5,000	1/12/23	N/A
23	23-016	Semitropic Water Storage District to Santa Clara Valley Water District	Transfer of previously banked SWP and CVP water	60,000	1/12/23	N/A
24	23-017	Metropolitan Water District (Central Coast Water Authority) to Semitropic Water Storage District	Transfer of SWP Table A water	1,500	1/31/23	N/A
25	23-022	Kern Delta Water District to Metropolitan Water District	Return of previously banked SWP Table A water	10,000	2/3/23	Pending



Board Members:
Rodney Palla, Chair
Gene Lundquist
Bob Smith

KERN RIVER GSA REGULAR MEETING

Thursday, March 2, 2023
10:00 a.m.

City of Bakersfield Water Resources Department
1000 Buena Vista Road, Bakersfield CA 93311
Large Conference Room

Teleconferencing of this meeting will also occur at:
48737 Classic Drive, La Quinta, CA 92253

AGENDA

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PUBLIC STATEMENTS**
4. **APPROVAL OF MINUTES** of the February 2, 2023, Regular Meeting
5. **NEW BUSINESS**
 - A. Correspondence Received (City Clerk, Maldonado)
 - B. Finance Updates (Beard, Maldonado)
 - i. Receive and File Financial Report
 - ii. Approval of 2022 Invoices to Landowner Participants and other Entities Covered by KRGSA's GSP
 - C. Management Group Updates (Beard, Maldonado, Teglia)
 - i. Basin Coordination Committee Updates
 - a. Basin Study Update
 - b. 2022 GSP Annual Report
6. **CLOSED SESSION**
 - A. Conference with Legal Counsel – **Potential Litigation**; Closed session pursuant to Government Code section 54956.9 (d)(2),(e)(2): Basin Coordination Agreement
7. **CLOSED SESSION ACTION**
8. **COMMITTEE COMMENTS**
9. **ADJOURNMENT**



Board Members:
Rodney Palla, Chair
Gene Lundquist
Bob Smith

KERN RIVER GSA SPECIAL MEETING

Tuesday, March 14, 2023
10:00 a.m.

City of Bakersfield Water Resources Department
1000 Buena Vista Road, Bakersfield CA 93311
Large Conference Room

AGENDA

1. CALL TO ORDER
2. ROLL CALL
3. PUBLIC STATEMENTS
4. NEW BUSINESS
 - A. Management Group Updates (Beard, Maldonado, Teglia)
 - i. March 2, 2023 – DWR GSP Determination Letter – Discussion
5. CLOSED SESSION
 - A. Conference with Legal Counsel – **Potential Litigation**; Closed session pursuant to Government Code section 54956.9 (d)(2),(e)(1): One matter
6. CLOSED SESSION ACTION
7. COMMITTEE COMMENTS
8. ADJOURNMENT

KERN GROUNDWATER AUTHORITY

Regular Meeting of Board of Directors

February 22, 2023 8:00 a.m.

All parties/public may attend the meeting via teleconferencing and offer public comments by phone, using the call-in information below:

Zoom: <https://zoom.us/j/96185287858?pwd=cmxldU5DSDZ5TEFPNHpOc0xaekhWdz09>

Meeting ID: 961-8528-7858

Passcode: 107397

Telephone Dial-in: (669)900-6833

Kern Groundwater Authority Board of Directors Agenda

This meeting is held in accordance with the Governor's Executive Order N-29-20 and portions of the Brown Act pursuant to Section 54956 of the California Government Code and the Kern Groundwater Authority Joint Powers Agreement.

1. Roll Call - Quorum Determination

In the absence of a quorum of the Board the meeting will be adjourned.

2. Flag Salute

3. Public Input

This portion of the meeting is set aside to provide the public an opportunity to bring to the attention of the Board matters of which the Board may not be aware and which are not on the current agenda. No action can be taken on any matter raised during this portion of the meeting; however, a Board member may request that the matter be placed on any future agenda for further review and possible action. Members of the public may directly address the Board of Directors on any item of interest within the Board's subject matter jurisdiction, before or during the Board's consideration of the item. The President may limit the time allowed for comment.

4. Approval of Minutes

- a. January Regular Board Meeting Minutes*
- b. February Special Board Meeting Minutes*

5. Treasurer's Report

- a. Financial Report & Accounts Payable –January*

6. Attorneys Report

- a. Water Right Modernization legislation

7. Executive Director Report

- a. Discussion Rosedale-Rio Bravo Water Storage District to become a GSA*
- b. Discussion & approval for the Westside District Water Authority reset of MT & MO*

* Denotes Action Item

c. Accomplishments & Forward Work Plan

8 New Business

This Portion of the Meeting is set aside to provide each Board member an opportunity to bring to the attention of other Board members and the public matters which have come to their attention and/or which may be appropriate for future consideration. No action can be taken on any matter raised during this portion of the meeting; however, a Board member may request that the matter be placed on any future agenda for further review and possible action.

9. Correspondence

a.

10 Closed Session

a. Conference with Legal Counsel – Potential Litigation: Closed Session pursuant to Government Code Section 54956.9(d)(2), (e)(2)(two matter)

11 Adjournment

A person with a qualifying disability under the Americans with Disabilities Act of 1990 may request the Authority provide disability-related modification or accommodation in order to participate in any public meeting of the Authority. Such assistance includes appropriate alternative formats for the agendas and agenda packets. Requests should be made in person, by telephone, facsimile and/or written correspondence to the Authority office, at least 48 hours before a public Authority meeting. Written materials related to an item on this agenda to be considered in open session that are public documents and that are distributed to board members after the posting of the agenda, will be made available for public inspection when they are so distribution at the office of the Authority located at 1800 30th Street, Ste #280, Bakersfield, California during normal business hours. Documents that are public documents provided by others during a meeting will be available at the same location during business hours after the meeting.

KERN GROUNDWATER AUTHORITY

Special Meeting of Board of Directors

March 9, 2023 8:00am

NOTICE: Pursuant to the Governor's Executive Order N-29-20 this meeting will be conducted by teleconference. All parties/public may attend the meeting via teleconferencing and offer public comments by phone, using the call-in information below:

Zoom: <https://zoom.us/j/92778683556?pwd=UWZ1NHBSaGZ4d0ZVL0lET0FrSWRsUT09>,

Meeting ID 927-7868-3556

Passcode: 804598

Telephone Dial-in: (669)900-6833

Kern Groundwater Authority Board of Directors Agenda

This meeting is held in accordance with the Governor's Executive Order N-29-20 and portions of the Brown Act pursuant to Section 54956 of the California Government Code and the Kern Groundwater Authority Joint Powers Agreement.

1. Roll Call - Quorum Determination

In the absence of a quorum of the Board the meeting will be adjourned.

2. Flag Salute

3. Public Input

This portion of the meeting is set aside to provide the public an opportunity to bring to the attention of the Board matters of which the Board may not be aware and which are not on the current agenda. No action can be taken on any matter raised during this portion of the meeting; however, a Board member may request that the matter be placed on any future agenda for further review and possible action. Members of the public may directly address the Board of Directors on any item of interest within the Board's subject matter jurisdiction, before or during the Board's consideration of the item. The President may limit the time allowed for comment.

4. Closed Session

a. Conference with Legal Counsel – Potential Litigation: Closed Session pursuant to Government Code Section 54956.9(d)(2), (e)(1)(one matter)

5. Adjournment

A person with a qualifying disability under the Americans with Disabilities Act of 1990 may request the Authority provide disability-related modification or accommodation in order to participate in any public meeting of the Authority. Such assistance includes appropriate alternative formats for the agendas and agenda packets. Requests should be made in person, by telephone, facsimile and/or written correspondence to the Authority office, at least 48 hours before a public Authority meeting. Written materials related to an item on this agenda to be considered in open session that are public documents and that are distributed to board members after the posting of the agenda, will be made available for public inspection when they are so distributed at the office of the Authority located at 1800 30th Street, Ste #280, Bakersfield, California during normal business hours. Documents that are public documents provided by others during a meeting will be available at the same location during business hours after the meeting.



To: Kern Delta Water District Board of Directors

From: Steven Teglia – General Manager

Date: March 21, 2023

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 14, 2023, Kern Fan groundwater recharge was approximately 1,485cfs, as reported via KCWA weekly call.
- See attached graphs provided by KCWA for 2022 Kern Fan recovery information through January 31, 2022.

Pioneer Participant Meeting:

- The Pioneer Project Participants meeting of March 9, 2023 was canceled.
- Discussion regarding Revised Recharge Plan.

Kern Fan Monitoring Committee:

- The Kern Fan Monitoring Committee met March 15, 2023.
- Update on reports.
- Review of water level monitoring hydrographs.
- Next meeting May 17, 2023

KDWD Water Banking Project:

- MWD has recently notified the District to cease the return of regulated water for calendar year 2023. As a result, the District has stopped returning regulated water to MWD as of March 12th.

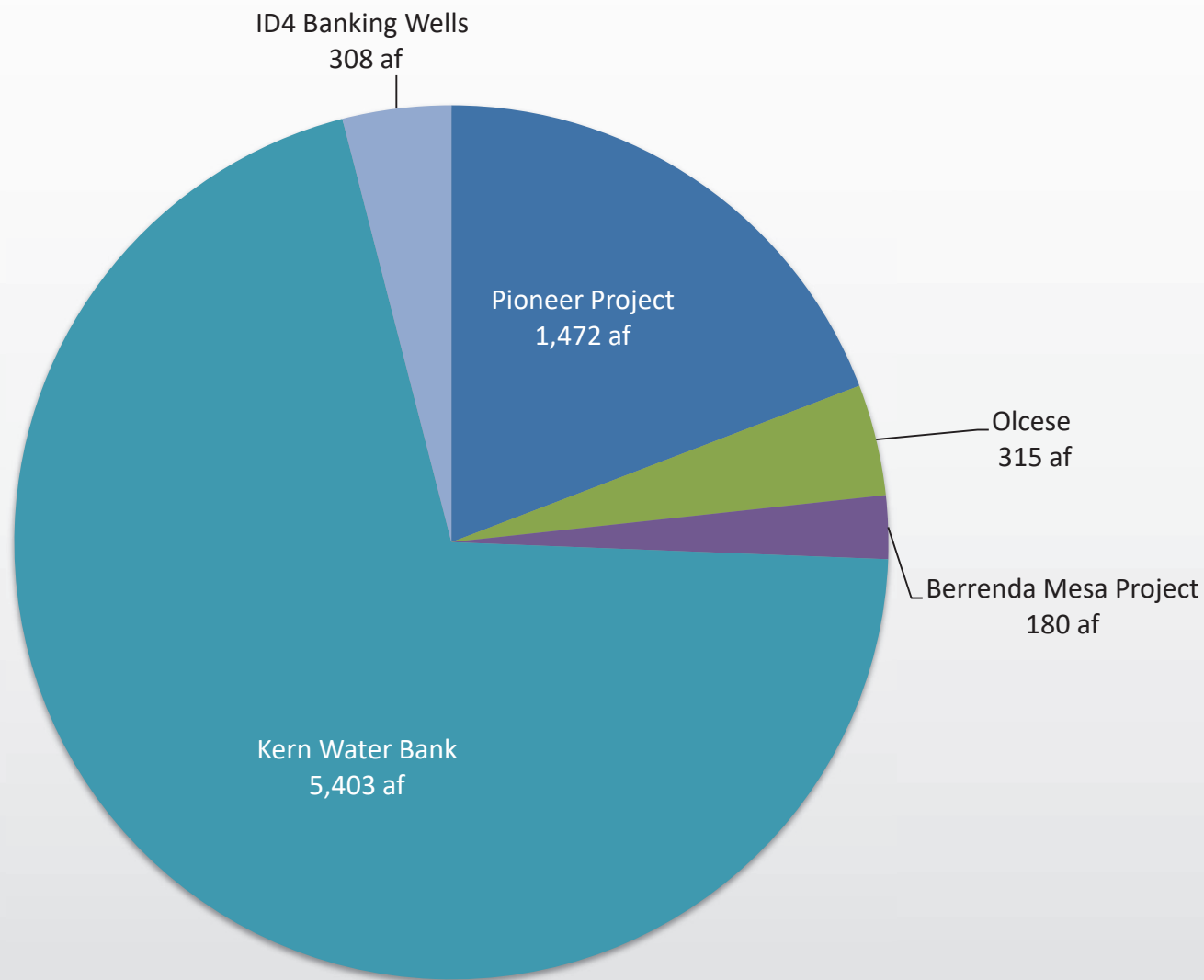
Cross Valley Canal Advisory Committee:

- The CVC Advisory Committee met February 22, 2023.
- Update on Post-Expansion Hydraulic Analysis Study.
- KCWA/DWR analysis of loss calculations.
- Pioneer Inlet Improvement Project.
- See attached graphs provided by KCWA regarding CVC utilization.

Kern Fan Banking Projects

2023 Estimated Gross Recovery by Project

Through January 31, 2023

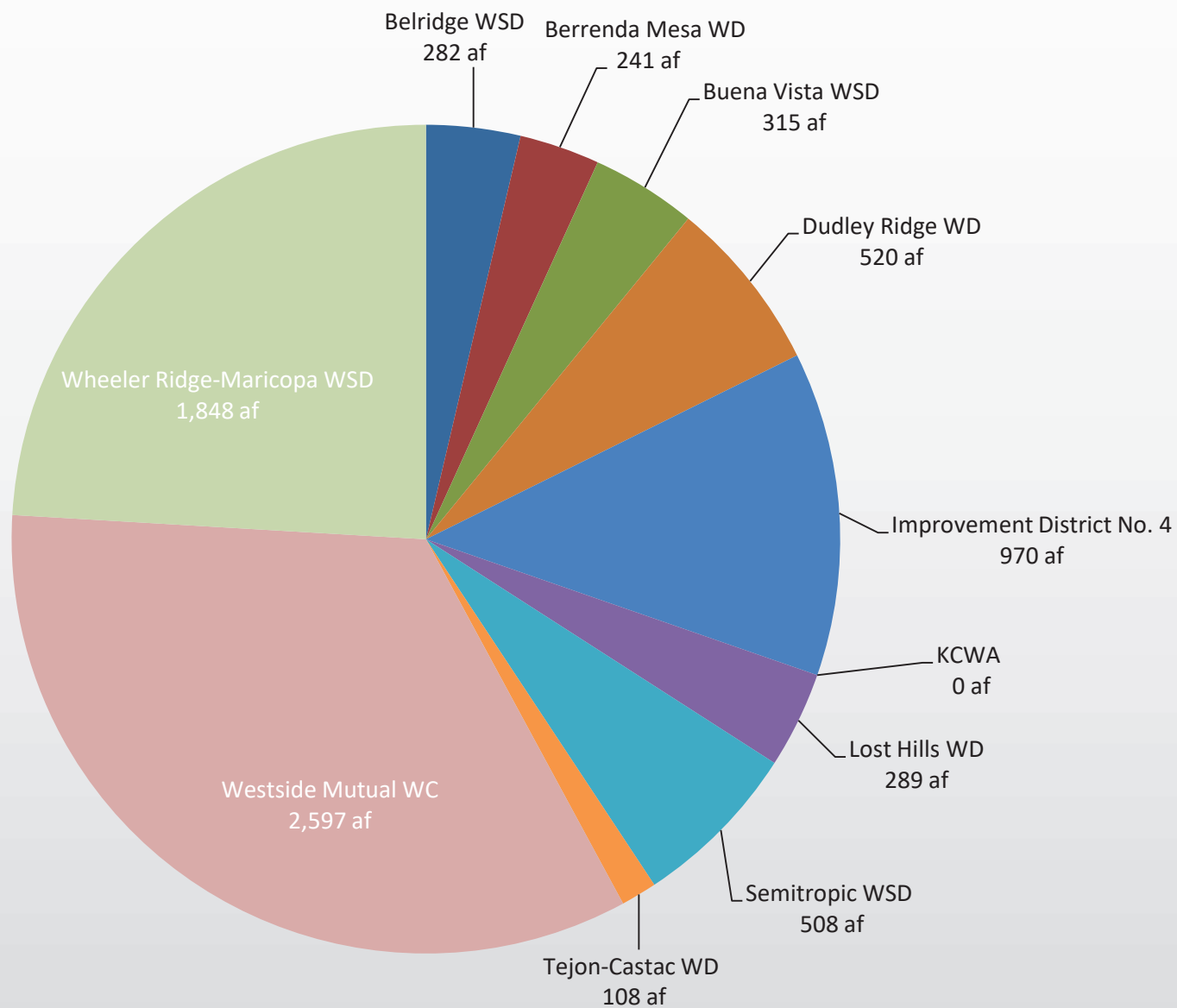


Total Gross Recovery 7,678 af

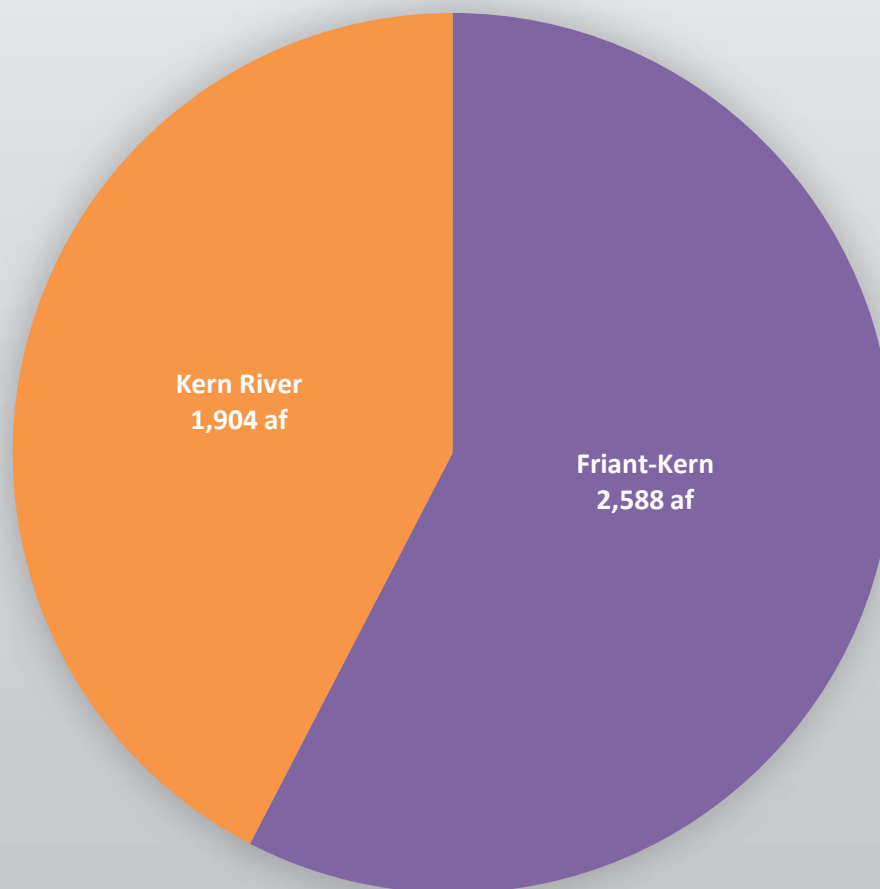
Kern Fan Banking Projects

2023 Estimated Recovery by Participant

Through January 31, 2023



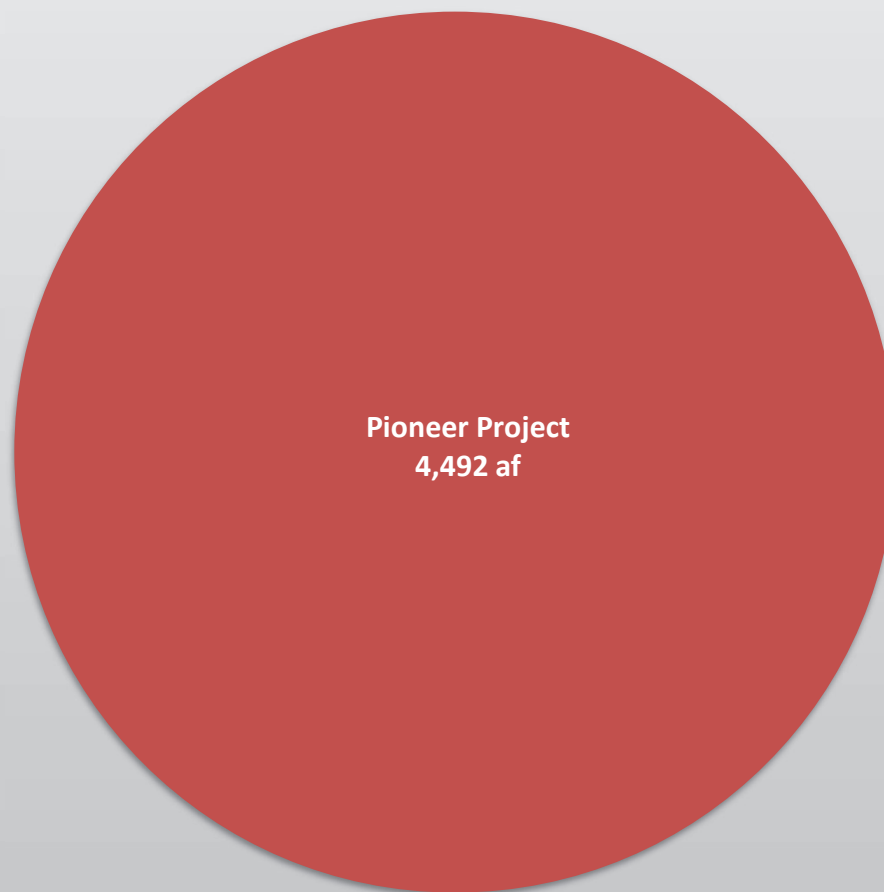
**2023 Estimated Kern Fan Banking Project Deliveries
(by Water Type)
Deliveries through January 31, 2023
Total Deliveries 4,492 af**



**2023 Estimated Kern Fan Banking Project Deliveries
(by Project)**

Deliveries through January 31, 2023

Total Deliveries 4,492 af



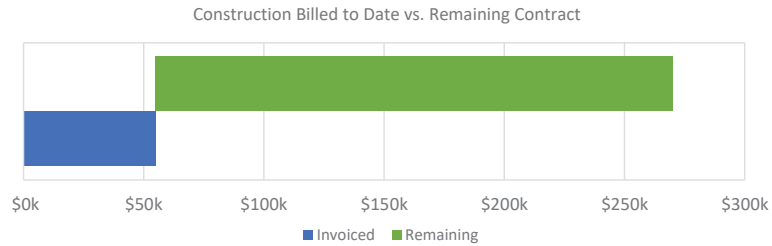
CROSS VALLEY CANAL PIONEER INLET IMPROVEMENTS PROJECT CONTRACT NO. KCWA 2022-02

SUMMARY

The project will remove existing Pioneer Inlet and damaged concrete liner, construct a replacement Pioneer Inlet structure and concrete liner, and tie-in Pioneer Canal box culvert to the replacement structure.

Prepared By: Scott Chambless
Reviewed By: Kris Budak RCE: 75117

CONSULTANT COST BREAKDOWN - THROUGH 1/31/2023



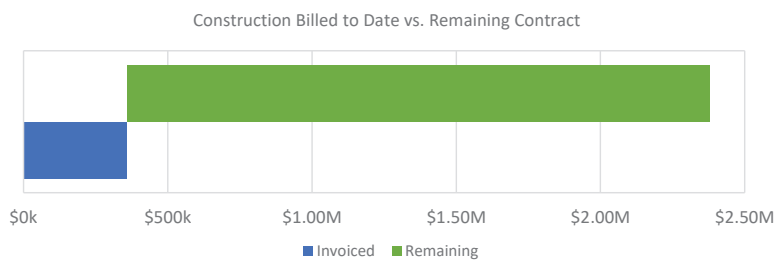
CONSULTANT COST BREAKDOWN

	Contracted	Invoiced	Remaining
V&A, Inc.	\$ 210,000	\$ 31,503	\$ 178,497
SEI	\$ 60,000	\$ 23,390	\$ 36,610

TOTAL CONSULTANT COSTS

Total Contract Amount	\$ 270,000
Total Invoiced Amount	\$ 54,893
REMAINING BALANCE	\$ 215,107

CONSTRUCTION COST BREAKDOWN - THROUGH 1/31/2023



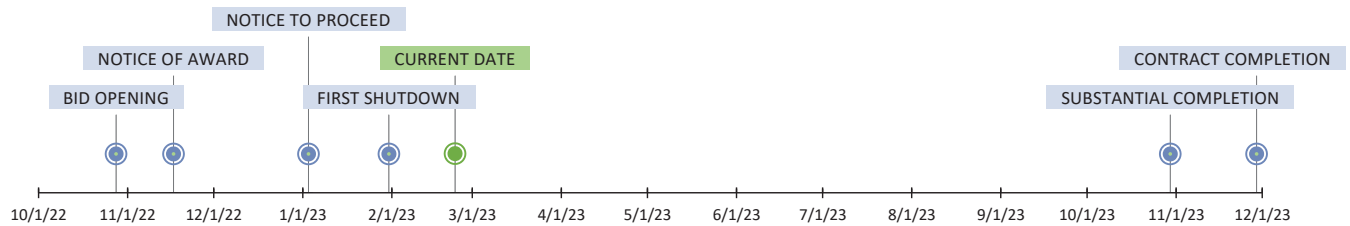
CONSTRUCTION INVOICE SUMMARY

Original Contract	\$ 2,379,244
Total Change Orders	\$ -
TOTAL	\$ 2,379,244

PAYMENT BREAKDOWN

Pay Requests Total	\$ 358,000
Retained (5%)	\$ (17,900)
Paid to Date	\$ 340,100

PROJECT SCHEDULE



Bid Opening:	10/28/2022	Length of Contract (Days):	330
Notice of Award:	11/17/2022	Time Extension (Days):	0
Notice to Proceed:	1/3/2023	Substantial Completion:	10/30/2023
First Shutdown:	1/16 - 1/31/2023	Contract Completion:	11/29/2023

JANUARY 2023 ACTIVITY

Pool 5 dewatered by Agency staff from 1/11 to 1/31.
Shoring system installed between 1/16 to 1/31.

PLANNED FEBRUARY 2023 CONSTRUCTION ACTIVITY

Excavate existing structure.
Demo existing liner and structure.

CONSTRUCTION ACTIVITY LOCATION (Blue circled area denotes construction location)



PHOTOGRAPHS



Driving in H-beam.



Plate installation.

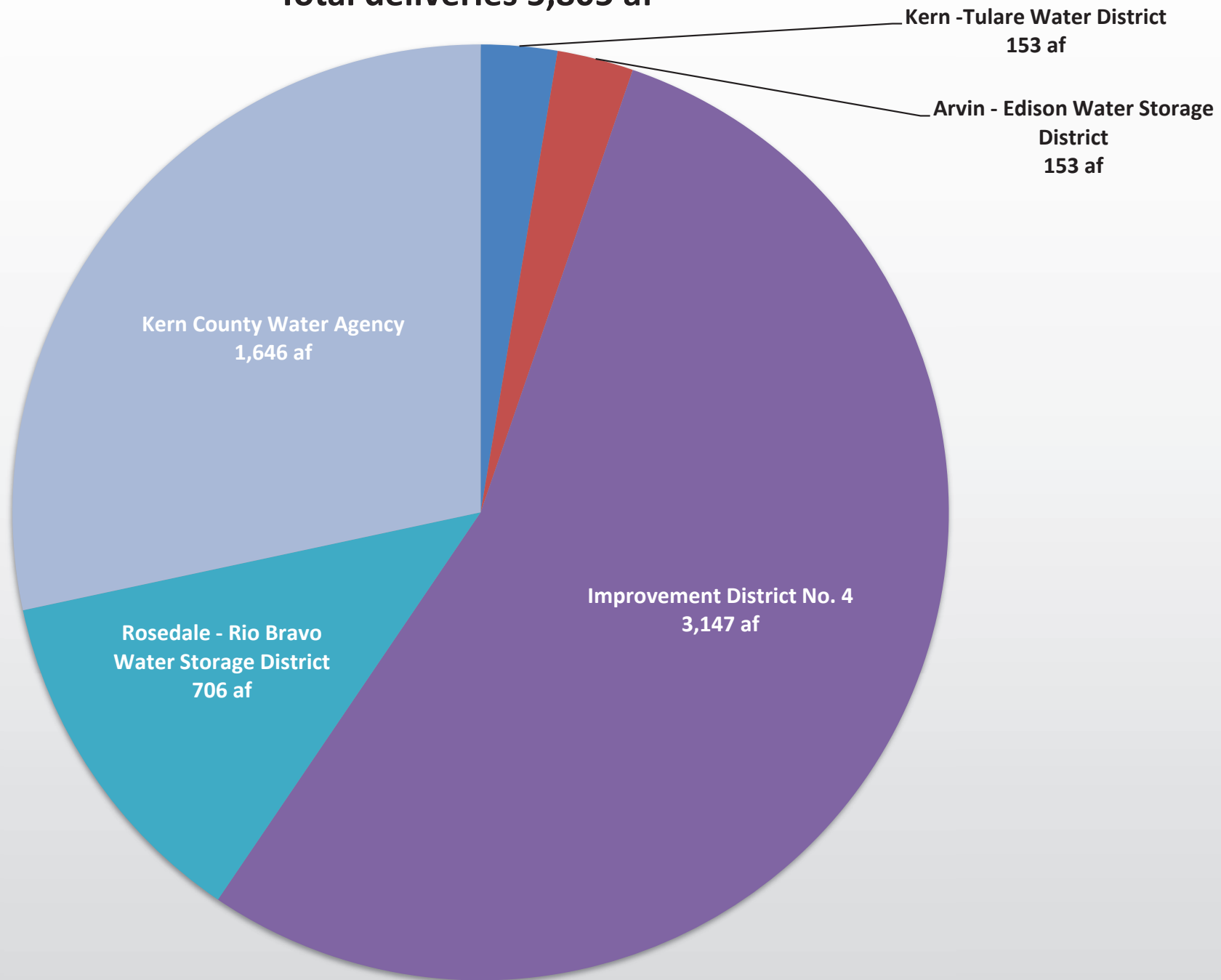


Support whalers.



Support whalers and cross-braces.

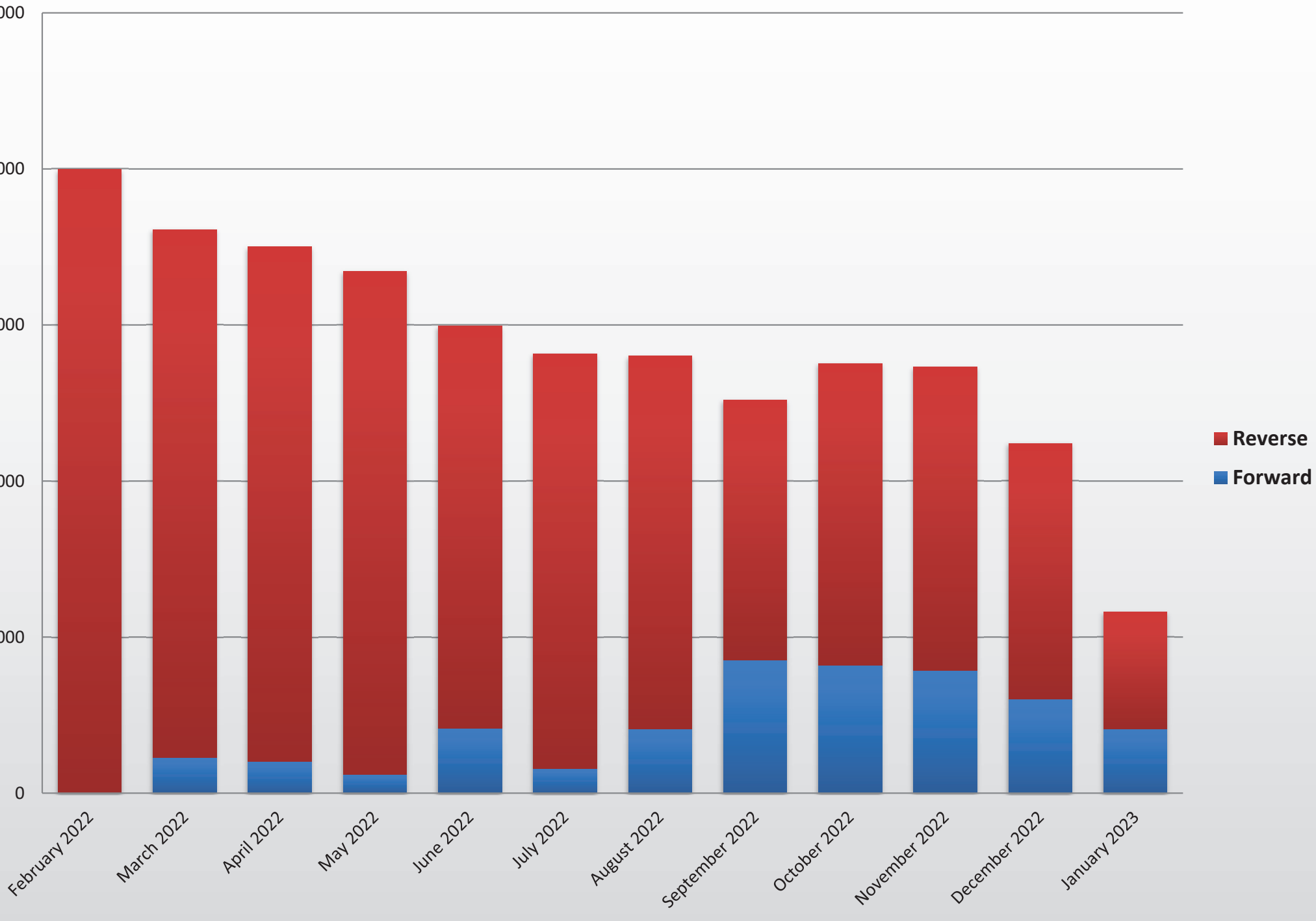
**Cross Valley Canal
January 2023 Deliveries
Total deliveries 5,805 af**



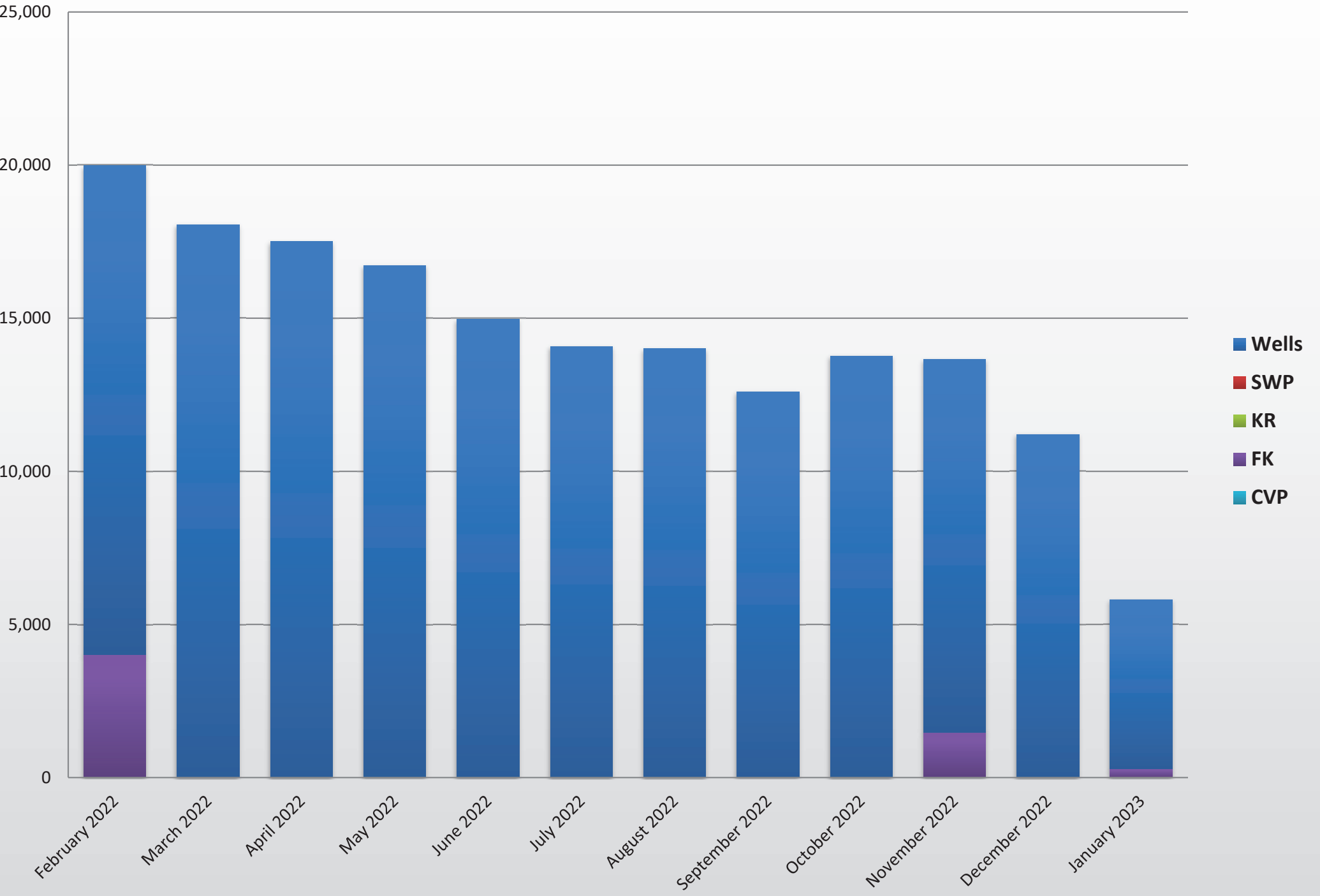
Cross Valley Canal

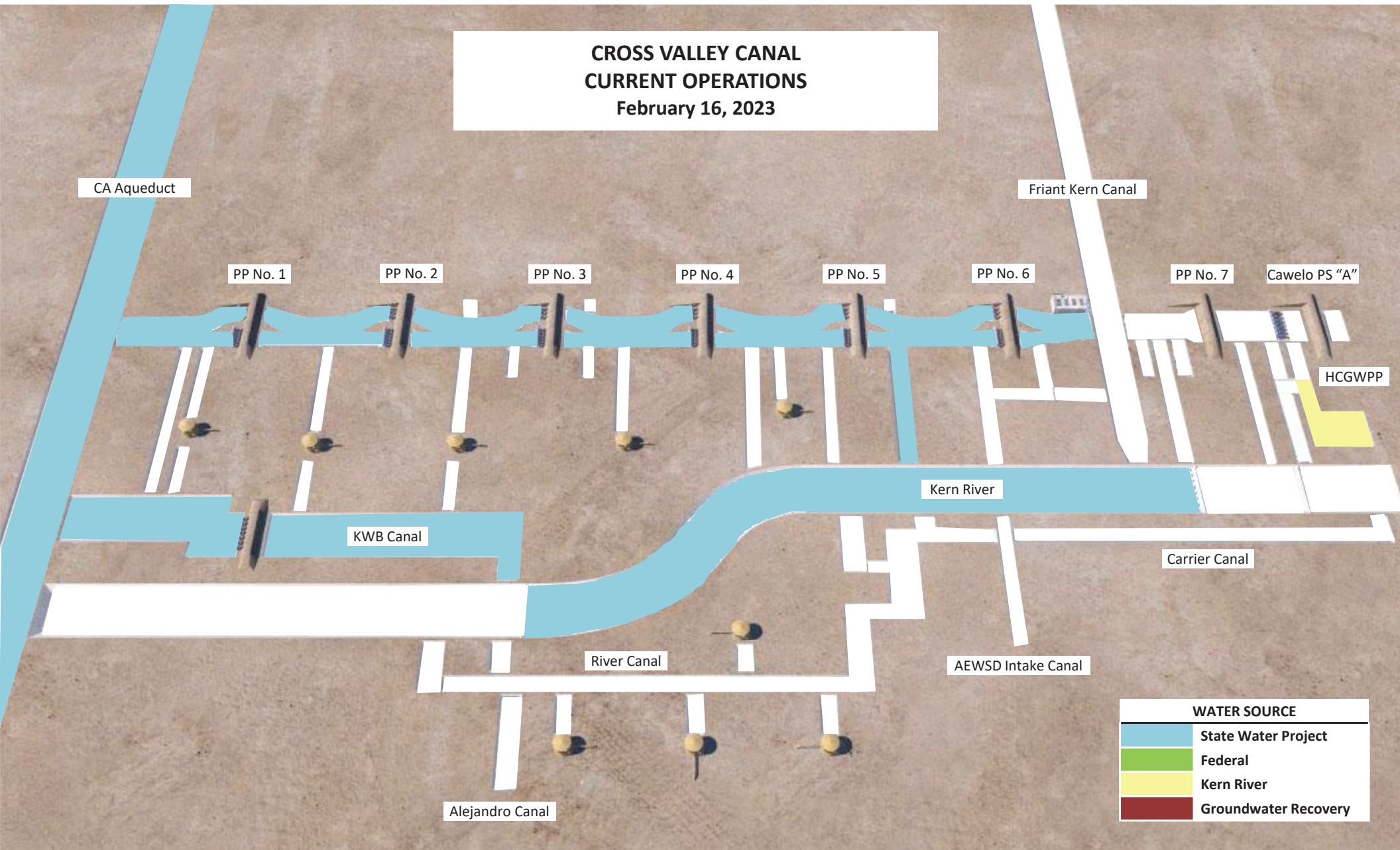
Twelve Month Delivery by Direction

Attachment 3



Cross Valley Canal
Twelve Month Delivery by Source





Cross Valley Canal
Pump and Flow Configuration
 Last Updated on February 15, 2023

'A' Pumping Plants												'B' Pumping Plants					Total cfs
		A	B	C	D	E	F	G	H	J	Total cfs	K	L	M	N	Total cfs	
Pumping Plant No. 1	Estimated Horsepower	100	250	565	565	565	565	250	100			800	800	800			
	Estimated Flow Rate (cfs)	31	70	180	180	180	Reverse Flow	70	31		742	167	167	167		500	1,242
Pumping Plant No. 2	Estimated Horsepower	100	250	565	565	400	565	250	100			700	700	700			
	Estimated Flow Rate (cfs)	Service	70	180	180	180	Reverse Flow	70	31		711	167	167	167		500	1,211
Pumping Plant No. 3	Estimated Horsepower	100	250	565	565	565	250	100	250	100		700	700	700			
	Estimated Flow Rate (cfs)	31	70	180	180	180	70	Service	70	31	812	167	167	167		500	1,312
Pumping Plant No. 4	Estimated Horsepower	100	250	565	565	565	250	100	250	100		700	700	700			
	Estimated Flow Rate (cfs)	31	70	180	180	180	70	31	70	Service	812	167	167	167		500	1,312
Pumping Plant No. 5	Estimated Horsepower	100	250	565	565	565	250	100	250	100		700	700	700			
	Estimated Flow Rate (cfs)	31	70	180	180	180	70	31	70	31	843	Service	Service	Service		0	843
Pumping Plant No. 6	Estimated Horsepower	100	250	565	565	565	250	250	100			200	600	600	350		
	Estimated Flow Rate (cfs)	31	70	180	180	180	70	70	Service		781	40	193	193	90	516	1,297
Pumping Plant No. 7	Estimated Horsepower	100	250	250	250	250	100										
	Estimated Flow Rate (cfs)	31	70	70	70	70	Service				311						311

Tab VII



Valley Ag Water Coalition

2023-24 Regular Session, First Year

AB 30

(Ward D) Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program.

Current Text: Introduced: 12/5/2022 [html](#) [pdf](#)

Introduced: 12/5/2022

Status: 3/14/2023-Coauthors revised. From committee: Do pass and re-refer to Com. on APPR. (Ayes 15. Noes 0.) (March 14). Re-referred to Com. on APPR.

Is Urgency: N

Is Fiscal: Y

Location: 3/14/2023-A. APPR.

Summary: Current law establishes the Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program in the Department of Water Resources. Current law requires the department, upon an appropriation for purposes of the program, to research climate forecasting and the causes and impacts that climate change has on atmospheric rivers, to operate reservoirs in a manner that improves flood protection, and to reoperate flood control and water storage facilities to capture water generated by atmospheric rivers. This bill would rename that program the Atmospheric Rivers Research and Forecast Improvement Program: Enabling Climate Adaptation Through Forecast-Informed Reservoir Operations and Hazard Resiliency (AR/FIRO) Program. The bill would require the department to research, develop, and implement new observations, prediction models, novel forecasting methods, and tailored decision support systems to improve predictions of atmospheric rivers and their impacts on water supply, flooding, post-wildfire debris flows, and environmental conditions.

Position

Notes: This legislation would modify an existing program at the Department of Water Resources (DWR) to add Forecast-Informed Reservoir Operations to the existing program that focuses on atmospheric rivers. The legislation would require DWR to research, develop, and implement new observations, prediction models, novel forecasting methods, and tailored decision support systems to improve predictions of atmospheric rivers and their impacts on water supply, flooding, post-wildfire debris flows, and environmental conditions. The legislation also would require DWR to take all actions within its existing authority to operate reservoirs in a manner that improves flood protection in the state and to reoperate flood control and water storage facilities to capture water generated by atmospheric rivers. The legislation would establish the goals of integrating forecast-informed reservoir operations into department operations to increase water supply, hydropower availability, and water supply reliability.

Current Position: Not Yet Considered

Recommended Position: Favor

AB 62

(Mathis R) Statewide water storage: expansion.

Current Text: Amended: 2/27/2023 [html](#) [pdf](#)

Introduced: 12/6/2022

Last Amend: 2/27/2023

Status: 2/28/2023-Re-referred to Com. on W., P., & W.

Is Urgency: N

Is Fiscal: Y

Location: 1/26/2023-A. W.,P. & W.

Summary: Would establish a statewide goal to increase above- and below-ground water storage capacity by a total of 3,700,000 acre-feet by the year 2030 and a total of 4,000,000 acre-feet by the year 2040. The bill would require the State Water Resources Control Board, in consultation with the Department of Water Resources, to design and implement measures to increase statewide water storage to achieve the statewide goal. The bill would require the state board, beginning July 1, 2027, and on or before July 1 every 2 years thereafter until January 1, 2043, in consultation with the department, to prepare and submit a report to the Legislature on the progress made in designing and implementing measures to achieve the statewide goal.

Position

Notes: This legislation is similar to AB 366 (Caballero) in that it that would establish a target for adding surface water and groundwater storage capacity for California and direct state agencies to develop and implement measures to achieve those targets. Establishing targets and directing state agencies to design and implement measures to increase statewide water storage to achieve the statewide goal could indirectly benefit the Agency to the extent the Department of Water Resources, State Water Contractors, or individual State Water Contractor agencies participate in future storage projects. While it would not benefit from this legislation, should it become law, the Sites Reservoir Project is an example of one type of surface water storage project that might be identified for

construction in the future.

DWR is responsible for the California Water Plan update every five years, therefore, it makes sense for the Department to be responsible for planning pursuant to the targets and consult with the State Board due to the role of the latter in determining available water supply.

Current Position: Not Yet Considered

Recommended Position: Favor if Amended

AB 66

(Mathis R) Natural Resources Agency: water storage projects: permit approval.

Current Text: Amended: 3/9/2023 [html](#) [pdf](#)

Introduced: 12/6/2022

Last Amend: 3/9/2023

Status: 3/13/2023-Re-referred to Com. on W., P., & W.

Is Urgency: N

Is Fiscal: Y

Location: 2/2/2023-A. W., P. & W.

Calendar: 3/28/2023 9 a.m. - State Capitol, Room 444 ASSEMBLY WATER, PARKS AND WILDLIFE, BAUER-KAHAN, REBECCA, Chair

Summary: Would require the Natural Resources Agency, and each department, board, conservancy, and commission within the agency, to approve the necessary permits for specified projects that meet certain employment conditions within 180 days from receiving a permit application, and would deem those permits approved if approval does not occur within this time period.

Position

Notes: The Water Quality, Supply, and Infrastructure Improvement Act of 2014 (Prop. 1), which provided \$7.545 billion in bond funding, including \$2.75 billion for state financial assistance for new surface water and groundwater storage projects. Permits for a number of eligible projects have not been approved since the passage of Proposition 1, creating an unnecessary delay to the construction and development of critically needed water infrastructure projects within California.

This bill seeks to streamline the application process and ensure that the available funds can be directed towards improving the state's much needed infrastructure projects, by requiring the Natural Resources Agency, and each department, board, conservancy, and commission within the agency, to approve the necessary permits for projects funded by the Prop. 1, and other water storage projects funded by public funds, within 180 days from receiving a permit application, and deem those permits approved if approval does not occur within this time period.

Several bills have been introduced in the past seeking to expedite water storage projects funded by Proposition 1, and have been defeated in the house of origin. The bill was amended on March 9, to additionally require all construction work on the project to be governed by a project labor agreement in order for the project to be subject to the bill provisions. The amendment is intended to entice Democratic members to support the legislation

Current Position: Not Yet Considered

Recommended Position: Favor

AB 340

(Fong, Vince R) California Environmental Quality Act: grounds for noncompliance.

Current Text: Introduced: 1/30/2023 [html](#) [pdf](#)

Introduced: 1/30/2023

Status: 2/9/2023-Referred to Coms. on NAT. RES. and JUD.

Is Urgency: N

Is Fiscal: Y

Location: 2/9/2023-A. NAT. RES.

Calendar: 3/27/2023 2:30 p.m. - State Capitol, Room 447 ASSEMBLY NATURAL RESOURCES, RIVAS, LUZ, Chair

Summary: The California Environmental Quality Act (CEQA) prohibits an action or proceeding from being brought in a court to challenge the approval of a project by a public agency unless the alleged grounds for noncompliance are presented to the public agency orally or in writing by a person during the public comment period provided by CEQA or before the close of the public hearing on the project before the issuance of the notice of determination. This bill would require the alleged grounds for noncompliance with CEQA presented to the public agency in writing be presented at least 10 days before the public hearing on the project before the issuance of the notice of determination. The bill would prohibit the inclusion of written comments presented to the public agency after that time period in the record of proceedings and would prohibit those documents from serving as basis on which an

action or proceeding may be brought.

Position

Notes: CEQA Guidelines provide that a lead agency must evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The lead agency shall respond to comments raising significant environmental issues received during the noticed comment period and any extensions and may respond to late comments. The lead agency shall provide a written proposed response, either in a printed copy or in an electronic format, to a public agency on comments made by that public agency at least 10 days prior to certifying an environmental impact report (Section 15088).

Authority cited for Section 15088 of the Guidelines include Section 21083, Public Resources Code and reference: Sections 21091, 21092.5, 21104 and 21153, Public Resources Code; *People v. County of Kern*, (1974) 39 Cal. App. 3d 830; *Cleary v. County of Stanislaus*, (1981) 118 Cal. App. 3d 348; *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal. App. 4th 859; *Citizens for Responsible Equitable Environmental Development v. City of San Diego* (2011) 196 Cal.App.4th 515; and *Consolidated Irrigation Dist. v. Superior Court* (2012) 205 Cal. App. 4th 697.

The lead agency has the discretion, therefore, to respond to written comments that are submitted after the noticed comment period closes. Regarding comments submitted by a public agency, the lead agency must respond to comments that are submitted at least 10 days prior to the certification of an EIR--typically well after the notice written comment period closes.

Existing law provides that an action or proceeding shall not be brought unless the alleged grounds for noncompliance with CEQA were presented to the public agency orally or in writing by any a person during the public comment period or before the close of the public hearing on the project before the issuance of the notice of determination. Existing law provides that a person shall not maintain an action or proceeding unless that person objected to the approval of the project orally or in writing during the public comment period provided or before the close of the public hearing on the project before the filing of notice of determination

This legislation would require alleged grounds for noncompliance to be presented to the public agency in writing at least 10 days before the public hearing on the project before the issuance of the notice of determination. Written comments presented to the public agency after that time period shall not be included in the record of proceedings and shall not serve as basis on which an action or proceeding.

This legislation would place the burden on persons and public agencies to submit comments in a timely manner, and prohibit legal actions based on late comments, which would provide greater certainty to a lead agency that the environmental review process may be completed without the concern about responding to late comments.

Current Position: Not Yet Considered

Recommended Position: Favor

AB 396

(Fong, Vince R) Dams.

Current Text: Introduced: 2/2/2023 [html](#) [pdf](#)

Introduced: 2/2/2023

Status: 2/3/2023-From printer. May be heard in committee March 5.

Is Urgency: N

Is Fiscal: N

Location: 2/2/2023-A. PRINT

Summary: Current law regulates the construction and operation of dams and exempts certain structures for these purposes. Current law requires the owner of such exempt structures to employ a registered civil engineer to supervise the structure, as prescribed. This bill would make nonsubstantive changes to the above provision.

Position

Notes: This bill is a placeholder (spot bill) and will require substantive amendments before it can be referred to a policy committee for hearing. The Coalition should take a watch position on this bill given the subject matter -- Dams.

Current Position: Not Yet Posted

Recommended Position: Watch

AB 422

(Alanis R) Natural Resources Agency: statewide water storage: tracking.

Current Text: Introduced: 2/2/2023 [html](#) [pdf](#)

Introduced: 2/2/2023

Status: 2/9/2023-Referred to Com. on W., P., & W.

Is Urgency: N

Is Fiscal: Y

Location: 2/9/2023-A. W.,P. & W.

Summary: Would require the Natural Resources Agency, on or before June 1, 2024, to post on its publicly available internet website information tracking the progress to increase statewide water storage, and to keep that information updated.

Position

Notes: Existing law establishes the Natural Resources Agency, composed of departments, boards, conservancies, and commissions responsible for the restoration, protection, and management of the state's natural and cultural resources. Existing law establishes in the agency the Department of Water Resources, which manages and undertakes planning with regard to water resources in the state.

This bill would require the agency, on or before June 1, 2024, to post on its publicly available internet website information tracking the progress to increase statewide water storage, and to keep that information updated.

In recent years, there has been various attempts at water storage projects funding and policy initiatives. (i.e, 2.7 billion allocated in Proposition 1 (2014), Governor's Water Resilience Portfolio (2020), and Water Supply Strategy on how to guide investments and policy changes to adapt to a hotter, drier future (2022)). Despite these efforts, California has yet to build any major water-storage infrastructure since the 1970's. This is one of several bills introduced this year to nudge the State Natural Resources Agency to move forward water storage projects. The bill seeks to give the public a clear view of what the Agency is doing to increase water storage.

Current Position: Not Yet Considered

Recommended Position: Favor

AB 429

(Bennett D) Groundwater wells: permits.

Current Text: Amended: 3/2/2023 [html](#) [pdf](#)

Introduced: 2/6/2023

Last Amend: 3/2/2023

Status: 3/6/2023-Re-referred to Com. on W., P., & W.

Is Urgency: N

Is Fiscal: Y

Location: 3/2/2023-A. W.,P. & W.

Calendar: 3/28/2023 9 a.m. - State Capitol, Room 444 ASSEMBLY WATER, PARKS AND WILDLIFE, BAUER-KAHAN, REBECCA, Chair

Summary: Current law requires the State Water Resources Control Board to adopt a model water well, cathodic protection well, and monitoring well drilling and abandonment ordinance implementing certain standards for water well construction, maintenance, and abandonment and requires each county, city, or water agency, where appropriate, not later than January 15, 1990, to adopt a water well, cathodic protection well, and monitoring well drilling and abandonment ordinance that meets or exceeds certain standards. Under current law, if a county, city, or water agency, where appropriate, fails to adopt an ordinance establishing water well, cathodic protection well, and monitoring well drilling and abandonment standards, the model ordinance adopted by the state board is required to take effect on February 15, 1990, and is required to be enforced by the county or city and have the same force and effect as if adopted as a county or city ordinance. 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, if 1% of domestic wells go dry in a critically overdrafted basin, as specified, prohibit a county, city, or any other water well permitting agency from approving a permit for a new groundwater well or for an alteration to an existing well in a basin subject to the act and classified as a critically overdrafted basin unless specified conditions are met.

Position

Notes: Existing law, 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.

This bill would, if 1% of domestic wells go dry in a critically overdrafted basin, prohibit a county, city, or any other water well permitting agency from approving a permit for a new groundwater well or for an alteration to an existing well in a basin subject to the act and classified as a critically overdrafted basin unless the city, county or well permitting agency obtains written verification from a groundwater sustainability agency that the proposed well would not be inconsistent with any sustainable groundwater management program AND the proposed well would not decrease the likelihood of achieving a sustainability goal for the basin covered by the plan.

Assemblymember Bennett carried similar legislation last session, AB 2201, which was not taken up for a final concurrence vote in the Assembly. While AB 429 is similar, the scope only applies to basins that are classified by DWR as basins subject to critical overdraft.

Current Position: Not Yet Considered

Recommended Position: Oppose

AB 460

(Bauer-Kahan D) State Water Resources Control Board: interim relief.

Current Text: Introduced: 2/6/2023 [html](#) [pdf](#)

Introduced: 2/6/2023

Status: 2/17/2023-Referred to Coms. on W., P., & W. and JUD.

Is Urgency: N

Is Fiscal: Y

Location: 2/17/2023-A. W.,P. & W.

Summary: The State Water Resources Control Board and the California regional water quality control boards are required to set forth water quality objectives in state and regional water quality control plans. Current law establishes the Water Rights Fund, which consists of various fees and penalties. The moneys in the Water Rights Fund are available upon appropriation by the Legislature for the administration of the board's water rights program. Current law requires that the owner of any dam allow sufficient water at all times to pass through a fishway, or in the absence of a fishway, allow sufficient water to pass over, around, or through the dam, to keep in good condition any fish that may be planted or exist below the dam, as specified. This bill would authorize the board to issue, on its own motion or upon the petition of an interested party, an interim relief order in appropriate circumstances to implement or enforce these and related provisions of law. The bill would provide that a person or entity that violates any interim relief order issued by the board would be liable to the board for a civil penalty in an amount not to exceed the sum of \$10,000 for each day in which a violation occurs and \$5,000 for each acre-foot of water diverted in violation of the interim relief order. The bill would require these funds to be deposited in the Water Rights Fund.

Position

Notes: This legislation was introduced in response to a direct diversion in the summer of 2022 that was made in violation of a curtailment order issued by the State Water Resources Control Board. This legislation, however, is written very broadly and would provide the State Board greater authority to enjoin the diversion of water. An interim relief order could be issued without a hearing to enforce any of the following: (1) Section 2 of Article X of the California Constitution, (2) The public trust doctrine, (3) Water quality objectives or principals and guidelines adopted under subdivision (b) of Section 13142, Section 13149, Section 13170, or 13241, (4) The requirements set forth in permits, licenses, certificates, and registrations issued under Part 2 (commencing with Section 1200), including actions that invoke the board's reserved jurisdiction or continuing authority, and (5) Section 5937 of the Fish and Game Code. The bill would provide that a person or entity that violates any interim relief order issued by the State Board would be liable to the board for a civil penalty in an amount not to exceed the sum of \$10,000 for each day in which a violation occurs and \$5,000 for each acre-foot of water diverted in violation of the interim relief order.

This legislation could expose the State Water Project and Coalition members to State Board enforcement actions under a broad array of constitutional and statutory provisions, as well as the public trust doctrine, which protects sovereign lands, such as tide and submerged lands and the beds of navigable waterways, for the benefit, use and enjoyment of the public. Traditionally, the public trust applied to commerce and fishing in navigable waters, but its uses were expanded in California in 1971 to include fish, wildlife, habitat and recreation. In a landmark case filed to protect the Mono Lake Basin from water diversions by the city of Los Angeles based on permits issued by the State Board, California's Supreme Court ruled in 1983 that reasonable and beneficial uses of water must be interpreted in accordance with public trust needs. This was the first case in California where the public trust doctrine was applied.

The legislation authorizes the State Board to commence an interim relief proceeding on its own motion or upon the petition of an interested party. Unless the State Board concludes that consideration of the

matter is urgent, the board shall provide notice at least 20 days before the hearing date. If the board issues an interim relief order without providing at least 20 days' notice before the hearing date the interim relief order can remain in effect for a period not to exceed 180 days. This period could cover the entire time for diversion to storage or direct diversion pursuant to a water right permit, thus depriving a water right permittee or licensee from storing or diverting water under a permit or license.

VAWC should join other water interests like the Association of California Water Agencies in opposing the bill unless it is limited to the concern regarding direct diversions in violation of a curtailment order, due process is guaranteed for the water right permit or license holder, and the period of relief is tailored to address the violation.

Current Position: Not Yet Considered

Recommended Position: Oppose

AB 560 (Bennett D) Sustainable Groundwater Management Act: groundwater adjudication.

Current Text: Introduced: 2/8/2023 [html](#) [pdf](#)

Introduced: 2/8/2023

Status: 2/17/2023-Referred to Coms. on W., P., & W. and JUD.

Is Urgency: N

Is Fiscal: Y

Location: 2/17/2023-A. W.,P. & W.

Calendar: 3/28/2023 9 a.m. - State Capitol, Room 444 ASSEMBLY WATER, PARKS AND WILDLIFE, BAUER-KAHAN, REBECCA, Chair

Summary: Current law prohibits a court from approving entry of judgment in certain adjudication actions for a basin required to have a groundwater sustainability plan under the Sustainable Groundwater Management Act, unless the court finds that the judgment would not substantially impair the ability of a groundwater sustainability agency, the State Water Resources Control Board, or the Department of Water Resources to comply with the act and to achieve sustainable groundwater management. This bill would require the court to refer the proposed judgment to the board for an advisory determination as to whether the proposed judgment will substantially impair the ability of a groundwater sustainability agency, the board, or the department to achieve sustainable groundwater management. The bill would require the board to consult with the department before making its determination.

Position

Notes: This bill would require the court to refer a proposed judgment in specified adjudication proceedings to the State Water Resources Control Board for an advisory determination as to whether the proposed judgment will substantially impair the ability of a groundwater sustainability agency, the board, or the department to achieve sustainable groundwater management.

The bill undermines the principle of local control under SGMA by putting the Water Board in the position of influencing a court decision and providing an avenue to evaluate a GSA outside of any determinations by the Department of Water Resources. Additionally, it would require a GSA to pay for the State Water Board determination.

Current Position: Not Yet Considered

Recommended Position: Oppose

AB 676 (Bennett D) Water: general state policy.

Current Text: Amended: 3/13/2023 [html](#) [pdf](#)

Introduced: 2/13/2023

Last Amend: 3/13/2023

Status: 3/14/2023-Re-referred to Com. on W., P., & W.

Is Urgency: N

Is Fiscal: N

Location: 2/23/2023-A. W.,P. & W.

Calendar: 3/28/2023 9 a.m. - State Capitol, Room 444 ASSEMBLY WATER, PARKS AND WILDLIFE, BAUER-KAHAN, REBECCA, Chair

Summary: Current law establishes various state water policies, including the policy that the use of water for domestic purposes is the highest use of water and that the next highest use is for irrigation. This bill would provide specific examples of the use of water for domestic purposes, including, but not limited to, sustenance of human beings and household conveniences. The bill would provide that all water rights remain subject to specified laws.

Position

Notes: Domestic Use is defined by 23 CCR 660 to include the same things (worded slightly different) as is proposed by subdivision (b) of this bill (which includes the language “but not limited to,” in its definition). Subsection (c)(1) of the bill states that the Constitution applies, the bill also states that the Supreme Court’s Audubon decision applies. Both provisions reflect well-established legal understanding that is indisputable. Audubon is well-established case law. Paragraph (2) of subdivision (c) quotes an existing provision of the Delta Reform Act of 2009.

The bill focuses on the “waste and unreasonable use” portion of Article X, section 2, leaving out the beneficial use portion: “the general welfare requires that the water resources of the State be put to beneficial use to the fullest extent of which they are capable, and that the waste or unreasonable use or unreasonable method of use of water be prevented.”

The bill represents a solution in search of a problem.

Current Position: Not Yet Posted

Recommended Position: Oppose

AB 779

(Wilson D) Groundwater: adjudication.

Current Text: Introduced: 2/13/2023 [html](#) [pdf](#)

Introduced: 2/13/2023

Status: 2/23/2023-Referred to Coms. on W., P., & W. and JUD.

Is Urgency: N

Is Fiscal: Y

Location: 2/23/2023-A. W.,P. & W.

Calendar: 3/28/2023 9 a.m. - State Capitol, Room 444 ASSEMBLY WATER, PARKS AND WILDLIFE, BAUER-KAHAN, REBECCA, Chair

Summary: Would require the court to invite a representative from the department or the State Water Resources Control Board to provide technical assistance or expert testimony on the amount of water in the basin subject to adjudication, equitable and sustainable pumping allocations for the basin, and sustainable groundwater management best practices and recommendations. The bill would require the court to take into account the needs of small farmers and disadvantaged communities, as those terms are defined, when entering a judgment. This bill contains other related provisions and other existing laws.

Position

Notes: Existing law establishes various methods and procedures for a comprehensive adjudication of groundwater rights in civil court.

This legislation would require the court to invite a representative from the department or the State Water Resources Control Board to provide technical assistance or expert testimony on the amount of water in the basin subject to adjudication, equitable and sustainable pumping allocations for the basin, and sustainable groundwater management best practices and recommendations. The bill would require the court to take into account the needs of small farmers and disadvantaged communities when entering a judgment. This legislation also would require a groundwater sustainability agency with jurisdiction over a basin subject to an adjudication proceeding to submit a comprehensive monitoring plan to the court, and to report monitoring data to the court and the department. The bill would prescribe pumping restrictions on groundwater users during an adjudication proceeding. The bill would require a groundwater sustainability agency to hold a public meeting to explain the adjudication process to water users within its basin and the public upon receiving notice that an adjudication has commenced in its basin. The bill would authorize a groundwater sustainability agency to invite the state board or the department to send a representative to the meeting in order to help explain the adjudication process.

The San Joaquin Valley Basin and its various sub basins is not an adjudicated basin.

This legislation presents several concerns relating to the adjudication of groundwater. Section 849 of the Code of Civil Procedure provides that the court shall have the authority and the duty to impose a physical solution on the parties in a comprehensive adjudication where necessary and consistent with Article 2 of Section X of the California Constitution (waste and unreasonable use). Before adopting a physical solution, subdivision (b) of Section 849 requires the court to consider any existing groundwater sustainability plan or program. Section 837.5 of the Code of Civil Procedure authorizes the State to intervene in a comprehensive adjudication.

Chapter 7 (commencing with Section 830) was added to Title 10 of Part 2 of the Code of Civil Procedure by Chapter 672, Statutes of 2015. The law authorizes a groundwater sustainability agency for the basin or a portion of the basin, a city, county, or city and county that overlies the basin or a portion of the basin, and certain persons to intervene in a comprehensive adjudication. The law requires the court to convene a case management conference and authorizes the court to consider

certain matters, including dividing the case into phases to resolve legal and factual issues, in the initial case management conference or as soon as practicable. In addition, the law requires each party to serve within 6 months of appearing in the comprehensive adjudication, specified initial disclosures made under penalty of perjury to all other named parties and a special master, if one has been appointed in the action. The law authorizes the court to appoint one or more special masters in a comprehensive adjudication, whose duties could include, among other things, investigating technical and legal issues, as directed by the court, and compiling a report of the findings, as specified. The bill authorizes the court to request the State Water Resources Control Board or the Department of Water Resources to recommend candidates for appointment as a special master or to review the qualifications of candidates.

The law also authorizes the court, upon a showing that the basin is in a condition of long-term overdraft, to issue a preliminary injunction that could include, among other things, a moratorium on new or increased appropriations of water. Finally, the law requires the Department of Water Resources and each county and groundwater sustainability agency that overlies the basin or a portion of the basin to post and maintain the notice and form answer on their Internet Web sites.

The provisions of this legislation are somewhat duplicative of provisions of the 2015 law. One of the principal differences between the 2015 law and this legislation is that the latter would require the court to invite a representative from the department or the State Water Resources Control Board to provide technical assistance or expert testimony on the amount of water in the basin subject to adjudication, equitable and sustainable pumping allocations for the basin, and sustainable groundwater management best practices and recommendations. Also, the legislation would require the court to take into account the needs of small farmers and disadvantaged communities, as those terms are defined, when entering a judgment. Neither are appropriate for a comprehensive adjudication, especially for a basin that is covered by a groundwater sustainability plan and a groundwater sustainability agency. Further, in a comprehensive adjudication, the court may determine all groundwater rights of a basin, whether based on appropriation, overlying right, or other basis of right, and use of storage space in the basin.

Section 850 of the Code of Civil Procedure requires a judgment in a comprehensive adjudication to be consistent with the water right priorities of all non-stipulating parties and exempt parties (parties that pump less than 5 acre-feet per year); and treat all objecting parties and exempt parties equitably as compared to the stipulating parties. Providing special consideration of the needs of small farmers and disadvantaged communities is not likely appropriate given the criteria regarding established water right priorities and the ensuring the equitable treatment of all parties, as well as the doctrine of waste and unreasonable use.

Should this legislation become law as introduced, its provisions would not be in the interest of Coalition members and local control over management of groundwater basins.

Current Position: Not Yet Considered

Recommended Position: Oppose

AB 828

(Connolly D) Sustainable groundwater management: managed wetlands.

Current Text: Amended: 3/2/2023 [html](#) [pdf](#)

Introduced: 2/13/2023

Last Amend: 3/2/2023

Status: 3/6/2023-Re-referred to Com. on W., P., & W.

Is Urgency: N

Is Fiscal: N

Location: 3/2/2023-A. W., P. & W.

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. Current law defines various terms for purposes of the act. This bill would add various defined terms for purposes of the act, including the term "managed wetland."

Position

Notes: This legislation would add definitions for "managed wetland" and "small community water systems" to the Sustainable Groundwater Management Act. The legislation does not yet propose amendments that would require a groundwater sustainability plan to address either under its contents. The intent of this legislation is unclear. Reading the findings and declarations of the legislation, however, points to a desire to consider and protect disadvantaged communities served by

domestic wells and small community water systems that have been negatively impacted by unsustainable groundwater use. The author believes that "many groundwater sustainability plans fail to adequately consider or address the impacts of their plans on domestic well users and households served by small community water systems. Finally, the legislation focuses on managed wetlands as "an important public trust resource and beneficial user of groundwater because they provide significant habitat for migratory waterfowl of the Pacific flyway, for endangered species, and for many other resident wildlife and fish populations.

Just this month, DWR announced that groundwater sustainability plans for six basins were deemed inadequate and are transitioning from DWR's oversight to the State Water Board for State intervention. DWR deemed the following basin plans inadequate: (1) Chowchilla Subbasin in Madera and Merced counties, (2) Delta-Mendota Subbasin in San Joaquin, Stanislaus, Merced, Fresno, Madera, and San Benito counties, (3) Kaweah Subbasin in Tulare and Kings counties, (4) Tule Subbasin in Tulare County, (5) Tulare Lake Subbasin in Kings County, and (6) Kern Subbasin in Kern County.

According to a news release issued by DWR:

"The basins deemed inadequate by DWR did not appropriately address deficiencies in how GSAs structured their sustainable management criteria. The management criteria provide an operating range for how groundwater levels prevent undesirable effects such as overdraft, land subsidence and groundwater levels that may impact drinking water wells, within 20 years. These GSAs did not analyze and justify continued groundwater level declines and land subsidence. Further, the GSPs lacked a clear understanding of how the management criteria may cause undesired effects on groundwater users in the basins or critical infrastructure."

Out of a total of 94 groundwater basins required to submit plans under SGMA, DWR has provided determinations for 24 basins and is currently reviewing an additional 61 plans from 59 of the state's high- and medium- priority basins that were submitted to DWR in January 2022. DWR anticipates issuing determinations for the remaining basins throughout 2023.

At best, this legislation is premature. Plans in basins subject to critical overdraft are still being reviewed by DWR. And the plans that were recently deemed inadequate were often deemed so due in part to concerns over the loss drinking water wells.

Current Position: Not Yet Considered

Recommended Position: Oppose

AB 830

(Soria D) Water: general state powers.

Current Text: Introduced: 2/13/2023 [html](#) [pdf](#)

Introduced: 2/13/2023

Status: 2/14/2023-From printer. May be heard in committee March 16.

Is Urgency: N

Is Fiscal: N

Location: 2/13/2023-A. PRINT

Summary: The California Safe Drinking Water Act requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. Current law declares it to be the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This bill would make a nonsubstantive change to the latter provision.

Position

Notes: This bill is a placeholder (spot bill) and will require substantive amendments before it can be referred to a policy committee for hearing. The Coalition should take a "watch" position on the measure given its subject matter -- human right to water.

Current Position: Not Yet Considered

Recommended Position: Watch

AB 900

(Bennett D) Aquifer recharge: grant program: streamlined permitting.

Current Text: Introduced: 2/14/2023 [html](#) [pdf](#)

Introduced: 2/14/2023

Status: 2/23/2023-Referred to Com. on W., P., & W.

Is Urgency: N

Is Fiscal: Y

Location: 2/23/2023-A. W.,P. & W.

Calendar: 3/28/2023 9 a.m. - State Capitol, Room 444 ASSEMBLY WATER, PARKS AND

Summary: Current law authorizes the Department of Water Resources to investigate any natural situation available for reservoirs or reservoir systems for gathering and distributing flood or other water not under beneficial use in any stream, stream system, lake, or other body of water. Current law also authorizes the department to ascertain the feasibility of projects for those reservoirs or reservoir systems, the supply of water that may thereby be made available, and the extent and character of the areas that may be thereby irrigated, as well as the cost of those projects. The bill would require the department to prepare and produce a report outlining best practices for aquifer recharge. The bill would require the report to include guidelines for a streamlined permitting process for aquifer recharge projects that implement the best practices outlined in the report.

Position

Notes: This bill would require the Department of Water Resources to prepare and produce a report outlining best practices for aquifer recharge. The bill would require the report to include guidelines for a streamlined permitting process for aquifer recharge projects that implement the best practices outlined in the report. The bill would also require the department to create a grant program to implement best practices in aquifer recharge, including a streamlined process for the issuance of a permit.

This legislation reads more like a placeholder for something more substantive as it lacks detail. The development of best practices are probably not needed for groundwater recharge projects. Permit streamlining is always beneficial for infrastructure projects, but water rights permitting for recharge projects has been expedited and Governor Newsom's recent Executive Order suspends a wide range of statutory provisions to allow for flood water capture for recharge purposes.

Current Position: Not Yet Considered

Recommended Position: Watch

AB 923

(Bauer-Kahan D) Flood plain restoration projects: Central Valley: study.

Current Text: Introduced: 2/14/2023 [html](#) [pdf](#)

Introduced: 2/14/2023

Status: 2/23/2023-Referred to Com. on W., P., & W.

Is Urgency: N

Is Fiscal: Y

Location: 2/23/2023-A. W.,P. & W.

Summary: The Central Valley Flood Protection Act of 2008 requires the Department of Water Resources to prepare, and the Central Valley Flood Protection Board, a state agency, to adopt, a plan identified as the Central Valley Flood Protection Plan. This bill would require the department, in coordination with the board, to undertake a study to identify and assess barriers to the implementation of flood plain restoration projects that provide increased flood risk reduction and groundwater recharge benefits. The bill would also require the department and the board to conduct broad stakeholder outreach to inform the study. The bill would require the study to make recommendations to the Legislature on ways to expedite and scale the implementation of flood plain restoration projects that provide flood risk reduction and groundwater recharge benefits. The bill would require the study to be completed by July 1, 2024. This requirement would be inoperative on July 1, 2028.

Position

Notes: This legislation would require the Department of Water Resources, in coordination with the Central Valley Flood Protection Board, to undertake a study to identify and assess barriers to the implementation of flood plain restoration projects that provide increased flood risk reduction and groundwater recharge benefits. The bill would also require the department and the board to conduct broad stakeholder outreach to inform the study. The bill would require the study to make recommendations to the Legislature on ways to expedite and scale the implementation of flood plain restoration projects that provide flood risk reduction and groundwater recharge benefits. The bill would require the study to be completed by July 1, 2024.

Regional flood management plans and the Central Valley Flood Protection Plan have identified and presented some assessment of potential flood plain restoration projects. However, groundwater recharge does not appear to have been analyzed as part of the process. For example, the Middle and Upper Sacramento Regional Flood Management Plan (MUSFMP) has identified and assessed the barriers to the implementation of flood plain restoration projects. The 2014 MUSFPM found that:

"Although specifically applicable to areas within the Butte Sink and Colusa Basin Drain, transitory flood water storage areas and flowage easements may become a significant element of future flood management planning efforts. The terms "transitory flood water storage areas", and "flowage

easement areas" need to be clearly defined and subject to broad stakeholder agreement. If these concepts are pursued through the Basin-Wide Feasibility Study effort, they should be done so with the principle that they need to support the continued capability of agricultural operations to diversify and remain flexible to meeting changing market demands and crop production technology. The concepts and distinctions of each require an unambiguous and clearly characterized description.

And further: "Transitory storage areas should be defined as areas negotiated and mutually agreed to as suitable and designated to provide temporary flood water storage relief on private or public properties, which have been strategically identified in the flood control system and utilized during times of extraordinary and/or emergency storm or flood events. Transitory storage should be undertaken in a planned and coordinated manner with all affected landowners, including compensation and post-flooding recovery plans developed to the satisfaction of all parties.

"In the 2012 CVFPP, DWR recommended consideration of increasing the capacity of the Sutter Bypass to convey larger flood events. This expansion would likely require building a new levee for about 15 miles along one side of the bypass to widen the bypass for increased flow capacity. DWR used a 1,000-foot increase in the bypass width for 2012 CVFPP planning purposes, with 75 percent of the new width allocated to agricultural use and 25 percent allocated to habitat restoration. Modifications to the Colusa and Tisdale weirs and the Butte Basin overflow areas from the Sacramento River would be considered as part of the expansion. The expansion may also require rebuilding some SPFC facilities, such as weirs and pumping stations...A 1,000 foot wide expansion of the Sutter Bypass is predicted to convert 2,459 acres of land into the active floodplain. Land uses currently in the expansion zone are comprised of 90% productive agricultural land and 10% habitat. Incorporating a 2,000 foot wide expansion on the east side of the Sutter Bypass would move an estimated 5,324 acres of land, which is 91% productive agricultural land and 9% habitat, into the active floodplain."

Another example may be found in 2016 CVFPP Conservation Strategy, which noted that: "Strategy Opportunities to support the [San Joaquin River Restoration Program] SJRRP would be provided by multi-benefit projects that would construct, repair, or improve levees. In this [Conservation Planning Area] CPA, potential major physical and operational improvements being evaluated for the CVFPP include upgrade of structures in the Chowchilla, Mariposa, and Eastside Bypasses. Improvements also may include constructing setback levees or transitory storage areas at selected locations, particularly near the junctions of the bypass system with the San Joaquin River. These elements and O&M activities would enhance this CPA's river and floodplain ecosystems."

It is unclear whether a study on the potential for groundwater recharge benefits from flood plain restoration projects already identified in the CVFPP could be completed by July 1, 2024, as would be required by this legislation. Soil geology in many areas of the Sacramento and San Joaquin Valleys would prevent water from percolating into the lower aquifers relied on by M&I, domestic, and agricultural users. Another of the barriers to operating transitory flood water storage areas would be the analysis of the effect on water right permit and license holders and other legal users of water, which likely would require the involvement of the State Water Resources Control Board. This legislation does not mention the board.

The Coalition could benefit from conversations with DWR and CVFPB personnel to gain a sense of the Newsom Administration's thoughts about this legislation.

Current Position: Not Yet Considered

Recommended Position: Watch

AB 1337

(Wicks D) State Water Resources Control Board: water shortage enforcement.

Current Text: Introduced: 2/16/2023 [html](#) [pdf](#)

Introduced: 2/16/2023

Status: 3/2/2023-Referred to Coms. on W., P., & W. and JUD.

Is Urgency: N

Is Fiscal: Y

Location: 3/2/2023-A. W., P. & W.

Summary: Would authorize the State Water Resources Control Board to adopt regulations for various water conservation purposes, including, but not limited to, to prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of water, and to implement these regulations through orders curtailing the diversion or use of water under any claim of right. The bill would require the board to provide notice and an opportunity to be heard before issuing an order, except where an opportunity to be heard before the issuance of an order would be impractical given the likelihood of harm to the purposes of the various water conservation regulations. The bill would provide that a person or entity may be civilly liable for a violation of any regulation or order issued by the board pursuant to these provisions in an amount not to exceed \$1,000 for each day in which the violation has occurred and \$2,500 for each acre-foot of water diverted or used in violation of the applicable requirement. The bill would authorize the imposition of this civil liability by the superior court,

as specified, or administratively by the board. The bill would provide that a regulation or order issued by the board pursuant to these provisions, or by emergency regulation, is exempt from the California Environmental Quality Act (CEQA).

Position

Notes: This legislation would authorize the State Water Resources Control Board to adopt regulations on regard to the prevention of waste and unreasonable use and the public trust doctrine that would be applicable to all water users without proper due process or meaningful consideration of existing beneficial uses of water, e.g., municipal and industrial use and agricultural use. The legislation would allow the State Board to determine the water rights of users, including pre-1914, riparian, and groundwater users over which the State Board has no permitting authority. The CEQA exemption proposed by this legislation would preclude environmental review of the potential significant impacts of the regulations on the place of use for water rights that would be impacted.

This legislation would authorize the board to adopt regulations for various water conservation purposes, including, but not limited to, to prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of water, and to implement these regulations through orders curtailing the diversion or use of water under any claim of right. The bill would require the board to provide notice and an opportunity to be heard before issuing an order, except where an opportunity to be heard before the issuance of an order would be impractical given the likelihood of harm to the purposes of the various water conservation regulations. The bill would provide that a person or entity may be civilly liable for a violation of any regulation or order issued by the board pursuant to these provisions in an amount not to exceed \$1,000 for each day in which the violation has occurred and \$2,500 for each acre-foot of water diverted or used in violation of the applicable requirement. The bill would authorize the imposition of this civil liability by the superior court, as specified, or administratively by the board. The bill would provide that a regulation or order issued by the board pursuant to these provisions, or by emergency regulation, is exempt from CEQA.

This legislation would authorize the board, for example, to curtail the diversion and use of water for violation of a regulation regarding water conservation. The legislation would exempt from CEQA such action and other actions taken by the board, meaning the potential significant environmental effects of reducing available water supply would not be subject to identification, analysis, avoidance or mitigation. Relying on the public trust doctrine to curtail water rights generally requires a balance to be struck between fish and wildlife uses and consumptive uses. The board would not be required to provide notice and an opportunity to be heard if it determines, under its sole discretion, that issuance of an order would be impractical given the likelihood of harm to public trust resources.

Current Position: Not Yet Considered

Recommended Position: Oppose

AB 1563 (Bennett D) Groundwater sustainability agency: groundwater extraction permit: verification.

Current Text: Introduced: 2/17/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Status: 3/9/2023-Referred to Com. on W., P., & W.

Is Urgency: N

Is Fiscal: Y

Location: 3/9/2023-A. W., P. & W.

Calendar: 3/28/2023 9 a.m. - State Capitol, Room 444 ASSEMBLY WATER, PARKS AND WILDLIFE, BAUER-KAHAN, REBECCA, Chair

Summary: Existing law authorizes a groundwater sustainability agency to request of the county, and requires a county to consider, that the county forward permit requests for the construction of new groundwater wells, the enlarging of existing groundwater wells, and the reactivation of abandoned groundwater wells to the agency before permit approval. This bill would instead require a county to forward permit requests for the construction of new groundwater wells, the enlarging of existing groundwater wells, and the reactivation of abandoned groundwater wells to the groundwater sustainability agency before permit approval. This bill contains other related provisions and other existing laws.

Position

Notes: Current law, 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. Current law authorizes a groundwater sustainability agency to request of the county, and requires a county to consider, that the county forward permit requests for the construction of new groundwater

wells, the enlarging of existing groundwater wells, and the reactivation of abandoned groundwater wells to the agency before permit approval.

This bill would require agencies that issue water well permits, generally county governments, to acquire sign off from the local groundwater sustainability agency prior to issuing the permit. The bill would also require, as a condition of approving a permit for a new groundwater well or for an alteration to an existing well in an above-described basin, a county, city, or any other water well permitting agency to, among other things, post the well permit application on its internet website for at least 30 days before approving the permit. This bill would exempt from the above-described provisions, a permit for any well that provides less than 2 acre-feet of water annually for domestic use, any well used by a public water supply system or state small water system, wells in adjudicated basins, among other exemptions.

Assemblymember Bennett carried similar legislation last session, AB 2201, which was not taken up for a final concurrence vote. While AB 1563 is similar, the scope narrowly only applies to basins that are deemed in "Critical Overdraft" by the Department of Water Resources. Exemptions for replacement wells are also included in the new bill only if both of the following conditions are met: (1) The new well will produce the equivalent quantity of water as the well being replaced, and (2) The original well is either decommissioned or will be used for storage.

Current Position: Not Yet Considered

Recommended Position: Oppose

AB 1567 (Garcia D) Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2023.

Current Text: Introduced: 2/17/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Status: 3/9/2023-Referred to Coms. on W., P., & W. and NAT. RES.

Is Urgency: N

Is Fiscal: Y

Location: 3/9/2023-A. W.,P. & W.

Summary: The California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018, approved by the voters as Proposition 68 at the June 5, 2018, statewide primary election, authorizes the issuance of bonds in the amount of \$4,100,000,000 pursuant to the State General Obligation Bond Law to finance a drought, water, parks, climate, coastal protection, and outdoor access for all program. Article XVI of the California Constitution requires measures authorizing general obligation bonds to specify the single object or work to be funded by the bonds and further requires a bond act to be approved by a 2/3 vote of each house of the Legislature and a majority of the voters. This bill would enact the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2023, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$15,105,000,000 pursuant to the State General Obligation Bond Law to finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, and workforce development programs. This bill contains other related provisions.

Position

Notes: This legislation is the Assembly Democratic Caucus proposal for a state general obligation bond for resources programs. Among the proposed programs and expenditures included that could benefit the Agency or its members, the legislation includes: (1) \$250 million to be available, upon appropriation by the Legislature, to the Department of Water Resources in collaboration with the water board, for grants and projects that advance groundwater sustainability consistent with the Sustainable Groundwater Management Act. Funds may be used for projects, including groundwater recharge or water banking projects, and management actions identified in a groundwater sustainability plan; (4) \$200 million to be available, upon appropriation by the Legislature, for expenditures on, and competitive grants and loans to, projects that are included in, and implemented in, an adopted integrated regional water management plan; (5) \$400 million dollars, upon appropriation by the Legislature, to the State Water Board for competitive grants or loans for clean, safe, and reliable drinking water to all Californians; and (6) \$300 million dollars, upon appropriation by the Legislature, to the water board for grants or loans for water recycling projects.

Our firm will closely review the above provisions in the legislation to ensure that Coalition member projects are eligible for funding.

Current Position: Not Yet Considered

Recommended Position: Support/Amend

ACA 2 (Alanis R) Public resources: Water and Wildfire Resiliency Act of 2023.

Current Text: Introduced: 12/5/2022 [html](#) [pdf](#)

Introduced: 12/5/2022

Status: 12/6/2022-From printer. May be heard in committee January 5.

Is Urgency:

Is Fiscal: Y

Location: 12/5/2022-A. PRINT

Summary: Would establish the Water and Wildfire Resiliency Fund within the State Treasury, and would require the Treasurer to annually transfer an amount equal to 3% of all state revenues that may be appropriated as described from the General Fund to the Water and Wildfire Resiliency Fund. The measure would require the moneys in the fund to be appropriated by the Legislature and would require that 50% of the moneys in the fund be used for water projects, as specified, and that the other 50% of the moneys in the fund be used for forest maintenance and health projects, as specified.

Position

Notes: This is a proposed constitutional amendment that, if approved by the Legislature, would be subject to voter approval. Similar to constitutional amendments that were previously approved; e.g., Proposition 98 for school funding, this measure would require 3 percent of all state revenues that may be appropriated pursuant to Article XIII B, from the General Fund to the Water and Wildfire Resiliency Fund. Fifty percent of the money in the fund could be expended for water projects, including, but not limited to, water supply projects, water conveyance projects, water recycling projects, flood safety projects and levy maintenance, seismic retrofitting of existing facilities, desalination, habitat restoration projects, and projects that improve the quality of drinking water. Fifty percent of the money in the fund could be expended for forest maintenance and health projects that protect threatened communities, including, but not limited to, home hardening, defensible space, and fuel breaks, and workforce development programs for forest maintenance and fire protection.

It is not the first time this concept has found its way into legislation; prior efforts have been unsuccessful. There are two options to securing state financial assistance for water and forest health projects. One option is through a state general obligation bond--see AB 1567 and SB 867 in this bill packet. The other is through the annual state budget relying on the General Fund or special funds. Appropriations can be made available to a state administering agency for competitive grants or to a project or local agency through a line item appropriation.

The proposed constitutional amendment would require that 3 percent of state revenues into the General Fund be set aside for the purposes specified in ACA 2. Setting aside funds makes it easier for state agencies and local agencies to access state financial assistance for infrastructure projects regardless of the fluctuations in state revenues from year to year. Setting aside funds--as would occur with this proposal and prior measures like Proposition 98--reduces the flexibility of the Governor and the Legislature to respond to economic downturns and their effect on state revenues. Finally, setting aside state revenues for infrastructure on a pay-go basis is more cost-effective over time than issuing general obligation bonds, which end up costing 1.5x the issue amount due to issuance costs and interest payments.

Current Position: Not Yet Considered

Recommended Position: Favor

SB 23

(Caballero D) Water supply and flood risk reduction projects: expedited permitting.

Current Text: Amended: 2/9/2023 [html](#) [pdf](#)

Introduced: 12/5/2022

Last Amend: 2/9/2023

Status: 2/22/2023-Re-referred to Coms. on N.R. & W. and E.Q.

Is Urgency: N

Is Fiscal: Y

Location: 2/22/2023-S. N.R. & W.

Summary: Current law prohibits an entity from substantially diverting or obstructing the natural flow of, or substantially changing or using any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake, except under specified conditions, including requiring the entity to send written notification to the Department of Fish and Wildlife regarding the activity in the manner prescribed by the department. This bill would require a project proponent, if already required to submit a notification to the department, to complete and submit environmental documentation to the department for the activity in the notification.

Position

Notes: The Association of California Water Agencies is the sponsor of this legislation, the intent of which is to expedite specified project permitting decisions by the Department of Fish and Wildlife and

the State Water Resources Control Board or regional boards.

Section 1602 of the Fish and Game Code provides that an entity shall not substantially divert or obstruct the natural flow of stream, river, or lake unless the entity (1) The Department of Fish and Wildlife receives written notification regarding the activity in the manner prescribed by the department, (2) The department determines the notification is complete, (3) The entity pays the applicable fees, and (4) one of the following occurs: (a) The department informs the entity, in writing, that the activity will not substantially adversely affect an existing fish or wildlife resource, and that the entity may commence the activity without an agreement, if the entity conducts the activity as described in the notification, including any measures in the notification that are intended to protect fish and wildlife resources, (b) The department determines that the activity may substantially adversely affect an existing fish or wildlife resource and issues a final agreement to the entity that includes reasonable measures necessary to protect the resource, and the entity conducts the activity in accordance with the agreement, (c) A panel of arbitrators issues a final agreement to the entity in accordance with subdivision (b) of Section 1603, and the entity conducts the activity in accordance with the agreement, or (d) The department does not issue a draft agreement to the entity within 60 days from the date notification is complete, and the entity conducts the activity as described in the notification, including any measures in the notification that are intended to protect fish and wildlife resources.

Section 1603 specifies that after the notification is complete, the department shall determine whether the activity may substantially adversely affect an existing fish and wildlife resource. If the department determines that the activity may have that effect, the department shall provide a draft agreement to the entity within 60 days after the notification is complete. The draft agreement shall describe the fish and wildlife resources that the department has determined the activity may substantially adversely affect and include measures to protect those resources. The department's description of the affected resources shall be specific and detailed, and the department shall make available, upon request, the information upon which its determination of substantial adverse effect is based. Within 30 days of the date of receipt of the draft agreement, the entity shall notify the department whether the measures to protect fish and wildlife resources in that draft agreement are acceptable.

This legislation would require, if the department determines that a water supply project or flood risk reduction project will substantially adversely affect an existing fish and wildlife resource and the project proponent submits a complete application and environmental documentation, the department to issue the final agreement that includes any reasonable measures mutually agreed to by the project proponent and the department within 180 days of receipt of a notification from the project proponent. Notably, this provision of the legislation does not require the payment of fees to the department. Whether the latter provision in this legislation is an oversight is unknown. Existing law requires the department to determine that the notification is complete. Whether the lack of a determination that a notification is complete requirement in this legislation is an oversight is unknown.

This legislation would authorize a project proponent to proceed in accordance with a final agreement issued by an arbitration panel. Existing law (Section 1603) already provides that any decision by the panel of arbitrators shall be binding on the department and the affected entity.

This legislation would require the state board or regional boards to issue project certification within 180 days if a water supply or flood risk reduction project proponent does all of the following: (1) Requests a preapplication consultation, (2) Files a complete application for project certification, (3) If required for the project, files a complete application or petition under Chapter 2 (commencing with Section 1250) of Part 2 of Division 2 for all water rights approvals or amendments necessary to implement the project, and (4) Completes and submits completed environmental documentation to the state board or regional boards for the project certification required under Division 13 (commencing with Section 21000) of the Public Resources Code.

This legislation would provide that unless the state board or regional boards issuing a project certification determine in writing that an approved plan does not substantially meet the definition of a watershed plan, the state board or regional boards shall use the following approved plans as watershed plans for purposes of implementing the procedures in issuing a project certification: (1) Habitat conservation plans that include biological goals for aquatic resources, (2) Natural communities conservation plans that include biological goals for aquatic resources, (3) Habitat management plans that include biological goals for aquatic resources.

Current Position: Not Yet Considered

Recommended Position: Favor

SB 69

(Cortese D) California Environmental Quality Act: judicial and administrative proceedings: limitations.

Current Text: Introduced: 1/5/2023 [html](#) [pdf](#)

Introduced: 1/5/2023

Status: 3/15/2023-From committee: Do pass as amended and re-refer to Com. on JUD. (Ayes 5. Noes

0.) (March 15).

Is Urgency: N

Is Fiscal: Y

Location: 3/15/2023-S. JUD.

Calendar: 3/16/2023 #1 SENATE SENATE BILLS - SECOND READING FILE

Summary: The California Environmental Quality Act (CEQA) requires a state agency or a local agency that approves or determines to carry out a project subject to CEQA to file a notice of determination with the Office of Planning and Research or the county clerk of each county in which the project will be located, as provided. CEQA authorizes a state agency or a local agency that determines that a project is not subject to CEQA to file a notice of exemption with the office or the county clerk of each county in which the project will be located, as provided. If a person has made a written request to a public agency for a copy of a notice of determination or notice of exemption for a project before the date on which the public agency approves or determines to carry out the project, CEQA requires the public agency, no later than 5 days from the date of the public agency's action, to deposit a copy of the written notice addressed to that person in the United States mail, first-class postage prepaid. CEQA provides that the date upon which the notice is mailed does not affect the limitations periods applicable to specified actions or proceedings to attack, review, set aside, void, or annul specified acts or decisions of a public agency on the grounds of noncompliance with CEQA. The bill would require a public agency to provide both the notice and any subsequent amended, corrected, or revised notice, as specified, in response to a written request for the notice, regardless of the delivery method. By requiring a local agency to provide a copy of any subsequent amended, corrected, or revised notice, along with the notice, the bill would impose a state-mandated local program.

Position

Notes: Existing law provides that if a person has made a written request to a public agency for a copy of a notice of determination or notice of exemption for a project before the date on which the public agency approves or determines to carry out the project, CEQA requires the public agency, no later than 5 days from the date of the public agency's action, to deposit a copy of the written notice addressed to that person in the United States mail, first-class postage prepaid. CEQA provides that the date upon which the notice is mailed does not affect the limitations periods applicable to specified actions or proceedings to attack, review, set aside, void, or annul specified acts or decisions of a public agency on the grounds of noncompliance with CEQA.

This legislation would require a public agency to provide both the notice and any subsequent amended, corrected, or revised notice, in response to a written request for the notice, regardless of the delivery method. This legislation would toll, except as provided, the limitations periods applicable to specified actions or proceedings to attack, review, set aside, void, or annul specified acts or decisions of a public agency until (1) the date on which the public agency deposits in the mail or sends by email to the requestor a copy of the notice, including any subsequent amended, corrected, or revised notice, or (2) the date on which the public agency submits the notice to the State Clearinghouse.

The procedural requirements related to CEQA are already complex and the failure of a lead agency to comply pose litigation risk. This legislation increases litigation risk for a procedural error.

Current Position: Not Yet Considered

Recommended Position: Not Favor

SB 231

(Hurtado D) Drought modeling.

Current Text: Introduced: 1/23/2023 [html](#) [pdf](#)

Introduced: 1/23/2023

Status: 2/1/2023-Referred to Com. on RLS.

Is Urgency: N

Is Fiscal: N

Location: 1/23/2023-S. RLS.

Summary: Current law requires the Department of Water Resources to include a discussion of various strategies in the California Water Plan update, including, but not limited to, strategies relating to the development of new water storage facilities, water conservation, water recycling, desalination, conjunctive use, water transfers, and alternative pricing policies that may be pursued in order to meet the future needs of the state. This bill would state the intent of the Legislature to enact subsequent legislation to require the Department of Water Resources to modify its predictive models as necessary to account for California's persistent drought.

Position

Notes: This bill is a placeholder (spot bill) and will require substantive amendments before it can be referred to a policy committee for hearing. The Coalition should take a watch position on the measure

given its subject matter -- drought modeling.

Current Position: Not Yet Considered

Recommended Position: Watch

SB 361 **(Dodd D) Water resources: stream gages.**

Current Text: Introduced: 2/8/2023 [html](#) [pdf](#)

Introduced: 2/8/2023

Status: 3/7/2023-Set for hearing March 28.

Is Urgency: N

Is Fiscal: Y

Location: 2/15/2023-S. N.R. & W.

Calendar: 3/28/2023 9:30 a.m. - 1021 O Street, Room 2100 SENATE NATURAL RESOURCES AND WATER, MIN, DAVE, Chair

Summary: Would require the Department of Water Resources and the State Water Resources Control Board, upon appropriation of funds by the Legislature, to reactivate, upgrade, and install new stream gages, as provided. The bill would require the department and board to use the recommendations and data provided in the California Stream Gaging Prioritization Plan 2022 to complete specified actions by 2030. The bill would require the data from all stream gages operating with any public money to be published as provisional data within 10 days of collection and made publicly available on the state's open water data platforms. The bill would require the department and board to develop and adopt a set of standards and processes for assessing, tracking, and reporting the accuracy of stream gages, evapotranspiration data, water meters, and other critical data inputs for water management, as provided. The bill would require the department and the board to consult with interested stakeholders to develop a plan to identify the gaps in the network of automated weather stations and eddy covariance towers to ensure accurate and comprehensive data collection.

Position

Notes: This bill is co-sponsored by the Environmental Defense Fund and the Nature Conservancy.

This legislation would require the data from all stream gages operating with any public money to be published as provisional data within 10 days of collection and made publicly available on the state's open water data platforms. The bill would require the department and board to develop and adopt a set of standards and processes for assessing, tracking, and reporting the accuracy of stream gages, evapotranspiration data, water meters, and other critical data inputs for water management. The legislation would require the Department of Water Resources and the State Water Resources Control Board, in consultation with the Department of Fish and Wildlife, the Department of Conservation, the Central Valley Flood Protection Board, interested stakeholders, and, to the extent they wish to consult, local agencies, to develop the plan to fund the long-term maintenance of stream gages and data management tools based on the funding recommendations in the plan and other considerations. As such, passage of the legislation could lead to the funding of a state program that could assist local agencies with the long-term maintenance of stream gages and data management tools.

Current Position: Not Yet Considered

Recommended Position: Favor

SB 366 **(Caballero D) The California Water Plan: long-term supply targets.**

Current Text: Introduced: 2/8/2023 [html](#) [pdf](#)

Introduced: 2/8/2023

Status: 2/15/2023-Referred to Com. on RLS.

Is Urgency: N

Is Fiscal: N

Location: 2/8/2023-S. RLS.

Summary: Would make legislative findings and declarations and state the intent of the Legislature to enact future legislation that modernizes the California Water Plan, including the establishment of long-term water supply targets.

Position

Notes: This bill is a placeholder (spot bill) and will require substantive amendments before it can be referred to a policy committee for hearing. The bill is sponsored by the California Municipal Utilities Association (CMUA) to establish a statewide goal for increasing water supply. The bill would amend statutes regarding the California Water Plan.

SB 366 would establish water supply increase targets in the California Water Plan for 2033 and 2043 and require the Plan to include a discussion of various strategies, including, but not limited to, those

relating to the development of new surface and ground water storage facilities, water conservation, water recycling, desalination, conjunctive use, improved regional and statewide conveyance, stormwater capture, and water transfers that may be pursued in order to meet the water supply targets. The legislation also would require the Department of Water Resources to consult with an advisory committee to develop and make recommendations for specific actions that should be taken to streamline state permits and approvals for such projects. While a "watch" position is usually appropriate at this time, our firm recommends that EVMWD, as a member of CMUA, support SB 366 following amendments to the bill and work with CMUA and water agencies throughout the state to formalize a requirement for the Department of Water Resources to focus on the identification of future water supply needs across all beneficial uses of water and identification of the alternatives for meeting those projected demands.

Current Position: Not Yet Considered

Recommended Position: Support

SB 389

(Allen D) State Water Resources Control Board: determination of water right.

Current Text: Introduced: 2/9/2023 [html](#) [pdf](#)

Introduced: 2/9/2023

Status: 2/22/2023-Referred to Com. on N.R. & W.

Is Urgency: N

Is Fiscal: Y

Location: 2/22/2023-S. N.R. & W.

Summary: Current law provides that it is the intent of the Legislature that the state take vigorous action to enforce the terms and conditions of permits, licenses, certifications, and registrations to appropriate water, to enforce state board orders and decisions, and to prevent the unlawful diversion of water. This bill would authorize the State Water Resources Control Board to investigate the diversion and use of water from a stream system to determine whether the diversion and use are based upon appropriation, riparian right, or other basis of right, as specified.

Position

Notes: This bill is sponsored by the Planning and Conservation League. The proposal is recommendation 5a and 6 of the PLC's report titled "Updating California Water Laws to Address Drought and Climate Change" released on February 2022. California has a system for allocating surface water that divides the right to water between statutory water rights issued and regulated by the State Board or its predecessors under the Water Commission Act of 1913 and water rights recognized prior to act's 1914 effective date. With some exceptions, surface water rights recognized prior to 1914 are limited to riparian rights, rights derived from ownership of land adjacent to a watercourse, and pre-1914 appropriative rights, rights unrelated to land ownership secured through application of the Gold Rush mining customs of water diversion and delivery to beneficial use.

In times of shortage, the priority principle of first in time, first in right generally determines the allocation of pre-1914 and post-1914 appropriative rights. In contrast, riparian users mutually share shortages with other riparian users. (Millview County Water District v. State Water Resources Control Board, 229 Cal.App.4th 879, 888- 889 (2014).) The priority of riparian rights over other rights depends upon the date of the land patent for the riparian land. (McKinley Brothers v. McCauley, 215 Cal. 229, 230-231 (1922).) Neither holders of riparian rights nor pre-1914 appropriative rights require a permit or license from the State Board.

Due to these historical circumstances, riparian rights and pre-1914 appropriative rights typically hold a senior priority to post-1914 appropriative rights and are entitled to satisfaction in times of shortage over the claims of post-1914 rights. According to one study, self-reported riparian and pre-1914 water claims account for the diversion of over 2.3 million acre-feet of water a year from the Sacramento-San Joaquin Delta watershed. Because the State Board does not issue permits or licenses for riparian and pre-1914 appropriative rights, the extent and scope of these rights are poorly understood. Reforms allowing the State Board to verify these claimed water rights could make water available for more junior water rights holders and for fishery and other beneficial uses of water.

Recommendation 5a states The Water Code be amended to add the following, "The Board may, upon its own motion, enter an order initiating proceedings under this chapter for the determination of the rights of various claimants to the water of a stream, if after notice and opportunity for hearing, it finds that the public interest and necessity will be served by a determination of the rights involved."

The proposed Water Code amendment would address this gap in State Board authority by allowing the State Board selectively to investigate and determine whether a water right claimant, diverter, or user is diverting or using water under a defensible claim of right. Specifically, the amendment would (1) allow the State Board to investigate individual water right claimants to verify their basis of right, (2) to require information from the claimants relevant to the investigation, (3) to rule upon the water right claim after notice and opportunity for hearing, (4) to impose the burden upon the water right claimant

to prove the elements of the claimant's right, and (5) to clarify that any determination of forfeiture of an appropriative right held in these proceedings would not require a showing of a competing claim or a clash of rights from other water rights holders as has been required by recent court decisions.

The State Water Project relies on post-1914 water rights permits.

Existing law, Section 2000 et seq of the Water Code, provides that in any suit brought in any court of competent jurisdiction in this State for determination of rights to water, the court may order a reference to the board, as referee, of any or all issues involved in the suit. The board may base its report solely upon its own investigations or in addition thereto may hold hearings and take testimony. The report of the board as referee is subject to review by the court. No exception to the report shall be considered, except in the court's discretion or for good cause shown, unless it appears that the matter of the exception was presented to the board in the form of an objection. The report filed by the board is prima facie evidence of the physical facts therein found; but the court shall hear such evidence as may be offered by any party to rebut the report or the prima facie evidence.

This legislation would authorize the board to take action absent a reference by a court. Section 1840 of the Water Code requires a person who, on or after January 1, 2016, diverts 10 acre-feet of water per year or more under a permit or license to install and maintain a device or employ a method capable of measuring the rate of direct diversion, rate of collection to storage, and rate of withdrawal or release from storage. At least annually, a person who diverts water under a registration, permit, or license shall report to the board the quantity of water diverted by month, and the maximum rate of diversion by months in the preceding calendar year. Section 1846 provides that a person or entity may be liable for a violation of any of the following in an amount not to exceed five hundred dollars (\$500) for each day in which the violation occurs: (1) A term or condition of a permit, license, certificate, or registration issued under this division, or (2) A regulation or order adopted by the board. Civil liability may be imposed by the superior court. The Attorney General, upon the request of the board, shall petition the superior court to impose, assess, and recover those sums. Civil liability may be imposed administratively by the board pursuant to Section 1055.

This legislation is so broadly written that it would apply to a water right permit or license holder that currently reports diversions annually to the state board and is subject to terms and conditions included under the permit or right, including an explicit or implied authority for the state board to modify the terms and conditions of the permit or license following proper notice and hearing. As such, it is in the interest of the Coalition to oppose outright or seek amendments to narrow the provisions of the legislation to exclude water right permit and license holders. Our firm will work with state associations like the Association of California Water Agencies and California Municipal Utilities Association to engage the author on the legislation.

Current Position: Not Yet Considered

Recommended Position: Oppose

SB 458 (Gonzalez D) Public contracts: Local Agency Public Construction Act.

Current Text: Introduced: 2/13/2023 [html](#) [pdf](#)

Introduced: 2/13/2023

Status: 2/22/2023-Referred to Com. on RLS.

Is Urgency: N

Is Fiscal: N

Location: 2/13/2023-S. RLS.

Summary: The Local Agency Public Construction Act sets forth the requirements for competitive bidding on various types of contracts awarded by local agencies. This bill would state the intent of the Legislature to enact legislation that would amend that act.

Position

Notes: This bill is a placeholder (spot bill) and will require substantive amendments before it can be referred to a policy committee for hearing. The Coalition should consider taking a "watch" position on the measure given the subject matter -- public contracts.

Current Position: Not Yet Considered

Recommended Position: Watch

SB 537 (Becker D) Open meetings: local agencies: teleconferences.

Current Text: Introduced: 2/14/2023 [html](#) [pdf](#)

Introduced: 2/14/2023

Status: 2/22/2023-Referred to Com. on RLS.

Is Urgency: N

Is Fiscal: N

Location: 2/14/2023-S. RLS.

Summary: Would state the intent of the Legislature to enact subsequent legislation that expands local government's access to hold public meetings through teleconferencing and remote access.

Position

Notes: This bill is a placeholder (spot bill) and will require substantive amendments before it can be referred to a policy committee for hearing. The Coalition should consider taking a "watch" position on the measure given the subject matter -- open meetings.

Current Position: Not Yet Considered

Recommended Position: Watch

SB 550

(Grove R) Water markets.

Current Text: Introduced: 2/15/2023 [html](#) [pdf](#)

Introduced: 2/15/2023

Status: 3/7/2023-Set for hearing March 28.

Is Urgency: N

Is Fiscal: Y

Location: 2/22/2023-S. N.R. & W.

Calendar: 3/28/2023 9:30 a.m. - 1021 O Street, Room 2100 SENATE NATURAL RESOURCES AND WATER, MIN, DAVE, Chair

Summary: Would require, on or before January 1, 2025, the Legislative Analyst, in collaboration with the Department of Water Resources, the State Water Resources Control Board, and other state agencies, as described, to prepare and submit to the Legislature a report analyzing the water market, including background information regarding the sale of water and water rights, trends in the water market, barriers to entering the water market or effectively trading in the market, and proposals for improving the regulatory framework to make the water market more market friendly and to encourage growth.

Position

Notes: Is this legislation necessary or desirable? Do Coalition members want the Office of the Legislative Analyst, DWR and the State Board responsible for analysis and recommendations related to the sale of water rights?

Current Position: Not Yet Considered

Recommended Position: Pending Committee Input

SB 638

(Eggman D) Climate Resiliency and Flood Protection Bond Act of 2024.

Current Text: Introduced: 2/16/2023 [html](#) [pdf](#)

Introduced: 2/16/2023

Status: 3/7/2023-Set for hearing March 28.

Is Urgency: N

Is Fiscal: Y

Location: 3/1/2023-S. N.R. & W.

Calendar: 3/28/2023 9:30 a.m. - 1021 O Street, Room 2100 SENATE NATURAL RESOURCES AND WATER, MIN, DAVE, Chair

Summary: Would enact the Climate Resiliency and Flood Protection Bond Act of 2024 which, if approved by the voters, would authorize the issuance of bonds in the amount of \$4,500,000,000, pursuant to the State General Obligation Bond Law, for flood protection and climate resiliency projects.

Position

Notes: The California Central Valley Flood Control Association is the sponsor of this legislation, which will provide much needed funding for flood control projects throughout the state, levees and special projects in the Sacramento-San Joaquin Delta, multi-benefit flood control projects that benefit fish and wildlife, and dam safety projects.

The bill would authorize bonds in the amount of \$4.5 billion:

> \$2.5 billion - Evaluation, repair, rehabilitation, reconstruction, expansion or replacement of levees, weirs, bypasses, and facilities of the State Plan of Flood Control (Central Valley). At least \$200 million of which will be allocated for projects on the San Joaquin River and its tributaries.

> \$500 million - Delta specific projects with a principal purpose of preserving, protecting, rehabilitating, and improving existing levees.

> \$1 billion – State's share of the nonfederal costs, and related costs, of projects that are located outside of the Central Valley.
> \$500 million – Projects that are components of multiple benefit flood management system improvements, including \$100 million for coastal watersheds.

Current Position: Not Yet Considered

Recommended Position: Support

SB 651

(Grove R) Water storage and recharge: California Environmental Quality Act: Sacramento-San Joaquin Delta Reform Act of 2009: exemptions.

Current Text: Introduced: 2/16/2023 [html](#) [pdf](#)

Introduced: 2/16/2023

Status: 3/1/2023-Referred to Coms. on N.R. & W. and E.Q.

Is Urgency: N

Is Fiscal: Y

Location: 3/1/2023-S. N.R. & W.

Summary: Would make it the policy of this state that, to help advance groundwater recharge projects, and to demonstrate the feasibility of projects that can use available high water flows to recharge local groundwater while minimizing flood risks, the state board and the regional water quality control boards prioritize water right permits, water quality certifications, waste discharge requirements, and conditional waivers of waste discharge requirements to accelerate approvals for projects that enhance the ability of a local or state agency to capture high precipitation events for local storage or recharge, consistent with water right priorities and protections for fish and wildlife. This bill contains other related provisions and other existing laws.

Position

Notes: This bill would exempt from CEQA actions taken by a state agency, or by a local agency if the state agency with primary responsibility for the implementation of directives addressing impacts of drought concurs that local action is required, and permits that are necessary to carry out those actions, to accelerate approvals for projects that enhance the ability of a local or state agency to capture high precipitation events for local storage or recharge, consistent with water right priorities and protections for fish and wildlife. The bill would exempt the above-described actions and permits from the requirement to prepare a written certification of consistency with detailed findings as to whether the covered action or permit is consistent with the Delta Plan and to submit that certification to the council. The bill would also exempt from CEQA a recharge project under the Department of Water Resources' Sustainable Groundwater Management Grant Program and flood-managed aquifer recharge projects, occurring on open and working lands to replenish and store water in groundwater basins that will help mitigate groundwater conditions impacted by drought, as specified. The bill would require state and local agencies to maintain on their internet websites a list of all activities or approvals to which these exemptions apply.

"Covered action" means a plan, program, or project as defined pursuant to Section 21065 of the Public Resources Code that meets all of the following conditions: (1) Will occur, in whole or in part, within the boundaries of the Delta or Suisun Marsh. (2) Will be carried out, approved, or funded by the state or a local public agency. (3) Is covered by one or more provisions of the Delta Plan. (4) Will have a significant impact on achievement of one or both of the coequal goals or the implementation of government-sponsored flood control programs to reduce risks to people, property, and state interests in the Delta. Groundwater recharge projects located in the San Joaquin Valley outside of the statutory Delta are not subject to the requirement to file a certification of consistency with the Delta Stewardship Council.

Water right permit processing laws and regulations generally have expedited the ability of a local agency to obtain permits to divert water for recharge purposes. More recently, Governor Newsom issued an executive order waiving CEQA and other laws to enable flood waters to be diverted to existing recharge facilities under certain circumstances.

Finally, while exempting groundwater recharge projects from CEQA would reduce the costs of a project and expedite projects, it is unlikely that a CEQA exemption is attainable in this Legislature.

Current Position: Not Yet Considered

Recommended Position: Watch

SB 659

(Ashby D) Groundwater recharge: minimum requirement.

Current Text: Introduced: 2/16/2023 [html](#) [pdf](#)

Introduced: 2/16/2023

Status: 3/1/2023-Referred to Com. on N.R. & W.

Is Urgency: N

Is Fiscal: Y

Location: 3/1/2023-S. N.R. & W.

Summary: Would establish that it is the policy of the state to recharge groundwater by a minimum of 10 million acre-feet of water annually. The bill would require the department to promulgate regulations necessary to implement this policy.

Position

Notes: This bill would establish a statewide goal for the ability to do 10 million acre-feet of groundwater recharge a wet year by 2035. The bill would task the Department of Water Resources in consultation with the Water Board with developing a plan to achieve the goal.

Regional Water Authority (RWA) is co-sponsor of the bill. This is the vehicle through which RWA will be working to address a host of other pieces of legislation related to groundwater and possibly supply.

Current Position: Not Yet Considered

Recommended Position: Watch

SB 687

(Eggman D) Water Quality Control Plans.

Current Text: Introduced: 2/16/2023 [html](#) [pdf](#)

Introduced: 2/16/2023

Status: 3/1/2023-Referred to Com. on RLS.

Is Urgency: N

Is Fiscal: N

Location: 2/16/2023-S. RLS.

Summary: Current law requires each regional water board to formulate and adopt water quality control plans for all areas within the region, as provided. Current law authorizes the State Water Resources Control Board to adopt water quality control plans for waters for which quality standards are required by the federal Clean Water Act, as specified, and that in the event of conflict, those plans supersede regional water quality control plans for the same waters. This bill would make nonsubstantive changes to that provision.

Position

Notes: This bill is a placeholder (spot bill) and will require substantive amendments before it can be referred to a policy committee for hearing. The Coalition should consider taking a "watch" position on the measure given the subject matter -- water quality control plans.

Current Position: Not Yet Considered

Recommended Position: Watch

SB 737

(Hurtado D) Groundwater: recharge.

Current Text: Introduced: 2/17/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Status: 3/1/2023-Referred to Com. on RLS.

Is Urgency: N

Is Fiscal: N

Location: 2/17/2023-S. RLS.

Summary: Would state the intent of the Legislature to enact subsequent legislation to capture floodwater to recharge groundwater basins and to require the Department of Water Resources and the State Water Resources Control Board to work together to expedite the regulatory steps necessary to store significant rainfall and excess water underground, while still ensuring protections for the environment and other water users as required by state law.

Position

Notes: This bill is a placeholder (spot bill) and will require substantive amendments before it can be referred to a policy committee for hearing. The Coalition should take a "watch" position on the measure given the bill's subject matter -- groundwater recharge.

Current Position: Not Yet Considered

Recommended Position: Watch

SB 861

(Dahle R) California Environmental Quality Act: water conveyance or storage projects: judicial review.

Current Text: Introduced: 2/17/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Status: 3/7/2023-Set for hearing March 29.

Is Urgency: N

Is Fiscal: Y

Location: 3/1/2023-S. E.Q.

Calendar: 3/29/2023 9 a.m. - 1021 O Street, Room 1200 SENATE ENVIRONMENTAL QUALITY, ALLEN, BENJAMIN, Chair

Summary: The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report (EIR) on a project that the lead agency proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA establishes a procedure by which a person may seek judicial review of the decision of the lead agency made pursuant to CEQA. This bill would require the Judicial Council to adopt rules of court applicable to actions or proceedings brought to attack, review, set aside, void, or annul the certification or adoption of an environmental impact report for water conveyance or storage projects, as defined, or the granting of project approvals, including any appeals to the court of appeal or the Supreme Court, to be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceedings with the court to an action or proceeding seeking judicial review of the lead agency's action related to those projects.

Position

Notes: Under existing law, water storage and conveyance projects are subject to the California Environmental Quality Act (CEQA) which provides a process for evaluating the environmental effects of a project. Several laws have established the importance of expedited judicial review for types of projects essential for California's future. In 2011, AB 900 and SB 292 established this concept for large-scale projects which provided significant jobs and investment like football stadiums and convention centers. In 2021, SB 7 expanded the expedited standards to include smaller housing projects to try and help the state meet its housing needs.

This bill adds water storage and conveyance to the type of projects that qualify for expedited judicial CEQA review under SB 7 (Atkins, 2021). The bill seeks to streamline the approval process by requiring the Judicial Council to adopt rules of court applicable to actions or proceedings brought to attack, review, set aside, void, or annul the certification or adoption of an environmental impact report for water conveyance or storage projects, or the granting of project approvals, including any appeals to the court of appeal or the Supreme Court, to be resolved, to the extent feasible, within 270 days.

Expedited judicial review does not exempt projects from any CEQA standards. Streamlining the timeline for review keeps court costs low, prevents delays, and ensures projects meet their deadlines for approval. When projects are litigated under CEQA, the judicial review time can make or break a project's success.

California has consistently struggled with droughts including significant multi-year droughts in the last two decades from 2007-2009 and from 2012-2016. California must prepare for these droughts to continue, and the best way to do that is to invest in and develop significant water storage projects. California has received a historic amount of rain and snow since the end of 2022. We must take advantage of the record snowpack and build the necessary water storage to capture that water before it flows needlessly into the ocean. Proposition 1 of 2014 dedicated \$2.7 billion for investments in water storage projects. Unfortunately, those funds have not been efficiently allocated to allow for the construction of these projects.

Current Position: Not Yet Considered

Recommended Position: Favor

SB 867

(Allen D) Drought and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, and Park Creation and Outdoor Access Bond Act of 2023.

Current Text: Introduced: 2/17/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Status: 3/7/2023-Set for hearing March 28.

Is Urgency: N

Is Fiscal: Y

Location: 3/1/2023-S. N.R. & W.

Calendar: 3/28/2023 9:30 a.m. - 1021 O Street, Room 2100 SENATE NATURAL RESOURCES AND

WATER, MIN, DAVE, Chair

Summary: Would enact the Drought and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, and Park Creation and Outdoor Access Bond Act of 2023, which, if approved by the voters, would authorize the issuance of bonds in an unspecified amount pursuant to the State General Obligation Bond Law to finance projects for drought and water resilience, wildfire and forest resilience, coastal resilience, extreme heat mitigation, biodiversity and nature-based climate solutions, climate smart agriculture, and park creation and outdoor access programs.

Position

Notes: This bill would enact the Drought and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, and Park Creation and Outdoor Access Bond Act of 2023, which, if approved by the voters, would authorize the issuance of bonds in an unspecified amount pursuant to the State General Obligation Bond Law to finance projects for drought and water resilience, wildfire and forest resilience, coastal resilience, extreme heat mitigation, biodiversity and nature-based climate solutions, climate smart agriculture, and park creation and outdoor access programs. The total dollar amount and the allocation among its sections has not yet been determined. The bill would fund drought and water resilience programs, wildfire and forest resilience programs, and biodiversity protection and nature-based climate solution programs, among its provisions.

Our firm will closely monitor the progress toward filling in the blanks in the legislation to ensure that Coalition member projects are eligible for funding.

Current Position: Not Yet Considered

Recommended Position: Watch/Amend

Total Measures: 35

Total Tracking Forms: 35