



APPROVED BOARD OF DIRECTORS MEETING MINUTES

May 11, 2022

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

CALL TO ORDER AND WELCOME

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

ROLL CALL

Roll call showed the following MIUGSA representatives present:

Name	Organization
Cynthia Benavidez	Le Grand Community Services District (LGCSD)
Daniel Chavez	Planada Community Services District (PCSD)
Hicham Eltal	Merced Irrigation District (Chair)
Ken Elwin	City of Merced (Vice Chair)
Justin Vinson	City of Atwater
Phillip McMurray	General Counsel
Jennifer McMaster	Board Coordinator

Roll call showed the following MIUGSA representatives absent:

Vacant	City of Livingston
Carlos Valencia	Winton Water and Sanitary District (WWSD)

CORRECTIONS OR ADDITIONS TO THE AGENDA

None.

PUBLIC COMMENT

Chair Eltal informed the Board that because the seat for the City of Livingston is currently vacant, staff has contacted the City to begin the process to name a new representative. Mr. Eltal will update the Board on progress until a new representative is named.

Mr. McMurray noted an email was received late yesterday afternoon from Mr. and Ms. Machado with M & M Livestock discussing a potential issue regarding the construction of a domestic well near their property which is generally located between Atwater and Winton. He noted

due to the timing of the email, the comment was printed and provided to the Board for review at today's Board meeting. He said staff will be reviewing the circumstances and will provide a response to Mr. and Ms. Machado.

CONSENT CALENDAR

1. Meeting Minutes: April 13, 2022

On motion by Director Elwin, seconded by Director Chavez; the Board unanimously accepted the Consent Calendar, as presented. The votes were as follows:

Ayes:	Eltal, Elwin, Vinson, Benavidez, Chavez
Noes:	None
Abstain:	None
Absent:	Valencia

REPORTS

None.

ACTION/DISCUSSION

Mr. Matthew Beaman discussed and provided the Board with a presentation, including background information and a detailed overview of an outline for draft rules and policies to implement the Merced Subbasin Groundwater Sustainability Plan (GSP) within MIUGSA, once the GSP is approved by the state. He also discussed recommendations for a proposed groundwater pumping allocation. Mr. Beaman responded to several questions from the Board regarding the draft rules and policies. After discussion, Mr. Beaman informed the Board that staff will continue to move forward with the development of the rules, regulations and policies, and will bring further information back to the Board for review and direction.

Mr. Beaman discussed current basin conditions and recent regulations driving the need to adopt and implement policies immediately, so they are in place to begin implementing the GSP as soon as it is approved. He noted the Governor's recent executive order (EO N-7-22) regarding well permitting and well consistency determinations, and relation to the Merced County's recent actions regarding the well permitting process.

Mr. Beaman provided an overview of some general concepts related to monitoring and enforcement of groundwater extractions, including well and acreage registration, measurement, and allocation. He noted that the SGC provided staff with direction recently, recommending the MIUGSA Board consider setting a groundwater pumping allocation of a total of 3.3 acre feet per acre for groundwater users within MIUGSA over a three-year period, beginning April 1, 2023 and ending December 31, 2025. Stated differently, the allocation would be 1.1 acre-feet per acre, per year for the three-year period. He noted that some modifications may be necessary and that the SGC discussed allocation alternatives, but determined to use 2023 as a starting year.

Ms. Breanne Vandenberg, Merced Farm Bureau noted her understanding that the SGC thought the groundwater pumping allocation should begin in 2025 rather than 2023. She said it

seemed like the SGC felt it was the first time they had heard of a 2023 start date as an action item. Chair Eltal provided clarification, noting that the 2023 start date had been discussed in prior meetings with the SGC, and noted that at the May SGC meetings, there was lengthy discussion regarding both dates. The SGC ultimately made the recommendation the GSA move forward with a total of 3.3 acre foot per acre allocation over a three-year period beginning April 1, 2023 and ending December 31, 2025 to, among other things, allow for response to the Governors executive order.

The Board and staff discussed the item in detail. The discussion was generally regarding the potential for carryover, monitoring and enforcement. Chair Eltal noted some level of concern from the SGC regarding equal reporting requirements. Mr. Beaman provided an overview of enforcement measures currently included in the draft policies regarding unauthorized use of groundwater. He also discussed proposed penalties for over-extraction, tampering and interference, and proposed fees for potential violations.

Mr. Beaman then discussed what he anticipates will be the next steps. He discussed with the Board ongoing outreach efforts and the potential for additional SGC meetings, including interim meetings (if needed) and potential workshops. He also mentioned staff is currently working on setting up a learning dashboard and water accounting platform, which is anticipated to be complete sometime in September/October 2022.

Upon further discussion, the Board indicated its desire to act and approve the allocation as recommended by the SGC, and further authorize staff to continue to draft rules and policies to begin implementing the Merced Subbasin GSP within MIUGSA as soon as the GSP is approved. Mr. Beaman noted again, the draft rules and policies would be brought back for Board review and consideration at a future meeting of the Board.

On motion by Director Vinson, seconded by Director Elwin; the Board voted unanimously to authorize staff to continue drafting policies for implementation of the GSP within MIUGSA, and as part of those rules and policies, to include a total allocation of 3.3 acre foot per acre over a three-year period beginning April 1, 2023 and ending December 31, 2025 (1.1 acre-foot per acre, per year over 3 years), as presented. The votes were as follows:

Ayes:	Eltal, Elwin, Vinson, Benavidez, Chavez
Noes:	None
Abstain:	None
Absent:	Valencia

Mr. Beaman discussed changes to the Merced County well permitting processes, which could affect MIUGSA. He discussed Governor Newsom's Executive Order Number N-7-22 and the recent changes to Merced County's Groundwater Ordinance. He provided some highlights from the Executive Order and noted that GSAs are not required to respond or make a determination on the installation of wells. He confirmed the process does not apply to de minimis and public supply wells. He reminded the Board of continued concerns of the GSA and the efforts staff has continued to make to try and work with the County to address the concerns with the process. Unfortunately, the County has not responded so far.

Mr. Beaman provided an update regarding the Merced GSAs actions responding to the California Department of Water Resources (DWR) comments on the Merced Subbasin GSP. He

noted the MIUGSA SGC has been working on recommendations for the Board as it works toward

adopting policies for implementation of the GSP. Staff and GSP stakeholders from each of the GSAs have been meeting frequently regarding proposed options for modifying the groundwater level minimum thresholds. He noted that there has also been significant discussion amongst staff and stakeholders regarding subsidence and other undesirable results, groundwater levels and minimum thresholds.

Mr. Beaman discussed a presentation from the Merced Subbasin Coordination Committee, and provided by Woodard and Curran discussing three proposed options for modifying the groundwater level minimum thresholds. Chair Eltal discussed and provided an overview of those options. He reminded the Board of MIUGSA's position, based on prior Board direction, to use 2015 groundwater levels as the baseline. He indicated that if lower historical numbers are used then the other GSAs would be responsible for mitigation. Mr. Beaman noted the Merced Subbasin GSA is meeting tomorrow to discuss mitigation.

The Board engaged in a detailed discussion regarding the options for modifying the groundwater level minimum threshold and the presentation provided by Woodard and Curran. Chair Eltal indicated it is important to note that both option B and C, as presented by Woodard and Curran, would likely cause more dry wells.

Mr. Beaman discussed next steps moving forward and noted staff will be looking to meet with DWR staff within the next couple of weeks and will bring information back to the Board for discussion at a future meeting.

ADJOURN

Meeting adjourned at approximately 10:25 AM