

# TRI-COUNTY WATER AUTHORITY

## REGULAR BOARD MEETING

### MINUTES

December 7, 2023

The Board of Directors of Tri-County Water Authority met in the second-floor conference room, 944 Whitley Avenue, Corcoran, California, on Thursday, December 7, 2023, at the hour of 1:00 p.m. The meeting was conducted both in person and via conference line.

Chair VanderHam presided and Secretary Wilkins kept the minutes.

**DIRECTORS PRESENT:** Cory VanderHam  
Myron Schotanus  
Erik Hansen (alternate for Michael Nordstrom)

**DIRECTORS ABSENT:** Wade Magden  
Carlo Wilcox

**OTHERS PRESENT:** Deanna Jackson, Executive Director  
Staci Wilkins, Board Secretary  
Jason Howard, McCormick Barstow  
David Cameron, HansonBridgett  
Amer Hussain, Geosyntec  
Steve Jackson, Next Gen Water  
Johnny Gailey  
Sebastian Silveira, Gladstone Farms

Chair VanderHam called the meeting to order at 1:02 p.m.

It was noted by Chair VanderHam that item #13 was being moved to Closed Session.

**PUBLIC COMMENT** - None

#### **PUBLIC HEARING**

1. A Public Hearing was held to discuss the assessment of Civil Penalties for the second quarter of 2023, pursuant to Water Code Section 10732.

The Public Hearing opened at 1:03 p.m. There were no comments received by landowners or their designees. The Hearing closed at 1:04 p.m.

**ACTION AGENDA**

- 2. Review and consider action(s) regarding **civil penalties under Water Code Section 10732 potentially applicable in the second quarter of 2023 and comments/materials submitted during Public Hearing regarding the same.**

On the motion of Director Hansen and seconded by Director Schotanus, the Board voted to affirm penalty statements mailed to landowners. The Board voted as follows:

Magden	Hansen	Schotanus	VanderHam	Wilcox
Absent	Aye	Aye	Aye	Absent

- 3. Review and consider approval of **Tri-County Water Authority 2024 Budget.**

Executive Director Jackson reviewed line items within the new budget, including money to be allocated for the Well Mitigation Program.

On the motion of Director Schotanus and seconded by Director Hansen, the Board voted to approve the 2024 Budget for TCWA. The Board voted as follows:

Magden	Hansen	Schotanus	VanderHam	Wilcox
Absent	Aye	Aye	Aye	Absent

- 4. Review and consider action to **approve purchase of replacement vehicle for TCWA use.**

The current vehicle for TCWA needs replacement. Executive Director Jackson recommended the purchase of a 2024 Toyota Rav4 Hybrid XLE and offered a price comparison from four dealerships.

On the motion of Director Schotanus and seconded by Director Hansen, the Board voted to approve the purchase of the recommended vehicle at a total cost not to exceed \$42,000 with the current vehicle used for trade-in value. The Board voted as follows:

Magden	Hansen	Schotanus	VanderHam	Wilcox
Absent	Aye	Aye	Aye	Absent

- 5. Review and consider setting **special Board meeting dates to review GSP revisions prior to Probationary Hearing on April 16, 2024.**

Special meeting dates to review GSP revisions for the Tulare Lake Subbasin had been scheduled through the end of 2023. Executive Director Jackson recommended setting additional special Board meeting dates on February 1 and April 4, 2024, to continue reviewing the revisions to the GSP prior to the April 16, 2024, Probationary Hearing. The Directors agreed to set special meeting dates on February 1 and April 4. No vote was taken.

- 6. Review and consider action to **authorize staff to set a Public Hearing date to review the GSP revisions to the Tulare Lake Subbasin GSP.**

Executive Director Jackson noted the original date set to review GSP revisions for the Tulare Lake Subbasin was at the November meeting. She now recommended setting March 7, 2024, as the new date for holding a Public Hearing on the revisions to be submitted.

On the motion of Director Schotanus and seconded by Director Hansen, the Directors voted to set March 7, 2024, as the date of the Public Hearing to review revisions to the Tulare Lake Subbasin GSP. The Board voted as follows:

Magden	Hansen	Schotanus	VanderHam	Wilcox
Absent	Aye	Aye	Aye	Absent

7. Review and consider **authorizing staff to send updated 90-Notices of GSP Amendment to the County and Cities pursuant to Water Code Section 10728.4.**

With the Public Hearing date set for March 7, 2024, it is required that Kings County is notified of the new date.

On the motion of Director Hansen and seconded by Director Schotanus, the Board voted to authorize staff to send the required letter via certified mail to Kings County of the new Public Hearing date on March 7, 2024. The Board voted as follows:

Magden	Hansen	Schotanus	VanderHam	Wilcox
Absent	Aye	Aye	Aye	Absent

8. Review and consider **landowner credits in accordance with the TCWA Emergency Recharge Policy.**

Additional applications were received by September 30, 2023, for consideration under the Emergency Recharge Policy. Executive Director Jackson and Mr. Hussain reviewed the recommendation by Geosyntec.

On the motion of Director Hansen and seconded by Director Schotanus, the Board voted to accept the calculated landowner credits as presented. The Board voted as follows:

Magden	Hansen	Schotanus	VanderHam	Wilcox
Absent	Aye	Aye	Aye	Absent

9. Review and consider approval of **Tri-County Water Authority Recharge Policy.**

Mr. Hussain reviewed the draft of the policy (attached to the minutes for reference). He noted the Advisory Committee had reviewed the document and included many of the suggestions from those meetings.

On the motion of Director Schotanus and seconded by Director Hansen, the Board voted to approve the Recharge Policy as presented. The Board voted as follows:

Magden	Hansen	Schotanus	VanderHam	Wilcox
Absent	Aye	Aye	Aye	Absent

10. Review and consider approval of **revised BasinSafe contract with 4 Creeks.**

Executive Director Jackson noted the increased cost to the BasinSafe platform to accommodate the additional acreage from the West Management Area voted on by the Board at the October meeting.

On the motion of Director Hansen and seconded by Director Schotanus, the Board voted to accept the revised contract with 4 Creeks for BasinSafe. The Board voted as follows:

Magden	Hansen	Schotanus	VanderHam	Wilcox
Absent	Aye	Aye	Aye	Absent

11. Review and consider approval of **Well Registry Add-on Proposal with 4 Creeks.**

Executive Director Jackson recommended adding a well registry section within BasinSafe to track the location and information of a landowner’s well. It is expected to be an important piece of information as the GSA works with the State Board.

On the motion of Director Hansen and seconded by Director Schotanus, the Board voted to approve the proposal from 4 Creeks on the Well Registry Add-on. The Board voted as follows:

Magden	Hansen	Schotanus	VanderHam	Wilcox
Absent	Aye	Aye	Aye	Absent

12. Review and consider approval of **4 Creeks Proposal for Tule Subbasin 2024 Water year Annual Monitoring and Technical Support Activities.**

This is an annual contract with 4 Creeks to collect data and prepare the Annual Report for the Tule Subbasin. On the motion of Director Schotanus and seconded by Director Hansen, the Board voted to approve the proposal from 4 Creeks for the 2024 Water Year data collection and Annual Report preparation. The Board voted as follows:

Magden	Hansen	Schotanus	VanderHam	Wilcox
Absent	Aye	Aye	Aye	Absent

13. Review and consider **response to Draft Staff Report for the Tulare Lake Subbasin.**

Moved to Closed Session.

14. Review policy and authorize staff **to set a date to conduct a Public Hearing in accordance with the Policy and Procedures for Collecting Delinquent Fees, Assessments, or Charges and to notify landowners with delinquent accounts of that Public Hearing.**

Executive Director Jackson noted that there is a small handful of landowners with delinquent accounts. It is her recommendation to hold a Public Hearing for delinquent accounts at the end of 2023 for review by the Board at the February 1, 2024, meeting.

On the motion of Director Schotanus and seconded by Director Hansen, the Board voted to set a Public Hearing on February 1, 2024, for delinquent accounts and to notify landowners by certified mail of that hearing. The Board voted as follows:

Magden	Hansen	Schotanus	VanderHam	Wilcox
Absent	Aye	Aye	Aye	Absent

## **COMMUNICATIONS/DISCUSSION ITEMS**

15. Director's Reports/Comments/Suggestion  
None.

16. Reports of General Interest

a) Tulare Lake Subbasin Update – Amer Hussain (see attached handout)

Mr. Hussain reviewed various points of interest for the revisions being made to the Tulare Lake GSP. To get a more accurate count of wells, the USGS database is being used instead of OSWCR and then compared to Kings County well records. It will be important to have an accurate count of wells within the subbasin for better calculations on MTs, MOs, and SMCs. The timeline for GSP revisions to be completed is February 1, 2024, with Board approval on March 7 and submission to the State Board on March 15.

b) Tule Subbasin Update – Amer Hussain

Work continues on GSP revisions and meetings with State Staff. TCWA is still concerned with how the subbasin will be calculating and reporting on subsidence.

There was no update given on the Allensworth project.

c) Other Updates, as appropriate

The Advisory Committee meeting scheduled for December 20, 2023, has been canceled. The next meeting will be on January 24, 2024.

## **CLOSED SESSION**

14. **CLOSED SESSION** – The Board entered into Closed Session at 2:40 p.m.

a. Conference with Legal Counsel regarding potential litigation  
Anticipated Litigation [Govt. Code Section 54956.9(d)(4)] (3 potential cases)

15. **RETURN TO OPEN SESSION**

The Board returned to Open Session at 3:30 p.m. Mr. Howard reported that the Board voted unanimously to accept the red line version of TCWA's response letter to the Staff Draft Report. Legal edits will be made and the updated version will be distributed to Directors for final review and subject to the Directors' right to call a special meeting for further discussion (if desired), then sent out on Monday, December 11, 2023. No other action to report.

## **ADJOURNMENT**

16. There being no further business to come before the Board on the occasion of the December 7, 2023, meeting, Chair VanderHam adjourned the meeting at 3:31 p.m. until the Regular Meeting to be held on January 4, 2024, at 1:00 p.m., in the Tri-County Boardroom or as otherwise directed by the Board.

Attest:



Cory VanderHam, Chair



Deanna Jackson, Executive Director



## **Groundwater Recharge Policy**

Tri-County Water Authority (TCWA) adopted the Groundwater Extraction Allocations Policy to support compliance with the Sustainable Groundwater Management Act (SGMA) in 2021. This Groundwater Recharge Policy is intended to promote development of recharge projects that provide benefit to the groundwater subbasin and groundwater credits (credits) to water users within TCWA. All developed credits shall be subject to the Groundwater Extraction Allocations Policy. Policies governing credits may include but are not limited to avoidance of undesirable results, quantification, transfer, and leave-behind quantity. Policy documents may be updated over time. The Groundwater Recharge Policy is intended to promote conjunctive use within TCWA and to inform the implementation of the Groundwater Sustainability Plans (GSPs). This policy will remain in place until terminated or amended by action of the TCWA Board of Directors.

Interested participants must hold an interest in real property or lease holding within TCWA geographic boundaries, follow the conditions listed below and have an existing TCWA BasinSafe account in good standing to received groundwater credit:

### **Landowner Groundwater Recharge & Banking Credits**

Landowners within the TCWA can divert surface water into landowner owned designated recharge facilities for groundwater pumping credits. When this occurs, the landowner is allowed to bank this surface water that is recharged to groundwater under the following conditions:

1. The surface water secured must be applied directly in to a specific groundwater recharge facility that meets TCWA requirements. TCWA will provide the landowner with a notice that specifies the acreage and location of the facility and that it meets all the requirements of this policy.
2. All costs of establishing and constructing a dedicated groundwater recharge facility are the responsibility of the landowner.
3. All surface water diverted to the landowner is required to be metered or use another standard measuring method approved by TCWA .
4. Surface water diverted into dedicated recharge facilities will be credited to the landowner at 90% of the surface water diverted. The remaining 10% credit will remain with TCWA for the benefit of all landowners.
5. The groundwater credits issued to landowners can be carried over to subsequent years. The groundwater recharge credits can be transferred to other landowners within TCWA based upon the requirements of the Groundwater Extraction Allocations Policy.
6. These provisions will also apply for recharge on open ground that will not be farmed in that year but that has not been designated as a groundwater recharge facility. Those deliveries will be eligible for 75% credit of the measured water applied.
7. These provisions will also apply to surface water applied to land currently in agricultural production, commonly referred to as Flood-MAR. Those deliveries will be eligible for

## Attachment to the Minutes for December 7, 2023

75% credit of the measured water applied. Recharge is not permitted on any agricultural land where pesticide or fertilizer application has occurred in the prior 30 days or in the period prohibited by applicable law, whichever is longer. In addition, the land must comply with requirements of CV-Salts Program.

### Groundwater Recharge Facilities

Appropriate information must be provided by the Participant to quantify the volume of water being recharged in percolation ponds/basins. Water account and project specific information provided by the water user shall remain confidential. The amount of groundwater credit received will be allocated based on the supporting documentation and subject to staff's review. All recharge facilities must be approved by TCWA's Board of Directors to receive credit. The following checklist is required for approval:

- Land selected for this activity must be favorable for passive recharge.
- A geotechnical investigation report stamped by a professional geologist or engineer must be provided to TCWA for review and approval.
- Installation of a dedicated water meter or another standard measuring method to measure the amount of water delivered to the recharge project.
- The facility needs to be isolated from the landowner's irrigation system or have separate meters for any discharge.
- Documentation of source of water, place of diversion and amount of diversion.

### Over-Application of Floodwater

During an uncontrolled flood event, TCWA will provide credit to landowners that have floodwaters on parcels above irrigation demand (as measured by ET). Appropriate information must be provided by the Participant to quantify the volume of water being recharged on fields. The amount of groundwater credit received will be allocated based on the supporting documentation and subject to TCWA review.

### Indemnification

Participant shall indemnify, hold harmless and defend TCWA and each of its officers, officials, employees, agents and volunteers from any liability, claim of liability, damage, or claim of damage of any nature whatsoever, including any legal action brought by any third party, with respect to property damage, personal injury or death, or claims concerning the control, carriage, handling, use, disposal, or distribution of recharge water up to the point of delivery, incurred by TCWA, Participant or any other person, and from any and all claims, demands and actions in law or equity (including reasonable attorney's fees and litigation expenses), arising or alleged to have arisen directly or indirectly out of performance of this Application. Participant's obligations under the preceding sentence shall apply regardless of whether TCWA or any of its officers, officials, employees, agents or volunteers are passively negligent, but shall not apply to any loss, liability, fines, penalties, forfeitures, costs or damages caused by the active negligence or willful misconduct of TCWA or any of its officers, officials, employees, agents or volunteers.



## Definitions

The Policy defines terms based on the Department of Water Resources Water Basics Glossary.

**Flood-managed aquifer recharge (Flood-MAR)** — An integrated and voluntary resource management strategy that uses floodwater resulting from, or in anticipation of, rainfall or snowmelt for managed aquifer recharge on agricultural lands; working landscapes; and managed natural landscapes, including but not limited to refuges, floodplains, and flood bypasses.

**groundwater recharge facility** — A structure that serves to conduct surface water into the ground for the purpose of replenishing groundwater. The facility may consist of dug or constructed spreading basins, pits, ditches, furrows, streambed modifications, or injection wells.

**groundwater** — Water that occurs beneath the land surface and fills the pore spaces of the alluvium, soil, or rock formation in which it is situated. It excludes soil moisture, which refers to water held by capillary action in the upper unsaturated zones of soil or rock. Groundwater classified as underflow of a surface water system, a “subterranean stream flowing through a known and definite channel,” is subject to statutory permitting processes. However, most groundwater in California is presumed to be “percolating water” (i.e., water in underground basins and groundwater that has escaped from streams and is not subject to a permitting process). See also “subterranean stream.”

**groundwater banks** — Consist of water that is “banked” during wet or above-normal water years. The water to be banked is provided by the entity that will receive the water in times of need. Although transfers or exchanges may be needed to get the water to the bank and from the bank to the water user, groundwater banks are not transfers in the typical sense. The water user stores water for future use; this is not a sale or lease of water rights. It is typical for fees to apply to the use of groundwater banks.

**surface water** — As defined under the California Surface Water Treatment Rule, California Code of Regulations Title 22, Section 64651.83, surface water means “all water open to the atmosphere and subject to surface runoff” and hence would include all lakes, rivers, streams, and other water bodies. Surface water includes all groundwater sources that are deemed to be under the influence of surface water (i.e., springs, shallow wells, wells close to rivers, etc.), which must comply with the same level of treatment as surface water.

**Agenda** Geosyntec

Attachment to Minutes for December 7, 2023

- **Well Records Database**
  - Problems with OSWCR
  - Compare DWR and USGS Well Record Databases
  - Combine USGS and Kings County Well Records
  - Assign Well Records to Aquifer Zones
  
- **Water Level SMCs**
  - Proposed Methodology for MO, MT
  - SMCs
  
- **Water Quality SMCs**
  - Proposed Methodology for MO, MT
  - SMCs
  - Sampling Analysis Plan

1

**Well Record Trends Through Time** Geosyntec

Attachment to Minutes for December 7, 2023

Less than 500 Feet Total Completed Depth over Time n = 2422

Total Completed Depth plotted vs time  
for wells < 500 feet

Less than 500 Feet Total Completed Depth over Time n = 2566

Total Completed Depth plotted vs time for wells < 500 feet &  
limited to B-Zone wells

2

## Combined USGS and Kings County Well Records Database

Attachment to Minutes for December 7, 2023

Geosyntec<sup>®</sup>  
consultants

A best-available well records database is necessary to evaluate the groundwater infrastructure

- DWR OSWCR beneficial use wells with a depth: n= 4,166 (Mostly located to center of a section)
- USGS OSWCR beneficial use wells with a depth: n= 2,987 (Mostly located to a specific point)
- Kings County Well Records Database beneficial use wells with a depth: n = 2,298 (Additional wells)

**Creating a Combined Well Records Database from USGS and Kings County Sources:**

Step 1: Match County records to USGS records on permit number (verify using well construction information)


Step 2: County records that could not be matched to a USGS well record are appended to the well records list:

Result: Records that have a beneficial use and a depth: n = 4,443 well records

After removing the well destruction records, the count of records in the combined County + USGS database is: n = 4,308

<p><b>Count by Zone</b></p> <ul style="list-style-type: none"> <li>• A-Zone, n = 870 well records</li> <li>• B-Zone, n = 2,077 well records</li> <li>• C-Zone, n = 1,361 well records</li> </ul>		<p><b>Count by Well Type</b></p> <ul style="list-style-type: none"> <li>• Agriculture wells, n = 2,208</li> <li>• Stock watering wells, n = 20</li> <li>• Domestic wells, n = 2,000</li> <li>• Industrial wells, n = 40</li> <li>• Public wells, n = 40</li> </ul>
--	--	--

\*Well record counts may change following the discovery of new wells or the issuance of database updates.



3

## Assign Well Records to Aquifer Zones

Attachment to Minutes for December 7, 2023

Geosyntec<sup>®</sup>  
consultants


Well records from the combined database must be assigned to aquifer zones in order to develop SMCs.

**Aquifer definitions:**

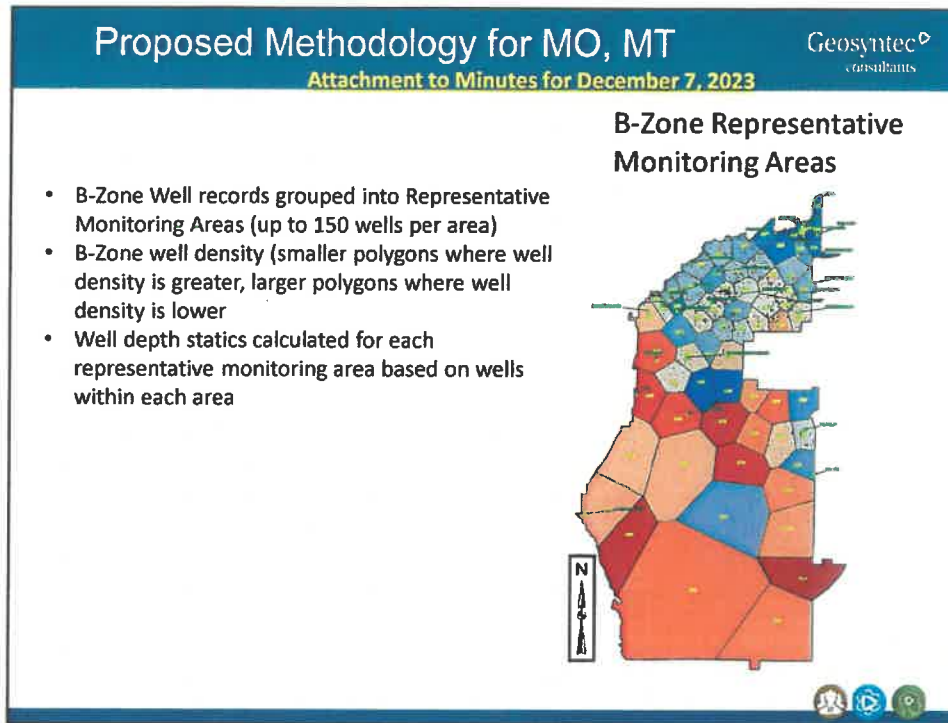
- A-Zone: well records screened above the A-Clay
- B-Zone: Well records not screen above the A-Clay or below the C-Clay.
- C-Zone: Well records screened below the C-Clay

**Methodology:**

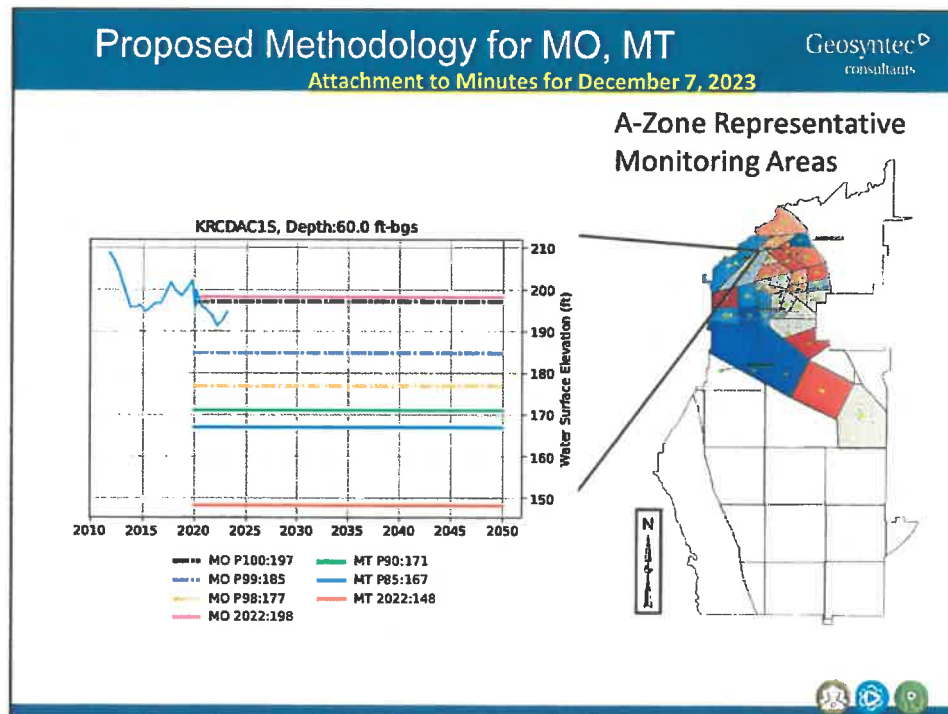
- Assign well records to aquifer zones based on raster interpolated A-Clay and E-Clay surfaces derived from USGS Reports



4



5



6

**SMC** Geosyntec<sup>®</sup>  
consultants

**Attachment to Minutes for December 7, 2023**

Sustainability Indicator	Monitoring Network	Undesirable Result	Minimum Threshold (MT)	Measurable Objective (MO)
Chronic Lowering of Groundwater Levels	30 B-Zone RMS wells monitored at least 2 times annually	10% (3 of 30) RMS wells fall below their MT during one monitoring event	The elevation corresponding to the 20th percentile of all beneficial-use well depths in the Thiessen polygons, subject to interbasin coordination and consistency to ensure operational compatibility	The elevation corresponding to the 5th percentile of all beneficial-use well depths in the Thiessen polygons, subject to interbasin coordination and consistency to ensure operational compatibility

The Early warning response when a water level approaches the MT includes:

- Additional monitoring in nearby RMS wells
- Public outreach to well owners in the surrounding monitoring areas to understand conditions at the local level

If the Undesirable Result is triggered:

- Increased frequency of monitoring at RMS well (quarterly)
- Monitor water levels at private wells in the monitoring area and adjacent monitoring areas
- Conduct a well survey to understand all potential impacts
- Execute well mitigation plan for qualifying conditions
- Set pumping limits in the monitoring area and adjacent monitoring areas

7

**Proposed Methodology for MO, MT** Geosyntec<sup>®</sup>  
consultants

**Attachment to Minutes for December 7, 2023**

### Minimum Thresholds

Minimum Thresholds (MTs) will be set at levels protective of human health (MCLs/SMCLs). For predominantly agricultural areas MTs will be set at Water Quality Objectives or MCLs/SMCLs) which ever is lower.

Constituent	Units	MCL	SMCL (Upper)	AQ WQO
TDS	mg/L	NA	1,000	450
Specific Conductance	µS/cm	NA	1,600	810
Nitrate as N	mg/L	10	NA	NA
Arsenic	µg/L	10	NA	100
Uranium	pCi/L	20	NA	NA
Sulfate	mg/L	NA	500	NA
Chloride	mg/L	NA	500	106


8

**SMCs** Geosyntec<sup>®</sup>  
consultants

*Attachment to Minutes for December 7, 2023*

### Definition of Undesirable Result

- For wells with recent historic levels below MCLs/SMCLs/AQWQOs.
- The occurrence of undesirable result will be defined when MT exceeded for two consecutive samples
- For wells with recent historic levels above MCLs/SMCLs/AQWQOs.
- The occurrence of undesirable result will be defined when the level in excess of 20 percent greater than the recent historic concentration for two consecutive samples




9

**SMCs** Geosyntec<sup>®</sup>  
consultants

*Attachment to Minutes for December 7, 2023*

### Measurable Objective

- For wells where concentrations of COCs are historically below MCLs/SMCLs/AWQOs, the measurable objective is to maintain water quality at the existing potable water levels with no observable upward trends.
- For wells with recent historical concentrations above MCLs/SMCLs/AWQOs the measurable objective is for wells to maintain stable or improving groundwater quality trends.



10

## TLSb – Sampling and Analysis Plan

Geosyntec<sup>®</sup>  
consultants

Attachment to Minutes for December 7, 2023

### Sampling and Analysis Plan (SAP)

- TLSB GSP Resubmittal - Appendix
- Purpose
  - The purpose of this SAP is to establish SGMA compliant monitoring protocols and standard methods for water quality and groundwater level data collection in the Tulare Lake Subbasin. The SAP details:
    - Water sample collection procedures;
    - Analytical methods to be used;
    - Groundwater level measurement protocol in water wells; and
    - Data Quality Assurance (QA) and Quality Control (QC) procedures.

