

January 16, 2025

AGENDA

2222 M Street, Board Room, Livingston Conference Room

Merced, CA

CLOSED SESSION

1:30 PM

SPECIAL MEETING

2:00 PM

PUBLIC PARTICIPATION: In addition to attending the physical location in person, the public may observe or provide comment through the virtual option below.

<https://us06web.zoom.us/j/87253048275?pwd=FLNnETK5Mc3o1tMEQV5mejPRjDesxz.1>

Meeting ID: 872 5304 8275
Passcode: 494992

Dial in: +1 669 900 6833

Lloyd Pareira, Jr., County of Merced

Chair

Nic Marchini, Western White Area Representative

Vice Chair

Michael Gallo, Eastern White Area Representative

Bob Giampaoli, Le Grand-Athlone Water District

Gino Pedretti, Sandy Mush Mutual Water Company

Dave Nervino, Merquin County Water District

1. CALL TO ORDER/ROLL CALL

2. CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION

(Subdivision (b) of Government Code Section 54956.9) 1 potential case

3. PLEDGE OF ALLEGIANCE

4. PUBLIC COMMENT PERIOD

Public opportunity to speak on any matter of public interest within the Board's jurisdiction including items on the Board's agenda. Testimony limited to three minutes per person.

5. PUBLIC HEARING TO CONSIDER ADOPTION OF THE AMENDED MERCED SUBBASIN GROUNDWATER SUSTAINABILITY PLAN (GSP) AND PERIODIC EVALUATION

1. Open the public hearing and receive testimony.

2. Close the public hearing.

3. Consider approval of the resolution adopting the amended Merced Subbasin Groundwater Sustainably plan and the 2025 Periodic Evaluation.

6. EXPORT POLICY

Discussion and possible action to approve a policy statement regarding prohibiting export outside the Merced groundwater basin of Sustainable Yield and Additional Pumping Allowance with allowance for a variance.

7. WATER RIGHTS APPLICATION LETTER

Discussion and possible action to sign onto a letter from Merced Irrigation District to the California State Water Resources Control Board supporting the permanent water rights application submitted by MID, MSGSA and other Merced Subbasin water districts.

8. MULTIBENEFIT LAND REPURPOSING PROGRAM

Receive update of the Multibenefit Land Repurposing Program (MLRP) from Valley Eco. Possible action to approve a comment letter to the California Department of Conservation regarding proposed MLRP Guideline updates.

9. CONSENT CALENDAR

A. MEETING MINUTES

Action to approve the meeting minutes from the Governing Board meeting on December 12, 2024.

B. PAYMENT OF INVOICES

Action to approve the payment of the invoices received since the Governing Board meeting held on December 12, 2024.

10. STAFF REPORT

11. BOARD REPORTS

12. FUTURE MEETINGS

- a. Technical Advisory Committee Meeting – January 28, 2025 at 2pm
- b. MSGSA Regular Board Meeting – February 13, 2025 at 2pm

13. ADJOURNMENT

Alternate formats of this agenda will be made available upon request by qualified individuals with disabilities. Appropriate interpretive services for this meeting will be provided if feasible upon advance request by qualified individuals with disabilities. Please contact the Secretary at (209) 385-7654 for assistance and allow sufficient time to process and respond to your request. Copies of agendas and minutes will be available at the Merced County Community and Economic Development Department and at www.MercedSubbasinGSA.org.

GOVERNING BOARD

MINUTES FOR MEETING OF DECEMBER 12, 2024

The agenda, original minutes, and all supporting documentation (for reference purposes only) of the Merced Subbasin Groundwater Sustainability Agency Governing Board meeting of December 12, 2024 are available online at www.MercedSubbasinGSA.org.

I. CALL TO ORDER/ROLL CALL

The public meeting of the Merced Subbasin Groundwater Sustainability Agency Joint Powers Authority Governing Board was called to order at 2:00 p.m., on December 12, 2024, in person. An option for the public to attend virtually was made available.

ROLL CALL OF BOARD MEMBERS

Board Members Present:

Michael Gallo	(Eastern White Area Representative)
Dave Nervino	(Merquin County Water District)
Lloyd Pareira	(Merced County)
Bob Giampaoli	(Le Grand Athlone Water District)
George Park	(Lone Tree Mutual Water Company)

Board Members Absent:

Nic Marchini (Western White Area Representative)
Gino Pedretti (Sand Mush Mutual Water Company)

Staff Present:

Ashlee Chan-Gonzalez	Staff
Danielle Bettencourt	Recording Secretary
Lacey McBride	Secretary

II. CLOSED SESSION

The GSA Board convened in closed session and reopened the public meeting at 2:00 p.m. Returning from closed session, Chairman Pareira noted staff was given direction and no reportable action was taken during closed session.

III. PUBLIC COMMENT PERIOD

Public comment period opened.

None

Public comment period closed.

IV. CONSENT CALENDAR

1. Approval of November 14, 2024 meeting minutes
2. Payment of invoices

Public comment period opened/closed.

MOTION: GALLO – GIAMPAOLI, AND CARRIED BY A VOTE OF 5-0, THE BOARD APPROVES THE CONSENT CALENDAR INCLUDING ADDITIONAL INVOICES.

V. MULTIBENEFIT LAND REPURPOSING PROGRAM

Mr. Reyn Akiona with Valley Eco provided an update of the Merced Subbasin GSA's MLRP program and action to approve the Conflict of Interest Guidelines for the MLRP Program.

Public comment period opened.

Larken Harmen came forward for public comment.

Brad Samuelson came forward for public comment.

Public comment period closed.

MOTION: PARK-NERVINO, AND CARRIED BY VOTE OF 5-0, THE BOARD APPROVES THE CONFLICT OF INTEREST GUIDELINES FOR THE MULTIBENEFIT LAND REPURPOSING PROGRAM (MLRP).

VI. AMENDED MERCED SUBBASIN GROUNDWATER SUSTAINABILITY PLAN (GSP) AND PERIODIC EVALUATION

Chris Hewes with Woodard and Curran, Inc., provided a presentation on the 2024 amended Merced Subbasin GSP addressing the California Department of Water Resources' Corrective Actions and the five-year periodic evaluation of the Merced Subbasin GSP.

Public comment period opened.

None

Public comment period closed.

VII. BROWN ARMSTRONG ACCOUNTANCY CORPORATION CONTRACT AMENDMENT

Ms. Lacey McBride provided an overview of the amendment to Contract 2021-01 with Brown Armstrong Accountancy Corporation which includes extending the term of the contract for another five years increasing compensation by \$75,000.

Public comment opened.

None

Public comment closed.

MOTION: PAREIRA – GALLO, AND CARRIED BY A VOTE OF 5-0, THE BOARD APPROVES AND AUTHORIZES THE CHAIR TO SIGN AN AMENDMENT TO CONTRACT 2021-01 WITH BROWN ARMSTRONG ACCOUNTANCY CORPORATION FOR INDEPENDENT FINANCIAL AUDIT SERVICES TO EXTEND THE TERM FOR 5 YEARS AND INCREASE THE COMPENSATION BY \$75,000.

VIII. EXPORT POLICY

Ms. McBride provided an overview of the export policy that states, The Merced Subbasin GSA prohibits

the direct export of any groundwater outside of the defined boundary of the Merced Subbasin, where the term “groundwater” refers to the Sustainable Yield of Native Groundwater and the Additional Pumping Allowance as each is defined and determined pursuant to the MSGSA Groundwater Allocation Rule adopted by the MSGSA Board on October 10, 2024”.

Public comment opened.

Larkin Harmen came forward for public comment regarding variances to the proposed policy.

Brad Samuelson came forward for public comment.

Public comment closed.

IX. 2025 GOVERNING BOARD MEETING CALENDAR

Ms. Ashlee Chan-Gonzales provided the 2025 Governing Board Meeting Calendar to the Board for the 2025 year with meetings being held on the second Thursday of each month at 2:00PM.

Public comment opened.

None

Public comment closed.

MOTION: NERVINO – GALLO, AND CARRIED BY A VOTE OF 5-0, THE BOARD APPROVES THE 2025 BOARD MEETING SCHEDULE, AS THE SECOND THURSDAY OF EACH MONTH BEGINNING AT 2:00PM.

X. STAFF REPORT

Ms. McBride reported Ms. Ashlee Chan- Gonzales was able to work with the Merced Wildlife Refuge to identify a monitoring well and was able to get the transducer into the well for monitoring. Woodard and Curran is working on the Annual Report, and the Ad Hoc Committee and TAC continue to meet, meeting more frequently to continue working on the remaining elements of the Allocation Rule to bring to the Board.

XI. BOARD REPORTS

Mr. Gallo requested an update on the permanent water rights application for the Merced Subbasin.

XII. FUTURE MEETINGS

The next MSGSA Regular Board Meeting will be January 9, 2025 at 2:00pm and the next Technical Advisory Committee Meeting will be held January 27, 2025 at 2:00pm.

XIII. ADJOURNMENT

There being no further action taken, the meeting adjourned at 3:27 p.m.

INVOICE SUMMARY

January 16, 2025

Vendor	Scope of Work Performed	Invoice Number	Invoice Date	Invoice Total	Contract Amount	Contract Amount Remaining	% of Contract Amount Remaining	Contract End Date
EKI Environment & Water	Technical Suppo	C10076.00-41	01/02/25	\$ 3,808.22	\$ 669,500.00	\$ 104,819.69	15.66%	June 30, 2026
EKI Environment & Water	MLRP	C40133.00-04	01/02/25	\$ 7,342.66	\$ 394,095.52	\$ 333,585.16	84.65%	June 30, 2027
East Merced RCD	MLRP	3	12/31/24	\$ 4,345.00	\$ 100,000.00	\$ 76,606.28	76.61%	June 30, 2027
SEEDS	MLRP	3	12/16/24	\$ 10,225.96	\$ 500,000.00	\$ 30,964.28	6.19%	June 30, 2027
Herum Crabtree Suntag	Legal Services	113556	11/30/24	\$ 5,361.63	\$ 500,000.00	\$ 95,332.89	19.07%	June 30, 2029
Zanjero	On Call Services	6947	01/08/25	\$ 9,581.78	\$ 400,000.00	\$ 111,906.62	27.98%	June 30, 2025

Additional Invoices



Board of Directors
 Reyn Akiona, President - - Lynn Sullivan, Director
 Sarah Bell, Director - Joy Baccei, Director
 www.eastmercedrcd.org
 2926 G Street, Suite 102 | Merced, CA 95340 | admin@eastmercedrcd.org

Agency/Organization DOC - Merced Sub-Basin GSA (Groundwater Sustainability Agency)	Agreement Number 3023-4001		Invoice Number #03	
Agency/Organization Contact Lacey McBride : MSGSA	Agreement Period Start: 1/11/2024 End: 3/30/2027		Period Covered by Invoice Start: 10/1/2024 End: 12/31/2024	
Agency/Organization Address Merced Subbasin Groundwater Sustainability Agency c/o Merced County Community & Economic Development Dept. 2222 M Street Merced, CA 95340	Remit Payment To East Merced RCD Attn: Zachary Wells 2926 G Street, Sutie 102 Merced, CA 95340			
Invoice Detail				
Line Item Detail	Description	Hours miles	Wages rate	Total
Personnel				
Executive Director, Zachary Wells		45.5	77.88	\$ 3,543.54
Irrigation Specialist, Trevor Hutton		11	72.86	\$ 801.46
Conservation Tech(Expected fall24/spring25)		0	24.96	\$ -
				\$ 4,345.00
Contractor				
				\$ -
				\$ -
				\$ -
				\$ -
Supplies	see attached receipts			\$ -
Travel - note: Updated price to match fed as of July 1	mileage (.67/mile)	0.00	0.67	\$ -
				\$ -
				\$ -
				\$ -
TOTAL Due EMRCD				\$ 4,345.00

ok 11/6/25
ACG

Attachment 5, Invoice

Date: January 06, 2025

Email required invoice documents to: Grant Manager dlrpinvoices@conservation.ca.gov

Invoice Number: 03	
Grantee Name: East Merced Resource Conservation District	Grant Number: 3023-4001
Project Name:	
Invoice Period: October 1, 2024 - December 31, 2024	(Start Date) 1/11/24 (End Date) 3/30/27

Cost Category	Task #1	Task #2	Task #3	Task #4	Task #5	Task #6	Other Expen	Total
Staff				\$3,838.78	\$194.70			\$4,033.48
Contractors								
Sub-grantees								
Equipment, Materials, Permits								
Travel								
Administrative Costs (not to				\$311.52				\$311.52
Current Total								\$4,345.00
Cumulative Total								\$23,393.72
Allocated Total								\$100,000

Work Plan Task #	Description of Work Completed
1	N/A
2	N/A
3	N/A
4	Work with Program Partners and Contractors to identify Keystone Stakeholders and support Valley Eco & SEEDS in those efforts, MLRP Workshops, Stakeholder recruitment, General Stakeholder Meetings, RFP Release & Outreach, Community Engagement Tracker Updates
5	N/A
6	N/A

Status Update			
Work Plan Task #	On Schedule (Y/N)	Within Budget (Y/N)	Corrective Plan or Action, if
1	Y	Y	N/A
2	Y	Y	N/A
3	Y	Y	N/A
4	Y	Y	N/A
5	Y	Y	N/A
6	Y	Y	N/A

CERTIFICATION: By my signature below, I certify that I have full authority to execute this payment request on behalf of Grantee. I declare under penalty of perjury, under the laws of the State of California, that this invoice for reimbursement, and any accompanying supporting documents, are true and correct to the best of my knowledge, and all disbursements have been made for the purposes and conditions as outlined in the Grant Agreement.

Print Name: Zachary Wells	Print Title: Executive Director, EMRCD
Signature: Zachary Wells Digitally signed by Zachary Wells Date: 2025.01.06 10:37:13 -08'00'	Date:

fname	lname	local_date	local_day	hours	jobcode	approved_status	Task	Cost Category
Trevor	Hutton	10/04/2024	Fri	1.5	MLRP Merced	Approved	Task 4	Staff
Trevor	Hutton	10/11/2024	Fri	1.5	MLRP Merced	Approved	Task 4	Staff
Trevor	Hutton	10/16/2024	Wed	3	MLRP Merced	Approved	Task 4	Staff
Trevor	Hutton	10/25/2024	Fri	1.5	MLRP Merced	Approved	Task 4	Staff
Trevor	Hutton	11/01/2024	Fri	1.5	MLRP Merced	Approved	Task 4	Staff
Trevor	Hutton	11/07/2024	Thu	2	MLRP Merced	Approved		
Trevor Total =				11	\$801.46			
Zachary	Wells	10/01/2024	Tue	1	MLRP Merced	Approved	Task 4	Staff
Zachary	Wells	10/04/2024	Fri	1.75	MLRP Merced	Approved	Task 4	Staff
Zachary	Wells	10/10/2024	Thu	1.5	MLRP Merced	Approved	Task 4	Staff
Zachary	Wells	10/11/2024	Fri	2	MLRP Merced	Approved	Task 4	Staff
Zachary	Wells	10/12/2024	Sat	0.5	MLRP Merced	Approved	Task 4	Staff
Zachary	Wells	10/15/2024	Tue	1.5	MLRP Merced	Approved	Task 4	Staff
Zachary	Wells	10/16/2024	Wed	2	MLRP Merced	Approved	Task 4	Admin Costs (not
Zachary	Wells	10/17/2024	Thu	2	MLRP Merced	Approved	Task 4	Staff
Zachary	Wells	10/18/2024	Fri	1	MLRP Merced	Approved	Task 4	Staff
Zachary	Wells	10/21/2024	Mon	0.75	MLRP Merced	Approved	Task 4	Staff
Zachary	Wells	10/22/2024	Tue	1	MLRP Merced	Approved	Task 4	Staff
Zachary	Wells	10/23/2024	Wed	1.25	MLRP Merced	Approved	Task 4	Staff
Zachary	Wells	10/24/2024	Thu	1.25	MLRP Merced	Approved	Task 4	Staff
Zachary	Wells	10/24/2024	Thu	0.75	MLRP Merced	Approved	Task 4	Admin Costs (not
Zachary	Wells	10/28/2024	Mon	1	MLRP Merced	Approved	Task 4	Staff
Zachary	Wells	10/29/2024	Tue	1.5	MLRP Merced	Approved	Task 4	Staff
Zachary	Wells	11/01/2024	Fri	1	MLRP Merced	Approved	Task 4	Staff
Zachary	Wells	11/04/2024	Mon	1	MLRP Merced	Approved	Task 4	Staff
Zachary	Wells	11/05/2024	Tue	2	MLRP Merced	Approved	Task 4	Staff
Zachary	Wells	11/06/2024	Wed	1	MLRP Merced	Approved	Task 4	Staff
Zachary	Wells	11/07/2024	Thu	2.5	MLRP Merced	Approved	Task 5	Staff
Zachary	Wells	11/13/2024	Wed	1.25	MLRP Merced	Approved	Task 4	Staff
Zachary	Wells	11/22/2024	Fri	2	MLRP Merced	Approved	Task 4	Staff
Zachary	Wells	11/25/2024	Mon	1.25	MLRP Merced	Approved	Task 4	Staff
Zachary	Wells	12/03/2024	Tue	0.75	MLRP Merced	Approved	Task 4	Staff
Zachary	Wells	12/04/2024	Wed	1	MLRP Merced	Approved	Task 4	Staff
Zachary	Wells	12/05/2024	Thu	1.25	MLRP Merced	Approved	Task 4	Staff
Zachary	Wells	12/06/2024	Fri	0.75	MLRP Merced	Approved	Task 4	Staff
Zachary	Wells	12/10/2024	Tue	1	MLRP Merced	Approved	Task 4	Staff
Zachary	Wells	12/12/2024	Thu	2	MLRP Merced	Approved	Task 4	Staff
Zachary	Wells	12/16/2024	Mon	1	MLRP Merced	Approved	Task 4	Staff
Zachary	Wells	12/17/2024	Tue	0.5	MLRP Merced	Approved	Task 4	Staff
Zachary	Wells	12/18/2024	Wed	1.25	MLRP Merced	Approved	Task 4	Admin Costs (not
Zachary	Wells	12/19/2024	Thu	2	MLRP Merced	Approved	Task 4	Staff
Zachary	Wells	12/20/2024	Fri	1.25	MLRP Merced	Approved	Task 4	Staff
Task 4 Staff Hours =		39	Task 5 Staff Hours =		2.5			
Task 4 Admin Hours =		4	Zach Total Hours=		45.5	\$3,543.54	\$4,345.00	



INVOICE

SEEDS
 2442 Quesada Drive
 Merced, California 95340
 United States

www.seeds.team

BILL TO
Merced Subbasin Groundwater Sustainability Agency
 Lacey McBride
 2222 M Street
 Merced, California 95340
 United States

209 385-7654
 Lacey.McBride@countyofmerced.com

Invoice Number: 3

Invoice Date: December 16, 2024

Payment Due: January 15, 2025

Amount Due (USD): \$10,225.96

Items	Quantity	Price	Amount
Task 1 Online Interactive Map Dev, Incorporate and edit stakeholder feedback on selection criteria. Merced MLRP office hours: Selection Criteria - incorporated stakeholder feedback into draft Humberto Flores-Landeros: 5.5 h Dr. Jose Luis Susa-Rincon: 1.5 h Dr. Leticia Classen-Rodriguez 3h	1	\$1,650.00	\$1,650.00
Task 2 Collaboration Strategies Meeting Humberto Flores-Landeros: 2.5 h	1	\$412.50	\$412.50
Task 5 Reviewing a Spanish flyer, attending multiple outreach meetings, and preparing for the SAC meeting. Translating and revising the Merced MLRP project selection criteria and updated the budget sheet with tasks and hours. Anna Gurevitz: 5h Dr. Jose Luis Susa-Rincon: 3h Dr. Leticia Classen-Rodriguez: 16.28h Dr. Pablo Ortiz: 3.83 h	1	\$4,639.25	\$4,639.25
Task 7 Sync valley eco with VEco (Project Management). Revision budget to include the online maps, invoicing Dr. Jose Luis Susa-Rincon: 4.5 h Dr. Leticia Classen-Rodriguez: 8.68 h	1	\$2,173.93	\$2,173.93
Indirect Overhead, insurance, internal indirect costs.	1	\$1,350.28	\$1,350.28

ok 12/16/24
 ACU

INVOICE

SEEDS
2442 Quesada Drive
Merced, California 95340
United States

www.seeds.team

Total: \$10,225.96

Amount Due (USD): \$10,225.96

Notes / Terms

Activities and services provided from the 1st Nov until 30th Nov 2024.

Merced Subbasin GSA
2222 "M" Street
Merced, CA 95340

Invoice number C10076.00-41
Date 01/02/2025
Project: C10076.00

Professional services for the period November 1, 2024 through November 30, 2024

Water resources consulting services related to demand reduction management action planning and analysis, in accordance with our Agreement, dated 14 July 2021, third amendment to the Agreement, dated 1 June 2023, fourth amendment to the Agreement, dated 26 February 2024 and fifth amendment to the Agreement, dated 20 June 2024.

Contract: \$669,500.00
Previous Billed: \$560,872.09
Current Billed: \$3,808.22
Total Billed: \$564,680.31
Contract Remaining: \$104,819.69

Professional Fees		Hours	Rate	Billed Amount
Christopher Heppner	Supervising I Engineer-Scientist	9.50	323.00	3,068.50
Sarah Gerenday	Engineer-Scientist, Grade 2	2.25	227.00	510.75
William Lennon	Engineer-Scientist, Grade 5	0.50	165.00	82.50
Professional Fees subtotal		12.25		3,661.75

Reimbursables	Units	Rate	Cost Amount	Multiplier	Billed Amount
Communication Fee - 4%	3,661.75	0.04	146.47		146.47

Invoice total 3,808.22

Email invoices to: Lacey McBride (Lacey.McBride@countyofmerced.com), Nicole Desmond (nicole.desmond@countyofmerced.com), and Ashlee Chan-Gonzalez (Ashlee.Chan-Gonzalez@countyofmerced.com)
Mail out hard copy.

Please refer to the EKI Project Number on all checks and correspondence.

Aging Summary

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
C10076.00-40	11/20/2024	15,509.52		15,509.52			
C10076.00-41	01/02/2025	3,808.22	3,808.22				
	Total	19,317.74	3,808.22	15,509.52	0.00	0.00	0.00

de Acca 1/3/25



PROGRESS SUMMARY REPORT
As-Needed SGMA Support
Merced Subbasin GSA

CLIENT: Merced Subbasin Groundwater Sustainability Agency
 CLIENT PM: Lacey McBride
 CLIENT PROJECT #: C10076.00
 PROGRESS SUMMARY REPORT #: 41
 PERIOD ENDING: 11/30/2024
 EKI PROJECT MANAGER: Chris Heppner
 PREPARED BY: Chris Heppner

WORK COMPLETED THIS PERIOD:

During this billing period, EKI completed the following work efforts:

- Land Repurposing Program (LRP)
- Prepare summary of LRP Year 3 Round 2 applications and costs
- Respond to applicant's questions re: water use
- Prepare for and attend/present at Demand Reduction Ad-hoc Committee meeting (1)
- Prepare for and attend/present at November MSGSA Board meeting re: LRP
- Allocation Program Development Support

- none

- Other

- Ship transducer cable to MSGSA

- Protect Manoeuvrment (invoicing)

ISSUES/CHALLENGES:

No major issues or challenges were encountered during this billing period.

WORK PLANNED FOR NEXT PERIOD:

EKI will continue to support the GSA on demand reduction management action planning, including:

- Allocation analysis
- As needed support for allocation policy/rule development
- Other
- As needed support for monitoring well network questions
- Ongoing/as-needed project management and communications

OTHER COMMENTS:

TABLE 1
Project Invoice Summary

Task	Description	Budget	Billed This Period	Billed Prior Periods	Billed to Date	Budget Remaining (1)	% Compl.	Projected Cost to Complete	Projected Variance (1)
1	Merced Subbasin GSA SGMA Support	\$ 669,500	\$ 3,808.22	\$ 560,872.09	\$ 564,680.31	\$ 104,819.69	84%	\$ 104,819.69	\$ -
TOTALS:		\$ 669,500	\$ 3,808.22	\$ 560,872.09	\$ 564,680.31	\$ 104,819.69	84%	\$ 104,819.69	\$ -

Notes

- (1) Values in parenthesis are negative values.
- (2) Budget includes \$100,000 from original contract, \$100,000 per the EKI contract amendment #1 approved by the MSGSA Board on 11 August 2022, \$111,500 per the EKI contract amendment #2 approved by the MSGSA Board on 22 December 2022, \$144,000 per the EKI contract amendment #3 approved by the MSGSA Board on 11 May 2023, \$80,000 per the EKI contract amendment #4 approved by the MSGSA Board on 8 February 2024, and \$134,000 per the EKI contract amendment #5 approved by the MSGSA Board on 19 June 2024.

TABLE 2
Detailed Breakdown of Costs by Task

Month (2024)	TASK	Hours by Staff													Total Hours	Expense	Total Billed
		AD	CH	MM	NC	SG	SX	KR	MZ	SC	DB	WL					
		\$ 345	\$ 323	\$ 297	\$ 241	\$ 227	\$ 241	\$ 209	\$ 187	\$ 227	\$ 209	\$ 165					
Nov	2022 LRP														0		\$ -
	2023 LRP														0		\$ -
	2024 LRP		9.25			2.25								11.5		\$ 3,638.44	
	MLRP Grant													0		\$ -	
	Data Gaps											0.5		0.5		\$ 85.80	
	Allocation													0		\$ -	
	PM		0.25											0.25		\$ 83.98	
	TOTAL	0	9.5	0	0	2.25	0	0	0	0	0	0.5	0	12.25	\$ -	\$ 3,808.22	

Notes/Abbreviations:

- LRP = (Phase 1) Land Repurposing Program
- MLRP = Multi-benefit Land Repurposing
- PM = Project Management

Herum \ Crabtree \ Suntag

5757 Pacific Avenue, Suite 222
Stockton, CA 95207
(209) 472-7700
Federal ID #: 88-1075553

COMPANY: Merced Subbasin GSA
NAME: Lacey McBride
ADDRESS: Community and Economic Development Dept.
2222 M Street
Merced, CA 95340

Invoice Date 11/30/2024
Matter ID: 3738-001
Invoice # 113556

DESCRIPTION: General

Responsible Attorney: Jeanne M. Zolezzi

Type: Hourly


Last Bill Date: 10/25/2024

SERVICES RENDERED

<u>Date</u>	<u>Attorney</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
10/28/2024	JMZ	Participate in ad hoc committee zoom meeting. Conference call with Greg, Lacey and Ashlee. Finalize memo on opt-in fees and sent to Lacey.	2.20	415.00	913.00
10/28/2024	LKS	Review of requirements to file NOE for projects adopted under EO N-7-22	1.00	295.00	295.00
11/01/2024	JMZ	Conference call with Lacey	0.40	415.00	166.00
11/04/2024	LKS	Review of amendment to agreement with accountant	0.50	295.00	147.50
11/07/2024	JMZ	Participate in ad hoc meeting regarding land retirement contracts and selection.	0.60	415.00	249.00
11/12/2024	JMZ	Review and revise committee procedure on conflicts of interest	0.90	415.00	373.50
11/14/2024	JMZ	To regular meeting	6.00	415.00	2,490.00
11/26/2024	JMZ	Participate in TAC meeting.	1.50	415.00	622.50
Sub-total Fees:					<u>\$5,256.50</u>

FEE ALLOCATION

Lilliana K. Selke	1.50 hours at \$295.00/hr	442.50
Jeanne M. Zolezzi	11.60 hours at \$415.00/hr	4,814.00
Total hours:	<u>13.10</u>	

ok 12/16/24
ACG 

COSTS

<u>Date</u>	<u>Description</u>	<u>Amount</u>
	Communication Fee	105.13
	Sub-total Expenses:	<u>\$105.13</u>
	Previous Balance:	\$44,024.22
	Payment/Adjustments:	<u>(\$44,024.22)</u>
	Total This Billing:	<u>\$5,361.63</u>
	New Balance Owing	\$5,361.63

--- A/R AGING ---

Current Over 30 Over 60 Over 90

PLEASE REFERENCE YOUR MATTER ID OR STATEMENT NUMBER

Merced Subbasin GSA
2222 "M" Street
Merced, CA 95340

Invoice number C40133.00-04
Date 01/02/2025
Project: C40133.00

Professional services for the period November 1, 2024 through November 30, 2024

Water resources consulting services in support of the Merced Subbasin Groundwater Sustainability Agency's (MSGSA) Multibenefit Land Repurposing Program (MLRP).

Contract: \$394,095.52
Previous Billed: \$53,167.70
Current Billed: \$7,342.66
Total Billed: \$60,510.36
Contract Remaining: \$333,585.16

Task 1: Multibenefit Agricultural Land Repurposing Plan

Professional Fees			Hours	Rate	Billed Amount
Anona L. Dutton	Officer & Chief Engineer-Scientist		0.50	358.80	179.40
Christopher Heppner	Supervising I Engineer-Scientist		10.50	335.92	3,527.16
Kendra Olmos	Supervising II Engineer-Scientist		0.25	322.40	80.60
Marco Maneta	Senior I, Engineer-Scientist		1.50	308.88	463.32
Susan Xie	Engineer-Scientist, Grade 1		0.75	250.64	187.98
Kristyn Lindhart	Engineer-Scientist, Grade 2		3.75	236.08	885.30
Manying Zhang	Engineer-Scientist, Grade 4		0.75	194.48	145.86
Macy F. Chang	Engineer-Scientist, Grade 5		7.00	171.60	1,201.20
Professional Fees subtotal			25.00		6,670.82

Task 1: Multibenefit Agricultural Land Repurposing Plan subtotal 6,670.82

Task 7: Management and Reporting

Professional Fees			Hours	Rate	Billed Amount
Christopher Heppner	Supervising I Engineer-Scientist		2.00	335.92	671.84

Invoice total 7,342.66

Email invoices to: Lacey McBride (Lacey.McBride@countyofmerced.com), Nicole Desmond (nicole.desmond@countyofmerced.com), and Ashlee Chan-Gonzalez (Ashlee.Chan-Gonzalez@countyofmerced.com)

Please reference the invoice number on all checks and correspondence.

Aging Summary

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
C40133.00-03	11/20/2024	22,710.48		22,710.48			
C40133.00-04	01/02/2025	7,342.66	7,342.66				
	Total	30,053.14	7,342.66	22,710.48	0.00	0.00	0.00

92100-20800
OK you 1/10/24

Timesheet Detail

Subtask	Date	Staff	Description of Work	Hour	Rate	Total
Task 1	11/1/2024	Chris Heppner	revisions to MLRP map figures	2.00	\$ 335.92	\$ 671.84
Task 1	11/1/2024	Macy Chang	Suitability Analysis data layers processing/troubleshooting	3.00	\$ 171.60	\$ 514.80
Task 1	11/4/2024	Kristyn Lindhart	Attended Merced MLRP Projects Team; Review Project RFP.	1.75	\$ 236.08	\$ 413.14
Task 1	11/4/2024	Chris Heppner	Project team mtg; revisions to RFP	2.25	\$ 335.92	\$ 755.82
Task 1	11/5/2024	Chris Heppner	corresp re: RFP; review EcoAtlas datasets	1.25	\$ 335.92	\$ 419.90
Task 1	11/5/2024	Kendra Olmos	review selection criteria	0.25	\$ 322.40	\$ 80.60
Task 1	11/6/2024	Chris Heppner	call w/ RA re: habitat boundary layer and maps; updating maps; draft figure caption	2.25	\$ 335.92	\$ 755.82
Task 1	11/11/2024	Chris Heppner	direct MF on figure export	0.25	\$ 335.92	\$ 83.98
Task 1	11/11/2024	Chris Heppner	sending JPG map figures to VECCO	0.50	\$ 335.92	\$ 167.96
Task 1	11/12/2024	Macy Chang	MLRP .jpg map edits/export, recreating connectivity map	2.00	\$ 171.60	\$ 343.20
Task 1	11/15/2024	Chris Heppner	PM/invoicing	0.50	\$ 335.92	\$ 167.96
Task 1	11/15/2024	Anona Dutton	internal call	0.50	\$ 358.80	\$ 179.40
Task 1	11/18/2024	Chris Heppner	internal team mtg re: spatial data and next steps	1.00	\$ 335.92	\$ 335.92
Task 1	11/18/2024	Kristyn Lindhart	Attended Merced MLRP internal meeting.	0.50	\$ 236.08	\$ 118.04
Task 1	11/18/2024	Manying Zhang	meeting with Chris, Susan, Kristyn and Macy	0.75	\$ 194.48	\$ 145.86
Task 1	11/18/2024	Macy Chang	Merced MLRP status check-in, file organization	1.00	\$ 171.60	\$ 171.60
Task 1	11/18/2024	Susan Xie	internal check in meeting	0.75	\$ 250.64	\$ 187.98
Task 1	11/19/2024	Chris Heppner	PM/invoicing	0.50	\$ 335.92	\$ 167.96
Task 7	11/20/2024	Chris Heppner	monthly SSE mtg (split)	0.75	\$ 335.92	\$ 251.94
Task 1	11/20/2024	Kristyn Lindhart	Attended SSE monthly meeting.	1.50	\$ 236.08	\$ 354.12
Task 1	11/22/2024	Macy Chang	Additional Suitability Modeler data download/processing - water systems, rare species, biodiversity	1.00	\$ 171.60	\$ 171.60
Task 7	11/25/2024	Chris Heppner	review refs re: agave cropping, other LRP approaches	1.25	\$ 335.92	\$ 419.90
Task 1	11/25/2024	Marco Maneta	Documentation of LRP library, additional updates to the notebook to produce the reports.	1.50	\$ 308.88	\$ 463.32
						\$ 7,342.66

Zanjero, Inc.

701 University Ave Ste 205
 Sacramento, CA 95825
 jmccarl@zanjeroams.com

**INVOICE**

BILL TO

Lacey McBride
 MSGSA FY 2023-24 On Call Services
 Merced Subbasin GSA
 2222 M Street
 Merced, CA 95340

INVOICE 6947
 DATE 01/08/2025
 TERMS Net 30
 DUE DATE 02/07/2025

PROJECT

FY23-24 On Call Services

DATE	PROVIDED BY	DESCRIPTION	QTY	RATE	AMOUNT
12/03/2024	Planner/Engineer	Wetland Mapping	2:00	210.00	420.00
12/12/2024	Principal	Prepare for and participate in Board closed and public session; follow up task discussion	8:00	305.00	2,440.00
12/12/2024	Planner/Engineer	Allocation Policy Development	2:00	210.00	420.00
12/12/2024	Planner/Engineer	Wetland water use analysis	2:00	210.00	420.00
12/12/2024	Mileage	G. Young travel - 234 miles RT at 2024 IRS rate \$0.67/mile	234:00	0.67	156.78
12/13/2024	Principal	Internal work session on allocation policy elements	0:30	305.00	152.50
12/13/2024	Planner/Engineer	Allocation Policy Development	2:00	210.00	420.00
12/13/2024	Planner/Engineer	Wetland water use analysis	1:00	210.00	210.00
12/16/2024	Principal	Prepare for and participate in ad-hoc meeting; internal work session on additional policy elements; prepare materials; project communications	2:30	305.00	762.50
12/16/2024	Planner/Engineer	Allocation Policy Development	1:00	210.00	210.00
12/16/2024	Planner/Engineer	Strategic Planning Ad Hoc Committee Meeting	2:00	210.00	420.00
12/18/2024	Principal	Internal work session on drought mitigation; participate on client work session	1:30	305.00	457.50
12/18/2024	Planner/Engineer	Meeting with Lacey and Ashlee regarding domestic well mitigation program, review of ETSGSA's domestic well mitigation policy	2:00	210.00	420.00
12/19/2024	Planner/Engineer	Internal working session. Process precipitation data.	2:00	210.00	420.00
12/19/2024	Planner/Engineer	Allocation Policy Development	2:00	210.00	420.00

12/20/2024	Planner/Engineer	Process precipitation data.	2:00	210.00	420.00
12/31/2024	Principal	Internal project task review	0:30	305.00	152.50
12/31/2024	Planner/Engineer	Recharge Policy Development	6:00	210.00	1,260.00

BALANCE DUE

\$9,581.78

92100 21800

OK GM 4/1/24

TO: MEMBERS OF MERCED SUBBASIN GSA GOVERNING BOARD
FROM: LACEY MCBRIDE, SECRETARY
DATE: JANUARY 16, 2025

**SUBJECT: PUBLIC HEARING TO CONSIDER ADOPTION OF THE AMENDED
MERCED SUBBASIN GROUNDWATER SUSTAINABILITY PLAN (GSP)
AND PERIODIC EVALUATION**

The Sustainable Groundwater Management Act (SGMA) requires GSAs to conduct a periodic evaluation of the Groundwater Sustainability Plan (GSP) every five years to evaluate the effectiveness of the GSP implementation and identify areas of improvement. The Merced Subbasin GSP was originally submitted to DWR in January 2020 and a Periodic Evaluation is due to DWR in January 2025. Under the SGMA regulations the Periodic Evaluation is required to include review of certain elements of the GSP, inclusive of updates to groundwater conditions for each sustainability indicator, project and management action implementation status, evaluation of the monitoring network and data gaps, description of new information, description of relevant actions taken by the GSAs, additional information describing enforcement or legal actions taken by the agencies and a description of Plan amendments, among other requirements.

In August 2023, the Merced Subbasin received an official determination from DWR approving the GSP and providing nine corrective actions they are recommending be included in a GSP amendment.

The Corrective Actions identified by the Department of Water Resources in the determination letter, summarized below, are addressed in the GSP amendment and the Periodic Evaluation report.

1. Establishment of a Domestic Well Mitigation Plan
2. Assessment of the impacts to beneficial uses and users from continued overdraft
3. Identification of the total cumulative subsidence tolerable by critical infrastructure, and revise the level of uncertainty as it relates to subsidence measurements
4. Investigation of the 56 wells drilled below the bottom of the basin and confirm to which extent they are active.
5. Establishment of sustainable management criteria for reduction of groundwater storage
6. Provide additional justification and explanation for how water quality constituents of concern will be managed and monitored and provide additional analysis to support the TDS minimum thresholds
7. Establishment of sustainable management criteria, filling data gaps, and collaborate with other interested parties related to stream depletions and interconnected surface waters
8. Fill data gaps in the groundwater level monitoring network
9. Explanation of how projects and management actions will restore groundwater levels to the measurable objective by 2040.

This Board received a presentation from Woodard and Curran at the December 12, 2024 meeting on the proposed amended GSP and the Periodic Evaluation. Today's action is to hold a required public hearing for the adoption of the amended GSP and action to approve the Periodic

Evaluation.

Draft documents available for public review can be found at the following links, other supporting documents and appendices can be found on MercedSGMA.org/resources.

[Merced Subbasin GSP 2025 Report for Adoption](#)

[Merced Subbasin GSP 2025 Periodic Evaluation for Adoption](#)

REQUEST/RECOMMENDATION/ACTION NEEDED:

1. Open the public hearing and receive testimony.
2. Close the public hearing.
3. Consider approval of the resolution adopting the amended Merced Subbasin Groundwater Sustainably plan and the 2025 Periodic Evaluation.

**MERCED SUBBASIN GROUNDWATER SUSTAINABILITY AGENCY
RESOLUTION NO. 2025-01**

**RESOLUTION ADOPTING THE REVISED 2025 MERCED SUBBASIN
GROUNDWATER SUSTAINABILITY PLAN**

WHEREAS, in August 2014, the California Legislature passed, and in September 2014 the Governor signed, legislation creating the Sustainable Groundwater Management Act (“SGMA”) “to provide local groundwater sustainability agencies with the authority and technical and financial assistance necessary to sustainably manage groundwater” (Wat. Code, § 10720, (d)); and

WHEREAS, SGMA requires sustainable management through the development of groundwater sustainability plans (“GSPs”), which can be a single plan developed by one or more groundwater sustainability agency (“GSA”) or multiple coordinated plans within a basin or subbasin (Wat. Code § 10727); and

WHEREAS, the Merced Subbasin GSA was formed as a GSA on March 15, 2017 for the purposes of sustainably managing groundwater in the Merced Groundwater Subbasin, within its jurisdictional boundaries, pursuant to the requirements of SGMA (Wat. Code, § 10723.6(i)); and

WHEREAS, the three California Department of Water Resources (“DWR”) approved GSAs governing the Merced Groundwater Subbasin are: Merced Irrigation-Urban Groundwater Sustainability Agency (“MIUGSA”), Merced Subbasin Groundwater Sustainability Agency (“MSGSA”), and Turner Island Water District Groundwater Sustainability Agency #1 (“TIWD GSA-1”) (“Merced Subbasin GSAs”); and

WHEREAS, the Merced Subbasin GSA has the authority to draft, adopt, and implement a GSP (Wat. Code, § 10725 et seq.); and

WHEREAS, the Merced Subbasin GSA has coordinated with the other GSAs in the Merced Groundwater Subbasin to draft a single GSP; and

WHEREAS, the three Merced Subbasin GSAs submitted a Notification of Intent to DWR to jointly develop a GSP for the Merced Groundwater Subbasin on January 4, 2018 in accordance with California Water Code (Wat. Code, § 10727.8 and CA Code of Regulations, Title 23, Section 353.6); and

WHEREAS, the three Merced Subbasin GSAs submitted the Merced Groundwater Subbasin GSP on January 28, 2020 to DWR for review; and

WHEREAS, on January 28, 2022, DWR completed its review of the Merced Groundwater Subbasin GSP and released a letter determining that the GSP was “Incomplete” and identified deficiencies and corrective actions for the GSAs in the Merced Subbasin to take within 180 days; and

WHEREAS, the Merced Subbasin GSAs addressed DWR’s comments and identified deficiencies through revisions in the revised Merced Groundwater Subbasin GSP dated July 2022; and

WHEREAS, the revised Merced Subbasin Groundwater GSP dated July 2022 was approved by DWR in August 2023 and said approval included recommended corrective actions to be considered for inclusion in future GSP updates; and

WHEREAS, GSPs are required to be reviewed and possibly updated every five (5) years, and in anticipation of the first required review and revision of the GSP for the Merced Subbasin, staff for the Merced Subbasin GSAs have collectively and cooperatively engaged to prepare appropriate updates and revisions, which take into account and incorporate DWR’s recommended corrective actions; and

WHEREAS, in addition to a revised draft GSP, staff and consultants for the Merced Subbasin GSAs have also prepared a related Periodic Evaluation of the GSP, which serves to assess the effectiveness of the GSP in achieving sustainability goals. Said Periodic Evaluation evaluates and reports on the progress of the GSP, and is required to be prepared and submitted to DWR at least once every five (5) years after the GSP’s adoption; and

WHEREAS, the public review process for development of the revised GSP and Periodic Evaluation has been robust, which includes among other things, detailed discussions of the proposed updates by the Merced Subbasin GSA Governing Board, the Merced Subbasin Stakeholder Advisory Committee and the Coordination Committee; and

WHEREAS, the three Merced Subbasin GSAs provided on September 19, 2024 a 90-day notice to the cities and counties located within and adjacent to the Plan Area of the Merced Groundwater Subbasin GSP, that they intend to conduct public hearings to adopt the revised GSP; and

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the Merced Subbasin GSA hereby approves and adopts the revised 2025 Merced Groundwater Subbasin GSP and authorizes its consultants and the Plan Manager to take such other actions as may be reasonably necessary to submit the Merced Groundwater Subbasin GSP and the Periodic Evaluation to DWR by January 28, 2025.

PASSED AND ADOPTED at a special meeting of the Governing Board at Merced, California, this 16th day of January 2025, by the following vote:

AYES:

NOES:

ABSTAINING:

ABSENT:

MERCED SUBBASIN GROUNDWATER
SUSTAINABILITY AGENCY

By: _____
Chair

ATTEST:

Secretary

TO: MEMBERS OF MERCED SUBBASIN GSA GOVERNING BOARD
FROM: LACEY MCBRIDE, SECRETARY
DATE: JANUARY 16, 2025

SUBJECT: EXPORT POLICY

On November 20, 2024, designated representatives from the MSGSA and MIUGSA met to discuss a joint position on prohibiting the export of groundwater from the Merced Subbasin. Turner Island Water District GSA-1 representative was invited to the meeting but unfortunately was absent for any discussion. During the meeting the GSA representatives agreed that a prohibition of export of Sustainable Yield and Additional Pumping Allowance groundwater would be considered for adoption by the MSGSA Board at its December or January meeting, with similar language to also be considered by MIUGSA and Turner Island Water District GSA-1.

It was recognized that this policy may be revisited as the Merced Subbasin successfully achieves its sustainability objectives as defined in the adopted Merced Subbasin GSP. All three GSAs have reviewed the draft policy statement and have not shared any concerns.

The MSGSA Technical Advisory Committee had a discussion on this topic at their November 26, 2024 meeting. The TAC came to a general consensus with a prohibition on export until sustainability is achieved in the basin. The TAC recommended a variance for any farms that cross the basin boundary and currently use groundwater in their contiguous farming operation across different basins. At the December 12, 2024 Board meeting this Board directed staff to return in January 2025 with proposed policy language that includes the possibility for a variance for certain circumstances. The proposed language is below.

Policy Statement:

“The Merced Subbasin GSA (MSGSA) prohibits the direct export of any groundwater outside of the defined boundary of the Merced Subbasin, where the term “groundwater” refers to the Sustainable Yield of Native Groundwater and the Additional Pumping Allowance as each is defined and determined pursuant to the MSGSA Groundwater Allocation Rule adopted by the MSGSA Board on October 10, 2024.

The MSGSA recognizes there may be circumstances where a landowner’s current farming operations may result in groundwater pumped from within the Merced Subbasin being applied outside of the Subbasin due to existing field or irrigation system configurations. In such circumstances, the MSGSA will allow the landowner to apply for a variance pursuant to such requirements defined elsewhere by the MSGSA.”

REQUEST/RECOMMENDATION/ACTION NEEDED:

Discussion and possible action to approve a policy statement regarding prohibiting export outside the Merced groundwater basin of Sustainable Yield and Additional Pumping Allowance with allowance for a variance.

TO: MEMBERS OF MERCED SUBBASIN GSA GOVERNING BOARD
FROM: LACEY MCBRIDE, SECRETARY
DATE: JANUARY 16, 2025

SUBJECT: WATER RIGHTS APPLICATION LETTER

On December 30, 2019 Merced Irrigation District (MID) submitted a permanent water right application to the State Water Resources Control Board (Water Board) for flood waters on the Merced River and all of the natural creeks in the Merced Subbasin. This application was for approximately 400,000AF of water, which would only be available in wet, flood years.

In May 2020, the Merced Subbasin GSA, Le Grand Athlone Water District, Plainsburg Irrigation District, Sandy Mush Mutual Water Company, Lone Tree Mutual Water Company, La Paloma Mutual Water Company, Amsterdam Water District, and Turner Island Water District entered into an Agreement with MID to be co-applicants on the application, share the cost and share the potential water made available through this water right on all creeks, excluding the Merced River.

The purpose of getting the permanent water right application into the Water Board in 2019 was to establish a priority date (seniority) for the water right, so another entity from outside of Merced County could not come along and claim a right to that water outside of Merced County.

The application has been pending before the Water Board since the final submission by MID in May 2020, neither accepted nor rejected.

MID is requesting the partners in the application sign a letter to the California State Water Resources Control Board urging them to accept the application and work with the applicants in the timely processing of the application.

REQUEST/RECOMMENDATION/ACTION NEEDED:

Discussion and possible action to sign onto a letter from Merced Irrigation District to the California State Water Resources Control Board supporting the permanent water rights application submitted by MID, MSGSA and other Merced Subbasin water districts.



MERCED IRRIGATION DISTRICT

November 26, 2024

Sent by US Mail and email to:

State Water Resources Control Board
Attn: Mr. Erik Ekdahl, Deputy Director
PO Box 2000
Sacramento, CA 95812
email: Erik.Ekdahl@waterboards.ca.gov

**Re: Support for Acceptance of Application to Appropriate Water,
Application A033098 – Merced Irrigation District**

Dear Mr. Ekdahl,

We, the undersigned, write to express our strong support for the acceptance of Merced Irrigation District's (Merced ID) water right application, A033098, submitted on December 30, 2019, and subsequently on May 28, 2020 refined pursuant to State Water Board (SWB) guidance.

Since its original submission, Merced ID has worked diligently with SWB staff to address all inquiries and concerns. Substantial evidence – more than 700 pages of supporting documentation – has been submitted to demonstrate that water is available for appropriation from the rivers, creeks, and streams identified in the application. The information provided includes:

- Project Description
- Purpose of Use, Diversions/Storage Amount and Season
- Sources and Points of Diversion/Rediversion
- Water Availability
- Place of Use
- Project Schedule

- Justification and Amounts Requested
- Diversion and Distribution Method
- Conservation and Monitoring
- Existing Water Rights and Related Filings
- Environmental Information and Required Permits

Importantly, this application was prepared and submitted on behalf of a regional group of agencies that rely on these critical water resources for agricultural, municipal, and other uses Agreement entitled **AGREEMENT REGARDING THE ACQUISITION OF CERTAIN FLOOD FLOW WATER RIGHTS AND WATER SUPPLY AMONG THE MERCED IRRIGATION DISTRICT, MERCED SUBBASIN GROUNDWATER SUSTAINABILITY AGENCY TURNER ISLAND GROUNDWATER SUSTAINABILITY AGENCY-1, LE GRAND-ATHLONE WATER DISTRICT, PLAINSBURG IRRIGATION DISTRICT, MSTERDAM WATER DISTRICT, SANDY MUSH MUTUAL WATER COMPANY, LA PALOMA MUTUAL WATER COMPANY, AND LONE TREE MUTUAL WATER COMPANY**, attached. The Merced Irrigation District acreage includes three cities and five towns that rely solely on groundwater for municipal water supply.

Precedent and Efficiency

The application process was coordinated for efficiency, avoiding duplicative or potentially conflicting applications. This approach aligns with precedent where a single agency has submitted applications to appropriate water from multiple rivers and streams on behalf of regional stakeholders. For instance, the SWB previously rejected applications from Westlands Water District and Santa Clara Valley Water District concerning appropriations in the Delta, instead favoring a comprehensive plan submitted by the Bureau of Reclamation for the Central Valley Project south of the Delta.

Legal and Regulatory Framework

The coordinated application submitted by Merced ID aligns with the letter and intent of the Water Code and associated regulations. It promotes efficiency and equitable resource management while avoiding duplicative and potentially conflicting applications. This approach directly supports the SWB’s mission to manage California’s water resources in the public interest.

- **Section 690:** This section permits an agency to apply for a water right on behalf of several separately owned parcels of land, provided the agency is competent to take title to the water right. Merced ID meets this requirement and is well-positioned to act on behalf of multiple stakeholders dependent on these water resources for agricultural, municipal, and other critical uses.

- **Section 691:** This section allows joint applications by two or more parties proposing to share water use in a common place or for a common purpose. While Merced ID submitted this application as a single entity, it represents a coalition of agencies with shared interests and responsibilities. This unified approach follows the spirit of Section 691 by providing a clear and organized plan for the coordinated use of water. Additionally, Section 691(b) requires joint applications to designate one party for correspondence and application processing, a role Merced ID fulfills effectively, streamlining SWB review.
- **Section 1260:** This section requires detailed information about the sources of water, proposed uses, locations and descriptions of diversions, and data demonstrating the availability of unappropriated water. Merced ID's application satisfies all statutory criteria, offering robust evidence of unappropriated water availability from multiple sources.
- **Section 1775:** This section emphasizes the SWB's authority to ensure that water resources are developed to their full capacity for the public good. Rejecting this application on the basis of involving multiple applicants or water sources would undermine this directive by delaying access to critical water supplies for the region, particularly for severely disadvantaged communities.

Addressing Critical Regional Needs

Merced ID's coordinated effort reflects the urgent and cooperative need to address water challenges within the Merced Groundwater Subbasin and surrounding areas.

The Merced Groundwater Subbasin is critically overdrafted. Agencies managing this Subbasin have submitted Groundwater Sustainability Plans (GSPs) that have been reviewed and approved by the California Department of Water Resources (DWR). These agencies are integral to this water right application and play a key role in achieving groundwater sustainability goals.

Additionally, the need for these water supplies is particularly urgent for the severely disadvantaged communities in our region, who face significant challenges due to their near-total reliance on groundwater. Securing surface water resources through this application is essential to fostering a sustainable and equitable water future, improving public health, and building resilience in these vulnerable communities. This application represents a critical step in addressing long-standing water security challenges for some of California's most underserved populations.

Conclusion

Merced ID has submitted substantial evidence demonstrating that water is available for appropriation. There is no statutory or regulatory prohibition against a coordinated application addressing unappropriated water from multiple rivers, creeks, or streams. On the contrary, the regulations encourage efficiency, cooperation, and equitable resource management, all of which are exemplified in Merced ID's approach.

Accepting this coordinated application is vital for ensuring water security in a critically overdrafted basin. Severely disadvantaged communities within the region face urgent water access challenges. Approving this application will facilitate the development of surface water supplies necessary for achieving sustainable resource management and reducing groundwater dependence.

While we understand that discussions regarding the quantification of supply in identified sources will occur, we respectfully submit that these discussions are best addressed after the application has been accepted.

We, the undersigned, strongly urge the acceptance of Merced ID's water right application. Should SWB staff require any additional information or documentation to facilitate acceptance, please do not hesitate to contact us. Merced ID and the participating agencies stand ready to provide any materials or clarifications necessary to support the timely processing of this application.

Thank you for your attention to this critical matter.

Sincerely,

[insert all appropriate signature blocks. Also, need to refine the cc list below.]

Cc: Joaquin Esquivel, State Water Board Member, Chair
Dorene D'Adamo, State Water Board Member, Vice Chair
Sean Maguire, State Water Board Member
Laurel Firestone, State Water Board Member
Nichole Morgan, State Water Board Member
Adam Gray, Assembly Member, District 21
Anna Caballero, State Senator, District 12
Hicham Eltal, Deputy General Manager – Water Rights/Supply
Darren Cordova, MBK Engineers
Tom Berliner, Duane Morris LLP

TO: MEMBERS OF MERCED SUBBASIN GSA GOVERNING BOARD
FROM: LACEY MCBRIDE, SECRETARY
DATE: JANUARY 16, 2025

SUBJECT: MULTIBENEFIT LAND REPURPOSING PROGRAM

The Merced Subbasin GSA was awarded a \$8.89 million block grant from the California Department of Conservation in summer 2023 and executed the grant agreement with the Department of Conservation and agreements with the identified MLRP Partners. The MLRP seeks to increase regional capacity to repurpose agricultural land to reduce reliance on groundwater while providing community health, economic wellbeing, water supply, habitat, renewable energy, and climate benefits. The MSGSA's vision for multi-benefit land repurposing is to promote basin-scale coordinated efforts to build local capacity to repurpose agricultural land from higher to lower (or zero) groundwater use land uses, to address both overall groundwater overdraft in the MSGSA jurisdictional area as well as specific groundwater "hotspots" where sustainability indicators (e.g., land subsidence) are most troublesome.

The GSA entered into contract with Valley Eco on April 11, 2024 to provide project management services including coordinating and overseeing the tasks of Plan Development, Project Implementation, Outreach, Monitoring and Grant Management in partnership with the MSGSA's MLRP Partners who have expertise in each of the tasks.

Valley Eco will present an update regarding the Merced Subbasin GSA's MLRP Program.

REQUEST/RECOMMENDATION/ACTION NEEDED:

Receive update of the Multibenefit Land Repurposing Program (MLRP) from Valley Eco. Possible action to approve a comment letter to the California Department of Conservation regarding proposed MLRP Guideline Updates.



December 18, 2024

Lacey McBride
Merced County Water Resources Manager
Merced Groundwater Sustainability Agency
2222 M Street,
Merced, CA 95340

Subject: Termination of Subcontract Agreement between Great Valley Seeds, Co. and Merced Groundwater Sustainability Agency (MSGSA)

Dear Lacey,

We are writing to formally notify you of the termination of our subcontract agreement dated January 11, 2024 (and amended on September 3, 2024) between Great Valley Seed, Co (GVS) and MSGSA regarding the Merced Multibenefit Land Repurposing Program (MLRP). This subcontract must be terminated because Great Valley Seed Co. is ceasing operations due to financial challenges and will be unable to fulfill the terms and outstanding obligations outlined in our subcontract.

In accordance with the terms of our agreement, we are providing notice that our subcontract will be terminated as of December 26th, 2024.

GVS has received payments for work performed under the agreement, resulting in collected seed that will be delivered to MSGSA or its agent. GVS has also received forward payments for field management and growouts that have not been completed. These forward payments will be refunded to MSGSA in full. Below is a summary of transactions followed by a table of invoiced work performed under the program.

- GVS has received \$37,000 in forward payments, which **will be refunded in full** to MSGSA for quarterly payments for seed growouts, as this work has not been completed as agreed upon.
- GVS has received a total of \$18,942.71 for seed scouting, identification, and collection work. This work was completed, and collected seed will be delivered to MSGSA or its agent for growout.
- GVS has received \$3,974.83 for staff time in contribution to MLRP planning, technical assistance, and program administration.



Invoice #	Date	Amount	Description	Refundable	Deliverable
2200046OP	16-Apr-24	\$18,750.00	First Quarterly invoice for the Merced MLRP program, under Merced GSA task 2.	Yes	N/A
2200035OP	15-Feb-24	\$2,531.20	7 hours at MLRP Capinero site visit, additional planning time	No	N/A
2200070OP	21-Jun-24	\$18,750.00	Second Quarterly invoice for the Merced MLRP program, under Merced GSA task 2.	Yes	N/A
2200074OP	02-Jul-24	\$1,281.13	Merced County collections and collection planning	No	N/A
2200080OP	05-Aug-24	\$10,818.08	Wild land seed scouting and collections. Under GVS Statement of Work Task 2 - Action 2.	No	Foundation Seed
2200080OP	05-Aug-24	\$162.50	GVS SOW Task #7, attending MLRP meetings	No	N/A
2200084OP	06-Sep-24	\$7,175.46	Wild land seed scouting and collections. Under GVS Statement of Work Task 2 - Action 2.	No	Foundation Seed
2200091OP	14-Oct-24	\$849.17	Wildland seed collection activities. Under GVS Statement of Work Task 2 - Action 2.	No	Foundation Seed

We are committed to facilitating a smooth transition and are prepared to discuss any steps necessary to minimize disruption to the project.

We regret any inconvenience this may cause and sincerely appreciate the opportunity to have collaborated with MSGSA on this project. Should you have any questions or require further clarification, please let me know. Thank you for your understanding.

Sincerely,

DocuSigned by:


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 Cannon Michael

CEO

Bowles Farming Company