

From: [Michael McKinney](#)
To: [Gosselin, Paul@DWR \(he/him\)](mailto:Gosselin.Paul@DWR)
Cc: [Phillip Peters](#); [Phillip W. Hall](#); [Leigh Ann Cook](#); [Jeff Simonetti](#); klemieux@awattorneys.com
Subject: Re: SGMA Legislative Proposal
Date: Friday, February 21, 2025 11:10:57 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

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Paul:

Supervisor Peters is unavailable to meet with you today. The attorneys and I would be happy to get on a call.

Regarding the Periodic Evaluation:

As we discussed via video conference on February 12, 2025, the Water District requested a delay in the Periodic Evaluation and promised to submit its model and substantiating evidence that, per the regulations, should be included in the Periodic Evaluation. The Water District delayed providing this information numerous times, and in January, counsel learned the Water District's model is either incomplete or does not exist.

The [draft periodic evaluation](#) is now on the IWVGA website for public review and comment. The Board will discuss approving it at the March meeting. The Water District has stated it will not vote to approve the Evaluation based on the sustainable yield number and the continuation of the pipeline as the primary sustainability measure. As we said, the court has now delayed its order for the Water District to provide that model until April.

The court has stated its intention to conduct a de novo review of the GSP, including a review of the sustainable yield. The very underpinning of the GSP and the stated amount in the Periodic Evaluation. The judge in the adjudication has asserted authority over the sustainable yield. The Authority has been told to prepare for trial in 2026. The Authority is confident the litigants will seek to delay that phase of the adjudication phase.

The Authority is in a very uncertain position. DWR requests that we meet SGMA requirements, and the judge tells the Authority he is going to review those requirements entirely and potentially alter them. If the judge's order conflicts with DWR, the Authority will have two entities telling it to do two different things. This potential conflict is of concern to our federal partner and financing entities. Their concern is delaying the implementation of the primary sustainability measure.

The Board is considering all of these issues. As Supervisor Peters indicated on February 12th, he had not yet decided whether to approve the periodic evaluation. I have no indication that his position has changed.

The legislation would have comforted the Board that the State was addressing the public policy issues created by the conflict between SGMA and the adjudication process. As you know, I will report today that no agreement to consider addressing these conflicting

statutes has been reached. That will not be much help to the Board in evaluating next steps.

I can be available at 2 p.m. PST to discuss.

Best,

Michael W. McKinney (for)
Indian Wells Valley Groundwater Authority

From: Gosselin, Paul@DWR (he/him) <Paul.Gosselin@water.ca.gov>

Date: Friday, February 21, 2025 at 11:33 AM

To: Michael McKinney <m.mckinney@capitolcore.com>

Cc: Phillip Peters <petersp@kerncounty.com>, Phillip Hall <phall@kerncounty.com>, Leighann Cook <cookla@kerncounty.com>, Scott Hayman <shayman@ridgecrest-ca.gov>, Jeff Simonetti <j.simonetti@capitolcore.com>

Subject: RE: SGMA Legislative Proposal

Good morning –

I was checking to see if there was time available to meet today. I am available after 2.

Also, the SGMO staff are trying to connect with Carol and have been unable. They only want to hear what the plan is for the periodic evaluation. In other basins that have circumstances that cause them to miss deadlines, it helps us to have good communication and gives us information to support the situation.

Thanks

Paul

Paul Gosselin, Deputy Director

Department of Water Resources
Sustainable Water Management Division
715 P Street, Box 942836
Sacramento, CA 94236-0001
(530) 574-7443



From: Gosselin, Paul@DWR (he/him)
Sent: Wednesday, February 19, 2025 8:36 PM
To: Michael McKinney <m.mckinney@capitolcore.com>
Cc: Phillip Peters <petersp@kerncounty.com>; Phillip Hall <phall@kerncounty.com>; Leighann Cook <cookla@kerncounty.com>; Scott Hayman <shayman@ridgecrest-ca.gov>; Jeff Simonetti <j.simonetti@capitolcore.com>
Subject: RE: SGMA Legislative Proposal

Michael

Let's see when Supervisor Peters has availability on Friday and I can make that work.

Thanks

Paul

Paul Gosselin, Deputy Director

Department of Water Resources
Sustainable Water Management Division
715 P Street, Box 942836
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From: Michael McKinney <m.mckinney@capitolcore.com>
Sent: Wednesday, February 19, 2025 7:00 PM
To: Gosselin, Paul@DWR (he/him) <Paul.Gosselin@water.ca.gov>; Schimke, Kasey@DWR <Kasey.Schimke@water.ca.gov>; Walter, Hanspeter@DWR <Hanspeter.Walter@water.ca.gov>
Cc: Phillip Peters <petersp@kerncounty.com>; Phillip Hall <phall@kerncounty.com>; Leighann Cook <cookla@kerncounty.com>; Scott Hayman <shayman@ridgecrest-ca.gov>; Jeff Simonetti <j.simonetti@capitolcore.com>
Subject: Re: SGMA Legislative Proposal

Paul:

I am happy to meet tomorrow at 1 p.m. PST. However, if you would like Supervisor Peters to attend, he is unavailable tomorrow. I'm checking his schedule for Friday. Phil Hall can join the Supervisor if needed.

Best,

Michael

From: Gosselin, Paul@DWR (he/him) <Paul.Gosselin@water.ca.gov>
Date: Wednesday, February 19, 2025 at 5:53 PM
To: Michael McKinney <m.mckinney@capitolcore.com>, Schimke, Kasey@DWR <Kasey.Schimke@water.ca.gov>, Walter, Hanspeter@DWR <Hanspeter.Walter@water.ca.gov>
Cc: Phillip Peters <petersp@kerncounty.com>, Phillip Hall <phall@kerncounty.com>, Leighann Cook <cookla@kerncounty.com>, Scott Hayman <shayman@ridgecrest-ca.gov>, Jeff Simonetti <j.simonetti@capitolcore.com>
Subject: RE: SGMA Legislative Proposal

Hi Michael

Thank you for the update. I appreciate the offer to get an update. I am available tomorrow at 1. I will be at the Water Board's Kern Hearing most of tomorrow. Let me know if 1PM works for you. I have time on Friday afternoon also.

Thanks

Paul

Paul Gosselin, Deputy Director
Department of Water Resources
Sustainable Water Management Division
715 P Street, Box 942836
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From: Michael McKinney <m.mckinney@capitolcore.com>
Sent: Tuesday, February 18, 2025 8:11 PM
To: Schimke, Kasey@DWR <Kasey.Schimke@water.ca.gov>; Gosselin, Paul@DWR (he/him) <Paul.Gosselin@water.ca.gov>; Walter, Hanspeter@DWR <Hanspeter.Walter@water.ca.gov>
Cc: Phillip Peters <petersp@kerncounty.com>; Phillip Hall <phall@kerncounty.com>; Leighann Cook <cookla@kerncounty.com>; Scott Hayman <shayman@ridgecrest-ca.gov>; Jeff Simonetti <j.simonetti@capitolcore.com>
Subject: FW: SGMA Legislative Proposal

Kasey:

The Governor's office asked me to share this information with you. I am happy to share it with Paul and Hanspeter directly and include Supervisor Peters and Counsel Hall if there

are any questions.

The Chairman of IWVGA, Ridgecrest City Council Member Scott Hayman is also included. In case there is any question.

Best,

Michael W. McKinney

From: Schimke, Kasey@DWR <Kasey.Schimke@water.ca.gov>

Date: Tuesday, February 18, 2025 at 7:34 PM

To: Michael McKinney <m.mckinney@capitolcore.com>

Subject: Re: SGMA Legislative Proposal

Thank you. I will share with Paul and our DWR Counsel. Appreciate you keeping me posted.

Kasey Schimke

Office of Legislative Affairs

California Department of Water Resources

916 798-9816

From: Michael McKinney <m.mckinney@capitolcore.com>

Sent: Tuesday, February 18, 2025 4:57:48 PM

To: Schimke, Kasey@DWR <Kasey.Schimke@water.ca.gov>

Subject: FW: SGMA Legislative Proposal

Kasey:

Please see below. Brady, ask that I keep you up to date as well as any developments.

Supervisor Peters' meeting with Asm. Bains discussed the Western Kern County GSAs' possible probation. Supervisor Peter told Asm. Bains he would not recommend the County enter into Basins as long as the political threat of a third adjudication hangs in the balance. Further, he indicated that one of the County Counsel's recommendations is to leave the Cuyama GSA and to file an adjudication in Western Kern County to stay the probationary measures.

In IWV, the discussions of ramping down GSP implementation until the adjudication decisions are now on the table.

Best,

Michael W. McKinney

From: Brady Borcharding <Brady.Borcharding@gov.ca.gov>

Date: Tuesday, February 18, 2025 at 6:50 PM

To: Michael McKinney <m.mckinney@capitolcore.com>

Cc: Jeff Simonetti <j.simonetti@capitolcore.com>, Phillip Peters <petersp@kerncounty.com>, Scott Hayman <shayman@ridgecrest-ca.gov>

Subject: RE: SGMA Legislative Proposal

Thank you Michael, this is very helpful information. I would ask that you keep Kasey Schimke updated as time passes this session and if there are any developments you think we should be aware of. Frustrating that no authors have committed, though the legislative session is still very young.

Thanks,

Brady

Brady Borcharding (he/him)

Deputy Legislative Affairs Secretary

Office of Governor Gavin Newsom

From: Michael McKinney <m.mckinney@capitolcore.com>

Sent: Tuesday, February 18, 2025 4:46 PM

To: Brady Borcharding <Brady.Borcharding@gov.ca.gov>

Cc: Jeff Simonetti <j.simonetti@capitolcore.com>; Phillip Peters <petersp@kerncounty.com>; Scott Hayman <shayman@ridgecrest-ca.gov>

Subject: Re: SGMA Legislative Proposal

Brady:

I can share those members who have declined. Each member had a different reason for declining.

- Assembly Member Wilson
- Senator Laird
- Chair Limon
- Senator Stern
- Speaker Rivas
- Assembly Member Alanis
- Senator Cabaldon
- Senator Umberg
- Senator Grove
- Assembly Member Bains

At this time, there is no response from Chair Papan, Senator McNerney, and Assembly Member Addis.

Best,

Michael

From: Brady Borcharding <Brady.Borcharding@gov.ca.gov>

Date: Tuesday, February 18, 2025 at 6:32 PM

To: Michael McKinney <m.mckinney@capitolcore.com>

Cc: Jeff Simonetti <j.simonetti@capitolcore.com>, Phillip Peters <petersp@kerncounty.com>, Scott Hayman <shayman@ridgecrest-ca.gov>

Subject: RE: SGMA Legislative Proposal

Hi Michael,

That's unfortunate news to hear. If you feel able, could you share which offices/staff you approach who declined?

Thank you,
Brady

Brady Borcharding (he/him)

Deputy Legislative Affairs Secretary
Office of Governor Gavin Newsom

From: Michael McKinney <m.mckinney@capitolcore.com>

Sent: Tuesday, February 18, 2025 1:08 PM

To: Brady Borcharding <Brady.Borcharding@gov.ca.gov>

Cc: Jeff Simonetti <j.simonetti@capitolcore.com>; Phillip Peters <petersp@kerncounty.com>; Scott Hayman <shayman@ridgecrest-ca.gov>

Subject: SGMA Legislative Proposal

Brady:

We spoke late last year about the legislative proposal to establish the correct judicial venue for reviewing a State-approved Groundwater Sustainability Plan and impose a reasonable statute of limitations on parties wishing to challenge it. I wanted to provide an update on the proposal, which now includes Fox Canyon Groundwater Management Agency, San Luis Obispo County Supervisor Jimmy Paulding, and the California Alliance for Family Farmers in support of the proposal.

To date, we have been unable to obtain an author for the bill over the heavy objections of large law firms in the State. Kern County Supervisor Phillip Peters has discussed the issue with DWR and the State Water Resources Control Board (the County is involved in two

current adjudications and has been asked to participate in the Western Kern County GSA). I wanted to inform you of the issue for the Governor's consideration.

A safe yield trial and ensuing physical solution, as proposed in the three current groundwater adjudications, allows court review or court overturning a groundwater sustainability plan. It can take place years into a GSP's implementation, and it gives the court the authority to review the plan without deference to DWR's review. Once this precedent is set, it encourages other adjudications in groundwater basins, rendering SGMA useless by taking the process back to favoring adjudications.

Further, it is frustrating the financing of groundwater sustainability measures in Fox Canyon (Oxnard-Pleasant Valley Basin) and the Indian Wells Valley. Simply put, no one will issue bonds or provide federal taxpayer dollars to local agencies when litigation is stopping those projects. This hole in SGMA is now frustrating the State's plan for groundwater sustainability and jeopardizing the receipt of federal funding authorized in the Water Resources Development Act of 2024.

Local agencies will likely cease to fund ongoing adjudication litigation without a limited legislative fix to establish the correct judicial venue and place an appropriate statute of limitations. This will leave the State to decide whether to pay to defend the over \$1 billion spent on SGMA implementation or allow groundwater adjudications to determine the safe/sustainable yield within a basin and the sustainability measures needed to govern it.

Should you have any questions, please give me a call.

v/r,

Michael W. McKinney (for)
Indian Wells Valley Groundwater Authority



MICHAEL W MCKINNEY

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