

Indian Wells Valley Groundwater Basin  
GSA-Eligible Agencies Group

**Meeting Summary Notes | May 20, 2016 | 10:00AM-12:20PM  
Via Telecom**

**MEETING ACTION ITEMS**

<b>Name</b>	<b>Task</b>	<b>Timeframe</b>
GSA Eligible Agencies	Review and provide input on April 15 meeting summary notes	May 25
Counties of Kern, Inyo and San Bernardino	Meet and develop proposed language to cover groundwater exports	May 27
Counties, City, Water District	Attorneys to meet and develop revised proposed voting language	May 27
Tim Parker	Provide process diagram on GSP development	May 27
All	Next telecom June 10 <sup>th</sup> , 10AM to 12:30PM	Reschedule if needed

**ATTENDEES**

GSA-Eligible Agency Representative Participants:

- *Bureau of Land Management*
  - o Robert Pawalek, Supervising Hydrologist
- *City of Ridgecrest*
  - o Peggy Breeden, Mayor
  - o Dennis Speers, City Manager
  - o Wayne Lemieux, Outside Counsel
- *Indian Wells Valley Water District (Water District)*
  - o Peter Brown, Board member
  - o Chuck Griffin, Board Member
  - o Jim Worth, Outside Counsel
  - o Don Zdeba, General Manager
  - o Renee Morquecho, Chief Engineer
- *Inyo County*
  - o Marshall Rudolf, County Counsel
  - o Bob Harrington, Water Resources Director
- *Naval Weapons Air Station (Navy)*
  - o Mike Stoner, Hydrogeologist
  - o Mary Kay Faryan, Counsel
- *Kern County*
  - o Leigh Ann Cook, Chief of Staff
  - o Mick Gleason, County Supervisor
  - o Phil Hall, County Counsel
  - o Tony Rossmann, Outside Counsel
  - o Roger Moore, Outside Counsel

## Indian Wells Valley Groundwater Basin GSA-Eligible Agencies Group

- *San Bernardino County*
  - o Bob Page, Principal Management Analyst
  - o Sophie Akins, Deputy County Counsel

### Supporting Staff

- Department of Water Resources Facilitator - Dale Schafer
- Kern County - Alan Christensen
- Technical Consultant - Tim Parker

### **CONSENSUS – SEEKING DECISIONS, COMMON GOAL, MUTUAL TRUST**

The facilitator pointed out that the group had agreed to seek consensus in making decisions, and reminded members that they had the common goal of drafting a Groundwater Sustainability Plan (GSP) for the IWV groundwater basin. Trust among members seems to be waning and instead each agency seems to be trying to protect its own interests. The group needs to take a collaborative approach to decision-making and work on reestablishing trust.

- Kern County agreed and gave three reasons that the meetings have developed into legal discussions among lawyers instead of policy members making the decisions:
  - o First, confusion causes uncertainty, and if the public thinks there is uncertainty among us, it could have a significant impact on the Navy and the local economy.
  - o Second, there are opportunities for us to move forward and solve problems and they are finite and limited in time.
  - o Third, one and half years has passed on the timeline, which means there is one year left to form one GSA, and the JPA hasn't been finalized yet.
- Water District concurred and proposed that policy makers sit in a room and discuss getting all the parties to agree on JPA, instead of wrangling with lawyers. If there is mutual trust, the agencies can work together. The Water District is still unsure of how individual policy makers are empowered, Water District directors cannot make unilateral decisions without board approval. There is a focus on the potential loss of control and liability – loss of management and extraction control
  - o Water District is also concerned about loss of police powers
- Kern County is willing to give up some of its police powers, and Water District in agreement that compromise will be necessary.
- City of Ridgecrest – It would be a good idea for all policy makers to talk. We need to work on reestablishing trust among the members.
- Water District – Mistrust possibly developed through misunderstanding of lawyers' discussions. But the Water District wants to move forward and has respect for the other agencies. All need to work together so the state doesn't have to interfere.
- Inyo County – Inyo's policy makers concerns are with equitable funding and water transfers.
- San Bernardino County – need to create a JPA built on trust and work towards the same goal. Does not understand why members asked for additional issues to be addressed in the JPA. How could these issues be addressed except in adoption or modification of the GSP? The adoption or modification of the GSP should occur

## Indian Wells Valley Groundwater Basin GSA-Eligible Agencies Group

during a regularly scheduled meeting of the JPA Board of during a special meeting at which all members are present.

- Kern County – from the legal and institutional perspective, SGMA, the design, is an investment that local interests can create a joint venture that includes powers of all working together, but includes surrendering total prerogative. The state is looking at Indian Wells Valley positively, and those in charge of SGMA both from DWR and the State Board have high hopes for our progress. We need to set an example. That means everyone needs to be surrendering absolute control.
- Navy – work together and make JPA as simple as possible

### **REVIEW OF LAST MEETING SUMMARY NOTES**

- Please review meeting notes from April 15, 2016 carefully, especially statements attributed to your agency for accuracy. Provide any comments by May 25.

### **SGMA UPDATE**

- Main thing to report is that GSP emergency regs adopted by CA Water Commission on the 18th – will become effective June 1 as required
- GSA formation 66 basins have GSAs – 37 high and medium priority basins and 29 low or very low priority basins
- June 8-9 is the GSP Symposium in Sacramento and will include DWR and SWRCB staff
- *Making Water Conservation a Way of Life* – Governor Brown Exec Order issued May 9th
  - Builds on temporary statewide emergency water restrictions
  - Establishes longer-term water conservation measures
  - Use Water More Wisely
  - Strengthen Local Drought Resiliency
  - Improve Agricultural Water Use Efficiency and Drought Planning
- SB1317 Wolk has been amended. It used to require conditional use permit, but now would prohibit a groundwater extraction facility in a high- or medium-priority basin from being developed without a valid groundwater extraction permit, and would establish a process for the issuance of a groundwater extraction permit for the development of a groundwater extraction facility that requires an applicant for a groundwater extraction permit to demonstrate, based on substantial evidence, that extraction of groundwater from a proposed groundwater extraction facility will not contribute to or create an undesirable result per SGMA.

### **COMMENT FROM MAY 19<sup>th</sup> COOPERATIVE GROUNDWATER MANAGEMENT MEETING**

A member of the Water District Board requested that the GSA-eligible agency group consider meeting only with policymakers and no attorneys present to resolve issues on the JPA

## Indian Wells Valley Groundwater Basin GSA-Eligible Agencies Group

### **GSP DEVELOPMENT PROCESS**

- The development of a GSP will be a multi-step process, with each step being reviewed by committee and taken to GSA eligible agencies for input, including but not limited to:
  - o Sustainability Goal for IWV
  - o Scientific understanding of IWV, including sustainable yield, 50 year historic hydrology, and 50 year planning horizon including climate change scenarios
  - o Development of alternatives and actions to meet sustainable yield over 20-year period
  - o Setting measurable objectives and minimum thresholds for applicable sustainability indicators
  - o Setting five year interim goals and objectives for meeting sustainability in IWV
  - o Adaptive management process and possible actions
  - o Budget, funding and schedule

### **JPA**

#### Inyo County Specific Request on Export language

- Members reviewed the latest draft of the JPA dated April 14, 2016
- Inyo County expressed the need for their positive vote for water export and requested specifically an affirmative vote only for Inyo export
- San Bernardino County asked if this would need to be addressed in JPA or could it be addressed in a GSP and Inyo County wanted this specific request regarding exportation out of Inyo County to be in the JPA
- ACTION: Inyo County will set up meeting with policy makers from the three counties to discuss this specific request from Inyo, as all three counties have either export ordinances or interests.

#### Voting and Funding

- Both San Bernardino County and Water District board members have expressed a preference for one vote per agency.
- Kern County - noted that one agency, one vote presumes each agency would pay 1/5 the cost of the GSA. Kern County likes the big three voting approach
- Agencies agreed that there should be an initial start-up fee for each member agency. Need discussion about how future funding would be divided – proportional? Hopefully the GSA will become an enterprise that pays for itself, but decision has to be how to pay for it in the initial start-up period.
- City of Ridgecrest also likes the idea of the big three; however when an issue fundamentally affects one county or organization, that needs to be recognized and have a one person, one vote. There may be times when this is not fair and trust would be needed among all members..
- San Bernardino County could go for a 4/5 vote on adoption and amendment of the GSP, but stick with big three vote on everything else. 4/5 would mean that Inyo or San Bernardino would have to agree to make the decision.
- Water District likes this compromise

## Indian Wells Valley Groundwater Basin GSA-Eligible Agencies Group

- Kern County agrees as a recognition of consensus, but will need time to further consider

### JPA 7.06 Quorum

- Water District is okay with 7.06
  - o Supermajority 2/3 never opposed by Water District and is in agreement with it, however it did not believe supermajority will protect the Water District. The Water District is unique in that it is the only purveyor that is pumping a significant amount of water and needs a legitimate say with respect to issues potentially affecting operations and finance
- Kern County - the GSA should not interfere with day-to-day operations of the Water District, but Kern County has the power to regulate groundwater including Water District pumping so if the Water District is asking Kern County to relinquish control to regulate groundwater, and Kern County is not willing to give absolute authority for extraction.
  - o The relationship between counties and water districts is complicated. SGMA has offered a way out for counties and water districts to collaborate and avoid constitutional issues. The Counties and the Water District are surrendering some police powers. But the daily operations of the Water District do not need to be hashed out by the GSA.
  - o San Bernardino suggested that perhaps there could be a more affirmative statement that the JPA in serving as a GSA will not tread on operations
  - o Kern County says all decisions regarding extraction must go through the GSA
- Water District still is concerned that the decisions made by others will not understand what the Water District operations are and will affect the ability to serve water
- ACTION for Kern County: Alan Christensen will coordinate a call of the attorneys revising the voting language and have it ready by next week (May 27)

### **PRELIMINARY BUDGET**

- Everyone agreed to \$15K initial seed money which should fund GSA from August to end of the year
- Some unsure if this is enough but Kern County indicated that they will manage the funding
- Achieving sustainable funding will need to be something GSA group needs to think about
  - o There is an existing grant (\$250K) and a grant opportunity later this year. Could get funding in middle to end of next year on the order of \$900K for GSP development
  - o Need to do engineering and rate study on the order of \$50-75K (rough numbers). The timing will need legal input regarding Prop 26 and 218.

### **SCHEDULE**

- Next call would be June 2<sup>nd</sup>
- Kern County can't do that date due to a hearing the following week

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GSA-Eligible Agencies Group

- Schedule for June 10<sup>th</sup>, assuming all the work gets done on the JPA by then

**ACTION ITEMS**

- May 25: Comments on notes
- May 27:
  - o Updated language from Counties, City and Water District on voting
  - o 3 counties on export language
  - o Process diagram on GSP development
- Next possible date for meeting
  - o Phone call June 10<sup>th</sup> at 10AM
  - o Can reschedule if needed