

KINGS COUNTY WATER DISTRICT  
BOARD OF DIRECTORS REGULAR MEETING MINUTES  
THURSDAY, MAY 13, 2021

As a result of the COVID-19 emergency, the public was able to participate through a conference call. Directors could choose to meet with Staff in the Board Room or participate through a conference call. President McCutcheon called the regular meeting to order at 1:30 p.m.

**DIRECTORS PRESENT:** Barry McCutcheon, Michael Murray (phone), Ernest Taylor

**DIRECTORS ABSENT:** Steven P. Dias, Joseph Freitas

**OTHERS PRESENT:** Dennis Mills, General Manager  
Ray Carlson, Attorney (phone)  
Sebastian Silveira, Griswold LaSalle (phone)  
Johnny Gailey, Delta View WA (phone)

**ESTABLISH QUORUM**

It was determined that a quorum was present at the meeting.

**CONFLICT OF INTEREST**

None.

**PUBLIC COMMENT PERIOD**

None.

**APPROVAL OF MINUTES OF THE REGULAR FEBRUARY 11, 2021 AND REGULAR MARCH 11, 2021 MEETINGS**

President McCutcheon asked if there was a motion regarding the minutes circulated in this month's Board packets. Director Taylor made a motion to approve the minutes of the regular February 11, 2021 and March 11, 2021 meetings. Director Murray seconded the motion and the Board unanimously approved the regular February 11, 2021 and March 11, 2021 meetings. The vote for all of the Directors was as follows:

AYES: Barry McCutcheon, Michael Murray, Ernest Taylor

NOES: None

ABSTAINED: None

ABSENT: Steven P. Dias, Joseph Freitas

**COMMUNICATIONS**

Manager Mills reported that:

- John Silva communicated that there was a wash-in on the east side of the Garner Basin. Manager Mills visited the site and it appears that gophers or squirrels dug holes from the corn field east of the basin towards the basin, and when Mr. Silva irrigated it caused a wash-in in one major area.

- Bill White communicated to the District that he needed to cancel his rental contract because he was not going to be able to develop a crop. He had plans to develop a new groundwater well on his property, but that hadn't been accomplished yet.

## **GENERAL MANAGER**

### **ROUND 1 SGM IMPLEMENTATION GRANT APPLICATION**

Manager Mills reported on efforts related to the Round 1 SGM Implementation Grant application that was initially not selected for funding in March. Manager Mills had a meeting with DWR staff to learn more about the scoring of the grant application. DWR staff relayed that the main issue with the grant application was that the message conveyed through the figures in the application didn't seem to match the text. This was an issue that Manager Mills raised with the consultant as they were being developed, but was not sufficiently addressed. Subsequent to the meeting with DWR, Manager Mills developed a letter to draw attention to parts of the grant application that seem to have been either misinterpreted or overlooked during the scoring of the application. The clarifications were well received and the application score was increased slightly, but the effort was not sufficient to achieve funding through the final selection. DWR staff conveyed that the proposed project was what they were looking to fund and encouraged the District to apply for future similar funding opportunities.

### **MOST RECENT DISTRICT PROJECT LIST**

Manager Mills reported that DWR communicated in late March that they would accept an on-going project list from applying agencies that was documented in the subbasin's Annual Report or on an agency's website for the purpose of Round 1 and Round 2 GSP Implementation Grant funding. Also, Manager Mills had discussion with DWR staff where they requested a Kings CWD project list to better understand near and long-term project plans. Manager Mills asked the Board to consider the following project list:

#### *Recharge/Banking*

1. Griswold Recharge Basin, Phase #1
2. Northern Apex Banking Expansion
3. Griswold Recharge Basin, Phase #2
4. New Recharge Basin at the Excelsior Overpass
5. New Last Chance Recharge Basin #1
6. New Last Chance Recharge Basin #2
7. Esajian Recharge Basin, Phase #2
8. Garner Recharge Basin , Phase #2
9. Lopez Recharge Basin, Phase #2
10. Cody Recharge Basin, Phase #2
11. Sand Creek Recharge Project
12. New Bookout Recharge Basin

#### *Facilities/Capacity*

1. Peoples Ditch realignment on Esajian Basin site
2. Independent Ditch Flume Capacity
3. Riverside Ditch Flume Replacement
4. Riverside Turnout to Old River below Dam #1
5. Riverside Ditch Bank Efforts
6. Peoples West Branch Capacity Restoration Efforts

*Long-term Efforts*

1. New Delta View Canal and Basin
2. New Elder Ave Recharge Basin
3. New 6th Ave Recharge Basin
4. New 8-1/2 Ave Recharge Basin
5. New North Hanford Basin
6. New Lacey Blvd. Recharge Basin
7. New Railroad Recharge Basin
8. New Hollywood Ave Recharge Basin
9. New Iona Ave Recharge Basin
10. New Kingston Park Basin
11. Additional Recharge Basins – 800 acres
12. 1600 Acre Reservoir

The Board considered the project list and discussed various aspects of the listed efforts. Manager Mills explained that if the Board was willing to accept the proposed list, it would be posted to the Kings CWD website for future grant funding purposes. Director Taylor made a motion to approve the proposed project list and authorized posting of it to the District website. Director Murray seconded the motion and the Board unanimously approved the proposed project list and authorize posting of it to the District website. The vote for all of the Directors was as follows:

AYES: Barry McCutcheon, Michael Murray, Ernest Taylor

NOES: None

ABSTAINED: None

ABSENT: Steven P. Dias, Joseph Freitas

INDEPENDENT DITCH COMPANY PROPOSAL

Manager Mills reported on recent communications with the Independent Ditch Company (IDC) Board of Directors. In way of review, he reported that the IDC had become defunct and was no longer current with the State on Corporation fees or audited financials for many years. The Independent Ditch is an existing ditch that continues to be used to convey surface water. It diverts from the Last Chance East Branch south of Houston Ave. adjacent to the District's Nehl's Basin. The Independent Ditch alignment generally runs south between 13<sup>th</sup> and 14<sup>th</sup> Avenues to where it terminates at the New Deal Ditch. The IDC Board understood that the effort to reinstate the IDC to good standing with the State would cost roughly \$50,000. Through discussions with Manager Mills, he relayed to the IDC Board that he believed a Kings CWD easement for operation, maintenance and improvement could be developed for roughly \$10,000 - \$15,000, if landowners along the alignment were willing to grant it. The effort would allow the IDC to abandon the company, avoid the reinstatement cost, and potentially gain access to grant funded projects through Kings CWD. Manager Mills described these issues to the Kings CWD Board and drew comparisons to the District's involvement in the Riverside Ditch Company system when it fell into disrepair. Manager Mills asked the Board to consider authorizing District staff to establish an easement to operate, maintain and improve the existing Independent Ditch, to contract Provost and Pritchard to survey the facility and develop the easement documents necessary with a roughly \$11,000 budget, and if the easement is successfully granted for the District to operate and maintain the Independent Ditch through Last Chance staff (as it done now), and pursue improvement projects through qualified contractors as authorized in the future.

Manager Mills discussed potential details of the effort such as schedule and the first steps of potentially working with landowners along the alignment.

After Board discussion had concluded, Director Taylor made a motion to approve the proposed effort as described by Manager Mills. Director Murray seconded the motion and the Board unanimously approved District staff to establish an easement to operate, maintain and improve the existing Independent Ditch, to contract Provost and Pritchard to survey the facility and develop the easement documents necessary with a roughly \$11,000 budget, and if the easement is successfully granted for the District to operate and maintain the Independent Ditch through Last Chance staff (as it is done now), and pursue improvement projects through qualified contractors as authorized in the future. The vote for all of the Directors was as follows:

AYES: Barry McCutcheon, Michael Murray, Ernest Taylor

NOES: None

ABSTAINED:None

ABSENT: Steven P. Dias, Joseph Freitas

#### WATER SUPPLY UPDATE

Manager Mills reported that the latest DWR Bulletin 120 Water Supply estimate is roughly 27% of average April-July runoff for the Kings River totaling roughly 330,000 acre-feet (AF). Storage at Pine Flat on the Kings River on May 7 was reported as 347,255 AF, with a minimum pool of 100,000 AF. On the Kaweah system it is estimated to experience roughly 21% of average April-July runoff for the Kaweah River totaling roughly 60,000 acre-feet (AF).

Local conditions continue to be very dry and ditch companies are considering much shorter than normal water run durations. It was reported that Peoples Ditch is estimating a main Canal run of 45 days and a run on Settlers Ditch of 30 days. Manager Mills also reported that Last Chance Water Ditch Company has recently decided not to run this year given the extremely small amount of surface water available to local parties.

Related to the Water Supply update Manager Mills recommended that the District not rent water this year on Riverside Ditch, New Deal canal, Last Chance Main, Last Chance Sides and Lone Oak canal. Connectedly, he recommended canceling rental contracts with parties on the stated systems and returning deposits to the affected parties, totaling roughly \$300,000.

After Board discussion had concluded, Director Taylor made a motion to cancel rental contracts on the systems as described by Manager Mills and return deposits to affected parties. Director Murray seconded the motion and the Board unanimously approved District staff to cancel rental contracts on the systems as described by Manager Mills and return deposits to affected parties. The vote for all of the Directors was as follows:

AYES: Barry McCutcheon, Michael Murray, Ernest Taylor

NOES: None

ABSTAINED:None

ABSENT: Steven P. Dias, Joseph Freitas

#### SPRING '20 TO '21 GROUNDWATER LEVEL EVALUATION

Manager Mills reported that he asked Provost and Pritchard to produce a summary of groundwater levels comparing Spring 2020 and Spring 2021. Using a straight average comparison, it appears there was a decline of roughly 7.5 feet between the monitoring dates. In

Spring 2020, there appears to be one reading in that season that was the deepest on record. In Fall 2020, there were thirteen deepest readings (out of roughly 200) in that season. In Spring 2021, there were five deepest readings in that season. Manager Mills also relayed that Provost and Pritchard is working on developing groundwater contours from the Spring 2021 monitoring information, but the effort has not been completed yet.

#### RIVERSIDE CROSSING AT LAST CHANCE EFFORTS

Manager Mills reported that emergency efforts continue to replace the Riverside Crossing over the Last Chance Main Canal. He updated the Board on how construction had progressed. Manager Mills recommended that the Board extend the emergency declaration of local emergency associated with the Riverside Crossing over the Last Chance Main Canal. Director Taylor made a motion to extend the previous emergency declaration. Director Murray seconded the motion and the Board unanimously extended the emergency declaration of local emergency associated with the Riverside Crossing over the Last Chance Main Canal. The vote for all of the Directors was as follows:

AYES: Barry McCutcheon, Michael Murray, Ernest Taylor

NOES: None

ABSTAINED: None

ABSENT: Steven P. Dias, Joseph Freitas

#### RIVERSIDE CROSSING AT CHSRA CROSSING EFFORT UPDATE

Manager Mills reported that a construction inspector from Summers Engineering, Frederik Fourie, had been retained and was periodically observed progress and documented conditions for the District. He was tracking concrete breaks and compaction tests as well as checking for dimensional consistency with the plans. There were initial concerns with the reference elevations noted on the plan set, but after that was resolved, things have gone smoothly. The reinforced concrete boxes for the culvert have been placed and are somewhat covered. The upstream concrete inlet structure has been poured and the vertical walls for the downstream side are in process. The last construction efforts will be to develop transitional earthwork and slope protecting aprons. DFJV appears to be on schedule to finish by the beginning of June.

#### RAMBOLL BASIN INVESTIGATIONS UPDATE

Manager Mills reported that the Ramboll Basin field investigation had recently been conducted. One the first day the Griswold property, Last Chance property, and Esajian basin were visited and investigated. On the second day Garner basin, Lopez basin, Railsback basin and Cody slough were visited and investigated. Ramboll staff is currently beginning to evaluate the collected information and has begun to ask for nearby soil borings or well completion reports if they are available. Manager Mills expected to have some results to report at the next regular Board meeting.

#### LAND IQ CROPPING INFORMATION UPDATE

Manager Mills reported that the Water Year 2020 Cropping information, previously provided, had been worked on by Provost and Pritchard to develop a Pivot Table so that crops could be evaluated by section throughout the area. The summary appeared to suggest that the largest crop category was either a double or triple cropped category.

ON-GOING EFFORTS

*Riverside Ditch Banks east of Last Chance Crossing*

Manager Mills reported staff efforts to raise the banks of Riverside Ditch in a few areas east of Last Chance canal continue and have made significant progress.

*Weidman Basin*

Manager Mills reported efforts to burn the removed vegetation consistent with the District’s Air Board permit continues.

*Garner Basin*

Manager Mills reported that SoCal Gas forces had recently moved their equipment on to the northern part of the Garner Basin property as per the temporary construction easement.

**EXPENDITURE LIST APPROVAL & FINANCING STATEMENT ACCEPTANCE**

Accounting Technician Renee Davis gave the quarterly reports (January, February and March 2021) on the District’s investments.

On a motion by Director Taylor, with a second by Director Murray, it was unanimously approved by the Board that the expenditure list and financial statement be accepted as submitted. The vote for all of the Directors was as follows:

AYES: Barry McCutcheon, Michael Murray, Ernest Taylor

NOES: None

ABSTAINED:None

ABSENT: Steven P. Dias, Joseph Freitas

**TRANSFER OF FUNDS**

Manager Mills conveyed that a transfer of \$600,000.00 from the District’s LAIF account to Union Bank General Account was needed. Director Taylor made a motion to approve the transfer and Director Murray seconded the motion. President McCutcheon called for a vote and the vote for all of the Directors was as follows:

AYES: Barry McCutcheon, Michael Murray, Ernest Taylor

NOES: None

ABSTAINED:None

ABSENT: Steven P. Dias, Joseph Freitas

**BOARD MEMBER DISCUSSION/ANNOUNCEMENTS OR REPORTS**

None.

**SET NEXT MEETING DATE**

The next regular Board of Directors meeting was set for June 10, 2021 at 1:00 p.m.

**CLOSED SESSION**

CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Government Code Section § 54956.8

Property: Settlers Ditch Company Stock  
Agency negotiator: Dennis Mills, General Manager  
Negotiating parties: Stock Owner, Kings County Water District  
Under negotiation: Parcels, Price and terms of payment

President McCutcheon directed that the Board move into Closed Session to discuss existing litigation and potential property negotiations. Legal Counsel advised the Board that it has authority to hold a Closed Session under Government Code section 54956.8. All persons other than the Directors, the General Manager and Legal Counsel thereupon retired from the meeting.

### **RECONVENE TO OPEN SESSION**

Following the Closed Session, President McCutcheon reported that Manager Mills was authorized to make an offer on the stock being considered. The vote to approve the effort was developed through a motion by Director Taylor and a second by Director Murray. President McCutcheon called for a vote and the vote for all of the Directors was as follows:

AYES: Barry McCutcheon, Michael Murray, Ernest Taylor

NOES: None

ABSTAINED: None

ABSENT: Steven P. Dias, Joseph Freitas

No other reportable action was taken in Closed Session and the meeting was again open to the public.

### **ADJOURNMENT**

There being no further business, the meeting was adjourned at approximately 4:15 p.m.

Respectfully submitted,

Dennis Mills  
MIN05.13.21