

16-048

**MEMORANDUM OF UNDERSTANDING FORMING THE KERN  
RIVER GROUNDWATER SUSTAINABILITY AGENCY**

**THIS MEMORANDUM OF UNDERSTANDING** ("MOU") is made and entered into on MAR 30 2016, by and between the **CITY OF BAKERSFIELD**, a municipal corporation, ("CITY" herein), **KERN DELTA WATER DISTRICT** ("KERN DELTA" herein), and **KERN COUNTY WATER AGENCY on behalf of its IMPROVEMENT DISTRICT NO. 4**, ("ID4" herein), each a "Party" and collectively the "Parties."

**WHEREAS**, on September 16, 2014, Governor Jerry Brown signed into law Senate Bills 1168 and 1319 and Assembly Bill 1739, known collectively as the Sustainable Groundwater Management Act ("SGMA"); and

**WHEREAS**, the purpose of SGMA is to create a comprehensive management system in the State of California by creating structure to manage groundwater at the local level, while providing authority to the State to oversee and regulate, if necessary, the local groundwater management system; and

**WHEREAS**, SGMA empowers local agencies to adopt groundwater management plans that are tailored to the resources and needs of their communities to provide a buffer against drought and contribute to reliable water supply for the future; and

**WHEREAS**, Water Code Section 10723.6 authorizes a combination of local agencies overlying a groundwater basin to elect to become a Groundwater Sustainability Agency ("GSA") by using a memorandum of agreement or other legal agreement; and

**WHEREAS**, CITY is a local agency qualified to become a GSA because CITY manages water, has a water supply, and has land use responsibilities over a portion of the Kern County Sub-basin (Basin Number 5-22.14, DWR Bulletin 118) within the San Joaquin Valley Groundwater Basin ("Basin"), a DWR-designated high-priority basin; and

**WHEREAS**, Kern Delta is also a local agency qualified to become a GSA because Kern Delta is a California Water District formed and operating pursuant to and in accordance with Division 13 of the California Water Code, manages water, has a water supply and overlies a portion of the Basin just south of CITY; and

**WHEREAS**, ID4 is also a local agency qualified to become a GSA because ID4 is an improvement district of the Kern County Water Agency formed to provide a supplemental water supply for the metropolitan Bakersfield area and overlies a portion of the Basin; and

**WHEREAS**, on February 10, 2016, CITY and KERN DELTA entered into Agreement No. 10-009 to establish a working relationship with the goal of jointly forming a GSA; and

**WHEREAS**, CITY and KERN DELTA mutually agree to add ID4 as a Party to this MOU; and

**WHEREAS**, on March 1, 2016, KERN DELTA held a public hearing to determine whether to become a GSA, and on March 15, 2016, KERN DELTA adopted Resolution No. 2016-03 electing to jointly become a GSA with CITY and ID4, a copy of which is attached hereto as **Exhibit "A-1"**; and

**WHEREAS**, on March 2, 2016, CITY held a public hearing to determine whether to become a GSA and on March 30, 2016, CITY adopted Resolution No. 039-16, electing to jointly become a GSA with KERN DELTA and ID4, a copy of which is attached hereto as **Exhibit "A-2"**; and

**WHEREAS**, on March 31, 2016, ID4 held a public hearing to determine whether to become a GSA, and on March 31, 2016, ID4 adopted Resolution No. 11-16, electing to jointly become a GSA with CITY and KERN DELTA, a copy of which is attached hereto as **Exhibit "A-3"**; and

**WHEREAS**, CITY, KERN DELTA and ID4 will jointly submit a Notice of Decision to form and be the founding Parties of a GSA, which will cover the portion of the Basin as shown on the map in **Exhibit "B-1"** attached hereto and incorporated herein; and

**WHEREAS**, additional detail identifying boundaries of the Parties and agencies covering the portion of the Basin as shown in Exhibit "B-1" is shown on the maps attached as **Exhibit "B-2"** and **"B-3"**; and

**WHEREAS**, the Parties will work collaboratively with other interested agencies to develop and implement a Ground Water Sustainability Plan ("GSP") to sustainably manage the Basin pursuant to SGMA.

**NOW, THEREFORE**, incorporating the above recitals herein and exhibits attached, it is mutually understood and agreed as follows:

1. **PURPOSE.** This MOU is entered into by and between the Parties to facilitate a cooperative and ongoing working relationship that will allow compliance with SGMA and State law, both as amended from time to time.



2. **KERN RIVER GROUND WATER SUSTAINABILITY AGENCY.** The Parties hereby establish the Kern River Groundwater Sustainability Agency ("KRGSA") to manage the portion of the Basin as set forth in **Exhibit "B-1."**

3. **ADDITIONAL AGENCIES.** Additional agencies with service area boundaries outside the jurisdiction of the Parties may join and incorporate their service area boundaries or portions thereof into KRGSA upon the mutual consent of all Parties. The additional agencies will be added to **Exhibit "C-1,"** as amended from time to time in compliance with SGMA, and the boundaries of the KRGSA may be expanded accordingly.

4. **POWERS**

4.1 In addition to any other action available to develop and implement SGMA, including a GSP, the KRGSA may perform the following functions:

4.1.1 Adopt standards for measuring and reporting water use.

4.1.2 Develop and implement policies designed to reduce or eliminate overdraft within the boundaries of the GSA.

4.1.3 Develop and implement conservation best management practices.

4.1.4 Develop and implement metering, monitoring and reporting related to groundwater pumping.

5. **DECISION MAKING PROCESS**

5.1 With the exceptions noted herein, it is the intent of the Parties that all actions undertaken by the KRGSA are done by unanimous consent of the Parties; however, if unanimous consent is not possible, a majority vote of the Parties is required.

5.2 In the event of an impasse or disagreement, the Parties shall use their best efforts to find a mutually agreeable result. To this effect, the Parties shall consult and negotiate with each other in good faith in an attempt to reach a solution that is mutually satisfactory. If the Parties do not reach a solution, then the matter shall be submitted to non-binding arbitration or mediation within a reasonable period of time.

**6. ROLES AND RESPONSIBILITIES OF THE PARTIES**

- 6.1 The Parties will work jointly to fulfill the Purpose of this MOU, SGMA, and the development and implementation of a GSP within the boundaries of the KRGSA.
- 6.2 The Parties will meet regularly to discuss SGMA, GSP development and implementation activities, assignments, and ongoing work progress.
- 6.3 The Parties may form committees as necessary from time to time discuss issues that impact the KRGSA.
- 6.4 The CITY and ID4 are jointly responsible for implementing the GSP in areas of the KRGSA that are within both City limits and ID4 boundaries.
- 6.5 KERN DELTA is responsible for implementing the GSP in agricultural areas of the KRGSA within KERN DELTA's boundary.


7. **FUNDING.** Unless agreed to otherwise, each Party's participation in this MOU is at its sole cost and expense.

8. **TERM.** This MOU shall remain in effect unless terminated by the mutual written consent of the Parties and as allowed by State law.

9. **AMENDING THE MOU.** This MOU and Exhibits hereto may only be amended by a subsequent writing, approved and signed by all Parties.

10. **HOLD HARMLESS.** No Party, nor any officer or employee of a Party, shall be responsible for any damage or liability occurring by reason of anything done or omitted to be done by another Party under or in connection with this MOU.

APPROVED AS TO CONTENT:  
CITY OF BAKERSFIELD

By:   
\_\_\_\_\_  
HARVEY L. HALL  
Mayor

DATE: MAR 30 2016

APPROVED AS TO CONTENT:  
KERN DELTA WATER DISTRICT

By:   
\_\_\_\_\_  
RODNEY PALLA  
Board President

DATE: April 1, 2016

Additional Signatures on Following Page



**WATER BOARD**

By:   
**HAROLD HANSON**  
Water Board Chair


**KERN DELTA WATER DISTRICT**

By:   
**L. MARK MULKEY**  
General Manager

**WATER RESOURCES DEPARTMENT**

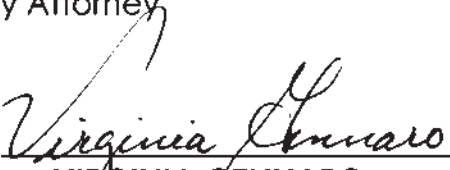
By:   
**ART CHIANELLO**  
Water Resources Manager

APPROVED AS TO FORM:

By:   
**GENE R. McMURTREY**  
Attorneys for Kern Delta Water District

APPROVED AS TO FORM:

**VIRGINIA GENNARO**  
City Attorney

By:   
**VIRGINIA GENNARO**  
City Attorney

APPROVED AS TO CONTENT:

**IMPROVEMENT DISTRICT 4**

By:   
**TED R. PAGE**  
Board President

COUNTERSIGNED:

By:   
**NELSON SMITH**  
Finance Director

APPROVED AS TO FORM:

By:   
**AMELIA T. MINABERRIGARAI**  
General Counsel

**BEFORE THE BOARD OF DIRECTORS OF  
THE KERN DELTA WATER DISTRICT**

**RESOLUTION NO. 2016-03**

**IN THE MATTER OF:**

**KERN DELTA WATER DISTRICT DECISION TO BECOME A GROUNDWATER  
SUSTAINABILITY AGENCY PURSUANT TO THE SUSTAINABLE GROUNDWATER  
MANAGEMENT ACT**

**WHEREAS**, the California legislature passed a statewide framework for sustainable groundwater management, known as the Sustainable Groundwater Management Act (California Water Code § 10720 et seq.) pursuant to Senate Bill 1168, Senate Bill 1319, and Assembly Bill 1739, which was approved by the Governor and Chaptered by the Secretary of State on September 16, 2014; and

**WHEREAS**, pursuant to the Sustainable Groundwater Management Act, sustainable groundwater management is intended to occur pursuant to Groundwater Sustainability Plans that are created and adopted by Groundwater Sustainability Agencies; and

**WHEREAS**, pursuant to California Water Code §10723(a), a Local Agency or combination of Local Agencies, as defined in California Water Code §10721(n), may decide to become or form a Groundwater Sustainability Agency; and

**WHEREAS**, Kern Delta Water District ("District") is a California Water District formed and operating pursuant to and in accordance with Division 13 of the California Water Code (commencing with Water Code §34000) and overlies a portion of the Kern County Subbasin of the San Joaquin Valley Groundwater Basin portion of the Tulare Lake Hydrologic Region, as defined in Bulletin 118 of the California Department of Water Resources and is therefore a "Local Agency" as defined within California Water Code 10721 (n); and

**WHEREAS**, the City of Bakersfield (City) is a local public agency that manages water, has a water supply, and has land use responsibilities, and is therefore a "Local Agency" as defined within California Water Code 10721 (n); and

**WHEREAS**, the District desires to form a Groundwater Sustainability Agency which may include the City of Bakersfield and other Local Agencies, and which may also include the participation of certain water corporations regulated by the Public Utilities Commission and mutual water companies, as authorized pursuant to Water Code 10723.6 (b); and

**WHEREAS**, the District held a public hearing on Tuesday March 1, 2016 pursuant to California Water Code section §10723(b), after publication of notice of such hearing pursuant to California Government Code section §6066; and

CITY OF BAKERSFIELD  
ORIGINAL

EXHIBIT "A-1"

**WHEREAS**, at the public hearing, the Kern Delta Water District Board of Directors considered oral and written comments to the extent provided by the public; and

**WHEREAS**, it would be in the best interests of the District to form a Groundwater Sustainability Agency, which may include the City of Bakersfield and other Local Agencies and which may include the participation of various legally authorized entities.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. That the foregoing is true and correct.
2. That Kern Delta Water District herein decides to form a Groundwater Sustainability Agency which may include the City of Bakersfield and other local agencies, and which may include the participation of legally authorized entities, and which shall have all the powers granted to a groundwater sustainability agency pursuant to the Sustainable Groundwater Management Act.
3. That the portion of the groundwater basin that the herein formed Groundwater Sustainability Agency shall manage shall be that portion of the basin as depicted in the notification provided to the Department of Water Resources pursuant to California Water Code 10723.8, and which boundary may be modified from time to time.
4. That the groundwater sustainability agency hereby created shall consider the interests of all beneficial uses and users of groundwater, as well as those responsible for implementing groundwater sustainability plans, as required by California Water Code section §10723.2.
5. That the groundwater sustainability agency hereby created shall establish and maintain a list of persons interested in receiving notices regarding plan preparation, meeting announcements, and availability of draft plans, maps, and other relevant documents, as required by California Water Code section §10723.4.
6. That the General Manager of Kern Delta Water District shall be authorized to execute a memorandum of agreement or other legal agreement(s) with other local agencies and legally authorized entities pursuant to Water Code §10723.6(a), as deemed appropriate by the General Manager, and cause notice to be given to the California Department of Water Resources of the decision of Kern Delta Water District to create the above referenced Groundwater Sustainability Agency.

ALL THE FOREGOING being on the motion of Director Frick, seconded by Director Tillema and authorized by the following vote, namely:

AYES: Antongiovanni, Bidart, Collins, Frick, Garone, Kaiser, Palla, Tillema

NOES: None

ABSENT: None

ABSTAIN: None


I HEREBY CERTIFY that the foregoing resolution is the resolution of the Kern Delta Water District as duly passed and adopted by its Board of Directors at a legally convened meeting held on the 15<sup>th</sup> day of March, 2016.



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Rodney Palla  
Board President of Directors  
KERN DELTA WATER DISTRICT

ATTESTED:



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L. Mark Milkay  
Assistant Secretary of the Board of Directors  
KERN DELTA WATER DISTRICT

CITY OF BAKERSFIELD  
ORIGINAL



RESOLUTION NO. 039-16

**A RESOLUTION OF THE COUNCIL OF THE CITY OF BAKERSFIELD TO BECOME A GROUNDWATER SUSTAINABILITY AGENCY PURSUANT TO THE SUSTAINABLE GROUNDWATER MANAGEMENT ACT.**

**WHEREAS**, on September 16, 2014, the Sustainable Groundwater Management Act (SGMA) was signed into law by the Governor to provide for sustainable management of groundwater by providing local groundwater agencies with the authority to sustainably manage groundwater through the adoption of Groundwater Sustainability Plans; and

**WHEREAS**, Water Code Section 10723(a) authorizes local land use authorities, water suppliers, and certain other local agencies, or a combination of local agencies, overlying a groundwater basin to elect to become a Groundwater Sustainability Agency (GSA) for the basin; and

**WHEREAS**, the City of Bakersfield (City) is a local agency qualified to become a GSA because City manages water, has water supply, and has land use responsibilities over a portion of the Kern County Subbasin (Basin Number 5-22.14, DWR Bulletin 118) within the San Joaquin Valley Groundwater Basin, a DWR-designated high-priority basin; and

**WHEREAS**, Kern Delta Water District ("Kern Delta") is also a local agency qualified to become a GSA because Kern Delta is a California Water District formed and operating pursuant to and in accordance with Division 13 of the California Water Code and overlies a portion of the Kern County Subbasin just south of City; and

**WHEREAS**, Improvement District No. 4 ("ID4") is also a local agency qualified to become a GSA and overlies a portion of the Kern County Subbasin; and

**WHEREAS**, City held a public hearing on March 2, 2016, after publication of notice pursuant to Government Code Section 6066 to consider adoption of this Resolution; and

**WHEREAS**, City, Kern Delta, and ID4 will work collaboratively with other interested entities to form a GSA known as the Kern River Ground Water Sustainability Agency, which will cover the portion of the Kern County Subbasin as shown on the map included in **Exhibit "A"** attached hereto and incorporated herein; and



**WHEREAS**, adoption of this Resolution does not constitute a "Project" under the California Environmental Quality Act (CEQA) pursuant to 15060(c)(3) and 15378(b)(5) of the State CEQA Guidelines because it is an administrative action that does not result in any direct or indirect physical change in the environment.

**NOW THEREFORE, BE IT RESOLVED** by the Council of the City of Bakersfield as follows:

1. The above recitals and findings are true and correct.
2. That City of Bakersfield does hereby elect in concert with Kern Delta Water District and Improvement District No. 4 to become a Groundwater Sustainability Agency known as the Kern River Groundwater Sustainability Agency to cover the portion of DWR Basin No. 5-22.14 as shown on **Exhibit "A"** attached to this Resolution.
3. That City of Bakersfield, Kern Delta Water District and Improvement District No. 4 will work to develop the governing structure of the Kern River Groundwater Sustainability Agency, which may involve other entities in addition to the City of Bakersfield and Kern Delta Water District.
4. That the Kern River Groundwater Sustainability Agency hereby created shall consider the interests of all beneficial uses and users of groundwater, as well as those responsible for implementing groundwater sustainability plans, as required by California Water Code Section 10723.2
5. That the Kern River Groundwater Sustainability Agency hereby created shall establish and maintain a list of persons interested in receiving notices regarding plan preparation, meeting announcements, and availability of draft plans, maps, and other relevant documents, as required by California Water Code Section 10723.4.



6. That City of Bakersfield, Kern Delta Water District, and Improvement District No. 4 will jointly submit a notice of their decision to form the Kern River Groundwater Sustainability Agency for a portion of the Kern County Subbasin (Basin Number 5-22.14, DWR Bulletin 118) within the San Joaquin Valley Groundwater Basin to DWR.

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I **HEREBY CERTIFY** that the foregoing Resolution was passed and adopted by the Council of the City of Bakersfield at a regular meeting thereof held on MAR 30 2016, by the following vote:

<input checked="" type="checkbox"/>	YES:	COUNCIL MEMBER RIVERA, MAXWELL, WEIR, SMITH, HANSON, SULLIVAN, PARLIER
<input type="checkbox"/>	NOES:	COUNCIL MEMBER <u>None</u>
<input type="checkbox"/>	ABSTAIN:	COUNCIL MEMBER <u>None</u>
<input type="checkbox"/>	ABSENT:	COUNCIL MEMBER <u>None</u>

*Roberta Gafford*

**ROBERTA GAFFORD, CMC**  
CITY CLERK and Ex Officio Clerk of  
the Council of the City of Bakersfield

APPROVED MAR 30 2016

By *[Signature]*  
**HARVEY L. HALL**  
Mayor

APPROVED AS TO FORM:  
**VIRGINIA GENNARO**  
City Attorney

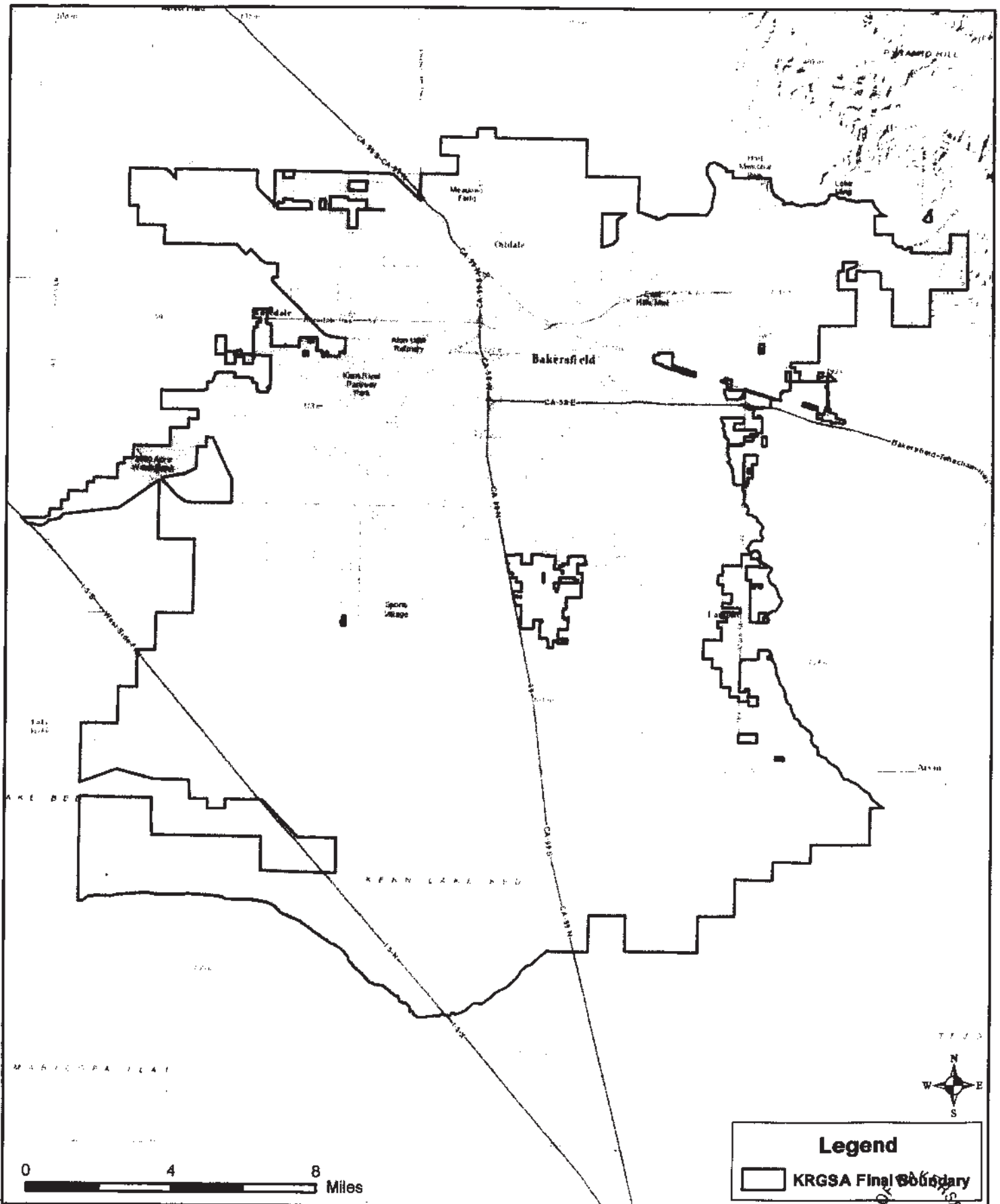
By *Virginia Gennaro*  
**VIRGINIA GENNARO**  
City Attorney

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# Kern River Groundwater Sustainability Agency (GSA)

Approved Boundary as of March 30, 2016



BEFORE THE BOARD OF DIRECTORS  
OF THE  
KERN COUNTY WATER AGENCY

In the matter of:

AUTHORIZING IMPROVEMENT \*  
DISTRICT NO. 4 TO BECOME A \*  
GROUNDWATER SUSTAINABILITY \*  
AGENCY \*

I, Lucinda J. Infante, Secretary of the Board of Directors of the Kern County Water Agency, of the County of Kern, State of California, do hereby certify that the following resolution proposed by Director Lundquist, and seconded by Director Fast, was duly passed and adopted by said Board of Directors at an official meeting hereof this 31st day of March, 2016, by the following vote, to wit:

Ayes: Lundquist, Fast, Wulff, Milobar, Cerro and Page

Noes: None

Absent: Hafenfeld



Secretary of the Board of Directors  
of the Kern County Water Agency

Resolution No. 11-16

WHEREAS, the Board of Directors (Board) of the Kern County Water Agency (Agency) is also empowered as the Board of the Agency Improvement District No. 4 (ID4); and

WHEREAS, on September 16, 2014, the Sustainable Groundwater Management Act (SGMA) was signed into law by the Governor to provide for sustainable management of groundwater by providing local groundwater agencies with the authority to sustainably manage groundwater through the adoption of

EXHIBIT "A-3"

CITY OF BAKERSFIELD  
ORIGINAL

Groundwater Sustainability Plans; and

WHEREAS, Water Code section 10723 authorizes local land use authorities, water suppliers, and certain other local agencies, or a combination of local agencies, overlying a groundwater basin to elect to become a Groundwater Sustainability Agency (GSA) for the basin; and

WHEREAS, ID4 is a local agency qualified to become a GSA because ID4 is an Improvement District of the Kern County Water Agency formed to provide a supplemental water supply for the metropolitan Bakersfield area and overlies a portion of the Kern County Subbasin (Basin Number 5- 22.14, DWR Bulletin 118) within the San Joaquin Valley Groundwater Basin, a DWR-designated high-priority basin; and

WHEREAS, the City of Bakersfield (City) is a local agency qualified to become a GSA because the City manages water, has a water supply, and has land use responsibilities over a portion of the Kern County Subbasin; and

WHEREAS, Kern Delta Water District (Kern Delta) is also a local agency qualified to become a GSA because Kern Delta is a California Water District formed and operating pursuant to and in accordance with Division 13 of the California Water Code and overlies a portion of the Kern County Subbasin just south of the City; and

WHEREAS, the Agency, the City and Kern Delta will work collaboratively with other interested agencies to form a GSA known as the Kern River Groundwater Sustainability Agency, which will cover the portion of the Kern County Subbasin as shown on the map included in Exhibit A attached hereto and incorporated herein; and

WHEREAS, adoption of this Resolution does not constitute a "Project" under the California Environmental Quality Act (CEQA) pursuant to 15060(c)(3) and 15378(b)(5) of the State CEQA Guidelines because it is an administrative action that does not result in any direct or indirect physical change in the environment; and

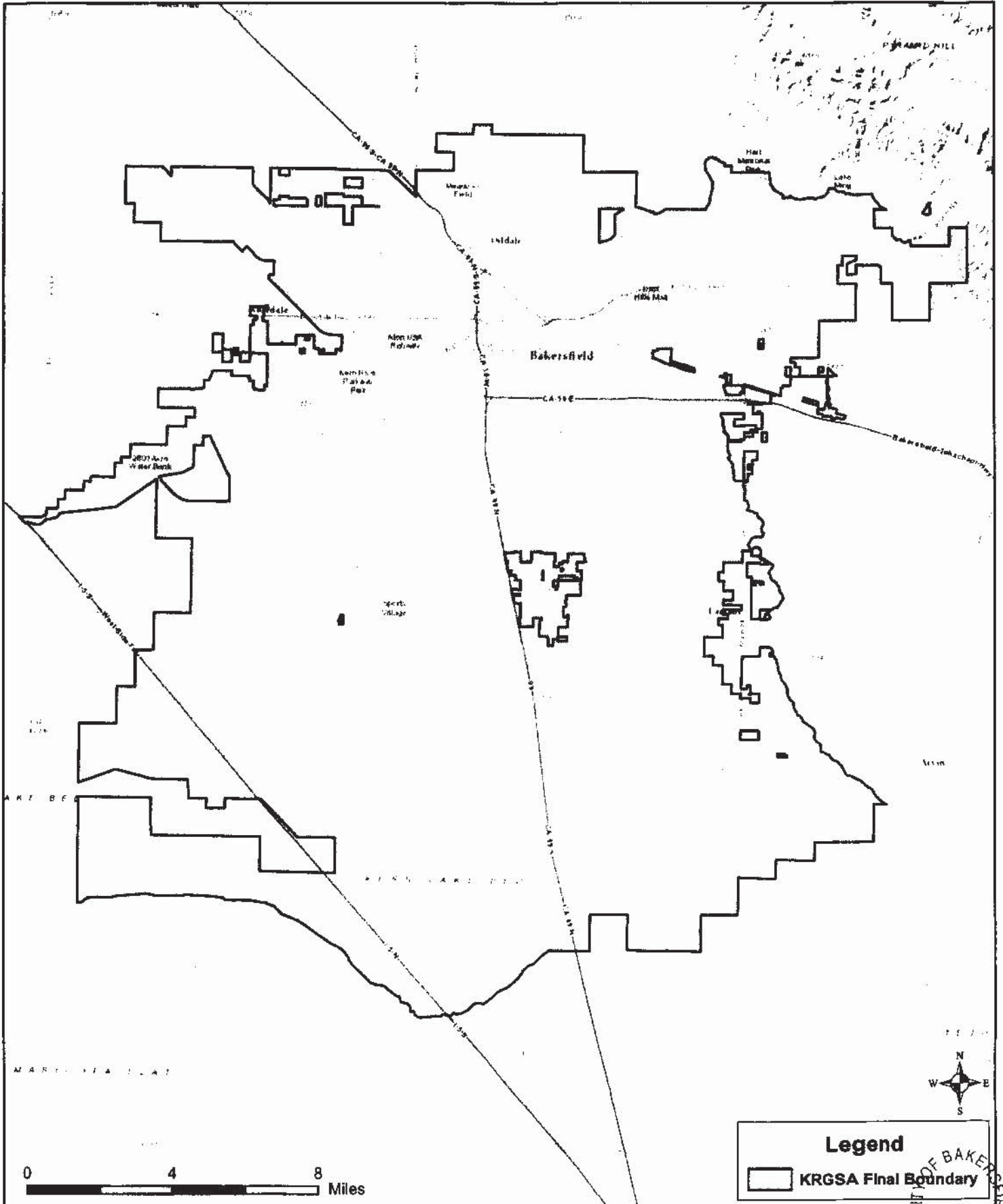
NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Kern County Water Agency, acting as the Board of Directors of Improvement District No. 4, that:

1. The foregoing recitals are true and correct.
2. ID4 does hereby elect in concert with the City and Kern Delta to become a Groundwater Sustainability Agency known as the Kern River Groundwater Sustainability Agency to cover the portion of DWR Basin No. 5-22.14 as shown on Exhibit A.
3. ID4, the City and Kern Delta will work to develop the governing structure of the Kern River Groundwater Sustainability Agency, which may involve other entities in addition to ID4, the City and Kern Delta.
4. The Kern River Groundwater Sustainability Agency hereby created shall consider the interests of all beneficial uses and users of groundwater, as well as those responsible for implementing groundwater sustainability plans, as required by California Water Code section 10723.2.
5. The Kern River Groundwater Sustainability Agency hereby created shall establish and maintain a list of persons interested in receiving notices regarding plan preparation, meeting announcements and availability of draft plans, maps and other relevant documents, as required by California Water Code section 10723.4.
6. ID4, the City and Kern Delta will jointly submit a notice of their decision to form the Kern River Groundwater Sustainability Agency for a portion of the Kern County Subbasin.
7. The Agency Board President is authorized to execute the Memorandum of Understanding Forming the Kern River Groundwater Sustainability Agency as shown on Exhibit B.

# Kern River Groundwater Sustainability Agency (GSA)

Approved Boundary as of March 30, 2016

Exhibit A



OF BAKERSFIELD  
ORIGINAL



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**MEMORANDUM OF UNDERSTANDING FORMING THE KERN  
RIVER GROUNDWATER SUSTAINABILITY AGENCY**

**THIS MEMORANDUM OF UNDERSTANDING** ("MOU") is made and entered into on \_\_\_\_\_, by and between the **CITY OF BAKERSFIELD**, a municipal corporation, ("CITY" herein), **KERN DELTA WATER DISTRICT** ("KERN DELTA" herein), and **KERN COUNTY WATER AGENCY on behalf of its IMPROVEMENT DISTRICT NO. 4**, ("ID4" herein), each a "Party" and collectively the "Parties."

**WHEREAS**, on September 16, 2014, Governor Jerry Brown signed into law Senate Bills 1168 and 1319 and Assembly Bill 1739, known collectively as the Sustainable Groundwater Management Act ("SGMA"); and

**WHEREAS**, the purpose of SGMA is to create a comprehensive management system in the State of California by creating structure to manage groundwater at the local level, while providing authority to the State to oversee and regulate, if necessary, the local groundwater management system; and

**WHEREAS**, SGMA empowers local agencies to adopt groundwater management plans that are tailored to the resources and needs of their communities to provide a buffer against drought and contribute to reliable water supply for the future; and

**WHEREAS**, Water Code Section 10723.6 authorizes a combination of local agencies overlying a groundwater basin to elect to become a Groundwater Sustainability Agency ("GSA") by using a memorandum of agreement or other legal agreement; and

**WHEREAS**, CITY is a local agency qualified to become a GSA because CITY manages water, has a water supply, and has land use responsibilities over a portion of the Kern County Sub-basin (Basin Number 5-22.14, DWR Bulletin 118) within the San Joaquin Valley Groundwater Basin ("Basin"), a DWR-designated high-priority basin; and

**WHEREAS**, Kern Delta is also a local agency qualified to become a GSA because Kern Delta is a California Water District formed and operating pursuant to and in accordance with Division 13 of the California Water Code, manages water, has a water supply and overlies a portion of the Basin just south of CITY; and

**WHEREAS**, ID4 is also a local agency qualified to become a GSA because ID4 is an improvement district of the Kern County Water Agency formed to provide a supplemental water supply for the metropolitan Bakersfield area and overlies a portion of the Basin; and

**WHEREAS**, on February 10, 2016, CITY and KERN DELTA entered into Agreement No. 10-009 to establish a working relationship with the goal of jointly forming a GSA; and

**WHEREAS**, CITY and KERN DELTA mutually agree to add ID4 as a Party to this MOU; and

**WHEREAS**, on March 1, 2016, KERN DELTA held a public hearing to determine whether to become a GSA, and on March 15, 2016, KERN DELTA adopted Resolution No. 2016-03 electing to jointly become a GSA with CITY and ID4, a copy of which is attached hereto as **Exhibit "A-1"**; and

**WHEREAS**, on March 2, 2016, CITY held a public hearing to determine whether to become a GSA and on March 30, 2016, CITY adopted Resolution No. 039-16, electing to jointly become a GSA with KERN DELTA and ID4, a copy of which is attached hereto as **Exhibit "A-2"**; and

**WHEREAS**, on March 31, 2016, ID4 held a public hearing to determine whether to become a GSA, and on March 31, 2016, ID4 adopted Resolution No. \_\_\_\_\_-16, electing to jointly become a GSA with CITY and KERN DELTA, a copy of which is attached hereto as **Exhibit "A-3"**; and

**WHEREAS**, CITY, KERN DELTA and ID4 will jointly submit a Notice of Decision to form and be the founding Parties of a GSA, which will cover the portion of the Basin as shown on the map in **Exhibit "B-1"** attached hereto and incorporated herein; and

**WHEREAS**, the Parties will work collaboratively with other interested agencies to develop and implement a Ground Water Sustainability Plan ("GSP") to sustainably manage the Basin pursuant to SGMA.

**NOW, THEREFORE**, incorporating the above recitals herein and exhibits attached, it is mutually understood and agreed as follows:

1. **PURPOSE.** This MOU is entered into by and between the Parties to facilitate a cooperative and ongoing working relationship that will allow compliance with SGMA and State law, both as amended from time to time.

2. **KERN RIVER GROUND WATER SUSTAINABILITY AGENCY.** The Parties hereby establish the Kern River Groundwater Sustainability Agency ("KRGSA") to manage the portion of the Basin as set forth in **Exhibit "B-1."**

**3. ADDITIONAL AGENCIES.** Additional agencies with service area boundaries outside the jurisdiction of the Parties may join and incorporate their service area boundaries or portions thereof into KRGSA upon the mutual consent of all Parties. The additional agencies will be added to **Exhibit "C-1,"** as amended from time to time in compliance with SGMA, and the boundaries of the KRGSA may be expanded accordingly.

**4. POWERS**

**4.1** In addition to any other action available to develop and implement SGMA, including a GSP, the KRGSA may perform the following functions:

**4.1.1** Adopt standards for measuring and reporting water use.

**4.1.2** Develop and implement policies designed to reduce or eliminate overdraft within the boundaries of the GSA.

**4.1.3** Develop and implement conservation best management practices.

**4.1.4** Develop and implement metering, monitoring and reporting related to groundwater pumping.

**5. DECISION MAKING PROCESS**

**5.1** With the exceptions noted herein, it is the intent of the Parties that all actions undertaken by the KRGSA are done by unanimous consent of the Parties; however, if unanimous consent is not possible, a majority vote of the Parties is required.

**5.2** In the event of an impasse or disagreement, the Parties shall use their best efforts to find a mutually agreeable result. To this effect, the Parties shall consult and negotiate with each other in good faith in an attempt to reach a solution that is mutually satisfactory. If the Parties do not reach a solution, then the matter shall be submitted to non-binding arbitration or mediation within a reasonable period of time.

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**6.1** The Parties will work jointly to fulfill the Purpose of this MOU, SGMA, and the development and implementation of a GSP within the boundaries of the KRGSA.

- 6.2 The Parties will meet regularly to discuss SGMA, GSP development and implementation activities, assignments, and ongoing work progress.
- 6.3 The Parties may form committees as necessary from time to time discuss issues that impact the KRGSA.
- 6.4 The CITY and ID4 are jointly responsible for implementing the GSP in areas of the KRGSA that are within both City limits and ID4 boundaries.
- 6.5 KERN DELTA is responsible for implementing the GSP in agricultural areas of the KRGSA within KERN DELTA's boundary.

7. **FUNDING.** Unless agreed to otherwise, each Party's participation in this MOU is at its sole cost and expense.

8. **TERM.** This MOU shall remain in effect unless terminated by the mutual written consent of the Parties and as allowed by State law.

9. **AMENDING THE MOU.** This MOU and Exhibits hereto may only be amended by a subsequent writing, approved and signed by all Parties.

10. **HOLD HARMLESS.** No Party, nor any officer or employee of a Party, shall be responsible for any damage or liability occurring by reason of anything done or omitted to be done by another Party under or in connection with this MOU.

APPROVED AS TO CONTENT:  
CITY OF BAKERSFIELD

APPROVED AS TO CONTENT:  
KERN DELTA WATER DISTRICT

By: \_\_\_\_\_  
**HARVEY L. HALL**  
Mayor

By: \_\_\_\_\_  
**RODNEY PALLA**  
Board President

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

**WATER BOARD**

**KERN DELTA WATER DISTRICT**

By: \_\_\_\_\_  
**HAROLD HANSON**  
Water Board Chair

By: \_\_\_\_\_  
**L. MARK MULKAY**  
General Manager

Additional Signatures on Following Page



**WATER RESOURCES DEPARTMENT**

APPROVED AS TO FORM:

By: \_\_\_\_\_  
**ART CHIANELLO**  
Water Resources Manager

By: \_\_\_\_\_  
**GENE R. McMURTREY**  
Attorneys for Kern Delta Water  
District

APPROVED AS TO FORM:  
**VIRGINIA GENNARO**  
City Attorney

APPROVED AS TO CONTENT:  
**IMPROVEMENT DISTRICT 4**

By: \_\_\_\_\_  
**VIRGINIA GENNARO**  
City Attorney

By: \_\_\_\_\_  
**TED R. PAGE**  
Board President

COUNTERSIGNED:

APPROVED AS TO FORM:

By: \_\_\_\_\_  
**NELSON SMITH**  
Finance Director

By: \_\_\_\_\_  
**AMELIA T. MINABERRIGARAI**  
General Counsel

**BEFORE THE BOARD OF DIRECTORS OF  
THE KERN DELTA WATER DISTRICT**

**RESOLUTION NO. 2016-03**

**IN THE MATTER OF:**

**KERN DELTA WATER DISTRICT DECISION TO BECOME A GROUNDWATER  
SUSTAINABILITY AGENCY PURSUANT TO THE SUSTAINABLE GROUNDWATER  
MANAGEMENT ACT**

**WHEREAS**, the California legislature passed a statewide framework for sustainable groundwater management, known as the Sustainable Groundwater Management Act (California Water Code § 10720 et seq.) pursuant to Senate Bill 1168, Senate Bill 1319, and Assembly Bill 1739, which was approved by the Governor and Chaptered by the Secretary of State on September 16, 2014; and

**WHEREAS**, pursuant to the Sustainable Groundwater Management Act, sustainable groundwater management is intended to occur pursuant to Groundwater Sustainability Plans that are created and adopted by Groundwater Sustainability Agencies; and

**WHEREAS**, pursuant to California Water Code §10723(a), a Local Agency or combination of Local Agencies, as defined in California Water Code §10721(n), may decide to become or form a Groundwater Sustainability Agency; and

**WHEREAS**, Kern Delta Water District ("District") is a California Water District formed and operating pursuant to and in accordance with Division 13 of the California Water Code (commencing with Water Code §34000) and overlies a portion of the Kern County Subbasin of the San Joaquin Valley Groundwater Basin portion of the Tulare Lake Hydrologic Region, as defined in Bulletin 118 of the California Department of Water Resources and is therefore a "Local Agency" as defined within California Water Code 10721 (n); and

**WHEREAS**, the City of Bakersfield (City) is a local public agency that manages water, has a water supply, and has land use responsibilities, and is therefore a "Local Agency" as defined within California Water Code 10721 (n); and

**WHEREAS**, the District desires to form a Groundwater Sustainability Agency which may include the City of Bakersfield and other Local Agencies, and which may also include the participation of certain water corporations regulated by the Public Utilities Commission and mutual water companies, as authorized pursuant to Water Code 10723.6 (b); and

**WHEREAS**, the District held a public hearing on Tuesday March 1, 2016 pursuant to California Water Code section §10723(b), after publication of notice of such hearing pursuant to California Government Code section §6066; and

**WHEREAS**, at the public hearing, the Kern Delta Water District Board of Directors considered oral and written comments to the extent provided by the public; and

**WHEREAS**, it would be in the best interests of the District to form a Groundwater Sustainability Agency, which may include the City of Bakersfield and other Local Agencies and which may include the participation of various legally authorized entities.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. That the foregoing is true and correct.
2. That Kern Delta Water District herein decides to form a Groundwater Sustainability Agency which may include the City of Bakersfield and other local agencies, and which may include the participation of legally authorized entities, and which shall have all the powers granted to a groundwater sustainability agency pursuant to the Sustainable Groundwater Management Act.
3. That the portion of the groundwater basin that the herein formed Groundwater Sustainability Agency shall manage shall be that portion of the basin as depicted in the notification provided to the Department of Water Resources pursuant to California Water Code 10723.8, and which boundary may be modified from time to time.
4. That the groundwater sustainability agency hereby created shall consider the interests of all beneficial uses and users of groundwater, as well as those responsible for implementing groundwater sustainability plans, as required by California Water Code section §10723.2.
5. That the groundwater sustainability agency hereby created shall establish and maintain a list of persons interested in receiving notices regarding plan preparation, meeting announcements, and availability of draft plans, maps, and other relevant documents, as required by California Water Code section §10723.4.
6. That the General Manager of Kern Delta Water District shall be authorized to execute a memorandum of agreement or other legal agreement(s) with other local agencies and legally authorized entities pursuant to Water Code §10723.6(a), as deemed appropriate by the General Manager, and cause notice to be given to the California Department of Water Resources of the decision of Kern Delta Water District to create the above referenced Groundwater Sustainability Agency.

ALL THE FOREGOING being on the motion of Director Frick, seconded by Director Tillema and authorized by the following vote, namely:

AYES: Antongiovanni, Bidart, Collins, Frick, Garone, Kaiser, Palla, Tillema

NOES: None


ABSENT: None

ABSTAIN: None

I HEREBY CERTIFY that the foregoing resolution is the resolution of the Kern Delta Water District as duly passed and adopted by its Board of Directors at a legally convened meeting held on the 15<sup>th</sup> day of March, 2016.

  
\_\_\_\_\_  
Rodney Palla  
Board President of Directors  
KERN DELTA WATER DISTRICT

ATTESTED:

  
\_\_\_\_\_  
L. Mark Mulkey  
Assistant Secretary of the Board of Directors  
KERN DETLA WATER DISTRICT



**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF BAKERSFIELD TO BECOME A GROUNDWATER SUSTAINABILITY AGENCY PURSUANT TO THE SUSTAINABLE GROUNDWATER MANAGEMENT ACT.**

**WHEREAS**, on September 16, 2014, the Sustainable Groundwater Management Act (SGMA) was signed into law by the Governor to provide for sustainable management of groundwater by providing local groundwater agencies with the authority to sustainably manage groundwater through the adoption of Groundwater Sustainability Plans; and

**WHEREAS**, Water Code Section 10723(a) authorizes local land use authorities, water suppliers, and certain other local agencies, or a combination of local agencies, overlying a groundwater basin to elect to become a Groundwater Sustainability Agency (GSA) for the basin; and

**WHEREAS**, the City of Bakersfield (City) is a local agency qualified to become a GSA because City manages water, has water supply, and has land use responsibilities over a portion of the Kern County Subbasin (Basin Number 5-22.14, DWR Bulletin 118) within the San Joaquin Valley Groundwater Basin, a DWR-designated high-priority basin; and

**WHEREAS**, Kern Delta Water District ("Kern Delta") is also a local agency qualified to become a GSA because Kern Delta is a California Water District formed and operating pursuant to and in accordance with Division 13 of the California Water Code and overlies a portion of the Kern County Subbasin just south of City; and

**WHEREAS**, Improvement District No. 4 ("ID4") is also a local agency qualified to become a GSA and overlies a portion of the Kern County Subbasin; and

**WHEREAS**, City held a public hearing on March 2, 2016, after publication of notice pursuant to Government Code Section 6066 to consider adoption of this Resolution; and

**WHEREAS**, City, Kern Delta, and ID4 will work collaboratively with other interested entities to form a GSA known as the Kern River Ground Water Sustainability Agency, which will cover the portion of the Kern County Subbasin as shown on the map included in **Exhibit "A"** attached hereto and incorporated herein; and

**WHEREAS**, adoption of this Resolution does not constitute a "Project" under the California Environmental Quality Act (CEQA) pursuant to 15060(c)(3) and 15378(b)(5) of the State CEQA Guidelines because it is an administrative action that does not result in any direct or indirect physical change in the environment.

**NOW THEREFORE, BE IT RESOLVED** by the Council of the City of Bakersfield as follows:

1. The above recitals and findings are true and correct.
2. That City of Bakersfield does hereby elect in concert with Kern Delta Water District and Improvement District No. 4 to become a Groundwater Sustainability Agency known as the Kern River Groundwater Sustainability Agency to cover the portion of DWR Basin No. 5-22.14 as shown on **Exhibit "A"** attached to this Resolution.
3. That City of Bakersfield, Kern Delta Water District and Improvement District No. 4 will work to develop the governing structure of the Kern River Groundwater Sustainability Agency, which may involve other entities in addition to the City of Bakersfield and Kern Delta Water District.
4. That the Kern River Groundwater Sustainability Agency hereby created shall consider the interests of all beneficial uses and users of groundwater, as well as those responsible for implementing groundwater sustainability plans, as required by California Water Code Section 10723.2
5. That the Kern River Groundwater Sustainability Agency hereby created shall establish and maintain a list of persons interested in receiving notices regarding plan preparation, meeting announcements, and availability of draft plans, maps, and other relevant documents, as required by California Water Code Section 10723.4.
6. That City of Bakersfield, Kern Delta Water District, and Improvement District No. 4 will jointly submit a notice of their decision to form the Kern River Groundwater Sustainability Agency for a portion of the

Kern County Subbasin (Basin Number 5-22.14, DWR Bulletin 118)  
within the San Joaquin Valley Groundwater Basin to DWR.

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**I HEREBY CERTIFY** that the foregoing Resolution was passed and adopted  
by the Council of the City of Bakersfield at a regular meeting thereof held on  
\_\_\_\_\_, by the following vote:

YES:	COUNCIL MEMBER RIVERA, MAXWELL, WEIR, SMITH, HANSON, SULLIVAN, PARLIER
NOES:	COUNCIL MEMBER _____
ABSTAIN:	COUNCIL MEMBER _____
ABSENT:	COUNCIL MEMBER _____

\_\_\_\_\_  
**ROBERTA GAFFORD, CMC**  
CITY CLERK and Ex Officio Clerk of  
the Council of the City of Bakersfield

APPROVED \_\_\_\_\_

By \_\_\_\_\_  
**HARVEY L. HALL**  
Mayor

APPROVED AS TO FORM:  
**VIRGINIA GENNARO**  
City Attorney

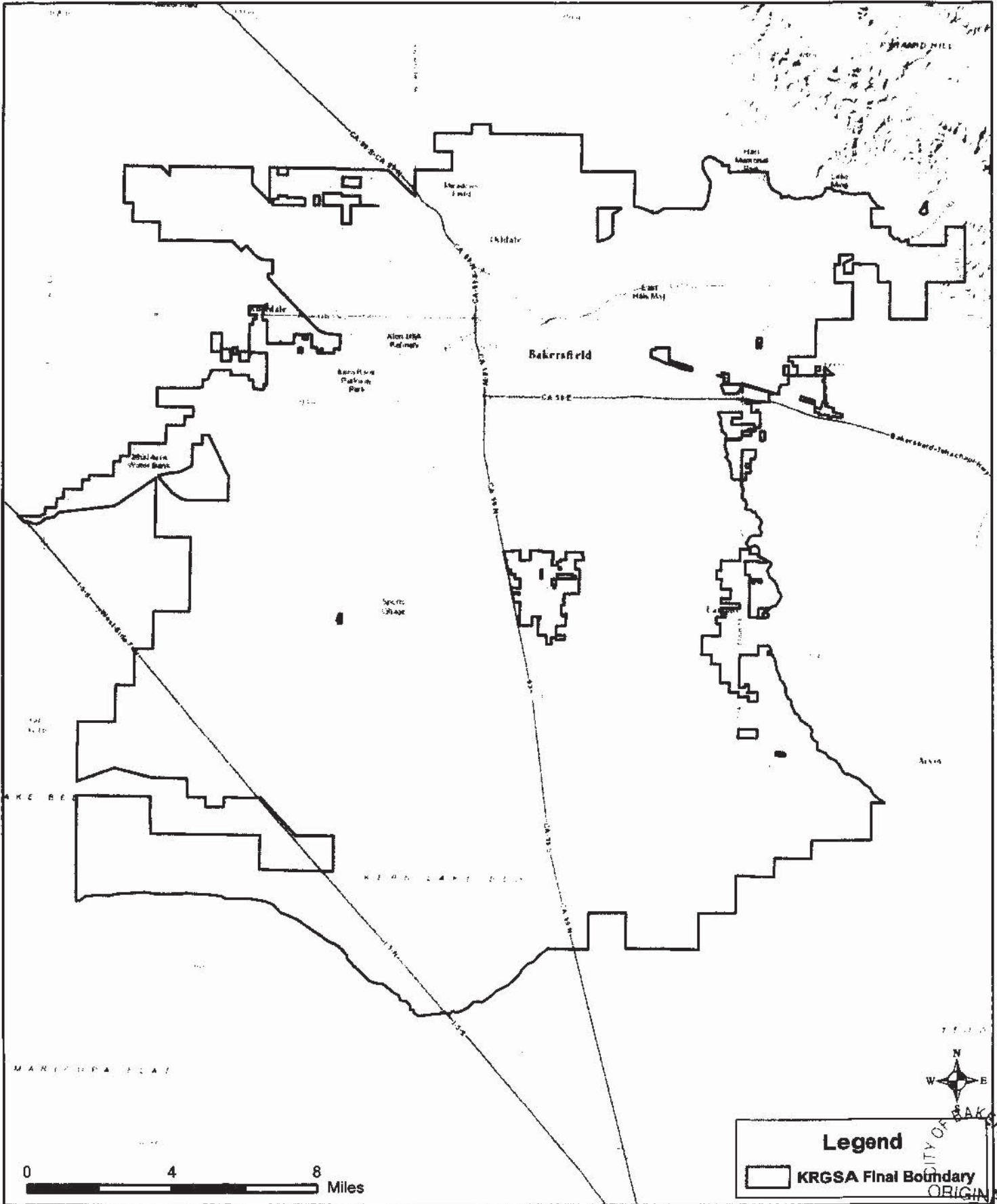
By \_\_\_\_\_  
**VIRGINIA GENNARO**  
City Attorney

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# Kern River Groundwater Sustainability Agency (GSA)

Approved Boundary as of March 30, 2016

Exhibit B-1



## **EXHIBIT C-1**

### **ADDITIONAL AGENCIES**

The agencies identified below hereby agree to join and incorporate their service area boundaries, or portion thereof, into the Kern River Ground Water Sustainability Agency ("KRGSA") as shown on the maps attached as Exhibit "B".

#### **EAST NILES COMMUNITY SERVICE DISTRICT**

By: \_\_\_\_\_

**TIMOTHY P. RUIZ**  
GENERAL MANAGER

#### **OILDALE MUTUAL WATER COMPANY /NORTH OF THE RIVER MUNICIPAL WATER DISTRICT**

By: \_\_\_\_\_

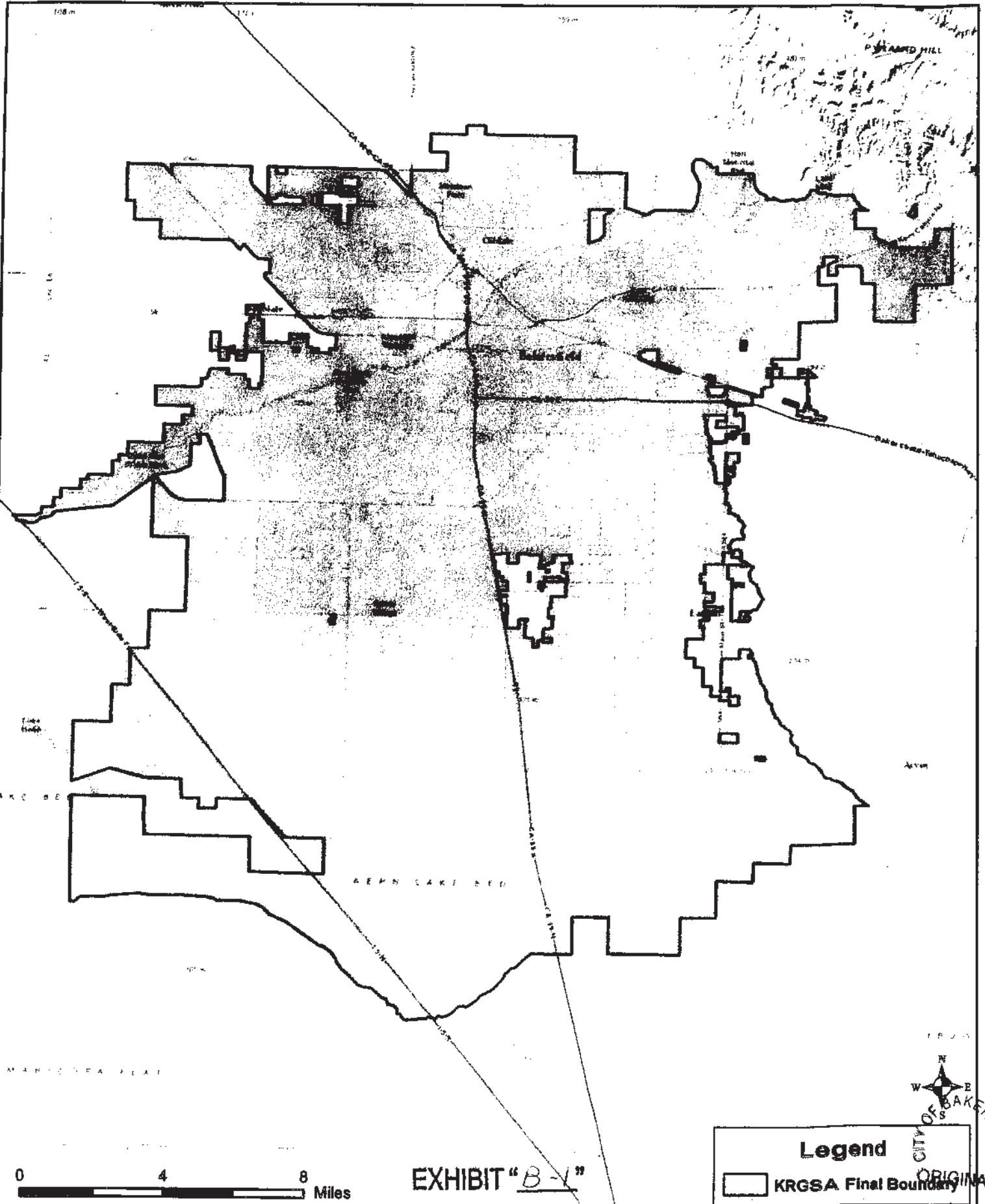
**DOUG NUNNELEY**  
General Manager

SRWATER\KGSAN\ADDITIONAL AGENCIES Dec-

CITY OF BAKERSFIELD  
ORIGINAL

# Kern River Groundwater Sustainability Agency (GSA)

Approved Boundary as of March 30, 2016



— FOR OFFICIAL USE ONLY —

# Kern River Groundwater Sustainability Agency (GSA)

Approved Boundary as of March 30, 2016

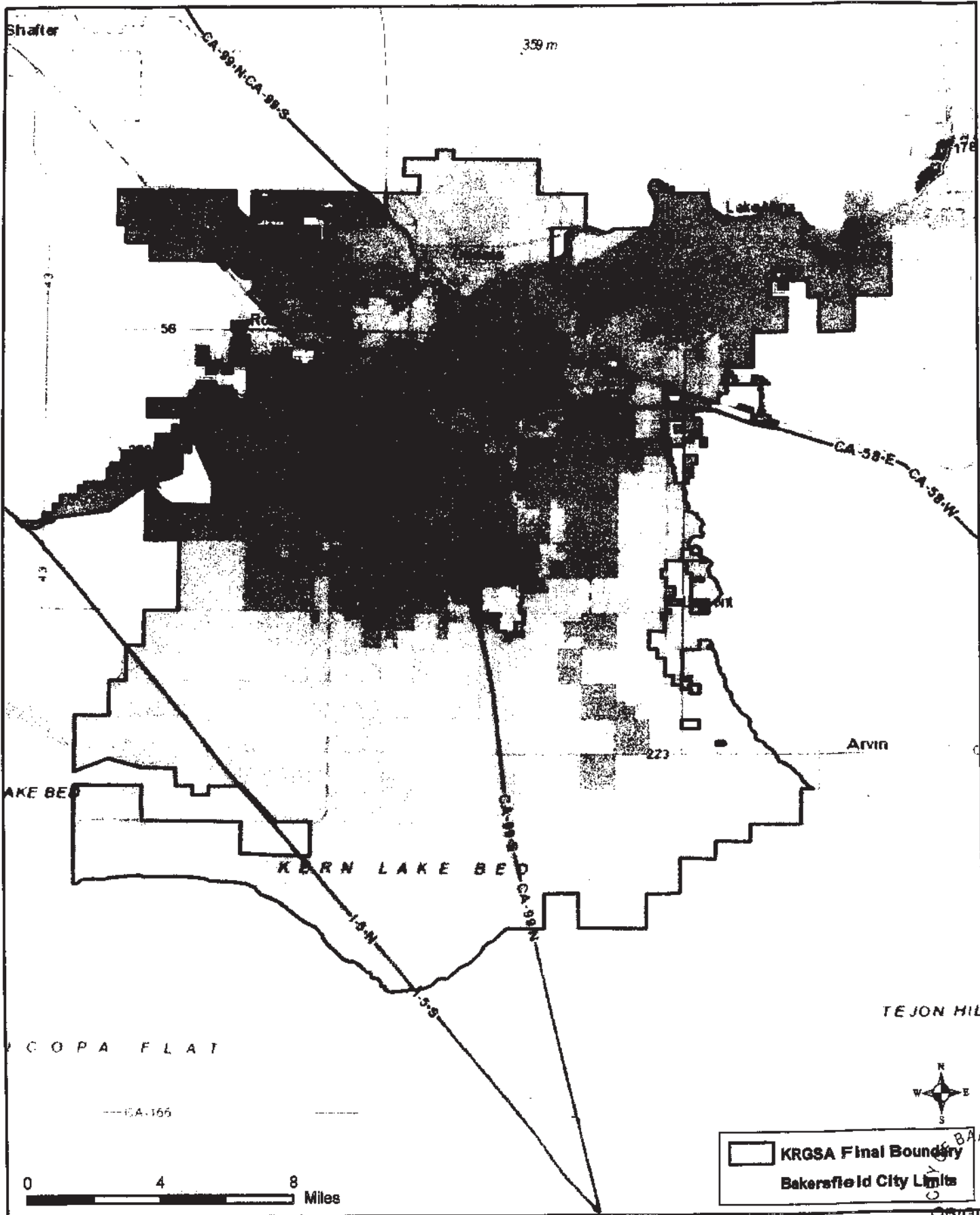
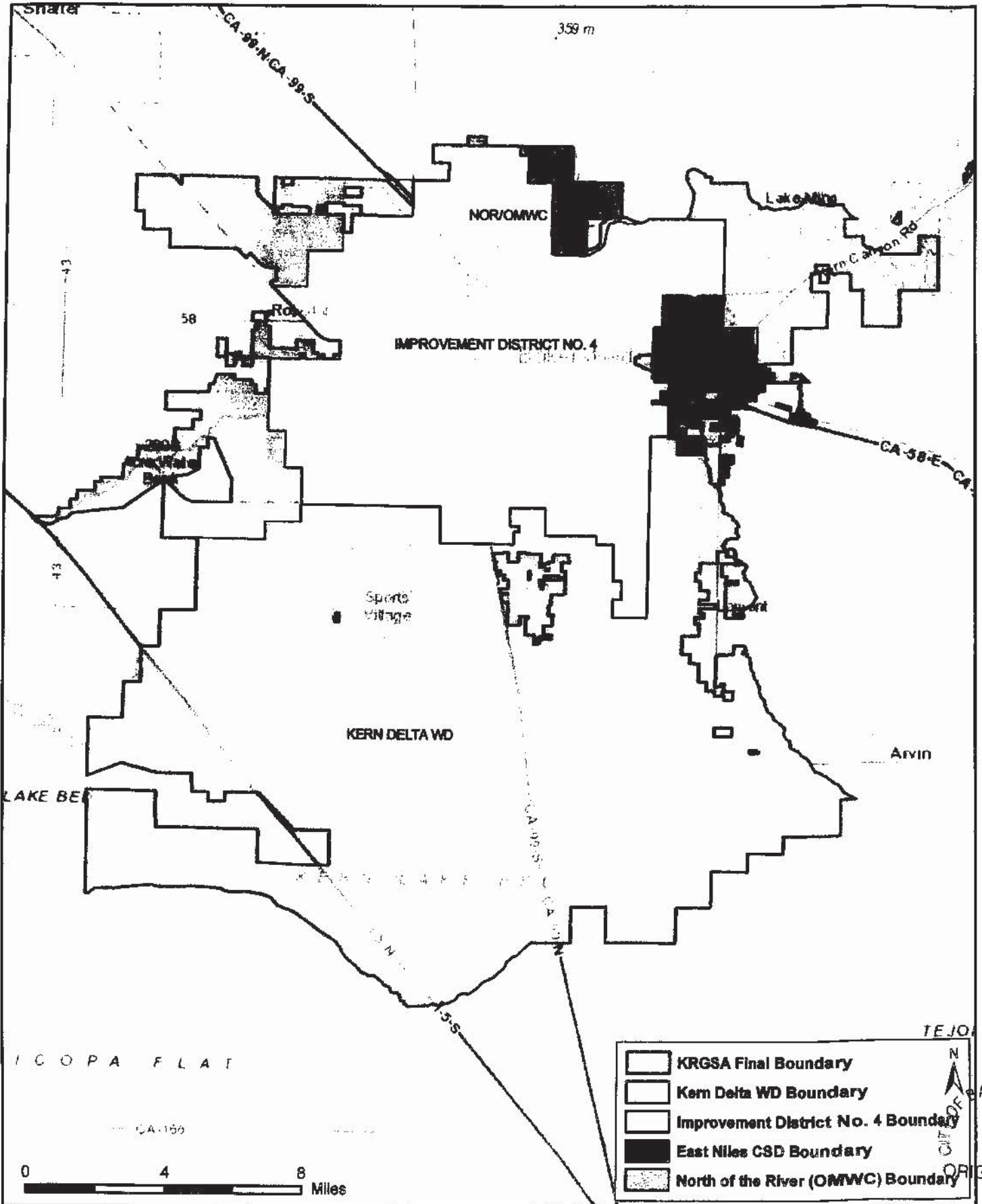


EXHIBIT "B-2"

# Kern River Groundwater Sustainability Agency (GSA)

Approved Boundary as of March 30, 2016





## EXHIBIT C-1

### ADDITIONAL AGENCIES

The agencies identified below hereby agree to join and incorporate their service area boundaries, or portion thereof, into the Kern River Ground Water Sustainability Agency ("KRGSA") as shown on the maps attached as Exhibit "B".

#### EAST NILES COMMUNITY SERVICE DISTRICT

By:   
**TIMOTHY P. RUIZ**  
GENERAL MANAGER

#### OILDALE MUTUAL WATER COMPANY /NORTH OF THE RIVER MUNICIPAL WATER DISTRICT

By:   
**DOUG NUNNELEY**  
General Manager

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EXHIBIT " C "

CITY OF BAKERSFIELD  
ORIGINAL