

Indian Wells Valley Groundwater Basin
GSA-Eligible Agencies Group

Meeting Summary Notes | June 17, 2016 | 5:00PM-7:00PM
In-Person at City of Ridgecrest Council Chambers

MEETING ACTION ITEMS

Name	Task	Timeframe
GSA Eligible Agencies	June 10 th Meeting Summary Notes approved	Completed
GSA Eligible Agencies	JPA Draft dated June 15, 2016 approved	Completed
GSA Eligible Agencies	Take JPA Draft dated June 15, 2016 to respective boards and councils for adoption	July 2016
GSA Eligible Agencies	Once JPA adopted by all GSA-eligible agencies, hold public hearing to elect to form GSA	Summer-Fall 2016

GSA-ELIGIBLE AGENCY REPRESENTATIVES

- City of Ridgecrest - Peggy Breeden, Mayor
- County of Inyo - Matt Kingsley, Supervisor
- County of Kern - Mick Gleason, Supervisor
- Indian Wells Valley Water District - Peter Brown, Board Member
- U.S. Navy - Commander Brian Longbottom, Public Works Officer

SUPPORTING STAFF

- DWR Facilitator - Dale Schafer
- Kern County - Alan Christensen
- Technical Consultant - Tim Parker

MEETING OVERVIEW AND GROUND RULES

Meeting Facilitator Dale Schafer introduced the meeting agenda, provided an overview of meeting ground rules, and noted that the meeting is mainly focused on reviewing the final Joint Powers Agreement that will provide the legal agreement for forming a Groundwater Sustainability Agency covering the Indian Wells Valley groundwater basin.

IWV GSA-ELIGIBLE AGENCIES MEETING

- **Introductions** of GSA-Eligible Agency representatives and other members present.
- **Summary Meeting Notes for June 10th** – no additions or corrections, notes approved as final.
- **Sustainable Groundwater Management Act (SGMA) Review and Update PowerPoint Presentation (meeting handout)**
 - Signed by Governor September 16, 2014
 - Took effect January 1, 2015
 - Recognizes preference for management by local agencies

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- Provides additional authorities to local management agencies
 - Conduct studies
 - Register & monitor wells
 - Set well spacing requirements
 - Require extraction reporting
 - Regulate extractions
 - Implement capital projects
 - Assess fees to cover costs
- Provides for State as backstop to regulate unmanaged or poorly managed basins
- Department of Water Resources conducted a basin prioritization
 - 127 high and medium priority basins fall under SGMA requirements
 - Includes 21 Critically Overdrafted basins which have to have their Groundwater Sustainability Plans completed at the beginning of 2020
 - IWV is a medium priority, critically overdrafted basin, based on review of more than 20 technical reports:
 - More than 30 wells monitored long-term are in chronic decline
 - Chronic reduction in groundwater storage
 - Groundwater quality degradation
- Indian Wells Valley Groundwater Basin Conditions
 - IWV Groundwater Basin has been documented in overdraft since at least the 1960's
 - Declines of 1-2 feet per year, and some localized declines may be greater
 - IWV Groundwater Basin needs to be sustainably managed within 20 years of adoption of the GSP
 - Estimated overdraft of 16,000 acre-feet per year (one acre-foot equals 325,800 gallons or roughly one foot of water covering a football field)
 - The overdraft is estimated to increase significantly when pistachio trees mature in the coming years
- Steps to groundwater sustainability under SGMA
 - Step One: Form Groundwater Sustainability Agency (GSA)
 - Local agency or combination of local agencies
 - "Local agency" is any public agency that does one of the following:
 - Supplies water
 - Manages water
 - Controls land use
 - Counties are the default GSA in "unmanaged" areas
 - Can be more than one GSA in basin
 - Step Two: Develop Groundwater Sustainability Plan
 - Groundwater Sustainability Agency (GSA) must develop a sustainability plan by 2020
 - California Department of Water Resources:
 - Issued requirements for those plans in June 2016

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- Reviews GSPs for completeness within two years of submittal to DWR
- Step 3: Achieve Sustainability in 20 Years
 - Means there are no significant or unreasonable undesirable results for groundwater levels, groundwater storage, seawater intrusion, water quality degradation, land subsidence, and surface water depletion or ecosystem loss from groundwater pumping
- Sustainability Options
 - Reduce demand
 - Increase conservation
 - Increase recycled water use
 - Increase recharge (stormwater, recycled water, imported water)
 - Brackish water project
 - Import surface water
- SGMA requires public outreach and input from
 - Agriculture users
 - Domestic users
 - Public & private water systems
 - Local land use planning agencies
 - Federal government
 - Tribes
 - Environmental users
 - Disadvantaged communities
 - Surface water users
- SGMA Update
 - www.water.ca.gov/groundwater/sgm/index.cfm
 - Groundwater Sustainability Plan Content – Regulations finalized
 - Groundwater Sustainability Goal
 - Water budget and sustainable yield
 - 50 years hydrology
 - 50-year planning horizon
 - Detailed monitoring program
 - Data management system
 - Stakeholder Involvement
 - Groundwater *sustainability indicators* vulnerable to undesirable results
 - Measurable objectives
 - Minimum thresholds
 - 5-year interim milestones
 - *Groundwater levels*
 - *Groundwater storage*
 - *Groundwater quality*
 - *Land subsidence*
 - *Seawater intrusion*

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- *Surface water depletion and ecosystem loss*
- Projects and actions to meeting sustainability goal by 2040
- Annual data submittal to State
- Periodic review and update of GSP
- SGMA Statewide Progress Update
 - Water Available for Replenishment – report due December 31, 2016
 - Best Management Practices – due out January 1, 2017
 - Basin Boundary Modifications – 54 submitted to state – under review
- Pertinent Legislation
 - AB 1755 Dodd – Open and Transparent Data Act – in Senate Natural Resources and Water Committee
 - SB 995 Pavley – Well Standards – in Assembly Environmental Safety and Toxic Materials
 - SB 1317 Wolk – Conditional Use Permit – Groundwater Extraction Facility – in Assembly Water Parks and Wildlife

Update on Indian Wells Valley JPA

- Kern County – This has been a lot of work and not a lot of fun. This has never been done before and it is all new under the new Sustainable Groundwater Management Act requirements. We are creating our own paradigm, while talking about self-interests, and realize the best thing to do is to work together to get a sustainable plan done. We have decided to form an exclusive Groundwater Sustainability Agency covering the entire Indian Wells Valley groundwater basin under a Joint Powers Agreement, which is provided as a handout at this meeting (draft dated June 15, 2016).
- City of Ridgecrest – The voting members of the JPA will be representatives from the City of Ridgecrest, County of San Bernardino, County of Inyo, County of Kern and Indian Wells Valley Water District, and each will be allowed one voting Director seat on the Board. Non-voting “associate” members will include representatives from the Naval Air Weapons Station and Bureau of Land Management and each will be allowed one non-voting Director seat on the Board. All board actions require the affirmative vote of the majority of the Board, including no less than two votes from the City of Ridgecrest, County of Kern and/or the Indian Wells Valley Water District. The adoption of a Groundwater Sustainability Plan will require a super-majority, or 4 out of five votes.
- Indian Wells Valley Water District – The heavy lifting of the new GSA will be the work of Committee(s), including development of a new Groundwater Sustainability Plan. The Committee(s) will be decided upon once the GSA forms, and will be some of the first decisions the new GSA will make. What I really mean is that everybody will be part of it, everyone will have a voice in this and be able communicate concerns and needs. The meetings and work will largely be that of committee(s), and all meetings of the JPA Board and Committee(s) will be run under the Brown Act requirements, all publicly noticed and open to the public. This is a complete miracle, looks pretty good so far, and not exactly sure what I would do different.

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- Facilitator – This group worked together well, with the JPA completed on June 10th, with a few non-substantive changes since then.
- Inyo County – Would like to point out that the group agreed to JPA Section 4.04 that limits groundwater export from one basin to another.
- Facilitator – Want to make sure all GSA-Eligible Agency representatives are good with the June 15, 2016 draft of the JPA.
- City of Ridgecrest – The City will take this up for adoption of a resolution to sign the JPA at the July 6th Council meeting.
- Inyo County – Inyo will go to Board hearing on July 12 for adoption of a resolution to sign the JPA.
- Indian Wells Valley Water District – The Water District will go to Board hearing on July 11 for adoption of a resolution to sign the JPA.
- San Bernardino County – Representatives from San Bernardino County were not able to make the meeting today but sent a letter from First District Supervisor Robert Lovingood (provided as a meeting handout). The letter provides thanks to the GSA-eligible agency representatives, staff, lawyers and consultants for working together to draft the JPA and indicates support for the final draft JPA presented today. The Supervisor indicates he will recommend that the San Bernardino County Board of Supervisors approve the JPA at their July 12 regular meeting.
- Kern County – We did not get everything we wanted but Kern County is good with the JPA.
- Inyo County – Inyo has just a small piece of Inyo County land in the Indian Wells Valley groundwater basin. We are just starting work on one separate GSA in Inyo County and that area is on a different track, not in overdraft, and not as tough of conditions as this GSA will have to deal with.
- Kern County – Kern has a number of lawyers, some in Bakersfield and some keyed in to Sacramento. With this new SGMA law, the State has moved us all to the edge of a cliff and told us to jump, and if we don't jump the State is going to push us off the cliff. The GSA will not be perfect and we can make changes moving forward. Kern looks forward to working with everyone to achieve groundwater sustainability.
- Indian Wells Valley Water District – Good news – the IWV Cooperative Groundwater Management Group has been sharing data for years as a foundation to the new GSA process to be developed. The Water District has achieved 31.9 percent conservation in 2015 under the state mandates. The Navy is already at 53.7 percent conservation compared to 2007 baseline. We are changing the water culture to better understand that we live in a desert and that conservation has to be a way of life. We have the \$197,000 cash for grass program to reduce lawn watering by replacing with native vegetation that uses less water. There is really a lot of nice looking stuff going on out there, and we see the City doing the same.
- City of Ridgecrest – This is a period of trust and understanding that we all have only one future and it is in our hands. We don't want the state coming in

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to do it for us. All of us are working together, with the first step to have trust in each other, and that is the only way to make it work.

- Navy – We’ve been working on conservation the last 6 to 10 years with good success. This state required process pulls us all together – we all live together in this basin and need to work together on solutions.

PUBLIC COMMENTS, QUESTIONS AND RESPONSES

- Community Member (representing self) – lives 4 miles north of Inyokern where groundwater levels have dropped 20 feet. “Critically Overdrafted” means that there is a serious problem. Pistachios and alfalfa are consumptively using the majority of the water. This is just a process, setting up agencies, making plans – don’t see anything useful, just generating consumption – need to act, now.
- Kern County – Right, but being impractical – it is impossible to set changes in water overnight, impacting many lives. Instead of taking quick stabs at it, need to craft a plan to reach sustainability that makes sense. It took us over 60 years (of groundwater pumping) to get here, and it is going to take us a number of years to get out of this situation – we already have enough lawsuits.
- Indian Wells Valley Water District – Agree that groundwater is trending downward as previously discussed, but there is still a lot of groundwater in storage (underground), so we will not run out of water tomorrow. It is debatable how much water we have in storage of course, but the downward trends are fairly constant and we are already curtailing usage, so we have time to develop a solid plan.
- City of Ridgecrest – As a former domestic well owner, acknowledge and share the concerns of falling groundwater levels. This isn’t perfect, but we all have a big problem to solve and we all have to work together to solve it. Will the problems be addressed tomorrow? No. Will they be addressed in the future? Absolutely.
- Community Member (representing self) – Wish to bring to everyone’s attention the California Water Foundation document “Know your Options: A Guide to Forming Groundwater Sustainability Agencies”. Chapter 2 addresses GSA participation of non-public interests (Disadvantaged communities, private wells owners, agriculture). There does not seem to be much opportunity to participate in GSA except in Committees. Some of the community will want to participate on the GSA Board. There are at least two options: (1) GSA may delegate or appoint non-public voting members to the GSA Board, or (2) GSA could add additional non-public non-voting Associate Members to the Board. Sacramento Groundwater Authority has appointed representatives for agriculture, DAC, resource conservation district and private water company on the JPA Board. Section 5.02 allows for the application of new General Members of the JPA Board – there may be a new one to consider as the Eastern Kern County Resources Conservation District has asked the State if the RCD is considered a GSA-eligible agency. Would like

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the RCD added to the list of possible Associate Members. Asked question about Section 5.02 and Government Code Section 1090 and how it applies to agriculture and non-public entities.

- City of Ridgecrest (Counsel) – There is not a clear example of if and how it would apply.
- Kern County – Does not think that RCD should have a vote, as Kern County already covers and represents the area of the RCD. The RCD will have a seat on the Committee(s).
- Indian Wells Valley Water District – Cause and effect – the RCD and other interest groups will have a voice on the committee(s). Elected Boards and Councils look out for the ratepayers, the voters. If they do not, they will be gone soon. County and city have land use powers and police powers.
- Community Member (representing self) – Increasing representative membership on the JPA Board would dispel the perception of non-inclusiveness by the JPA.
- Meadowbrook Dairy (Counsel) – This is a hard process. Echoes previous community member's comments about making JPA Board more inclusive – to include private well owners, agriculture and private water companies. The GSA does not have to be formed for another year, June 1017. Suggests stepping back, taking more time and making the JPA Board more inclusive of water users in the basin. Fox Canyon Groundwater Management Agency and SGA are both examples to consider in following, both of which have private interests on the JPA Boards, which is the best path to follow.
- Kern County – There would be disputes and 1099 conflicts with private interests on the JPA Board, along with no accountability. Having private interests on the JPA would cast doubt and demean the Board decisions made, and agriculture would consider business interests. With elected public representatives, the voters that elected them could boot them from their jobs if they are not accountable and looking out for the voters best interests. Agriculture would not have the same driver to be accountable.
- Meadowbrook Dairy (Counsel) – The City and County would vote their interests – Agriculture wants to be on your side and not against your vote.
- City of Ridgecrest – One of the big concerns is the cost to develop and implement the GSP. The cost does not make you more valuable but more responsible, and everybody needs to pay their fair share.
- Community Member (representing self) – Everyone uses groundwater in the valley, even us “water haulers.” There is a need to enlarge the membership of the new GSA. We need to have the farmers and everyone sitting at the same table – asking to be heard and not a vote. Glad to hear this will all be under the Brown Act – everyone needs to have a presence.
- Community Member (representing self) – Reference to earlier mention of other GSAs being formed with broader representation on the boards. Community members living in Ridgecrest have the City and Water District to represent them. Those living outside the City in Kern County have Mick to

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represent them, but Mick will have to vote for the interests of the City where the majority of the voters reside. Would be best to have an election in the valley to elect board members for the new GSA – that way we will all be represented.

- City of Ridgecrest (Counsel) – We will have Committee(s) to get every interest group represented in GSP development. The Committee(s) is where all the work will be done to develop the plan and solutions for the valley – the Committee is the place to be. The GSA will come up with a process to get everyone involved.
- Community Member (representing self) – Looking at proposed JPA Board with two Associate members, the Navy and BLM. Why all the telecoms that were not public – excluded the public. Suggests that domestic well owners and agriculture and others be added as Associate Members to add their voices to the discussion. It will not make a difference on voting so why not put Associate Members to represent the entirety of interest groups in the valley?
- Indian Wells Valley Water District – There will be no exclusions. Developing the GSP is where everything will happen. Telecoms were to go into details of legal issues and drafting JPA.
- Kern County – All very good points. The new GSA is going to grow in influence and gain importance in the community, and groundwater and water supply will become more visible than ever before. The most important role in this whole thing is in developing the GSP.
- Inyo County – Elected on Board of Supervisors, but also appointed to Air Board – this is all very important - in a very short period of time, this new effort on groundwater will become very important as well.
- Community Member (representing self) – Meaningful participation – what's that mean to Kern County?
- Kern County – In the Kern County groundwater subbasin, Kern Groundwater Authority is moving forward – but then three separate entities filed to form three separate GSAs in the Kern County subbasin – Kern county was not ever on the authority or on a committee – but Kern county just submitted to be an overlapping GSA to one GSA that would have made its 90 days and been formed. What is my (definition of) meaningful participation: to not be viewing this as an outsider, but to be fully participating – Kern County will not surrender police powers unless there is full and complete meaningful participation for the basin.
- Community Member (representing self) – Good to hear the progress – keep the state out of here. Are the Navy and BLM non-voting members by choice?
- Navy (Counsel) – Legally, the Navy could not be a voting member.
- Community Member (representing self) – Committee(s) is where the real work will be done and the law says who has to be involved. Regarding fees, voting members have authority to levy fees.

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NEXT STEPS FOR GSA FORMATION

- General Members adopt and execute the JPA at their Board/Council meetings
- Associate Members enter into Memorandum of Agreement with the Authority
- Authority develops plan for development of GSP, budget, and advisory committee(s) structure
- Authority develops and adopts by-laws and supporting policy documents
- Public Notice at least 14 days before a Public Hearing on the election to become GSA
- Within 30 days of Public Hearing, notification of election to become a GSA is sent to State Department of Water Resources
- 90-day waiting period after GSA filing with State
- IWV GSA begins operation, with the following initial tasks to complete
 - Develop basin data management system
 - Coordinate basin groundwater monitoring
 - Update existing or create new groundwater flow model
 - Prepare IWV GSP working with Advisory Committee(s)
 - Conduct Costs of Service Study to develop funding plan
- Prior to June 30, 2017, the Authority must elect to become a GSA for IWV
- Prior to January 31, 2020, the Authority must adopt GSP for the basin