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**Hicham Eltal – Chair**  
**Stephanie Dietz – Vice Chair**

## **Merced Irrigation-Urban Groundwater Sustainability Agency**

### **BOARD OF DIRECTORS MEETING**

#### AGENDA

December 13, 2023

9:00 AM

Merced Irrigation District  
Franklin Yard Facility  
3321 North Franklin Road  
Merced, CA 95348

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- A. CALL TO ORDER
  - B. PLEDGE OF ALLEGIANCE
  - C. ROLL CALL
  - D. CONSIDER CORRECTIONS OR ADDITIONS TO THE AGENDA

The Board will consider corrections or additions to the agenda of items requiring immediate action that have come to the attention of the Board after posting of the agenda.

- E. OPPORTUNITY FOR PUBLIC COMMENT (5 MINUTES PER SPEAKER)

Interested persons in the audience are welcome to introduce any topic within MIUGSA's jurisdiction. Matters presented under this heading may be discussed but no action will be taken by the Board at this meeting.

## F. CONSENT CALENDAR

All matters listed on the Consent Calendar are considered routine by the Board and will be adopted by one action of the Board unless any Board Member has any questions or wishes to make a statement or discuss an item. In that event, the Chair of the Board will remove that item from the Consent Calendar and place it for separate consideration.

1. Minutes – October 11, 2023
2. Cash Transaction Report – September 2023 and October 2023

## G. REPORTS

1. The Board will receive a status update regarding Merced County's Amendment to its Groundwater Mining and Export Ordinance.

## H. ACTIONS/DISCUSSION ITEMS

1. The Board will receive a status update regarding MIUGSA's Well Registration Policy.
2. The Board will receive a status update regarding Merced County's well permitting process.

## I. CLOSED SESSION

None.

## J. ADJOURN

Any material that are public records that relate to an agenda item and that are distributed to representative parties of MIUGSA less than 72 hours prior to the meeting shall be available for public inspection at the offices of the Merced Irrigation District, 744 West 20<sup>th</sup> Street, Merced, CA 95340 during normal business hours. In addition, any materials presented during open session are available for public inspection at the same address.



**UNAPPROVED** BOARD OF DIRECTORS MEETING MINUTES

**October 11, 2023**

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**

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

**ROLL CALL**

Roll call showed the following MIUGSA representatives present:

<b>Name</b>	<b>Organization</b>
Hicham Eltal	Merced Irrigation District (Chair)
Ken Elwin	City of Merced (Vice Chair)
Justin Vinson	City of Atwater
Tony Avina	City of Livingston
Carlos Valencia	Winton Water and Sanitary District (WWSD)
Cynthia Benavidez	Le Grand Community Services District (LGCSD)
Phillip McMurray	General Counsel
Jennifer McMaster	Board Coordinator

Roll call showed the following MIUGSA representatives absent:

Daniel Chavez	Planada Community Services District (PCSD)
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**CORRECTIONS OR ADDITIONS TO THE AGENDA**

General Counsel Phillip McMurray noted that a minor clarification was made to the draft minutes from the Board's previous meeting to clarify the discussion between Merced County and MIUGSA staff regarding the County's groundwater and well ordinance. Mr. McMurray noted that a copy of the updated minutes has been provided to the Board for review and consideration.

Mr. McMurray also asked the Board be flexible in proceeding through the agenda items during the meeting, and possibly take items slightly out of order to allow all Board members present to participate in the discussion and vote on the action item included on today's agenda. He indicated

a Board member may need to leave the meeting prior to conclusion. The Board agreed with the request.

## **PUBLIC COMMENT**

None.

## **CONSENT CALENDAR**

1. Minutes – September 20, 2023 (as amended)
2. Cash Transaction Report – August 2023

On a motion by Director Vinson, seconded by Director Elwin; the Board voted unanimously to adopt the Consent Calendar, including the minutes as amended, but otherwise as presented. The votes were as follows:

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

## **ACTION/DISCUSSION**

Chair Eltal began the discussion with a high level review of the final draft MIUGSA rules and regulations and policies. Mr. Beaman provided a review of SGMA and the development of the draft rules and regulations and policies proposed for Board consideration. He noted that staff and the Board had met several times over the last 2 and a half years to discuss and develop the ongoing draft rules. He noted the Board had provided significant input, as had the Stakeholder and Ad Hoc Committee's.

Mr. Beaman then discussed two policies previously adopted – MIUGSA's groundwater allocation and well registration policies. He noted the previously adopted allocation of natural yield of 1.1 acre-feet per acre, per year over a 3-year period beginning April 1, 2023 and ending December 31, 2025 (or 3.3 acre-feet per acre cumulative for the three-year period) has been included in the overall draft rules and regulations package for reaffirmation by the Board. He noted language regarding well registration has also been included and that staff proposed modifying the registration dates for Private Municipal and Private Industrial/Commercial wells to June 30, 2023.

Mr. Beaman continued to summarize the final draft of the rules and regulations and the associated Groundwater Management Implementation Plan (GWIMP). He provided a proposed timeline and plan for public outreach to inform and educate the public about the rules and regulations moving forward.

Mr. Beaman discussed penalties and enforcement, Notice and Order and Red Tags at length. He noted a tiered penalty system for non-registration of agricultural wells serving greater than 10 acres has been developed based on significant input from the Board, stakeholders and the ad hoc Committee. He discussed and provided an overview of the proposed system, including penalty amounts and proposed process. Importantly, he noted the proposed penalties are lower than what SGMA allows, and that the proposed noticing process allows additional time for correction.

The Board, Mr. Beaman and Mr. Eltal engaged in discussion generally focused on the proposed rules and regulations, including the proposed penalties to be assessed for rule violations and overextraction. Following a lengthy discussion, Mr. Beaman asked the Board to consider adopting the draft rules and regulations, and policies, including Resolution 2023-05, all as presented.

Director Benavidez then made a motion to adopt the draft rules and regulations, and policies, including Resolution 2023-05, all as presented. The motion was seconded by Director Vinson and the Board voted unanimously to approve. The votes were as follows:

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

Chair Eltal then thanked the Board, staff and stakeholders for their time and input throughout the development process and in finalizing MIUGSA's Rules and Regulations and policies, including the GMIP. He noted items that remain ahead, including additional management actions on the agricultural side and future management actions on the urban side.

## **REPORTS**

Mr. Beaman provided an update regarding discussions involving the County's well permitting process. He noted coordination efforts have continued over about 1 year. He said progress has been made, and the process seems to be working well. He said however, that MIUGSA has received a well consistency response request for a new groundwater well that as proposed, would served land within MIUGSA and Merced Subbasin GSA. Although MIUGSA has a process for wells within its boundaries, the Groundwater Ordinance does not consider wells that serve land in multiple GSAs. He noted a couple of options to discuss with the Merced Subbasin GSA and the County on how MIUGSA plans to treat similar issues moving forward. He said items like this are likely to come up in the future, so rather than act on the item individually he thinks it would be best to get consider the potential policy needs to treat similar future requests as well.

The Board and staff engaged in a lengthy discussion. The Board provided significant feedback, but determined further review is needed. Based on Board direction, staff will bring the item back to the Board for further discussion and direction at a future meeting of the Board.

## **CLOSED SESSION**

None.

## **ADJOURN**

The meeting was adjourned at approximately 9:45AM.