

February 12, 2025

The Board of Directors of the Terra Bella Irrigation District met this day in regular session, the meeting was also teleconference from the District Office located at 24790 Avenue 95, Terra Bella, California.

CALL TO ORDER

President Wheaton called the meeting to order at 9:07 a.m.

ATTENDANCE participating in this meeting remotely and in person:

DIRECTORS PRESENT: Wheaton, Galloway, Parsons, Doyel and Martinez

DIRECTORS ABSENT: None

OTHERS PRESENT: Sean Geivet, General Manager
Albert Smith, Operations Superintendent
Ann Nelms, District Secretary-Treasurer
Aubrey Mauritson, Legal Counsel
Nick Keller, Consulting Engineer
Doug Jackson
Lisa McEwen
Susan Long

AGENDA – CONSIDER CHANGES OR ADDITIONS TO THE AGENDA

No changes were made to the posted agenda.

PUBLIC INPUT

President Wheaton asked for public input. Susan Long of Tule Trust present information on the Sustainable Ag Land Conservation program and schedule of upcoming workshops to get more information. The next meeting is February 25, 2025 at Porterville Parks & Recreation Building for those interested.

Susan Long departed the Boardroom at 9:17 a.m.

APPROVAL OF MINUTES

M/S/U, Doyel, Parsons to approve the minutes of the January 08, 2025, regular meeting as mailed.

AUTHORIZATION TO PAY BILLS Review and discuss outstanding bills.

M/S/U Galloway, Doyel to authorize the Treasurer to pay all outstanding bills against the District as presented.

MONTHLY REPORTS

Treasurer Nelms reviewed with the Board the financial status of the District, including TBID Investment Policy Review in Compliance with SB 564 and SB 866. Included in the review, monthly statements from California Bank & Trust, California Asset Management Program and Local Agency Investment Fund, Friant power Authority revenues and expenditure summary worksheet. Delinquent water account report was reviewed.

TBID balance sheet as of December 31, 2024, as well as Income Statements for the same period, including a year-to-date statement, was reviewed.

The Board of Directors reviewed the Operation Activity Report for January 2025 included in the Board package. Reported no accidents or injuries for the month.

Equipment maintenance and repair included pump motors at station #8 and station #1. Greased all pumps and motors at stations #1, #4 and #6. Pulled pump motor #9 at station #1, needs to be rebuilt.

Operations maintenance and repair report included weeding and clean up at Stations #7, #8, and #9.

No main line leaks this month.

WTP average flow through the plant is around 450 gpm.

The total precipitation is 3.04 inches YTD. USA locates: 20 Back flow's Tested: 13

Manager Geivet presented the monthly reports to the Board. Consulting Engineer Nick Keller reports that the initial allocation has not yet been announced by the Bureau of Reclamation anticipating
Fraint Water Authority: Continue to receive Jason's email. **Friant Power Authority:** Nothing new to report **Status of Authorities; ESPA & AECA:** ESPA working on solar plants AECA monthly newsletter **Eastern Tule GSA:** Nothing to report

GROUNDWATER SUSTAINABILITY AGENCY FORMATION: a) Status Report, b) Public Hearing to Elect to become GSA, c) Consider Approval of Election to become a GSA

President Wheaton Opened Public Hearing at 9:44 a.m. to consider Elect to become GSA. No public comments

M/S/U, Doyel, Parsons to approve Resolution of the Board of Directors Electing for Terra Bella Irrigation District to serve as a Groundwater Sustainable Agency pursuant to the Sustainable Groundwater Management Act, approval of GSA boundary map portion of the Tule Subbasin as depicted in map and to file with Department of Water Resources

Close Public Hearing to consider Elect to become GSA. at 9:49 a.m.

RESOLUTION NO. 2025-01
A RESOLUTION OF THE BOARD OF DIRECTORS
ELECTING FOR TERRA BELLA IRRIGATION DISTRICT TO SERVE AS A GROUNDWATER
SUSTAINABILITY AGENCY
PURSUANT TO THE SUSTAINABLE GROUNDWATER MANAGEMENT ACT

WHEREAS, the Sustainable Groundwater Management Act ("SGMA"), California Water Code section 10720 et seq., which was signed into law on September 16, 2014, requires that each California groundwater basin or subbasin be managed by a Groundwater Sustainability Agency ("GSA"), or multiple GSAs, and that such management be implemented pursuant to an approved Groundwater Sustainability Plan ("GSP") or multiple GSPs; and

WHEREAS, Terra Bella Irrigation District ("TBID") is a local agency as defined in Water Code Section 10721(n); and

WHEREAS, California Water Code Section 10723(a) authorizes any local agency overlying a groundwater subbasin to become a GSA for that basin; and

WHEREAS, TBID's service area overlies the Tule Subbasin, as depicted by the map attached hereto as Exhibit A; and

WHEREAS, a public hearing was noticed in Visalia Times Delta on January 22, 2025 and January 29, 2025, pursuant to Water Code Section 10723(b); and

WHEREAS, TBID held a public hearing on February 12, 2025, to consider forming a GSA; and

WHEREAS, after considering the GSA formation and hearing public testimony, the Board determined that it is in the best interest of TBID, its landowners, and water users to serve as the GSA of the subbasin underlying its boundaries.

NOW THEREFORE, BE IT RESOLVED:

1. TBID elects to serve as the GSA of portions of the Tule Subbasin as depicted by the map attached hereto as Exhibit A, including future revisions approved by TBID and the California Department of Water Resources, if any.
2. Within thirty (30) days of the effective date of this Resolution, the General Manager shall submit a notice of intent to the California Department of Water Resources, pursuant to Water Code Section 10723.8(a), and complete all necessary tasks related to this matter.
3. The General Manager shall, after complying with Water Code Section 10723.8, begin developing a GSP for the GSA;
4. The General Manager shall maintain a list of interested parties regarding the newly formed GSA pursuant to Water Code Section 10723.4.

ADOPTED this 12th day of February, 2025, by the following vote:

AYES:	Wheaton, Galloway, Doyel, Parsons, Martinez
NOES:	None
ABSENT:	None
ABSTAIN:	None

/s/ Edwin L. Wheaton
Edwin L. Wheaton, President

ATTEST:

/s/ Ann Nelms
Ann Nelms, Secretary

2025 BUDGET & WATER RATES – Review and consider adopting the draft 2025 Budget and Water Rates, posting for 45-day public review, and setting a public hearing on said budget and rates for April 9, 2025.

The Board took under review and discussion the 2025 draft budget and water rates.

M/S/C, Parsons, Galloway to approve the 2025 TBID Budget as discussed; to approve the 2025 TBID Water Rates as follows; and to set a Public Hearing to review the water rates for April 09, 2025 at 9:00 a.m. at the District office, after which the budget and water rates will be adopted:

	Untreated Domestic & <u>Irrigation</u>	Untreated <u>M&I</u>
Zone 9	\$214.96	\$233.07
Zone 1	\$251.92	\$270.03
Zone 6 & 7	\$278.11	\$296.22
Zone 4 & 8	\$339.76	\$357.87
	<u>> 5 Acres</u>	<u>< 5 Acres</u>
WQIP Rates	\$430.94	\$449.05

(A copy of the 2025 Budget as approved is incorporated in the minutes by reference and is on file in the office of the District.)

URF AGREEMENT – Review and consider executing a Sales Agreement between USBR and TBID for the Sale of Unreleased Restoration Flows.

Board discussed the Bureau contracts for 2025 for Unreleased Restorations Flows for the new water year. Upon motion by Director Galloway, seconded by Director Parsons, the following Resolution was passed and adopted:

**BEFORE THE BOARD OF DIRECTORS
OF THE
TERRA BELLA IRRIGATION DISTRICT**

IN THE MATTER OF:

RESOLUTION NO. 2025-02

**AUTHORIZING EXECUTION OF CONTRACT(S)
FOR PURCHASE OR EXCHANGE OF UNRELEASED RESTORATION FLOWS
BETWEEN UNITED STATES AND TERRA BELLA IRRIGATION DISTRICT**

WHEREAS, pursuant to the Stipulation of Settlement in *Natural Resources Defense Council, et. al., v. Kirk Rodgers, et. al.*, hereinafter referred to as Settlement, and the SJRRSA, the Secretary of the Interior, acting through the Bureau of Reclamation, hereinafter referred to as Contracting Officer, is directed to implement a program that releases Restoration Flows from Friant Dam; and

WHEREAS, consistent with Paragraph 13(i) of the Settlement, if, for any reason, full Restoration Flows are not released in any year beginning January 1, 2014, the Contracting Officer shall release as much of the Restoration Flows as possible, in consultation with the Restoration Administrator, in light of then-existing channel capacity and without delaying completion of the Phase 1 improvements; and

WHEREAS, the Contracting Officer, in consultation with the Restoration Administrator, shall use the amount of the Restoration Flows not released in any such year, hereinafter referred to as Unreleased Restoration Flows or URFs, by taking one or more of the steps prescribed in Paragraph 13(i) of the Settlement to best achieve the Restoration Goal, as determined by the Contracting Officer; and

WHEREAS, the District and the United States have entered into Contract No. I75r-2446D, hereinafter referred to as Contract, for the delivery of Project Water; and

WHEREAS, the Contracting Officer has determined that it shall make available for delivery to the District URF's, as Project Water, pursuant to Article 3(f) of the Contract; and

WHEREAS, the Board of Directors has determined that it is the best interests of the District and its landowners that the District purchase, and/or exchange and ensure delivery of all water available to the District pursuant to the terms of that certain URF contract(s).

NOW, THEREFORE BE IT RESOLVED by the Board of Directors as follows:

1. The foregoing recitals are true and correct.
2. The President and Secretary are authorized to execute that certain URF contract(s) on behalf of the District for Water Year 2025 from March 1, 2025 through February 28, 2026 subject to review by District Counsel.

ALL THE FOREGOING, being on motion of Director Galloway and seconded by Director Parsons, was authorized by the following vote:

AYES: Wheaton, Galloway, Doyel, Parsons, Martinez
NOES: None
ABSENT: None
ABSTAIN: None

I HEREBY CERTIFY that I am the Secretary of Terra Bella Irrigation District and that the foregoing resolution was adopted by the Board of Directors of said District at a meeting held on the 12th day of February, 2025, at which meeting a quorum was present at all times and acting.

IN WITNESS WHEREOF, I have set my hand and the seal of said District on this 12th day of February 2025.

/s/ Ann Nelms
Ann Nelms, Secretary

CCR – Consider authorizing Dennis R. Keller Consulting Civil Engineer Inc to complete the 2024 Consumer Confidence Report.

M/S/C, Doyel, Martinez to authorize Dennis R. Keller Consulting Civil Engineer Inc to complete the TBID 2024 Annual Water Quality Report as required, and to participate in the Title 22 water testing program for 2024.

Agricultural Energy Consumers Association – Consider authorizing payment of the annual dues in the amount of \$1,000 to AECA.

M/S/C, Galloway, Doyel to approve membership in the Agricultural Energy Consumers Association and to authorize payment of the annual dues in the amount of \$1,000.00.

Doug Jackson and Lisa McEwen departed from the meeting at 10:02 a.m.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Government Code section 54956.9(d)(1)) 1. Porterville Irrigation District et al. v. Friant Water Authority et al., Tulare County Superior Court, Case No. VCU314672. 2. Terra Bella Irrigation District et al. v. Friant Water Authority et al., Tulare County Superior Court, Case No. 317284 3. Terra Bella Irrigation District et al. v. Haaland et al., United States District Court for the Eastern District of California, Case No. 1:25-CV-00112-EPG

Adjourned into closed session at 10:02 a.m.

The Board of Directors met while in closed session pursuant to Government Code Section 54956.9(d)(1) to discuss the above-entitled action. Report Action Taken in Closed Session Required by Government Code Section 54957.1

The Board adjourned from closed session at 10:29 a.m. President Wheaton reconvened the regular meeting at 10:29 a.m. the President reported the board unanimously approved the initiation of litigation. The details will be disclosed once initiated.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION: [Government Code Section 54956.9 (d) (2), (4)] Number of Potential Cases: two

Adjourned into closed session at 10:02 a.m.

The Board of Directors met while in closed session pursuant to Government Code Section 54956.9(d)(1) to discuss the above-entitled action. Report Action Taken in Closed Session Required by Government Code Section 54957.1

The Board adjourned from closed session at 10:29 a.m. President Wheaton reconvened the regular meeting at 10:29 a.m. and stated there was no reportable action taken during closed session.

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Section 54956.9) Friant Water Authority v. Eastern Tule Groundwater Sustainability Agency Tulare County Superior Court Case No. VCU306343

Adjourned into closed session at 10:02 a.m.

The Board of Directors met while in closed session pursuant to Government Code Section 54956.9(d)(1) to discuss the above-entitled action. Report Action Taken in Closed Session Required by Government Code Section 54957.1

The Board adjourned from closed session at 10:29 a.m. President Wheaton reconvened the regular meeting at 10:29 a.m. and stated there was no reportable action taken during closed session.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION [Government Code Section 54956.9(d)(1)] *City of Fresno, et al. v. United States of America, Court of Federal Claims, Case No. 16-1276L.*

Adjourned into closed session at 10:02 a.m.

The Board of Directors met while in closed session pursuant to Government Code Section 54956.9(d)(1) to discuss the above-entitled action. Report Action Taken in Closed Session Required by Government Code Section 54957.1

The Board adjourned from closed session at 10:29 a.m.

President Wheaton reconvened the regular meeting at 10:29 a.m. and stated the Board consensus was not to continue to pursue the above case any longer.

ITEMS TO BE DISCUSSED PURSUANT TO GOVERNMENT CODE SECTION 54954.2 (Relating to items not appearing on the agenda)

None to report.

ADJOURNMENT

There being no further business before the Board of Directors, the meeting was adjourned at 10:29 a.m. by President Wheaton.

Ann Nelms, Secretary