



Kern River Groundwater Sustainability Agency

April 12, 2016

Mark Nordberg, GSA Project Manager
Sustainable Groundwater Management Section
California Department of Water Resources
P.O. Box 942836
Sacramento, California 94236-0001

Re: Notice of Decision to Become a Groundwater Sustainability Agency

Dear Mr. Nordberg,

Per Section 10723.8(a) of the California Water Code, the City of Bakersfield, the Kern Delta Water District, and the Kern County Water Agency Improvement District No.4 hereby give notice of their decision to form the Kern River Groundwater Sustainability Agency (GSA) for a portion of the Kern County Subbasin (Basin Number 5-22.14, DWR Bulletin 118) within the San Joaquin Valley Groundwater Basin.

The Sustainable Groundwater Management Act (SGMA), passed in 2014, requires that all basins designated as high- or medium-priority basins that are subject to critical overdraft conditions are to be managed under a groundwater sustainability plan (GSP) or coordinated GSPs (Section 10720.7). The Kern County Subbasin is a high-priority basin and is identified as having critical overdraft conditions. Information regarding the status of groundwater basins is provided by the California Department of Water Resources (DWR) at:
<http://www.water.ca.gov/groundwater/sgm/cod.cfm>.

This GSA notification and supporting materials are submitted to DWR within 30 days of the decision to form the GSA by its member agencies per Water Code §10723.8(a).

Water Code §10723.8(a)(1) requires that this GSA notification include information regarding the service area boundaries of the GSA and the boundaries of the basin the GSA intends to manage. Exhibit 1 includes three maps to satisfy the requirements of Water Code §10723.8(a)(1). Map (A) shows the Kern River GSA boundary. Map (B) shows the Kern River GSA boundary within the Kern County Subbasin. Map (C) shows the boundaries of the service areas of the agencies that comprise the Kern River GSA. The digital GIS data corresponding to the GSA boundary maps shown in Exhibit 1 are included with this submittal and provided on compact disc.

Water Code §10723.8(a)(1) also requires information regarding other agencies managing or proposing to manage groundwater within the basin. At the time of this Kern River GSA Notification submittal to DWR, it is our understanding that the Buena Vista Water Storage District has submitted a Notification to Form a GSA with DWR for a portion of the Kern County Subbasin. Within the Kern County subbasin, we understand that other agencies may be considering or proposing to form GSAs to manage groundwater resources in their own services areas. To our knowledge at this time, the following entities have held either a public hearing or expressed interest in forming a GSA: the Kern Groundwater Authority (KGA) and the Olcese Water District. We understand that the Greenfield County Water District has held a public hearing, passed a resolution to form a GSA, and will be submitting their Notification to Form a GSA with DWR.

On March 1, 2016 the governing Board of the Kern Delta Water District held a public hearing (Water Code §10723.b) regarding formation of the Kern River GSA. On March 15, 2016 the Board passed Resolution 2016-03 wherein the District resolved to become a GSA in cooperation with the City of Bakersfield and Improvement District No.4 of the Kern County Water Agency for the portion of the Kern County Subbasin as shown in Exhibit 1. Exhibit 2 contains a copy of the approved resolution to form the Kern River GSA by the governing Board of the Kern Delta Water District. Exhibit 3 includes details regarding the public noticing of the March 1, 2016 hearing by the Kern Delta Water District. The noticing process was consistent with the requirements of Section 6066 of the California Government Code.

On March 2, 2016 the City Council of Bakersfield held a public hearing (Water Code §10723.b) regarding formation of the Kern River GSA. On March 30, 2016 the City Council passed Resolution 039-16 wherein the City resolved to become a GSA in cooperation with the Kern Delta Water District and Improvement District No.4 of the Kern County Water Agency for the portion of the Kern County Subbasin as shown in Exhibit 1. A copy of Resolution 039-16 is included in Exhibit 2. Details regarding the public noticing of the March 2, 2016 hearing by the City Council are provided in Exhibit 3 and are consistent with the requirements of Section 6066 of the California Government Code.

On March 31, 2016 the Board of Directors of the Kern County Water Agency on behalf of Improvement District No.4 held a public hearing (Water Code §10723.b) regarding formation of the Kern River GSA. On March 31, 2016 the Board of Directors passed Resolution 11-16 wherein the Kern County Water Agency, Improvement District No.4 resolved to become a GSA in cooperation with the Kern Delta Water District and the City of Bakersfield for the portion of the Kern County Subbasin as shown in Exhibit 1. A copy of Resolution 11-16 is included in Exhibit 2. Details regarding the public noticing of the March 31, 2016 hearing by the Board of Directors are provided in Exhibit 3 and are consistent with the requirements of Section 6066 of the California Government Code.

Exhibit 4 provides a memorandum of understanding (MOU) between the Kern Delta Water District, City of Bakersfield, and Kern County Water Agency Improvement District No.4 to form the Kern River GSA and manage groundwater resources sustainably within the GSA boundary. Please note that Exhibit C-1 to the MOU in Exhibit 4 contains a list of additional agencies that have joined the Kern River GSA. Exhibit 5 includes additional supporting documents related to these additional agencies that have joined the Kern River GSA.

Per California Water Code §10723.2, GSAs shall consider the interests of all beneficial uses and users of groundwater within their service area, as well as those responsible for implementing Groundwater Sustainability Plans (GSPs). Exhibit 6 lists interested parties developed pursuant to Water Code §10723.2 and describes how these users and uses will be considered during the development and operation of the Kern River GSA and implementation of the GSP for the Kern River GSA. If additional interested parties are discovered, they too will be included in the development and operation of the GSA and the development and implementation of the agency's sustainability plan (Water Code 10723.8(a)(4)).

Water Code §10723.4 states that a GSA shall also 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. Any person may request, in writing, to be placed on the list of interested persons. The Kern River GSA will establish and maintain such a list of persons interested in receiving notices.

Except for the authorities granted to a GSA pursuant to Part 2.74 of Division 6 of the California Water Code (SGMA), no new bylaws, ordinances, or authorities have been adopted by the District or City at this time of forming the Kern River GSA (Water Code §10723.8(a)(3)).

The undersigned hereby represents that the information required by California Water Code §10728.3 is included within this notice and that the notification process is complete.

If you have any further questions or require any clarification regarding the information provided in this GSA Notification submittal, please do not hesitate to contact one of our GSA program coordinators as identified on the following page.

Thank you,



Rodney Palla

President, Board of Directors, Kern Delta Water District



Harold Hanson

Vice Mayor, City of Bakersfield



Ted Page

President, Board of Directors, Kern County Water Agency

GSA Program Coordinators

Art Chianello
Water Resources Manager
Water Resources Department
(661) 326-3715
achianel@bakersfieldcity.us

Mark Mulkay
General Manager
Kern Delta Water District
(661) 834-4656
mulkay@kerndelta.org

David Beard
Manager
Kern County Water Agency
Improvement District No. 4
(661) 634-1400
dbeard@kcwa.com

Exhibits:

- Exhibit 1: GSA Maps – including (A) map of Kern River GSA boundary, (B) map of Kern River GSA boundary within Kern County Subbasin, and (C) map of Kern River GSA showing member agencies service area boundaries
- Exhibit 2: GSA Forming Resolutions by Kern Delta Water District, City of Bakersfield, and Improvement District No. 4 of the Kern County Water Agency
- Exhibit 3: Public Hearing Noticing Information for GSA Member Agencies
- Exhibit 4: Memorandum of Understanding (MOU) Between the City of Bakersfield, Kern Delta Water District, and Improvement District No.4 of the Kern County Water Agency
- Exhibit 5: Supporting Documents for Entities Also Joining the Kern River GSA
- Exhibit 6: List of Interested Parties
- Exhibit 7: List and Map of Disadvantaged Communities (DAC) in GSA

EXHIBIT 1

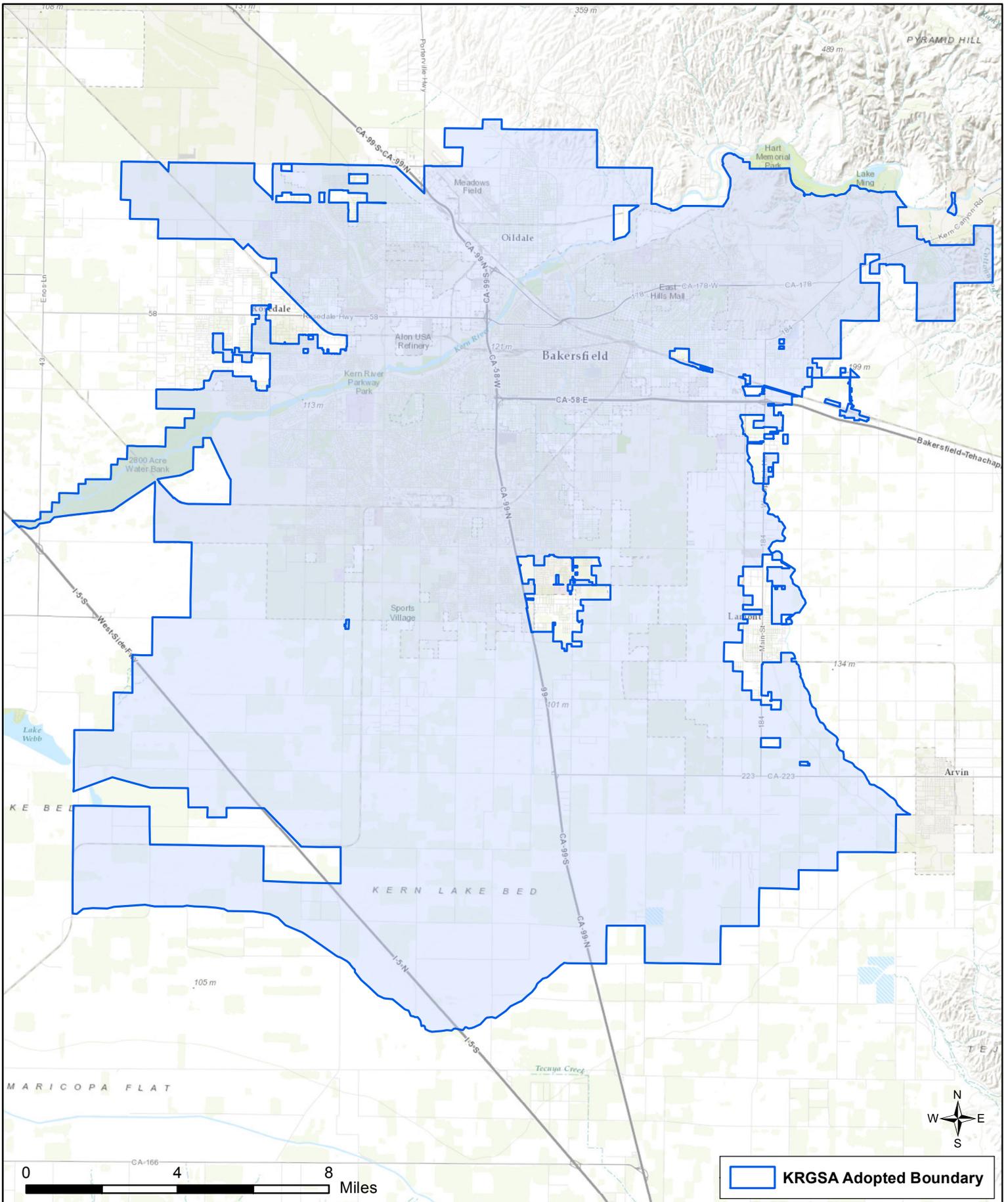
GSA MAPS

INCLUDING:

- (A) MAP OF KERN RIVER GSA BOUNDARY**
- (B) MAP OF KERN RIVER GSA BOUNDARY WITHIN KERN COUNTY SUBBASIN**
- (C) MAP OF KERN RIVER GSA SHOWING MEMBER AGENCIES SERVICE AREA BOUNDARIES**

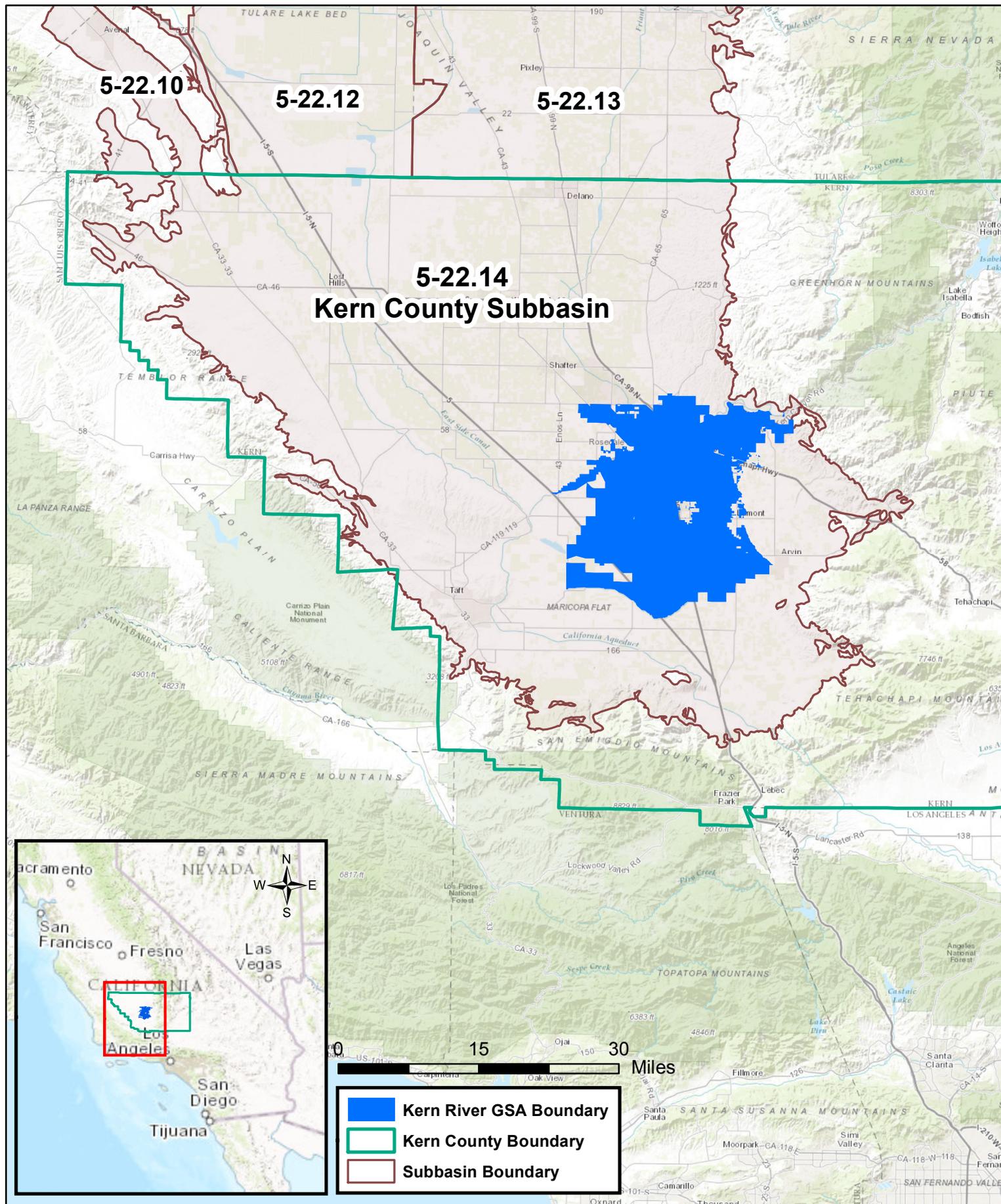
Kern River Groundwater Sustainability Agency (GSA)

Adopted Boundary as of March 31, 2016



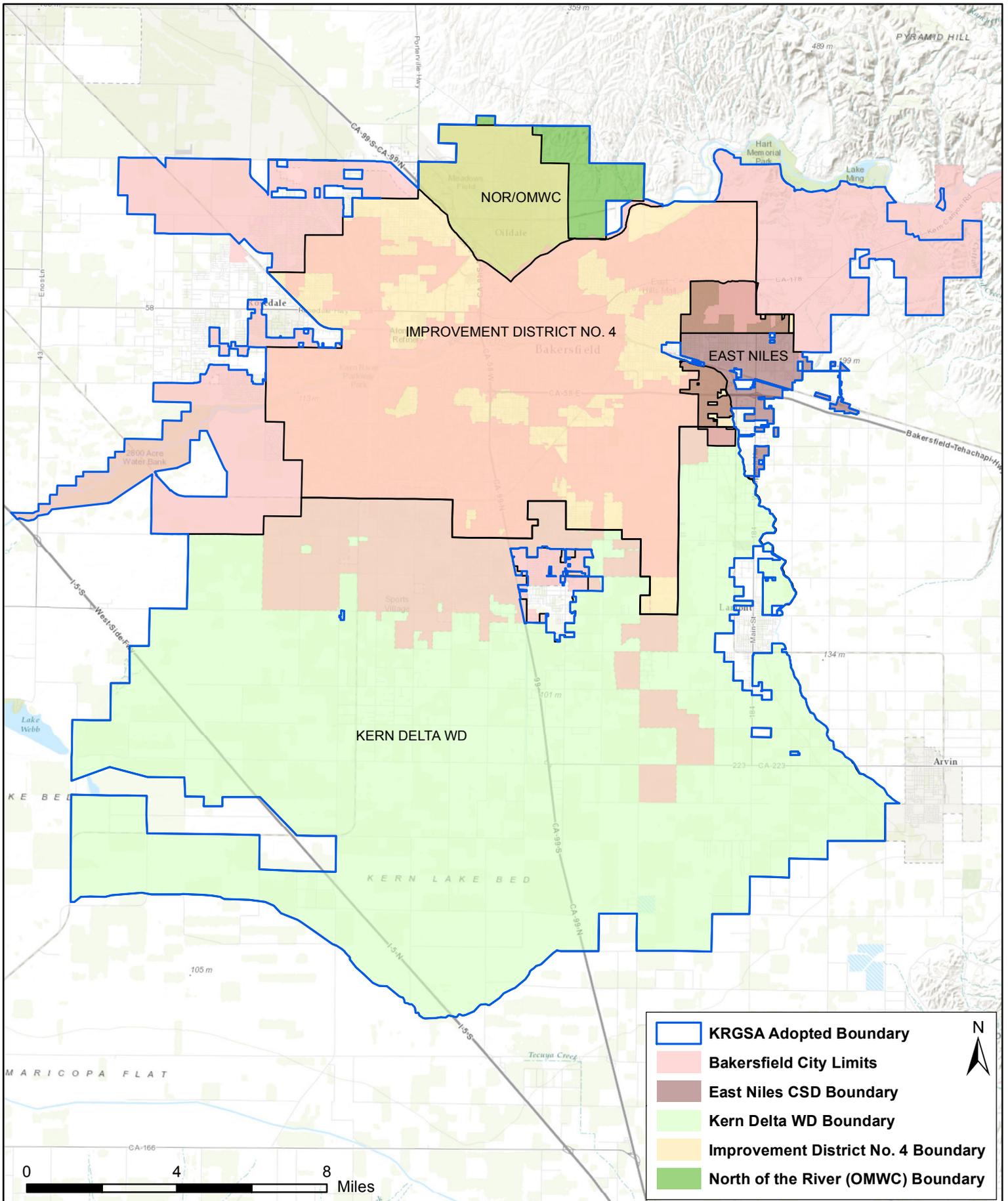
Kern River Groundwater Sustainability Agency (GSA)

Adopted GSA Boundary Within Subbasin 5-22.14 of the Tulare Lake Hydrologic Region



Kern River Groundwater Sustainability Agency (GSA)

Adopted Boundary with Service Areas



- KRGSA Adopted Boundary
- Bakersfield City Limits
- East Niles CSD Boundary
- Kern Delta WD Boundary
- Improvement District No. 4 Boundary
- North of the River (OMWC) Boundary

EXHIBIT 2

RESOLUTIONS

INCLUDING:

- (A) RESOLUTION FORMING GSA, APPROVED BY BOARD OF DIRECTORS OF THE KERN DELTA
WATER DISTRICT, MARCH 15, 2016**

- (B) RESOLUTION FORMING GSA, APPROVED BY CITY COUNCIL OF THE CITY OF BAKERSFIELD,
MARCH 30, 2016**

- (C) RESOLUTION FORMING GSA, APPROVED BY BOARD OF DIRECTORS IMPROVEMENT DISTRICT
NO.4 OF THE KERN COUNTY WATER AGENCY, MARCH 31, 2016**

**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 Sustainably 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 15th day of March, 2016.



Rodney Palla
Board President of Directors
KERN DELTA WATER DISTRICT

ATTESTED:



L. Mark Mulkay
Assistant Secretary of the Board of Directors
KERN DETLA WATER DISTRICT

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 3 0 2016, by the following vote:

| | | |
|-------------|--|---------------|
| <u>YES:</u> | COUNCIL MEMBER RIVERA, MAXWELL, WEIR, SMITH, HANSON, SULLIVAN, PARLIER | ✓ ✓ ✓ ✓ ✓ ✓ ✓ |
| NOES: | COUNCIL MEMBER | <u>None</u> |
| ABSTAIN: | COUNCIL MEMBER | <u>None</u> |
| 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 3 0 2016

By [Signature]
HARVEY L. HALL
 Mayor

APPROVED AS TO FORM:
VIRGINIA GENNARO
City Attorney

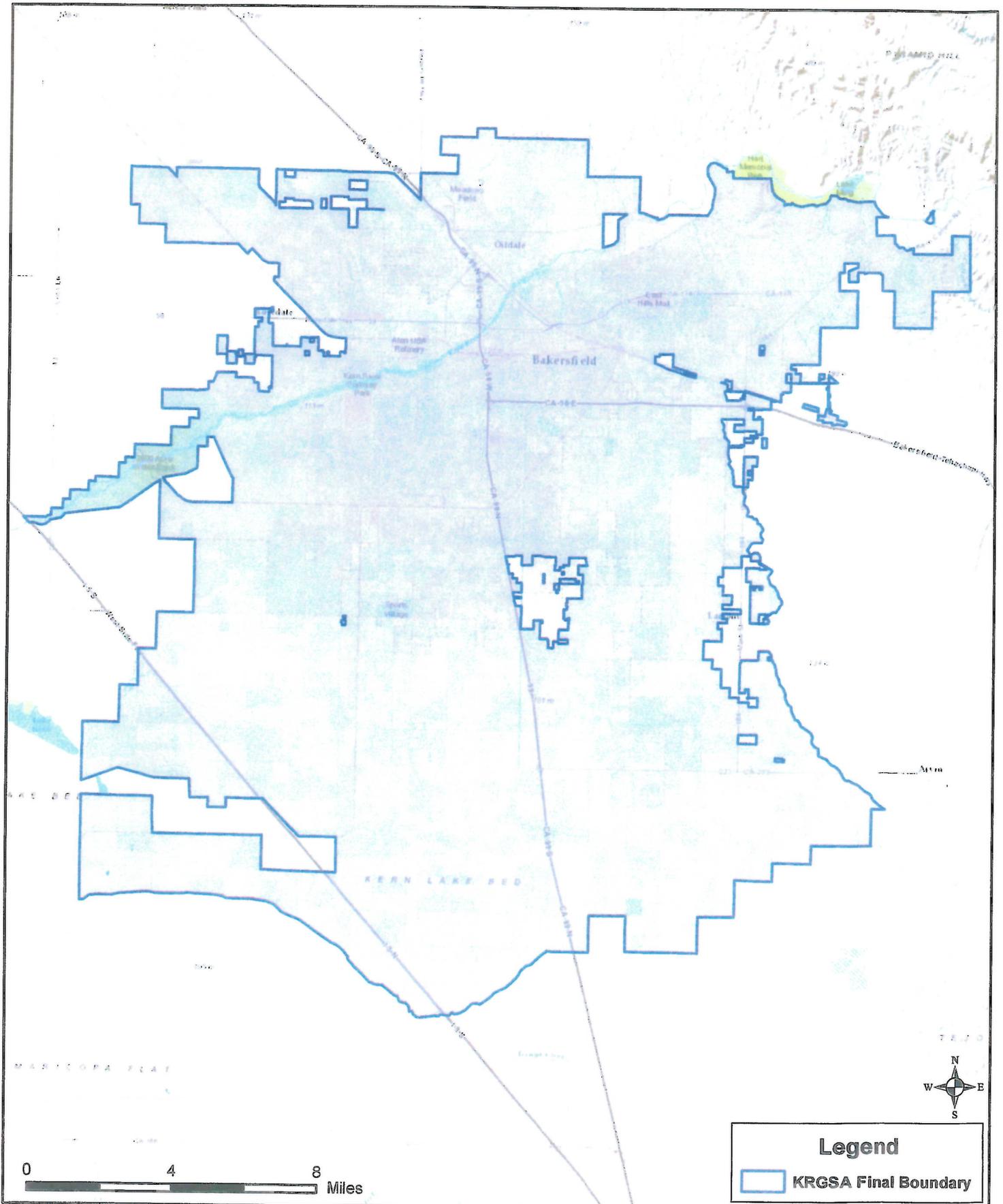
By [Signature]
VIRGINIA GENNARO
 City Attorney

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--- FOR OFFICIAL USE ONLY ---

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

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

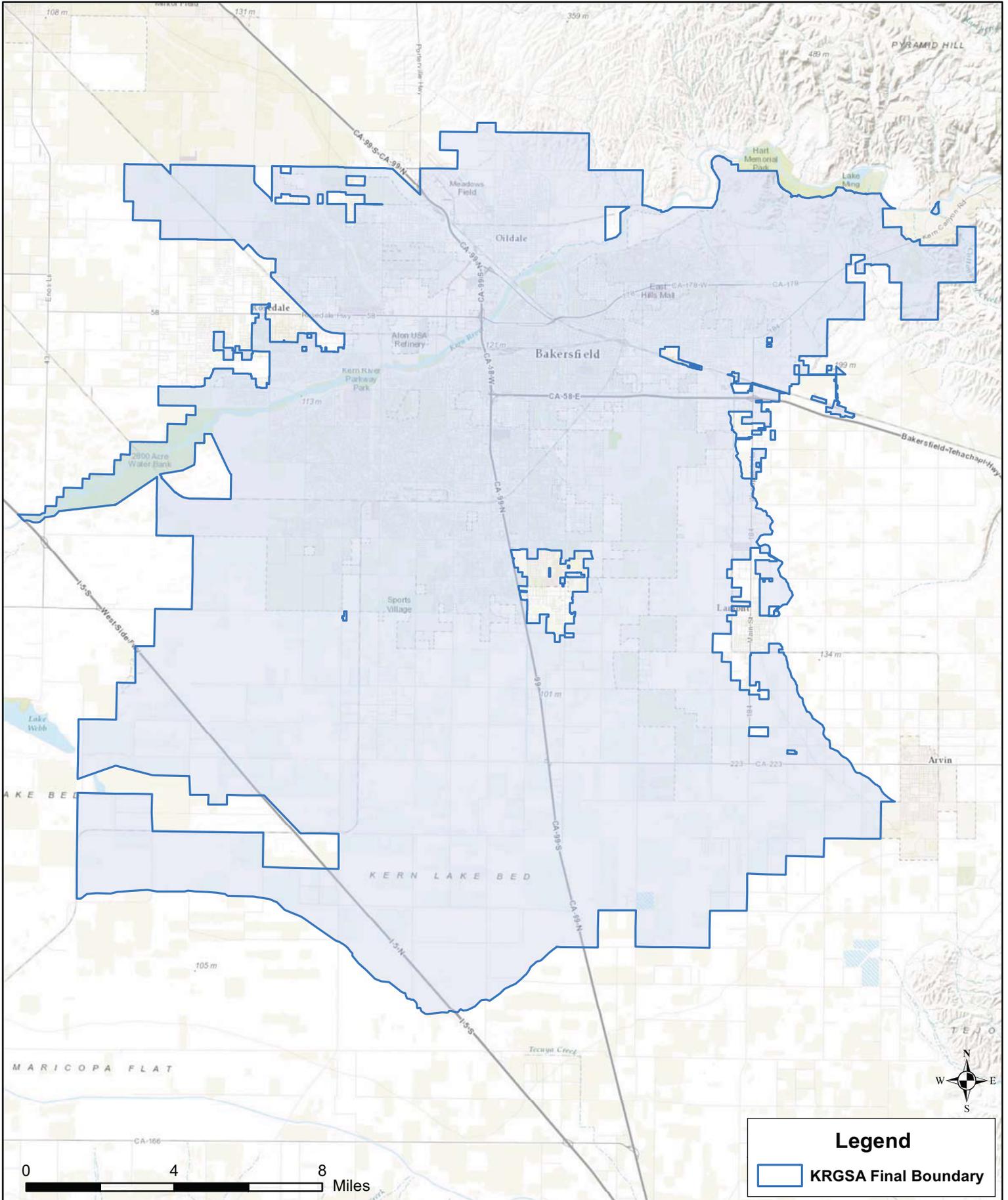
NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Kern County Water Agency, acting as the Board of Directors of Improvement District No. 4, that:

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



Legend

 KRGSA Final Boundary

**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.

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

APPROVED AS TO CONTENT:
KERN DELTA WATER DISTRICT

By: _____
HARVEY L. HALL
Mayor

By: _____
RODNEY PALLA
Board President

DATE: _____
WATER BOARD

DATE: _____
KERN DELTA WATER DISTRICT

Draft - See final signed version on Page 4-5.

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

Draft - See
final signed
version on
Page 4-6.

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

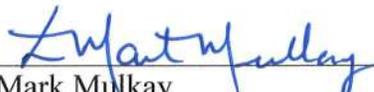
ABSTAIN: None

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 15th day of March, 2016.



Rodney Palla
Board President of Directors
KERN DELTA WATER DISTRICT

ATTESTED:



L. Mark Mulkay
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.

-----oOo-----

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 _____ |

Draft - See final signed version on Page 2-23.

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

Rl:dll
S:\WATER\GSA\Reso.Fnl.Docx

Kern River Groundwater Sustainability Agency (GSA)

Approved Boundary as of March 30, 2016

Exhibit B-1

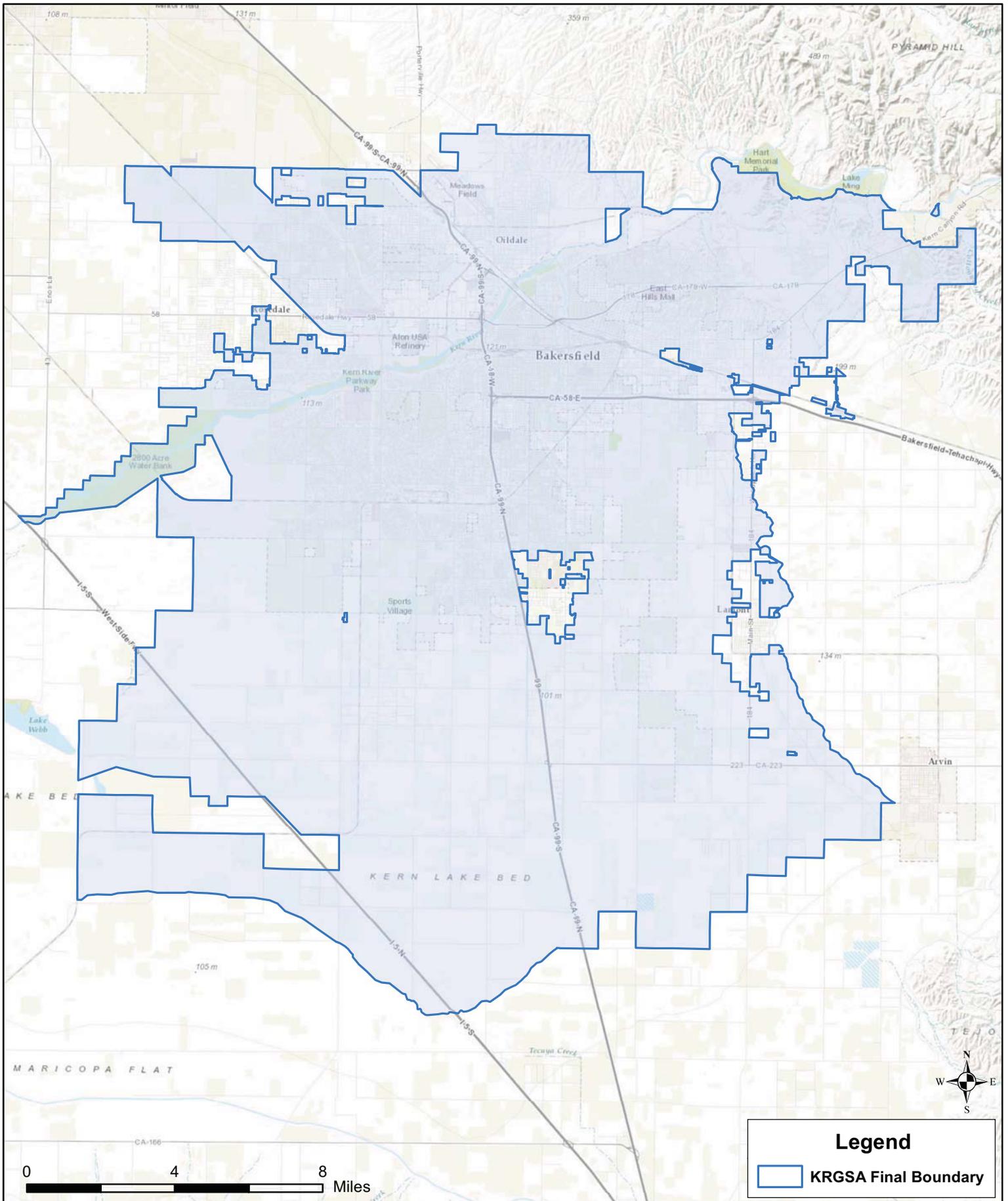


EXHIBIT C-1

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

Draft - See final
signed version on
Page 4-34.

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

By: _____
DOUG NUNNELEY
General Manager

EXHIBIT 3

NOTICING

INCLUDING:

- (A) NOTICING FOR MARCH 1, 2016 PUBLIC HEARING - KERN DELTA WATER DISTRICT**
- (B) NOTICING FOR MARCH 2, 2016 PUBLIC HEARING - CITY OF BAKERSFIELD**
- (C) NOTICING FOR MARCH 31, 2016 PUBLIC HEARING – IMPROVEMENT DISTRICT NO.4 KERN COUNTY WATER AGENCY**

PROOF OF PUBLICATION

The BAKERSFIELD CALIFORNIAN
P.O. BOX 440
BAKERSFIELD, CA 93302

CITY OF BAKERSFIELD/LEGALS ONL
 1600 TRUXTUN AVE 2ND FLOOR
 BAKERSFIELD, CA 93301

| | | | |
|------------------------|--|------------------|-----------|
| Ad Number: | 14078413 | PO #: | |
| Edition: | 1TBC | Run Times | 2 |
| Class Code | Public Notices | | |
| Start Date | 2/16/2016 | Stop Date | 2/21/2016 |
| Billing Lines | 23 | Inches | 138.92 |
| Total Cost | \$ 346.70 | Account | 1BC111 |
| Billing Address | CITY OF BAKERSFIELD/LEGALS O 1600 TRUXTUN AVE 2ND FLOOR BAKERSFIELD,CA 93301 | | |

STATE OF CALIFORNIA
 COUNTY OF KERN

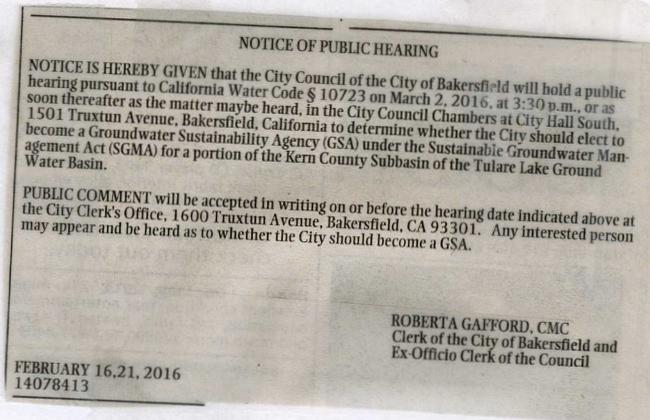
I AM A CITIZEN OF THE UNITED STATES AND A RESIDENT OF THE COUNTY AFORESAID: I AM OVER THE AGE OF EIGHTEEN YEARS, AND NOT A PARTY TO OR INTERESTED IN THE ABOVE ENTITLED MATTER. I AM THE ASSISTANT PRINCIPAL CLERK OF THE PRINTER OF THE BAKERSFIELD CALIFORNIAN, A NEWSPAPER OF GENERAL CIRCULATION, PRINTED AND PUBLISHED DAILY IN THE CITY OF BAKERSFIELD COUNTY OF KERN,

Solicitor I.D.: 0

First Text
NOTICE OF PUBLIC HEARING NOTICE IS HERE

Ad Number 14078413

AND WHICH NEWSPAPER HAS BEEN ADJUDGED A NEWSPAPER OF GENERAL CIRCULATION BY THE SUPERIOR COURT OF THE COUNTY OF KERN, STATE OF CALIFORNIA, UNDER DATE OF FEBRUARY 5, 1952, CASE NUMBER 57610; THAT THE NOTICE, OF WHICH THE ANNEXED IS A PRINTED COPY, HAS BEEN PUBLISHED IN EACH REGULAR AND ENTIRE ISSUE OF SAID NEWSPAPER AND NOT IN ANY SUPPLEMENT THEREOF ON THE FOLLOWING DATES, TO WIT: 2/21/16
 2/16/16



ALL IN YEAR 2016

I CERTIFY (OR DECLARE) UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Margaret Lawrence

DATED AT BAKERSFIELD CALIFORNIA

FEB 21 2016

PROOF OF PUBLICATION

The BAKERSFIELD CALIFORNIAN
P.O. BOX 440
BAKERSFIELD, CA 93302

Ad Number: 14102957 PO #: 2
Edition: 1TBC Run Times
Class Code Public Notices
Start Date 3/17/2016 Stop Date 3/24/2016
Billing Lines 78 Inches 462.92
Total Cost \$ 513.82 Account 1KCO85
Billing KERN COUNTY WATER AGENCY
Address P.O. Box 58
BAKERSFIELD, CA 93302

KERN COUNTY WATER AGENCY
P.O. Box 58
BAKERSFIELD, CA 93302

RECEIVED - Kern County Water Agency

| | | | |
|-----|-------------------------------------|--------------|-------------------------------------|
| CLC | <input type="checkbox"/> | ATM | <input type="checkbox"/> |
| BEW | <input type="checkbox"/> | DMB | <input type="checkbox"/> |
| HLM | <input type="checkbox"/> | SMR | <input type="checkbox"/> |
| LAB | <input type="checkbox"/> | NLP | <input type="checkbox"/> |
| MMV | <input type="checkbox"/> | CMV | <input type="checkbox"/> |
| MLA | <input type="checkbox"/> | DRB | <input checked="" type="checkbox"/> |
| SE | <input checked="" type="checkbox"/> | | <input type="checkbox"/> |
| | <input type="checkbox"/> | All | <input type="checkbox"/> |
| | <input type="checkbox"/> | Orig to file | <input checked="" type="checkbox"/> |
| | <input type="checkbox"/> | Scan | <input checked="" type="checkbox"/> |

MAR 28 2016

STATE OF CALIFORNIA
COUNTY OF KERN

Solicitor I.D.: 0

First Text

NOTICE OF PUBLIC HEARING ON DECISION TO

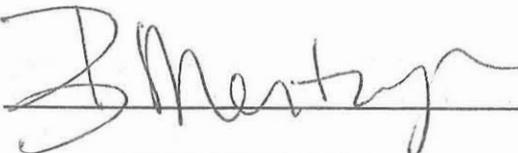
I AM A CITIZEN OF THE UNITED STATES AND A RESIDENT OF THE COUNTY AFORESAID: I AM OVER THE AGE OF EIGHTEEN YEARS, AND NOT A PARTY TO OR INTERESTED IN THE ABOVE ENTITLED MATTER. I AM THE ASSISTANT PRINCIPAL CLERK OF THE PRINTER OF THE BAKERSFIELD CALIFORNIAN, A NEWSPAPER OF GENERAL CIRCULATION, PRINTED AND PUBLISHED DAILY IN THE CITY OF BAKERSFIELD COUNTY OF KERN,

AND WHICH NEWSPAPER HAS BEEN ADJUDGED A NEWSPAPER OF GENERAL CIRCULATION BY THE SUPERIOR COURT OF THE COUNTY OF KERN, STATE OF CALIFORNIA, UNDER DATE OF FEBRUARY 5, 1952, CASE NUMBER 57610; THAT THE NOTICE, OF WHICH THE ANNEXED IS A PRINTED COPY, HAS BEEN PUBLISHED IN EACH REGULAR AND ENTIRE ISSUE OF SAID NEWSPAPER AND NOT IN ANY SUPPLEMENT THEREOF ON THE FOLLOWING DATES, TO WIT:

3/17/16
3/24/16

ALL IN YEAR 2016

I CERTIFY (OR DECLARE) UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.



DATED AT BAKERSFIELD CALIFORNIA

3/24/16

NOTICE OF PUBLIC HEARING ON DECISION TO BECOME A GROUNDWATER SUSTAINABILITY AGENCY

NOTICE IS HEREBY GIVEN that, pursuant to California Water Code section 10723 (b), the Kern County Water Agency (Agency) will hold a public hearing on Thursday, March 31, 2016 at the hour of 2:00 p.m., at the Agency offices located at 3200 Rio Mirada Drive, Bakersfield, California to consider and determine whether the Agency shall decide to become a Groundwater Sustainability Agency and/or to consider and determine whether the Agency will form a Groundwater Sustainability Agency with one or more other local agencies and water purveyors, for a portion of the Kern County Subbasin of the Tulare Lake Groundwater Basin. Written comments should be submitted to the Agency, to the attention of David R. Beard, Improvement District No. 4 Manager, no later than 1:30 p.m. on Thursday, March 31, 2016. During the hearing, the Agency will receive oral and written comments before making a decision.

Lucinda J. Infante
Secretary of the Board of Directors
of the Kern County
BEFORE THE BOARD OF DIRECTORS
OF THE
KERN COUNTY WATER AGENCY

In the matter of:

AUTHORIZING THE PUBLISHING OF A NOTICE OF PUBLIC HEARING FOR THE DECISION 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 Milobar, was duly passed and adopted by said Board of Directors at an official meeting hereof this 16th day of March, 2016, by the following vote, to wit:

Ayes: Lundquist, Fast, Milobar, Hafensfeld, Cerro and Page
Noes: None
Absent: Wulff

Lucinda J. Infante
Secretary of the Board of Directors
of the Kern County Water Agency

Resolution No. 07-16

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 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, the Agency is a local agency qualified to become a GSA because the Agency manages water, has a 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, the Agency is required to notice a public hearing pursuant to Government Code section 6066 to consider the formation of a Groundwater Sustainability Agency; 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:

- The foregoing recitals are true and correct.
- A public hearing will be held on Thursday, March 31, 2016 at 2:00 p.m. on ID4's decision to become a Groundwater Sustainability Agency for a portion of the Kern County Subbasin.
- Agency staff is authorized and directed to publish the Notice of Public Hearing in the manner prescribed by law.

EXHIBIT 4

MEMORANDUM OF UNDERSTANDING (MOU)

BETWEEN CITY OF BAKERSFIELD,

KERN DELTA WATER DISTRICT, and

IMPROVEMENT DISTRICT NO.4 OF THE KERN COUNTY WATER AGENCY

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.

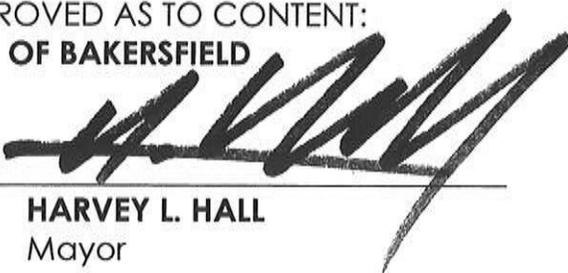
7. **FUNDING.** Unless agreed to otherwise, each Party's participation in this MOU is at its sole cost and expense.

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

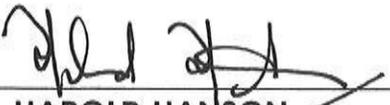
By: 
RODNEY PALLA
Board President

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

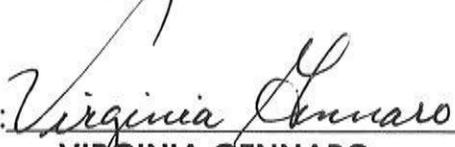
By: 
ART CHIANELLO
Water Resources Manager

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:

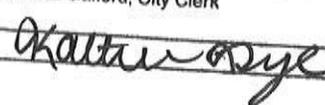
By: 
AMELIA T. MINABERRIGARAI
General Counsel

STATE OF CALIFORNIA
County of Kern

I, Roberta Gafford, City Clerk of the City of Bakersfield, State of California, hereby certify the foregoing and annexed to be a full, true and correct copy of the original Agreement 16-048 on file in this office and that I have compared the same with the original.

WITNESS my hand and seal this 8 day of April 2016

Roberta Gafford, City Clerk

By:  Deputy City Clerk



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

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:

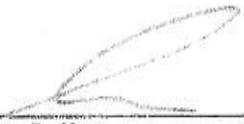
AYES: Antongiovanni, Bidart, Collins, Frick, Garone, Kaiser, Palla, Tillema

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 15th 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. 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.

-----oOo-----

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:

| | |
|-------------|--|
| <u>YES:</u> | COUNCIL MEMBER RIVERA, MAXWELL, WEIR, SMITH, HANSON, SULLIVAN, PARLIER |
| NOES: | COUNCIL MEMBER <u>None</u> |
| ABSTAIN: | COUNCIL MEMBER <u>None</u> |
| 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

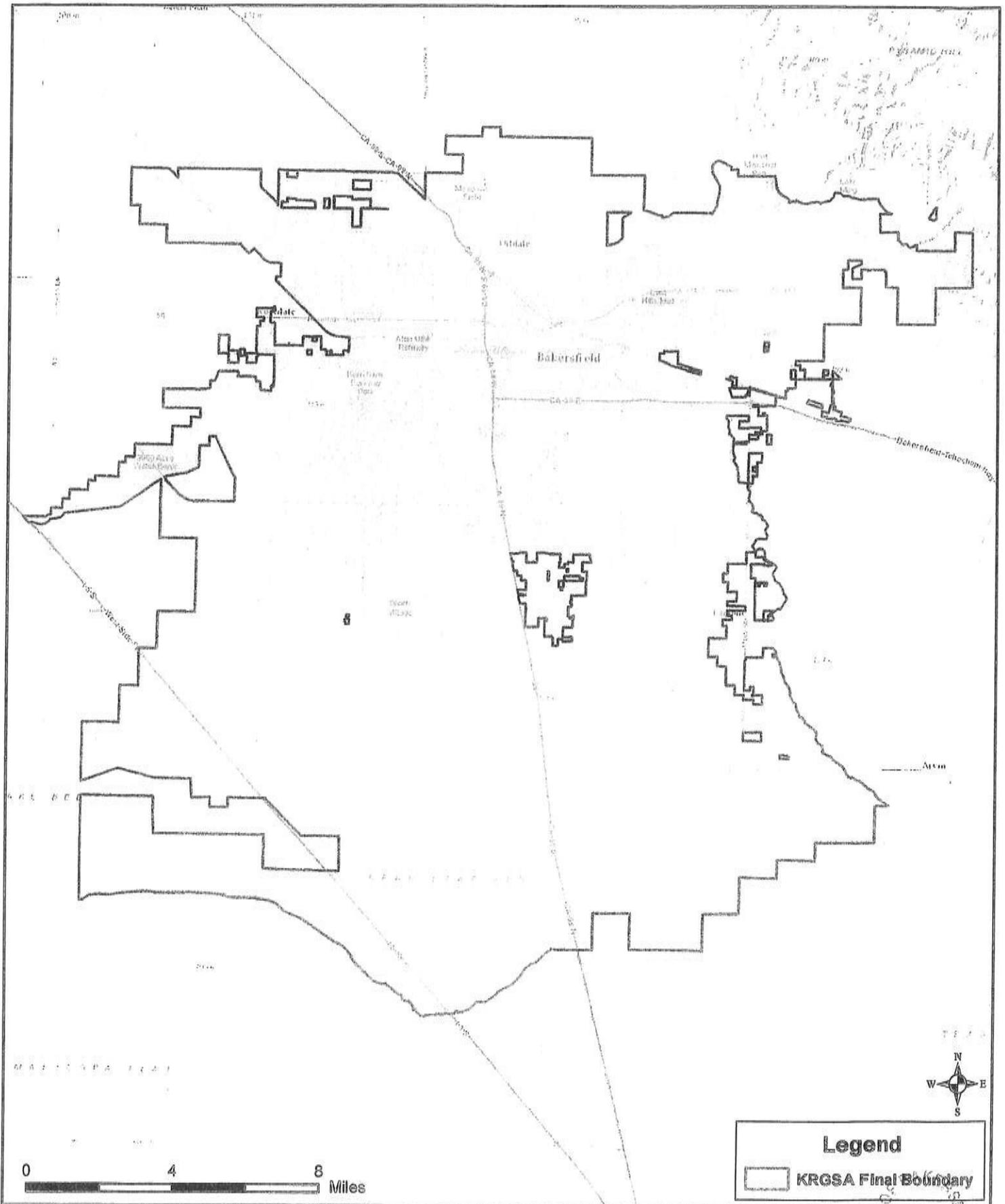
By [Signature]
VIRGINIA GENNARO
 City Attorney

RI:dll
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Kern River Groundwater Sustainability Agency (GSA)

Approved Boundary as of March 30, 2016



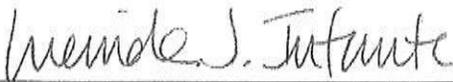
BEFORE THE BOARD OF DIRECTORS
OF THE
KERN COUNTY WATER AGENCY

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



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(e)(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.

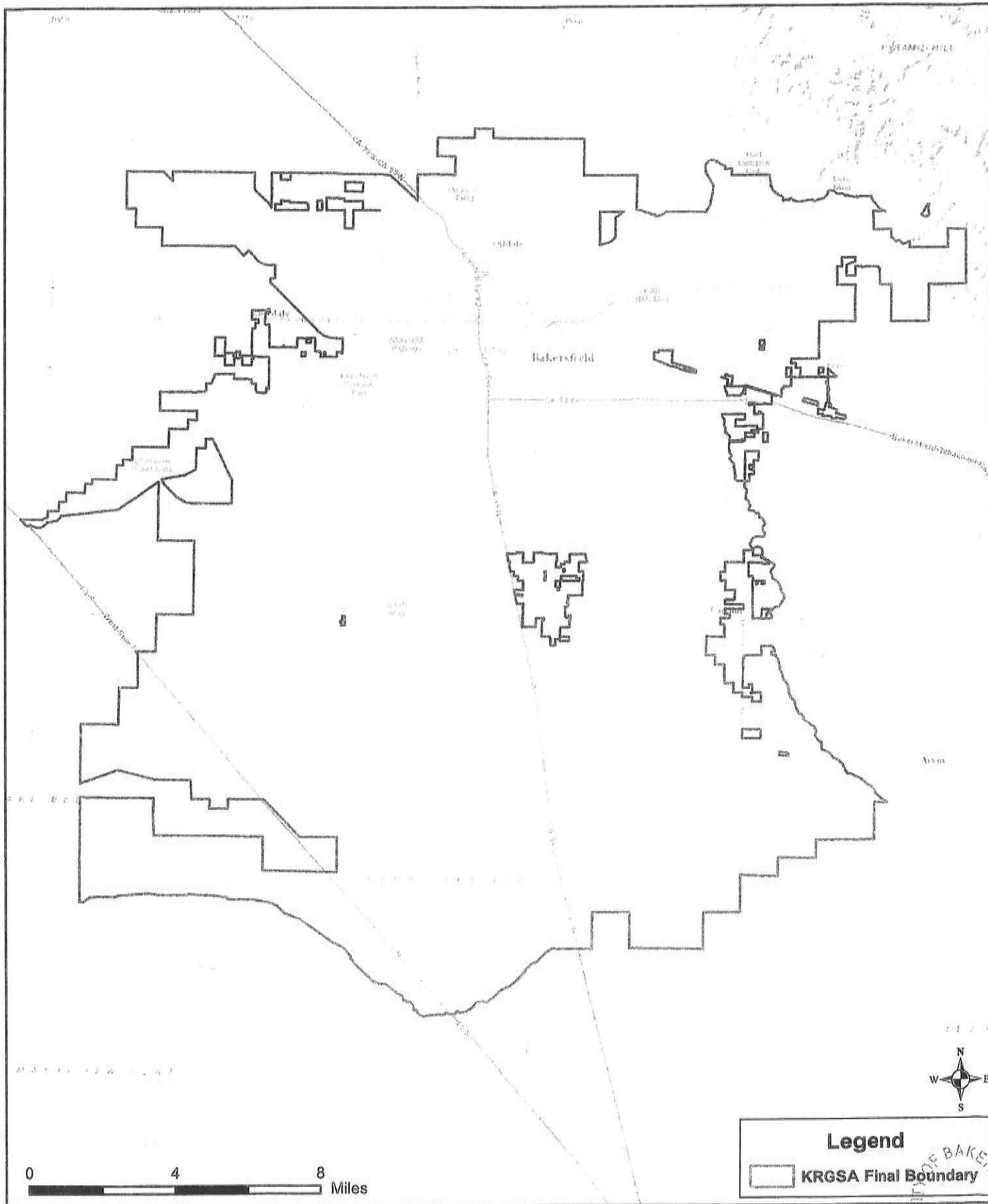


— FOR OFFICIAL USE ONLY —

Kern River Groundwater Sustainability Agency (GSA)

Approved Boundary as of March 30, 2016

Exhibit A



**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.

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

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

Draft - See final signed version on Page 4-5.

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:

Draft - See final
signed version
on Page 4-6.

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

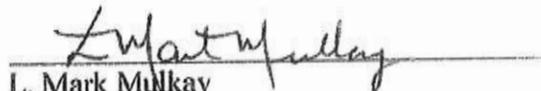
ABSTAIN: None

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 15th day of March, 2016.



Rodney Palla
Board President of Directors
KERN DELTA WATER DISTRICT

ATTESTED:



L. Mark Mulkay
Assistant Secretary of the Board of Directors
KERN DETLA WATER DISTRICT

CITY OF BAKER
ORIGINAL

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.

-----oOo-----

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

Draft - See final
signed version
on Page 4-12.

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

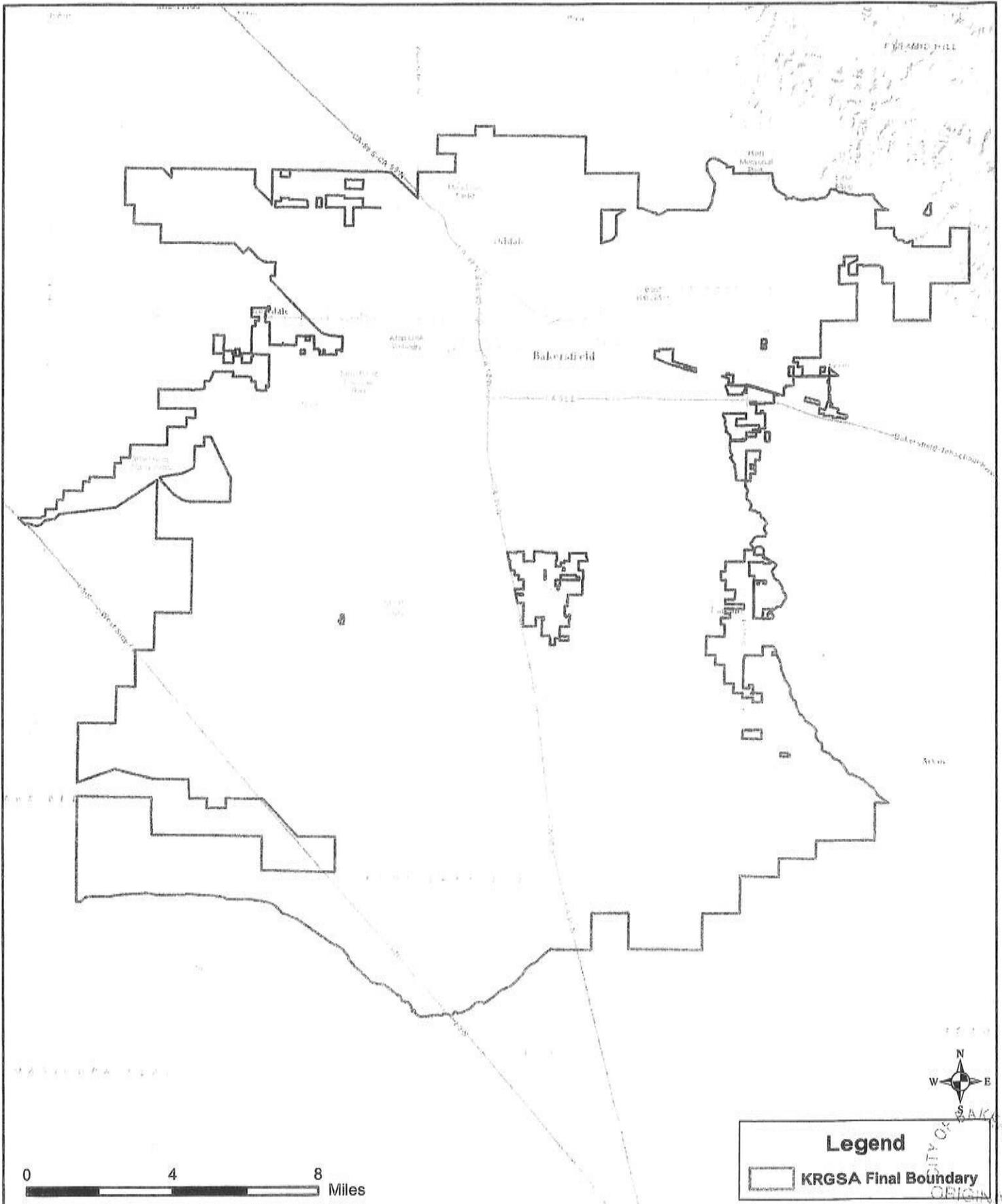


EXHIBIT C-1

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

Draft - See final signed version on Page 4-34.

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

By: _____
DOUG NUNNELEY
General Manager

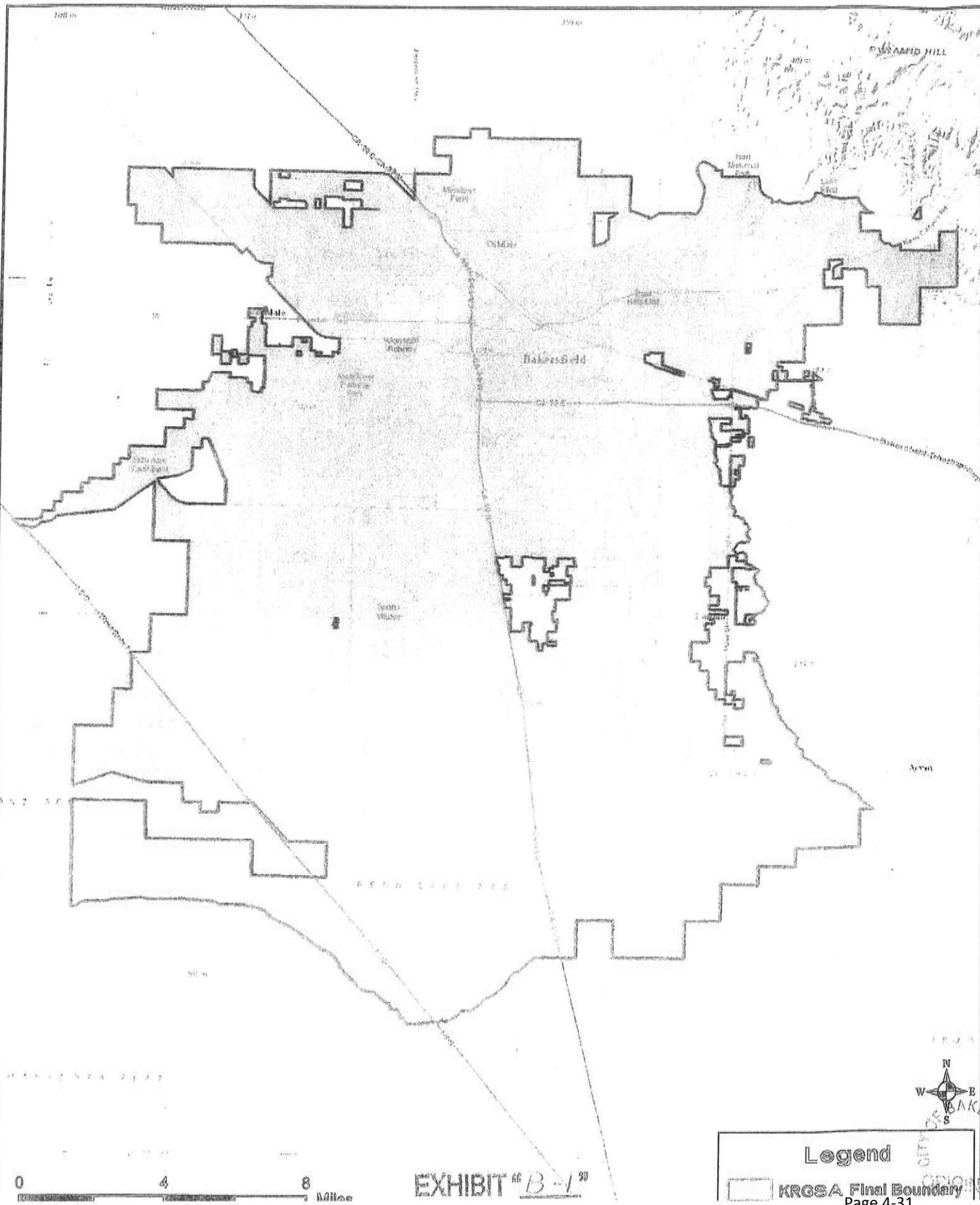
SNWATER\GSA\ADDITIONAL AGENCIES\ESL.Dwg



— FOR OFFICIAL USE ONLY —

Kern River Groundwater Sustainability Agency (GSA)

Approved Boundary as of March 30, 2016



0 4 8 Miles

EXHIBIT "B-1"

Legend

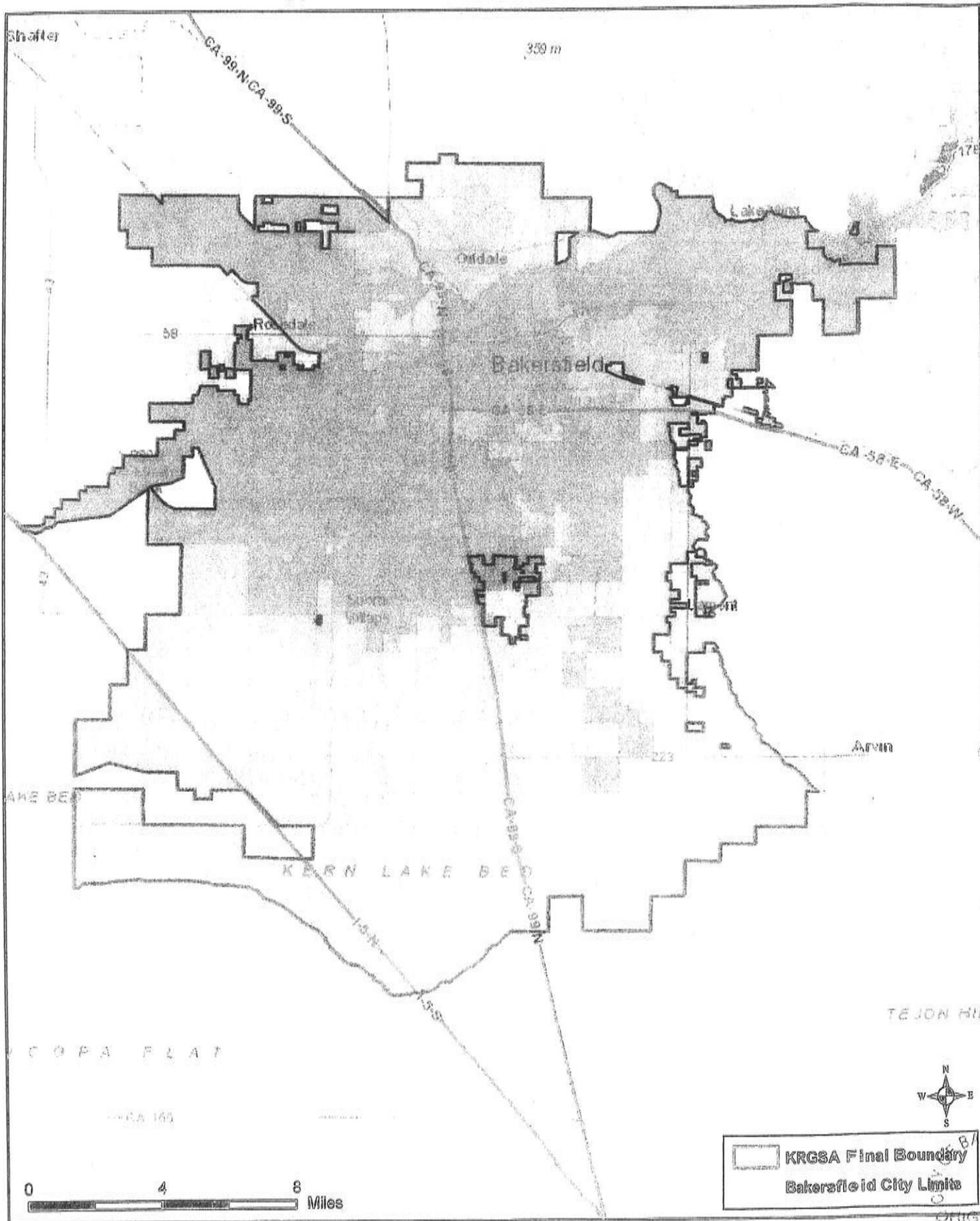
 KRGS Final Boundary



— FOR OFFICIAL USE ONLY —

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

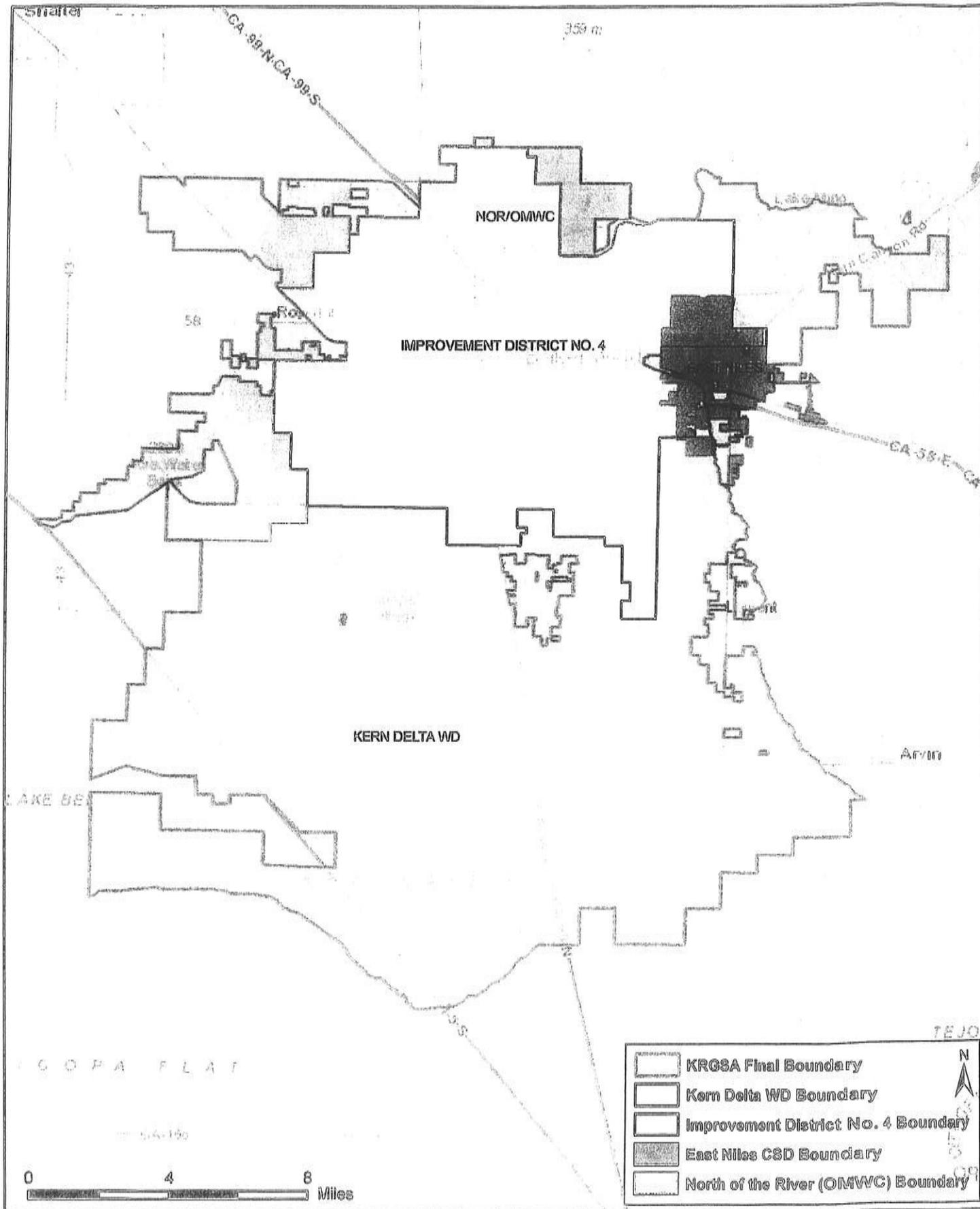
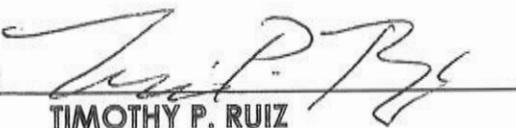


EXHIBIT C-1

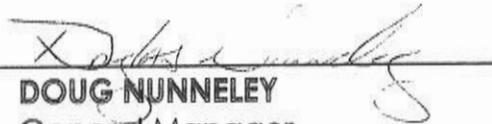
ADDITIONAL AGENCIES

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

S:\WATER\GSA\ADDITIONAL AGENCIES.Docx



EXHIBIT 5

SUPPORTING DOCUMENTS FOR ENTITIES ALSO JOINING THE KERN RIVER GSA

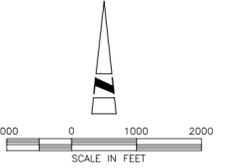
INCLUDING:

DOCUMENTS FROM

(A) EAST NILES COMMUNITY SERVICES DISTRICT

(B) NORTH OF THE RIVER MUNICIPAL WATER DISTRICT

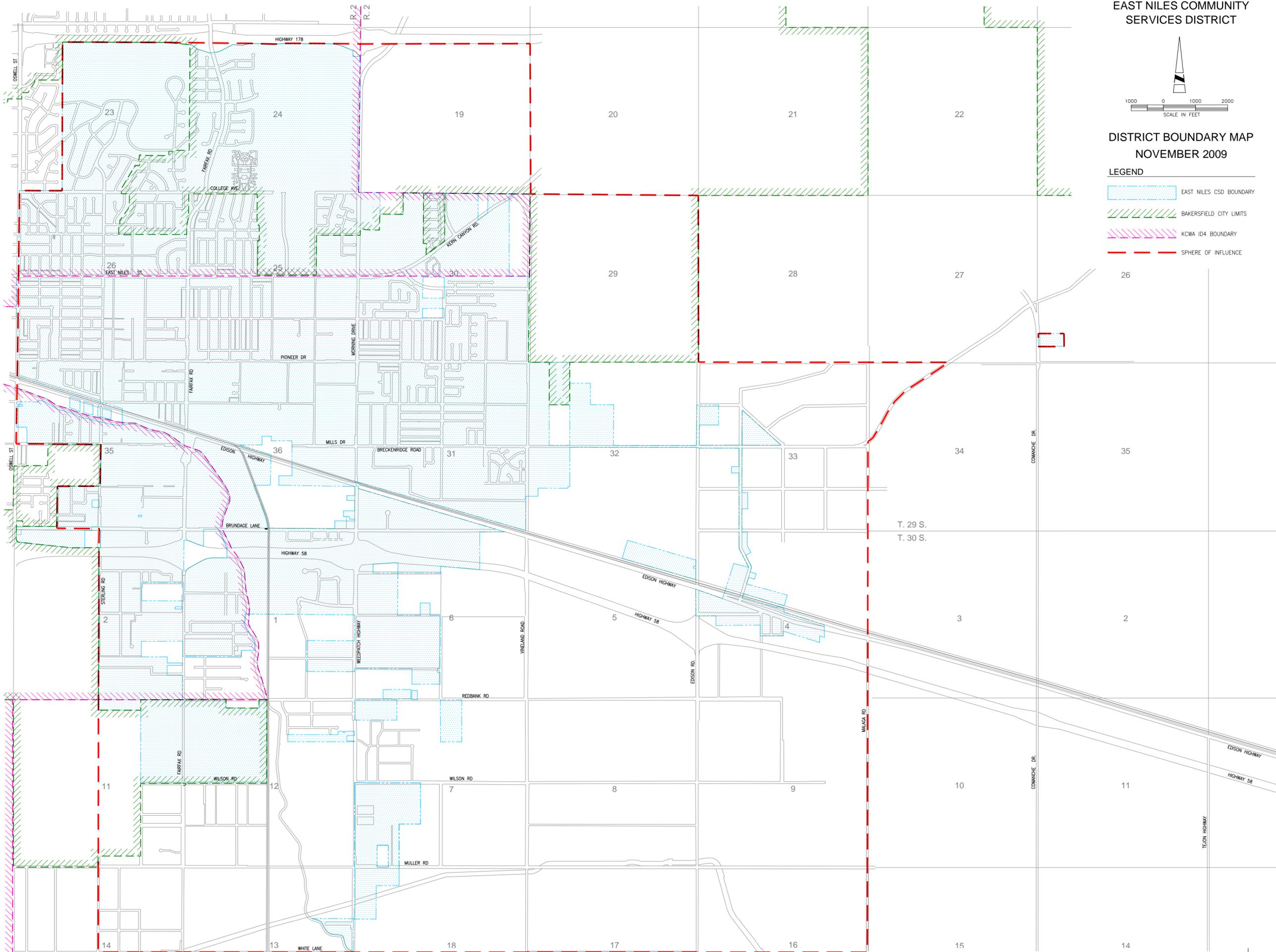
EAST NILES COMMUNITY SERVICES DISTRICT



DISTRICT BOUNDARY MAP
NOVEMBER 2009

LEGEND

-  EAST NILES CSD BOUNDARY
-  BAKERSFIELD CITY LIMITS
-  KCWA ID4 BOUNDARY
-  SPHERE OF INFLUENCE



DATE: Nov 12, 2009 10:25am
 USER: jh2004-02-1
 PROJECT: EAST NILES COMMUNITY SERVICES DISTRICT
 DRAWING: DISTRICT BOUNDARY MAP

**BEFORE THE BOARD OF DIRECTORS OF
THE EAST NILES COMMUNITY SERVICES DISTRICT**

RESOLUTION NO. 2016-04

**EAST NILES COMMUNITY SERVICES DISTRICT DECISION TO FORM AND
PARTICIPATE IN 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, East Niles Community Services District (“District”) is a Community Services District formed and operating pursuant to and in accordance with the Community Services District Law, (commencing with Government Code §61000) 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, Kern Delta Water District (“Kern Delta”) 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 is 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 and participate in a Groundwater Sustainability Agency which may include Kern Delta, the City of Bakersfield, 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 Monday, March 21, 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 East Niles Community Services District Board of Directors considered oral and written comments to the extent provided by the public; and

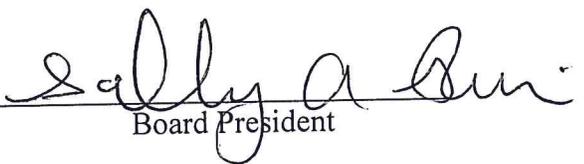
WHEREAS, it would be in the best interests of the District to form a Groundwater Sustainability Agency, which is ultimately intended to include Kern Delta Water District, the City of Bakersfield, and perhaps other Local Agencies, and which may also include the participation of various legally authorized entities.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

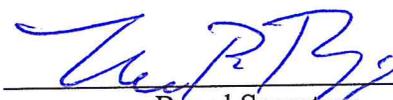
1. That the foregoing is true and correct.
2. That the East Niles Community Services District herein decides to form a Groundwater Sustainability Agency which will include all or part of Kern Delta Water District, the City of Bakersfield, and other local agencies, and which may also include the participation of other 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 East Niles Community Services 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 East Niles Community Services District to create and participate in the above referenced Groundwater Sustainability Agency.

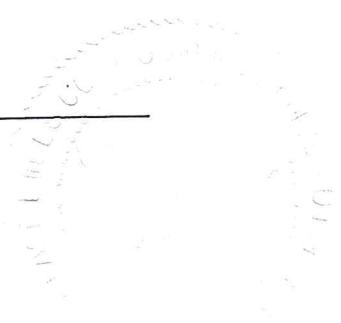
PASSED AND ADOPTED at a regular meeting of the Board of Directors of the East Niles Community Services District held on the 21st day of March 2016, by the following vote, to wit:

AYES: Directors Harger, McCalla, Powell and Ruiz
 NOES: None
 ABSENT: Director Mayberry
 ABSTAIN: None


 Board President

ATTESTED:


 Board Secretary



**EAST NILES COMMUNITY SERVICES DISTRICT
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that, pursuant to California Water Code section 10723 (b), East Niles Community Services District (District) will hold a public hearing on Monday March 21, 2016 at the hour of 5:30 p.m., at the District offices located at 1417 Vale Street, Bakersfield, California to consider and determine whether the District shall decide to become a Groundwater Sustainability Agency and/or to consider and determine whether the District will form a Groundwater Sustainability Agency with one or more other local agencies and water purveyors, for a portion of the Kern County Subbasin of the Tulare Lake Groundwater Basin. Written comments should be submitted to the District, to the attention of Timothy P. Ruiz, District Manager no later than 5:00 p.m. on Monday, March 21, 2016. During the hearing, the District will receive oral and written comments before making a decision.



North of the River Municipal Water District

PO Box 5836 – Bakersfield, CA - 93388
(661) 399-5516 office / (661) 399-5598 fax

RESOLUTION No. 2016-2

NORTH OF THE RIVER MUNICIPAL WATER DISTRICT DECISION TO FORM AND PARTICIPATE IN 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 sections 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 section 10723(a), a Local Agency or combination of Local Agencies, as defined in California Water Code section 10721(n), may decide to become or form a Groundwater Sustainability Agency; and
- WHEREAS,** North of the River Municipal Water District ("District") is a local agency qualified to become a GSA because the District manages water and has a water supply in a portion of the Kern County Sub-basin (Basin Number 5-22.14, DWR Bulletin 118) within the San Joaquin Valley Groundwater Basin, a DWR-designated high-priority basin and is therefore a "Local Agency" as defined within California Water Code section 10721(n); and
- WHEREAS,** Kern Delta Water District ("Kern Delta") 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 section 34000) and is a "Local Agency" as defined within California Water Code section 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 section 10721(n); and
- WHEREAS,** Improvement District No. 4 of the Kern County Water Agency ("ID4") is also a local agency qualified to become a GSA and overlies a portion of the Kern County Sub-basin and is therefore a "Local Agency" as defined within California Water Code section 10721(n); and
- WHEREAS,** the District desires to form and participate in a Groundwater Sustainability Agency which may include Kern Delta, the City of Bakersfield, ID4, 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 section 10723.6(b); and

WHEREAS, the District held a public hearing on Wednesday, April 6, 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 North of the River Municipal 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 participate in a Groundwater Sustainability Agency, which is ultimately intended to include Kern Delta Water District, the City of Bakersfield, and ID4, and perhaps other Local Agencies, and which may also 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 the North of the River Municipal Water District herein decides to participate in a Groundwater Sustainability Agency which will include all or part of Kern Delta Water District, the City of Bakersfield, ID4, and other local agencies, and which may also include the participation of other 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 stated in the notification provided to the Department of Water Resources pursuant to California Water Code section 10723.8, the map provided at the public hearing, 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 North of the River Municipal 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 section 10723.6(a), as deemed appropriate by the General Manager, and may consent to the City of Bakersfield or Kern Delta to provide notice to the California Department of Water Resources of the decision of the North of the River Municipal Water District to participate in the above referenced Groundwater Sustainability Agency.
7. Consistent with the Sustainable Groundwater Management Act and in particular Water Code section 10720.5(b), the District's participation in the above-referenced Groundwater Sustainability Agency shall not determine or alter in any manner the District's or its constituents' surface water or groundwater rights or otherwise modify the District's powers and authorities under applicable law.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the North of the River Municipal Water District held on the 6th day of April 2016, by the following vote, to wit:

AYES: Directors: Etcheverry, Tyack, Hupp, Barnes and Enos

NOES: None

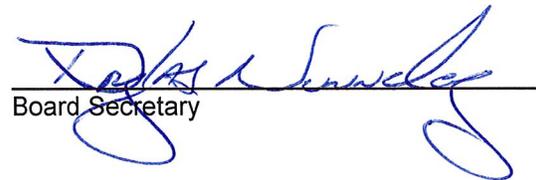
ABSENT: None

ABSTAIN: None



Board President

ATTESTED:



Board Secretary

**North of the River Municipal Water District
Notice of Public Hearing**

Notice is hereby given pursuant to California Water Code Section 10723 (b) and California Gov. Code Section 6066 that a Public Hearing with the North of the River Municipal Water District ("NOR") Board of Directors will be held on April 6, 2016 at 4:30 p.m. at 2836 McCray Street, Bakersfield, CA 93308. The purpose of the hearing is to hear public comments regarding a proposed NOR Groundwater Sustainability Agency ("GSA") or become a GSA under the Sustainable Groundwater Management Act of 2014 for certain portions of the Kern County Sub-basin lying within the service area.

EXHIBIT 6

LIST OF INTERESTED PARTIES

Pursuant to Water Code Section 10723.2: a groundwater sustainability agency (GSA) shall consider the interests of all beneficial uses and users of groundwater, as well as those responsible for implementing groundwater sustainability plans (GSPs). The list of interested parties presented below was developed during the current GSA formation process. Many of the agencies identified below have already been contacted by the City of Bakersfield, Kern Delta Water District, or the Kern County Water Agency Improvement District No. 4 or to coordinate the GSA planning process. The interests of the agencies, organizations, and individuals identified below shall be considered during the development of the GSP for the GSA.

(a) Holders of overlying groundwater rights, including:

(1) Agricultural users.

- Rosedale Ranch Improvement District
- Various landowners

A significant portion of the land located within the Kern River GSA boundary is used for agricultural purposes. Kern District Water District maintains a landowner list and contact information for such users within its service area boundaries. The GSA will maintain a landowner list of all other such users, with contact information.

(2) Domestic well owners.

- Bear Mountain Truck Stop
- Cal Mat (Panama Lane Facility)
- Cemex Construction Materials Pacific LLC
- Countryside Market & Restaurants
- Delta Trading Water System
- Donovan Bros. Golf
- Derrel's Mini Storage #66
- Farmer John Egg Ranch #2
- Golden Empire Concrete Company
- Grace Community Church Water System
- Harvest Steakhouse
- J.G. Boswell Company Water System
- Kern County Cemetery Association
- Kern Oil and Refining Company
- Kidz Kountry Preschool

- Lakeside School
- Pinewood Lake Homeowners Association
- Seven Oaks Country Club
- Stockdale Country Club
- Various private entities

There may be additional domestic well owners located within the GSA boundary. The GSA will maintain a list of such owners, with contact information.

(b) Municipal well operators.

- Ashe Water Company
- City of Bakersfield
- California Water Service Company
- East Niles Community Services District
- Greenfield County Water District
- Kern County Water Agency, Improvement District No.4
- North of the River Mutual Water District

It is believed that this is the extent of the municipal well operators located partially or fully within the GSA boundary. However, there may be other municipal well owners located partially or fully within the GSA boundary. The GSA will maintain a list of municipal well operators with contact information.

(c) Public water systems.

- Ashe Water Company
- Athal Mutual Water System
- Bear Mountain RV Park Water System
- California Water Service Company
- Casa Loma Water Company
- East Niles Community Services District
- East Wilson Road Water Company
- El Adobe POA, Inc.
- Fuller Acres Mutual Water Company
- Gosford Road Water Company
- Greenfield County Water District
- North of the River Mutual Water District
- Oasis Property Owners Association
- Oildale Mutual Water Company
- Old River Mutual Water Company
- Panama Road Property Owners Association
- Ski West Village Water System

- South Kern Mutual Water Company
- Stockdale Annex Mutual Water Company
- Stockdale Mutual Water Company
- Vaughn Water Company
- Wini Mutual Water Company

It is believed that this is the extent of the public water systems located partially or fully within the GSA boundary. However, there may be other public water systems located partially or fully within the GSA boundary. The GSA will maintain a list of public water systems with contact information.

(d) Local land use planning agencies.

- County of Kern
- Kern County Planning and Community Development Department

The City of Bakersfield is also a local land use planning agency within the GSA boundary. The City Manager's office, City Attorney, Community Development Department, and Water Resources Department have been, and will continue to be, engaged in a coordinated effort in the formation of this GSA, development of the subsequent GSP, and ongoing coordination with other GSAs in the Kern River Subbasin with the goal of ensuring sustainability within the Subbasin.

(e) Environmental users of groundwater.

- Panorama Vista Preserve
- Kern River Parkway Foundation
- City of Bakersfield

The City has developed the Kern River Flow and Municipal Water Program to restore streamflow and increase groundwater recharge along the Kern River. The Program will implement City-adopted plans and policies to enhance and protect the natural resources of the Kern River through increasing river flows. Increased river flows provide benefits of increased groundwater recharge, recreation, and habitat enhancement. The Program would allow surplus water to flow down the Kern River channel seasonally and percolate to the groundwater basin below. The City draws off of the recharged basin to support its municipal water supply needs. The Kern River Flow and Municipal Water Program will be considered in development of the GSP.

(f) Surface water users, if there is a hydrologic connection between surface and groundwater bodies.

- Buena Vista Water Storage District
- Rosedale-Rio Bravo Water Storage District

The City and Kern-Delta Water District own long-standing historic surface water rights and supplies, and typically use such water supplies for deliveries to constituents (surface deliveries and conjunctive use deliveries) within the their boundaries.

(g) The federal government, including, but not limited to, the military and managers of federal lands.

- There are no known lands owned or operated by the federal government within the GSA. If in the future such interests are discovered, they will be included as an interested party.

(h) California Native American Tribes.

- *There are no known lands owned or operated by California Native American Tribes within the GSA. If in the future such interests are discovered, they will be included as an interested party.*

(i) Disadvantaged communities, including, but not limited to, those served by private domestic wells or small community water systems.

- Calder's Corner
- Edison
- Greenfield
- Kern City
- Magunden

Exhibit 7 provides a list and map of the census tracts within the GSA boundary that meet the definition of "disadvantaged community."¹ The GIS data of the disadvantaged community census tracts shown in the attached map were obtained from the CalEPA website.²

(j) Entities listed in Section 10927 that are monitoring and reporting groundwater elevations in all or a part of a groundwater basin managed by the groundwater sustainability agency.³

¹As defined in *Designation of Disadvantaged Communities Pursuant to Senate Bill 535 (De Leon)*.

Available:<<http://www.calepa.ca.gov/EnvJustice/GHGInvest/Documents/SB535DesCom.pdf>>. Accessed: January 26, 2016.

²Available:<<http://www.calepa.ca.gov/EnvJustice/GHGInvest/>>. Accessed: January 26, 2016.

³Water Code Section 10927. Any of the following entities may assume responsibility for monitoring and reporting groundwater elevations in all or a part of a basin or subbasin in accordance with this part:

(a) A watermaster or water management engineer appointed by a court or pursuant to statute to administer a final judgment determining rights to groundwater.

(b) (1) A groundwater management agency with statutory authority to manage groundwater pursuant to its principal act that is monitoring groundwater elevations in all or a part of a groundwater basin or subbasin on or before January 1, 2010.

(2) A water replenishment district established pursuant to Division 18 (commencing with Section 60000). This part does not expand or otherwise affect the authority of a water replenishment district relating to monitoring groundwater elevations.

(3) A groundwater sustainability agency with statutory authority to manage groundwater pursuant to Part 2.74 (commencing with Section 10720).

(c) A local agency that is managing all or part of a groundwater basin or subbasin pursuant to Part 2.75 (commencing with Section 10750) and that was monitoring groundwater elevations in all or a part of a groundwater basin or subbasin on or before January 1, 2010, or a local agency or county that is managing all or part of a groundwater basin or subbasin pursuant to any other legally enforceable groundwater management plan with provisions that are substantively similar to those described in that part and that was monitoring groundwater elevations in all or a part of a groundwater basin or subbasin on or before January 1, 2010.

- Kern Groundwater Authority
- Kern Water Bank Authority
- Arvin-Edison Water Storage District
- Deer Creek & Tule River Authority
- Kern County Water Agency Improvement District 4
- Kern-Tulare Water District
- North Kern Water Storage District
- Semitropic Water Storage District
- Shafter-Wasco Irrigation District
- Kern Fan Authority (which is a coalition consisting of the Kern-Delta Water District, Buena Vista Water Storage District, Henry Miller Water District, and Rosedale-Rio Bravo Water Storage District, and which was previously known as the Kern River Fan Group)

The City and Kern-Delta Water District also monitor and report groundwater elevations. Cal Water, the City's operations and maintenance contractor, takes monthly groundwater elevation readings for the City's domestic water wells. City staff also measures groundwater levels in the City's Olcese Wells and in monitoring wells in the City's 2800 Acre Recharge Facility. Kern Delta staff takes certain weekly, monthly, and bi-annual groundwater elevation measurements throughout the District. Some of the bi-annual data is reported to the Kern County Water Agency and some to the State of California through the California Statewide Groundwater Elevation Monitoring (CASGEM) program.

The following are other interested parties that do not fit the various categories outlined in Water Code §10723.2:

- Kern River Watershed Coalition Authority

All of the above interested parties will be considered in the operation of the GSA and the development of the GSP.

(d) A local agency that is managing all or part of a groundwater basin or subbasin pursuant to an integrated regional water management plan prepared pursuant to Part 2.2 (commencing with Section 10530) that includes a groundwater management component that complies with the requirements of Section 10753.7.

(e) A local agency that has been collecting and reporting groundwater elevations and that does not have an adopted groundwater management plan, if the local agency adopts a groundwater management plan in accordance with Part 2.75 (commencing with Section 10750) by January 1, 2014. The department may authorize the local agency to conduct the monitoring and reporting of groundwater elevations pursuant to this part on an interim basis, until the local agency adopts a groundwater management plan in accordance with Part 2.75 (commencing with Section 10750) or until January 1, 2014, whichever occurs first.

(f) A county that is not managing all or a part of a groundwater basin or subbasin pursuant to a legally enforceable groundwater management plan with provisions that are substantively similar to those described in Part 2.75 (commencing with Section 10750).

(g) A voluntary cooperative groundwater monitoring association formed pursuant to Section 10935.

Regional Coordination

Regional coordination is an important component of forming this GSA and the subsequent GSP. Currently, the Kern Groundwater Authority (KGA) has been engaging in public outreach, and both the City of Bakersfield (City), Kern-Delta Water District (KDWD), and the Kern County Water Agency Improvement District No. 4 (ID4) and have participated in this current outreach effort with the KGA. To date, the KGA, has organized a number of regular meetings since April 2014 at which the City, KDWD, and ID4 have participated. Prior to the KGA, the City also participated in regional coordination meetings with the Kern Groundwater Management Committee (KGMC) since January 2012. These meetings with the KGA and the KGMC included discussion of the SGMA and Kern County local compliance and coordination efforts.

Continued Public Outreach

This GSA will conduct public outreach efforts to engage the public and interested parties listed above in the ongoing effort to comply with SGMA and develop the GSP. It is the GSA's intent to hold additional educational workshops in the future to keep the public and interested parties informed of the ongoing GSP development efforts. We will plan workshops in the future before adoption of the GSP. Additional future public outreach efforts may include forming a committee to oversee public outreach and potentially developing a website to provide the public with current information regarding the GSA. The purpose of these efforts would be to ensure a clear communication path with the public and interested parties to keep them informed regarding the progress of the GSA and GSP.

The Kern River GSA will consider the interests of all of the foregoing beneficial uses and users of groundwater, as well as those responsible for implementing GSPs. In this effort, the District will (1) continue to meet with the KGA and its members, (2) meet with other local GSAs that may be formed and endeavor to coordinate with such agencies pursuant to §§ 10727 and 10727.6, (3) have open and public meetings of the Kern River GSA members' Board of Directors, and (4) solicit feedback in the adoption of its GSP and any subsequent amendments. In addition to the foregoing, and pursuant to Water Code §10727.8, prior to initiating the development of a GSP, the Kern River GSA will make available to the public and DWR a written statement describing the manner in which interested parties may participate in the development and implementation of the GSP. The Kern River GSA will encourage the active involvement of diverse social, cultural, and economic elements of the population within that portion of the groundwater basin to be managed by the Kern River GSA. For these purposes, interested parties will include entities listed in Water Code §10927 that are monitoring and reporting groundwater elevations in all or a part of the groundwater basin that is managed by the Kern River GSA.

Furthermore, and pursuant to Water Code §10728.4, the Kern River GSA will adopt or amend its GSP only after a public hearing, held at least 90 days after providing notice to any city or county within the area of the proposed plan or amendment. The Kern River GSA will also review and consider comments from any city or county that receives notice pursuant to the above-referenced Water Code section and will consult with a city or county that requests consultation within 30 days of receipt of the notice.

EXHIBIT 7

DISADVANTAGED COMMUNITIES (DAC) IN KERN RIVER GSA

INCLUDING:

- (A) LIST OF DACs**
- (B) MAP OF DACs**

(A) DACs Listed by Census Tract within the Kern River GSA Boundary

| GEOID¹ | Tract Name² | Population³ | Nearest Zip Code |
|--------------------------|-------------------------------|-------------------------------|-------------------------|
| 3113 | Census Tract 31.13 | 5298 | 93307 |
| 3112 | Census Tract 31.12 | 5658 | 93313 |
| 2900 | Census Tract 29 | 6787 | 93309 |
| 0300 | Census Tract 3 | 4381 | 93308 |
| 0200 | Census Tract 2 | 7957 | 93308 |
| 3206 | Census Tract 32.06 | 13845 | 93307 |
| 2812 | Census Tract 28.12 | 5581 | 93309 |
| 6201 | Census Tract 62.01 | 3244 | 93203 |
| 0400 | Census Tract 4 | 4495 | 93301 |
| 0507 | Census Tract 5.07 | 3703 | 93309 |
| 0600 | Census Tract 6 | 6453 | 93301 |
| 0904 | Census Tract 9.04 | 4402 | 93306 |
| 0903 | Census Tract 9.03 | 4150 | 93306 |
| 0905 | Census Tract 9.05 | 2553 | 93306 |
| 0906 | Census Tract 9.06 | 3881 | 93306 |
| 3115 | Census Tract 31.15 | 5954 | 93307 |
| 3114 | Census Tract 31.14 | 7430 | 93313 |
| 3122 | Census Tract 31.22 | 8612 | 93307 |
| 3121 | Census Tract 31.21 | 8136 | 93307 |
| 1103 | Census Tract 11.03 | 5588 | 93307 |
| 1201 | Census Tract 12.01 | 3269 | 93305 |
| 1202 | Census Tract 12.02 | 5864 | 93305 |
| 1500 | Census Tract 15 | 2682 | 93307 |
| 1400 | Census Tract 14 | 8745 | 93305 |
| 1300 | Census Tract 13 | 7205 | 93305 |
| 1600 | Census Tract 16 | 1580 | 93307 |
| 2200 | Census Tract 22 | 5804 | 93307 |
| 1700 | Census Tract 17 | 4088 | 93309 |
| 2100 | Census Tract 21 | 3372 | 93307 |
| 1902 | Census Tract 19.02 | 4958 | 93301 |
| 1901 | Census Tract 19.01 | 3786 | 93309 |
| 1801 | Census Tract 18.01 | 6251 | 93309 |
| 2302 | Census Tract 23.02 | 3444 | 93307 |
| 2301 | Census Tract 23.01 | 10255 | 93307 |
| 3700 | Census Tract 37 | 3806 | 93206 |
| 6202 | Census Tract 62.02 | 6887 | 93243 |
| 3103 | Census Tract 31.03 | 3810 | 93307 |
| 2000 | Census Tract 20 | 7529 | 93307 |
| 2600 | Census Tract 26 | 3500 | 93307 |
| 2700 | Census Tract 27 | 6152 | 93309 |
| 2500 | Census Tract 25 | 8592 | 93307 |

| GEOID¹ | Tract Name² | Population³ | Nearest Zip Code |
|--------------------------|-------------------------------|-------------------------------|-------------------------|
| 2400 | Census Tract 24 | 8470 | 93307 |
| 3000 | Census Tract 30 | 8119 | 93307 |
| 3202 | Census Tract 32.02 | 17216 | 93307 |
| 2813 | Census Tract 28.13 | 4327 | 93309 |
| 2815 | Census Tract 28.15 | 4918 | 93309 |
| 2814 | Census Tract 28.14 | 4306 | 93309 |
| 2816 | Census Tract 28.16 | 6119 | 93309 |
| 0101 | Census Tract 1.01 | 12616 | 93308 |
| 6303 | Census Tract 63.03 | 6768 | 93203 |
| 6404 | Census Tract 64.04 | 3318 | 93241 |
| 6403 | Census Tract 64.03 | 6513 | 93241 |
| 1000 | Census Tract 10 | 10276 | 93307 |
| 6401 | Census Tract 64.01 | 8698 | 93241 |
| 1102 | Census Tract 11.02 | 6496 | 93307 |
| 1101 | Census Tract 11.01 | 4413 | 93307 |

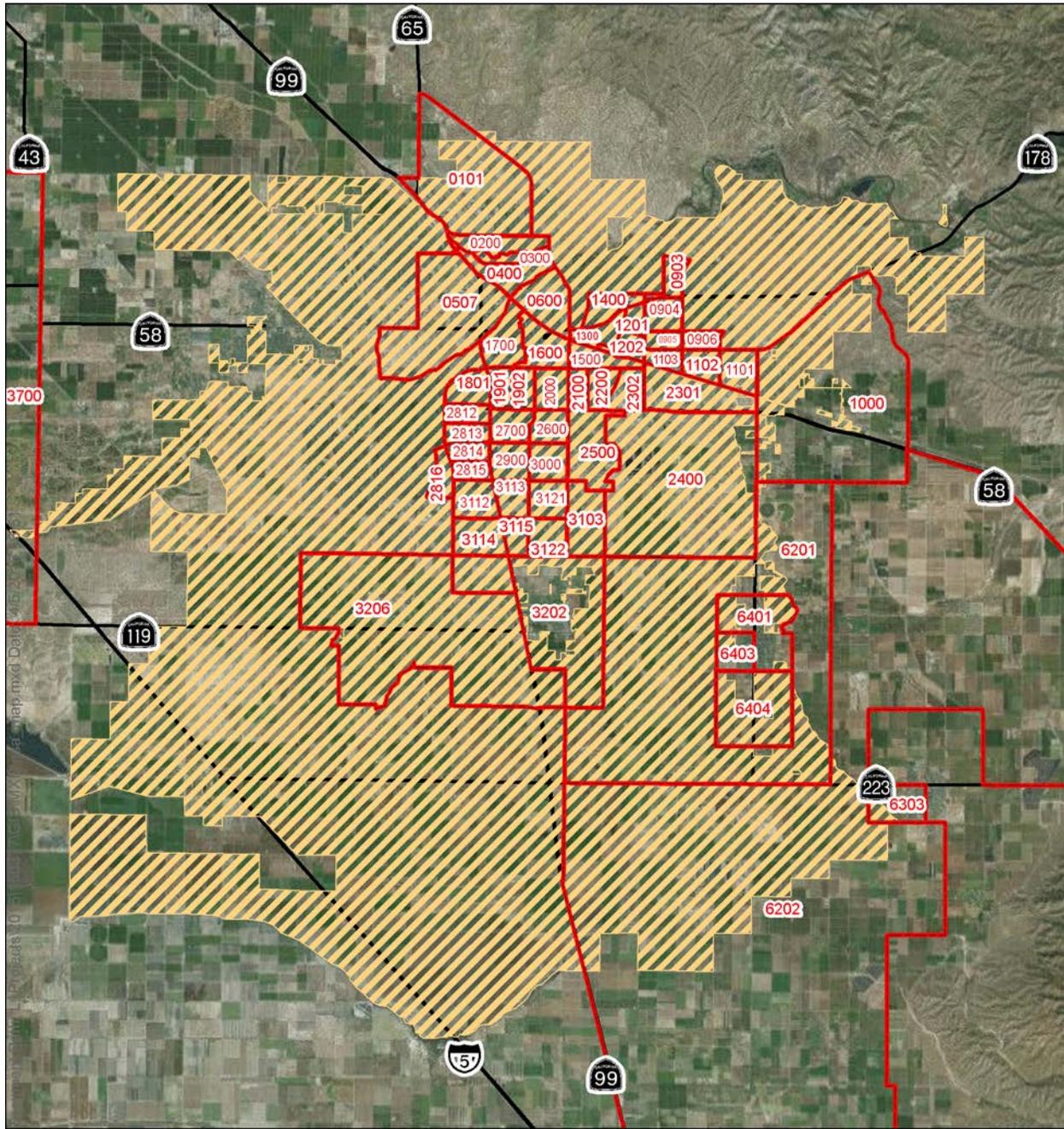
Notes:

¹Partial U.S. Census GEOID. Each full GEOID begins with 0602900 followed by the partial GEOID shown in the table. For example, partial GEOID 3112 has a full U.S. Census GEOID of 06029003112.

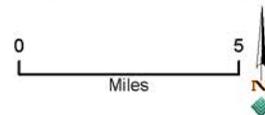
²GSA boundary includes all or part of the aerial extent of each census tract.

³GSA boundary includes all or part of the population for each census tract.

(B) Map of DACs Identified by Census Tract within the Kern River GSA Boundary



-  GSA Boundary
-  Disadvantaged Communities



QK Sources: US Census
ESRI Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics,