



MINUTES OF THE SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE MCMULLIN AREA GROUNDWATER SUSTAINABILITY AGENCY October 9, 2025

The Board of Directors of the McMullin Area Groundwater Sustainability Agency met in the Kerman Community Center boardroom for a live and in-person meeting and provided additional public streaming access to the boardroom of the Agency, via Zoom meeting protocols and Owl audio and video, on Thursday, October 9, 2025, at the hour of 2:00 P.M.

Vice Chairman Abercrombie presided and General Manager/Secretary Hurley kept the Minutes.

DIRECTORS PRESENT: Matt Abercrombie
Jonathon DeGroot
Gere Gunlund (Alternate)
Brian Pacheco

DIRECTORS ABSENT: Varinder Nijjar

OTHERS PRESENT: Matthew H. Hurley – General Manager/Secretary
Cristel Tufenkjian – Deputy General Manager
Shawnda Grady, General Counsel
Ashley Goldsmith, Blue Chair Communications

Vice Chairman Abercrombie called the meeting to order at 2:00 P.M. Vice Chairman Abercrombie asked if the public had any comments. There was no public comment.

APPROVAL OF THE MINUTES OF THE AUGUST 6, 2025 REGULAR MEETING AND THE AUGUST 28, 2025 AND SEPTEMBER 17, 2025 SPECIAL MEETINGS.

The Board reviewed the draft minutes for the August 6, 2025 Regular Meeting and the August 28, 2025 and September 17, 2025 Special Meetings.

On the motion of Director DeGroot, with the second of Director Pacheco, the Board unanimously approved August 6, 2025 Regular Meeting and the August 28, 2025 and September 17, 2025 Special Meetings as presented. (4-0-1)

FINANCIAL

General Manager Matt Hurley presented the current log of checks written since the last approved disbursements. He requested the Board ratify the checks disbursements. On the motion of Director DeGroot, with the second of Director Gunlund, the Board unanimously ratified the checks disbursements. (4-0-1)

GM Hurley presented the unaudited financials including the profit and loss statement and the balance sheet for the first quarter of the fiscal year 2025-26. On the motion of Director Gunlund, with the second of Director DeGroot, the Board unanimously accepted the unaudited financial statements for the first quarter of fiscal year 2025-26. (4-0-1)

GENERAL ADMINISTRATION

General Manager Report: GM Hurley reported the state of the Agency is excellent.

Water Bank Environmental Review and Engineering: GM Hurley provided an update on the progress of the Aquaterra Water Bank development and environmental review. GM Hurley reported the draft Environmental Impact Report is currently under legal review.

McMullin Expansion Project Update: GM Hurley reported the engineering and construction design has been sent out to general engineering companies for initial cost analysis on the dirt moving and the steel and concrete construction portions of the project. GM Hurley stated that the target date for bids to be completed is the first quarter of 2026. GM Hurley reported that appraisals also need to be updated.

Water Smart Meter and Telemetry Rebate: Deputy General Manager Cristel Tufenkjian reported that rebates have been provided to approximately 130 landowners representing 579 wells totaling over \$1.1 million. It is anticipated there is enough funding to provide rebates for approximately 1,100 wells.

GM Hurley stated that some landowners, which represent about 200 wells, have accumulated fines and penalties since the installation deadline of January 31, 2025. In addition, one noncompliant landowner has entered into bankruptcy. MAGSA staff are requesting legal support to seek compliance with the meter program. GM Hurley asked the Board to review and consider a recommendation from staff and counsel to approve the retention of bankruptcy/collections counsel to assist in potential enforcement and collections of MAGSA's Groundwater Well Metering and Monitoring Policy and to authorize the General Manager to execute a retainer agreement, with advice from general counsel, for such collections counsel on behalf of the Agency. On the motion of Director Gunlund, with the second of Director DeGroot, the Board unanimously approved the retention of bankruptcy/collections counsel to assist in potential enforcement and collections of MAGSA's Groundwater Well Metering and Monitoring Policy and to authorize the General

Manager to execute a retainer agreement not to exceed \$20,000, with advice from general counsel, for such collections counsel on behalf of the Agency. (4-0-1)

GM Hurley presented for Board consideration action to approve a contract for sales and technical services with Woodpecker Microsystems LLC for the purchase, design, installation commissioning and initial monitoring of six (6) weather stations intended to be operated as the MAGSA Weather Station Network as a portion of the Bureau of Reclamation Water and Energy Efficiency Grant (meter grant). Following discussion about the cost and technology of the weather stations, the Board decided to table Item D.2 until the next regularly scheduled Board meeting.

GM Hurley stated that MAGSA staff and General Counsel recommend a review of potential revision(s) and/or amendments to MAGSA's Groundwater Export Policy and Implementing Rules and Regulations, if necessary, and subsequent release of said documents for appropriate public review and comment, if necessary, as specified in the Amended Bylaws. On the motion of Director DeGroot, with the second of Director Gunlund, the Board unanimously approved to open up for review the Export Policy and Implementing Rules and Regulations to consider any potential revisions as needed. (4-0-1)

GROUNDWATER SUSTAINABILITY PLAN IMPLEMENTATION

GM Hurley reported that the Department of Water Resources (DWR) is reviewing MAGSA's Groundwater Sustainability Plan (GSP) revisions and MAGSA's Periodic Review. DWR plans to have comments back on both items by the end of this year or beginning of next year. GM Hurley reported the draft Best Management Practices document on subsidence has been released for public comment. GM Hurley noted that MAGSA has adopted a moratorium on drilling any new wells below the Corcoran Clay.

GM Hurley reported the North Fork Kings Groundwater Sustainability Agency is moving forward with an allocation. GM Hurley reported that MAGSA has expressed concerns with the timing of allocation discussions and the lack of data for determining allocations. MAGSA is holding off allocations until 2030 as stated in MAGSA's GSP.

DIRECTORS REPORTS

Report from County of Fresno: Director Abercrombie reported the annexation of the white area into Raisin City Water District is a few days from being official.

Report from Raisin City Water District: Director Gunlund reported that October 15 is the last day for public comment. Director DeGroot reported the Board has an upcoming workshop to focus on moving forward post annexation of the white area.

Report from Mid Valley Water District: No report.

AD HOC COMMITTEES

Outreach: Goldsmith reported that 90 landowners attended the Grower Irrigation Academy summer webinars. Goldsmith reported on the upcoming fall workshop and field days for the

Grower Irrigation Academy. The focus of the events are on how landowners can use the flow meter data to make informed irrigation management decisions.

UPCOMING MEETINGS

MAGSA Board	November 5, 2025
Kings Subbasin GSA Coordination	October 17, 2025
MAGSA Stakeholder	TBD
MAGSA Technical Advisory	TBD
Mid-Valley Water District	TBD
Raisin City Water District	October 31, 2025

CLOSED SESSION

Vice Chairman Abercrombie explained to the public and announced that the Board would be reconvening the meeting into a Closed Session to review the following agenda items:

1. Conference with Legal Counsel – Anticipated Litigation
 - a. Significant exposure to litigation pursuant to paragraph (2) of Government Code Section 54956.9(d): (One potential case)
2. Conference with Legal Counsel – Existing Litigation
 - a. Pending litigation pursuant to paragraph (1) of Government Code Section 54956.9(d): JID v MAGSA, Superior Court of Santa Clara County, Case No. 23CV417565 (JID Appeal)
 - b. Pending litigation pursuant to paragraph (1) of Government Code Section 54956.9(d): MAGSA v JID, Superior Court of Santa Clara County, Case No. 24CV447516 and related case(s)

REPORT ON CLOSED SESSION

The Board returned from Closed Session. Vice Chairman Abercrombie announced the Board had taken no action during the Closed Session discussions.

ADJOURNED to the Regular November 5, 2025 meeting.

Attest:

Matthew H. Hurley, Board Secretary

Affirmed:

Matt Abercrombie, Vice Chairman