

# INDIAN WELLS VALLEY GROUNDWATER AUTHORITY

Ridgecrest City Hall 100 W California Ave., Ridgecrest, CA 93555 760-499-5002

## BOARD OF DIRECTORS

### A G E N D A

Wednesday, November 9, 2022

**Closed Session – 10:00 a.m.**

**Open Session – No earlier than 10:30 a.m.**

***NOTICE:*** *In accordance with the evolving public health declarations, we will continue to provide live stream video for those wishing to participate virtually. Please see the Public Comment Notice below for detailed instructions on submitting public comment as well as websites for livestream broadcasting. Telephonic participation by members of the Board and staff is expected.*

*In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact April Keigwin at (805) 764-5452. Requests must be made as early as possible and at least one full business day before the start of the meeting. Documents and material relating to an open session agenda items that are provided to the IWVGA Board of Directors prior to a regular meeting will be available for public inspection and copying at Ridgecrest City Hall, 100 W California Ave, Ridgecrest, CA 93555, or online at <https://iwvga.org/>.*

#### Statements from the Public

*The public will be allowed to address the Board during Public Comments about subjects within the jurisdiction of the IWVGA Board and that are NOT on the agenda. No action may be taken on off-agenda items unless authorized by law. Questions posed to the Board may be answered after the meeting or at future meeting. Dialog or extended discussion between the public and the Board or staff will be limited in accordance with the Brown Act. All Public Comment portions of the meeting shall be limited to three (3) minutes per speaker. Each person is limited to one comment during Public Comments.*

#### **1. CALL TO ORDER**

#### **2. ADOPTION OF AGENDA AND AB 361 FINDING**

#### **3. PUBLIC COMMENT ON CLOSED SESSION**

#### **4. CLOSED SESSION**

- CONFERENCE WITH REAL PROPERTY NEGOTIATIONS –  
(Government Code Section 54956.8) - Property: Jackson Ranch - Kings County  
Assessor's Parcel Numbers 048-010-016, 048-010-018, and 048-020-030; Agency  
Negotiator: Capitol Core Group; Negotiating Parties: Various; Under Negotiation: Price  
and terms of payment.
- CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
(Government Code Section 54956.9(d)(1)): IWVGA v. Inyokern CSD – Kern County  
Superior Court BCV-22-100281

- CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
(Government Code Section 54956.9(d)(1) - Name of case: Searles Valley Minerals Inc v. Indian Wells Valley Groundwater Authority, et. al. - Orange County Superior Court 30-2022-01239487-CU-MC-CJC
  
- CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION  
(Government Code Section 54956.9(d)(1) - Name of case: Mojave Pistachios, LLC, a California limited liability company, et.al. v. Indian Wells Valley Groundwater Authority, a California Joint Powers Authority, et. al. - Orange County Superior Court 30-2022-0139479-CU-MC-CJC

**5. OPEN SESSION – No earlier than 10:30 a.m.**

- a. Report on Closed Session
- b. Pledge of Allegiance
- c. Roll Call

**6. PUBLIC COMMENT**

This time is reserved for the public to address the Board about matters NOT on the agenda. No action will be taken on non-agenda items unless authorized by law. Comments are limited to three minutes per person.

**7. BOARD MEMBER COMMENTS**

This time is reserved for comments by Board members and/or staff and to identify matters for future Board business.

**8. CONSENT AGENDA**

- a. Approve Minutes of Board Meeting October 12, 2022
- b. AVEK Payment of \$5,000.00 per Resolution 07-22 (paid October 20, 2022)
- c. Approve Expenditures  
*\*To view itemized invoices please visit <https://iwvga.org/iwvga-meetings>*
  - i. \$109,596.66 – Stetson Engineers
  - ii. \$20,591.00 – Regional Government Services – (Replenishment / Extraction)
  - iii. \$18,837.50 – Capitol Core Group – (Replenishment)
  - iv. \$14,114.75 – California Rural Water Association (SDAC)
  - v. \$5,000.00 – Brown Armstrong
  - vi. \$59,165.29 – Provost & Pritchard
  - vii. \$8,893.52 – PackWrap (Extraction)
  - viii. \$125,000.00 – Kern County Repayment

**9. RESOLUTION 09-22 SUBMITTING AN APPLICATION FOR SGMA ROUND 2 GRANT FUNDING**

**10. REPORT ON PROGRESS OF IMPORTED WATER PIPELINE ALIGNMENT STUDY AND RELEASE OF THREE PREFERRED ALIGNMENTS**

**11. WATER RESOURCES MANAGER REPORT**

- a. Grant Funding
  - i. Proposition 1
  - ii. Proposition 68

- iii. SGMA Implementation Project Grant Funds
- b. GSP Implementation Projects/Management Action Updates
  - i. Recycled Water Program
  - ii. Bureau of Reclamation Grant Funding Feasibility Study
- c. Miscellaneous Items
  - i. Data Collection and Monitoring
  - ii. IWVGA Basin Model Configuration Management Plan
  - iii. Rose Valley Subflow Update

### 13. GENERAL MANAGER'S REPORT

- a. Monthly Financial Report
- b. Report on IWVGA's Water Marketer (Capitol Core Group)
- c. Severely Disadvantaged Communities (SDAC) Update
- d. Update on financing
- e. Letter sent to IWVWD

### 14. DATE OF NEXT MEETING – December 14, 2022

### 15. ADJOURN

#### PUBLIC COMMENT NOTICE

On September 16, 2021, Governor Newsom signed into law Assembly Bill 361, relating to the convening of public meetings in light of the COVID-19 pandemic. At this time, the Indian Wells Valley Groundwater Authority is continuing to hold board meetings in order to conduct essential business. IWVGA meetings will be open to the public for physical attendance; However, for those who wish to continue using virtual alternatives please follow the directions below for access to live stream video as well as ways to submit public comment.

- **Watch meetings on-line:**

All of our meetings are streamed live at <https://ridgecrest-ca.gov/369/Watch> (4 second streaming delay) or on YouTube at <https://www.youtube.com/cityofridgecrest/live> (22 second streaming delay) and are also available for playback after the meeting.

- **Call in for public comments:**

If you wish to make verbal comment, *please call (760) 499-5010*. This phone line will allow only one caller at a time, so if the line is busy, please continue to dial. We will be allowing a 20-30 second pause between callers to give time for media delays and callers to dial in. Due to media delays, please mute your streaming device while making public comment. If you wish to comment on multiple items, you will need to call in as each item is presented.

\*Please Note – This process will be a learning curve for all, *please be patient*.

- **Submit written comments:**

We encourage submittal of written comments supporting, opposing, or otherwise commenting on an agenda item, for distribution to the Board prior to the meeting. Send emails to [akeigwin@rgs.ca.gov](mailto:akeigwin@rgs.ca.gov) written correspondence may be sent to April Keigwin, Clerk of the Board, 100 W. California Ave., Ridgecrest, CA 93555. Please specify to which agenda item your comment relates.

- **Large Groups:**

If you are part of a large group that would like to comment on an agenda item, please consider commenting in writing. This will be as impactful to the Board as having a large group in attendance.

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# INDIAN WELLS VALLEY GROUNDWATER AUTHORITY

City of Ridgecrest, Indian Wells Valley Water District, Inyo County, Kern County, San Bernardino County

## BOARD OF DIRECTORS MEETING MINUTES Wednesday, October 12, 2022

### IWVGA Members Present:

Chairman Phillip Peters, Kern County	Carol Thomas-Keefer, IWVGA General Manager
Scott Hayman, City of Ridgecrest	Keith Lemieux, Legal Counsel
Stan Rajtora, IWVWD	Steve Johnson, Stetson Engineers
John Vallejo, Inyo County	Commander Benjamin Turner, US Navy, DoD Liaison
Tim Itnyre, San Bernardino County	April Keigwin, Clerk of the Board
Thomas Bickauskas, Bureau of Land Management	

Attending via teleconference is Tim Itnyre, John Vallejo, Steve Johnson, and April Keigwin.

Meeting recording and public comment letters submitted are made available at:  
<https://iwvga.org/iwvga-meetings/>

### 1. CALL TO ORDER:

Chairman Peters calls the meeting to order at 10:04 a.m.

### 2. ADOPTION OF AGENDA AND AB-361 FINDING:

Motion made by Scott Hayman and seconded by John Vallejo to make a finding that health and safety risks as stated in AB-361 are still of concern.

Motion carries by the following roll call vote:

Chairman Peters	Aye
Vice Chair Hayman	Aye
Director Itnyre	Absent
Director Rajtora	Aye
Director Vallejo	Aye

### 3. PUBLIC COMMENT ON CLOSED SESSION:

None.

Chairman Peters calls the meeting into Closed Session at 10:05 a.m.

### 4. CLOSED SESSION:

- CONFERENCE WITH REAL PROPERTY NEGOTIATIONS – (Government Code Section 54956.8) - Property: Jackson Ranch - Kings County Assessor's Parcel Numbers 048-010-016, 048-010-018, and 048-020-030; Agency Negotiator: Capitol Core Group; Negotiating Parties: Various; Under Negotiation: Price and terms of payment.
- CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Government Code Section 54956.9(c)): IWVGA v. Inyokern CSD
- CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

(Government Code Section 54956.9(d)(1) - Name of case: Searles Valley Minerals Inc v. Indian Wells Valley Groundwater Authority, et. al. - Orange County Superior Court 30-2022-01239487-CU-MC-CJC

• CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION

(Government Code Section 54956.9(d)(1) - Name of case: Mojave Pistachios, LLC, a California limited liability company, et.al. v. Indian Wells Valley Groundwater Authority, a California Joint Powers Authority, et. al. - Orange County Superior Court 30-2022-0139479-CU-MC-CJC

Closed Session adjourns at 11:00 a.m.

5. OPEN SESSION – No earlier than 11:00 a.m.

Meeting reconvenes into Open Session at 11:08 a.m.

- a. Report on Closed Session – Counsel Lemieux reports no action was taken that would require disclosure under The Brown Act.
- b. Pledge of Allegiance is led by Chairman Peters
- c. Roll Call

Chairman Peters	Present
Vice Chair Hayman	Present
Director Itnyre	Present
Director Rajtora	Present
Director Vallejo	Present

6. PUBLIC COMMENT:

None.

7. BOARD MEMBER COMMENTS:

Chairman Peters directs Carol Thomas-Keefer to send a letter to the IWVWD Board of Directors correcting misinformation on items discussed during the last IWVWD board meeting.

8. CONSENT AGENDA:

- a. Approve Minutes of Board Meeting September 14, 2022
- b. Approve Expenditures
  - \*To view itemized invoices please visit <https://iwvga.org/iwvga-meetings>
  - i. \$86,805.86 – Stetson Engineers
  - ii. \$22,512.50 – Regional Government Services – (Replenishment / Extraction)
  - iii. \$15,650.00 – Capitol Core Group – (Replenishment)
  - iv. \$14,622.84 – California Rural Water Association (SDAC)

Motion made by Scott Hayman and seconded by Stan Rajtora to approve Minutes of Board Meeting September 14, 2022, and the following expenditures in the amount of, \$86,805.86 to Stetson Engineers, \$22,512.50 to Regional Government Services, \$15,650.00 to Capitol Core Group, and \$14,622.84 to California Rural Water Association.

Motion carries by the following roll call vote:

Chairman Peters	Aye
Vice Chair Hayman	Aye
Director Itnyre	Aye
Director Rajtora	Aye
Director Vallejo	Aye

9. RESOLUTION 06-22 AUTHORIZING STAFF TO EXECUTE A LEASE AGREEMENT WITH THE STATE OF CALIFORNIA FOR MONITORING WELL ACCESS:

Jeff Helsley provides staff report and Resolution 06-22 (documents made available on the IWVGA website).

The Board hears public comment from Don Decker.

Motion made by Scott Hayman and seconded by Stan Rajtora to approve Resolution 06-22 executing a lease agreement with the State of California for monitoring well access.

Motion carries by the following roll call vote:

Chairman Peters	Aye
Vice Chair Hayman	Aye
Director Itnyre	Aye
Director Rajtora	Aye
Director Vallejo	Aye

**10. RESOLUTION 07-22 APPROVING AGREEMENT WITH AVEK FOR PIPELINE ALIGNMENT STUDY SUPPORT AND DEPOSIT:**

Jeff Simonetti provides staff report and Resolution 07-22 (documents made available on the IWVGA website).

Motion made by John Vallejo and seconded by Scott Hayman to approve Resolution 07-22 executing an agreement with AVEK for the pipeline alignment study.

Motion carries by the following roll call vote:

Chairman Peters	Aye
Vice Chair Hayman	Aye
Director Itnyre	Aye
Director Rajtora	Aye
Director Vallejo	Aye

**11. APPROVAL OF LETTER TO AVEK RE IMPORTED WATER CONNECTION**

Carol Thomas-Keefer provides staff report letter (documents made available on the IWVGA website).

Motion made by Scott Hayman and seconded by John Vallejo approving the letter to AVEK.

Motion carries by the following roll call vote:

Chairman Peters	Aye
Vice Chair Hayman	Aye
Director Itnyre	Aye
Director Rajtora	Nay
Director Vallejo	Aye

**12. RESOLUTION 08-22 APPROVING URBAN COMMUNITY DROUGHT RELIEF PROGRAM APPLICATION**

Michael McKinney of Capitol Core Group provides a staff report, Resolution 08-22 and additional documents detailing the drought relief program (documents made available on the IWVGA website).

Motion made by Scott Hayman and seconded by John Vallejo to approve Resolution 08-22 submitting an application for the Urban Community Drought Relief Program

Motion carries by the following roll call vote:

Chairman Peters	Aye
Vice Chair Hayman	Aye
Director Itnyre	Aye
Director Rajtora	Aye

Director Vallejo                      Aye

**13. SHALLOW WELL IMPACT MITIGATION PROGRAM UPDATE**

Heather Steele provides PowerPoint presentation (documents made available on the IWVGA website).

The Board hears public comment from Judie Decker and Don Decker.

**14. REVIEW AND POTENTIAL ADOPTION OF CY 2023 BUDGET**

Carol Thomas Keefer provides the CY 2023 Budget (documents made available on the IWVGA website).

The Board hears public from Renee Westa-Lusk.

Motion made by Scott Hayman and seconded by John Vallejo to approve the 2023 budget.

Motion carries by the following roll call vote:

Chairman Peters	Aye
Vice Chair Hayman	Aye
Director Itnyre	Aye
Director Rajtora	Nay
Director Vallejo	Aye

**15. WATER RESOURCES MANAGER REPORT:**

Steve Johnson, Jeff Helsley, Mayra Lopez, Bianca Cabrera and Jean Moran provide presentations on the following grants/programs (documents made available on the IWVGA website):

- a. Grant Funding
  - i. Proposition 1
  - ii. Proposition 68
  - iii. SGMA Implementation Project Grant Funds
- b. GSP Implementation Projects/Management Action Updates
  - i. Recycled Water Program
  - ii. Bureau of Reclamation Grant Funding Feasibility Study
- c. Miscellaneous Items
  - i. Data Collection and Monitoring
  - ii. IWVGA Basin Model Configuration Management Plan
  - iii. Rose Valley Subflow Update

The Board hears public comment from Don Decker and Renee Westa-Lusk.

**16. GENERAL MANAGER’S REPORT:**

Carol Thomas-Keefer provides the Monthly Financial Report, Technical Memorandum from Capitol Core Group, Severely Disadvantaged Communities update and Communication and Engagement Plan update (documents made available on the IWVGA website).

**17. PAC/TAC REPORTS:**

Dave Janiec provides PAC report for the meeting held on Thursday, September 22, 2022.

The Board hears public comment from Judie Decker and West Katzenstein.

**18. DATE OF NEXT MEETING – November 10, 2022**

**19. ADJOURN:**

Chairman Peters adjourns the meeting at 1:09 p.m. on October 12, 2022.

Respectfully submitted,

*April Keigwin*  
Clerk of the Board  
Indian Wells Valley Groundwater Authority

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**Invoice**

City of Ridgecrest  
 Attn: Alan Christensen  
 100 W. California Ave.  
 Ridgecrest, CA 93555

**Invoice Number: 2652-62**  
**Invoice Date: 10/26/22**

Project #: 2652      **Indian Wells Valley Groundwater Authority**

Professional Services through 9/30/2022

**Water Resources Management 2022**

**01 - Meetings & Prep**

**Professional Services**

	<u>Bill Hours</u>	<u>Bill Rate</u>	<u>Charge</u>
Principal	20.50	\$237.00	\$4,858.50
Supervisor I	17.25	\$206.00	\$3,553.50
Senior Associate	5.00	\$128.00	\$640.00
Associate III	2.75	\$111.00	\$305.25
Senior Assistant	1.75	\$103.00	\$180.25
Assistant I	6.50	\$98.00	\$637.00

*Professional Services Subtotal:*      \$10,174.50

**Reimbursables**

	<u>Charge</u>
Reproduction	\$0.60

*Reimbursables Subtotal:*      \$0.60

*Meetings & Prep Subtotal:*      \$10,175.10

**02 - Prop 1 / Prop 68 Grant Administration**

**Professional Services**

	<u>Bill Hours</u>	<u>Bill Rate</u>	<u>Charge</u>
Principal	3.50	\$237.00	\$829.50
Supervisor I	6.00	\$206.00	\$1,236.00
Supervisor II	31.50	\$191.00	\$6,016.50
Senior Associate	20.00	\$128.00	\$2,560.00
Assistant I	21.75	\$98.00	\$2,131.50

*Professional Services Subtotal:*      \$12,773.50

*Prop 1 / Prop 68 Grant Administration Subtotal:*      \$12,773.50

**02.01 - SGMA IP Grant Administration**

**Professional Services**

	<u>Bill Hours</u>	<u>Bill Rate</u>	<u>Charge</u>
Assistant I	18.00	\$98.00	\$1,764.00

*Professional Services Subtotal:*      \$1,764.00

*SGMA IP Grant Administration Subtotal:*      \$1,764.00

**03 - Grant Review & Application Preparation**

**Professional Services**

	<u>Bill Hours</u>	<u>Bill Rate</u>	<u>Charge</u>
Principal	8.00	\$237.00	\$1,896.00
Supervisor I	1.50	\$206.00	\$309.00
Senior Associate	1.50	\$128.00	\$192.00

*Professional Services Subtotal:*      \$2,397.00



*Grant Review & Application Preparation Subtotal:* \$2,397.00

**04 - Data Mgmt System Support**

**Professional Services**

	<u>Bill Hours</u>	<u>Bill Rate</u>	<u>Charge</u>
Supervisor I	1.50	\$206.00	\$309.00
Associate I	11.25	\$122.00	\$1,372.50
Senior Assistant	1.50	\$103.00	\$154.50

*Professional Services Subtotal:* \$1,836.00

*Data Mgmt System Support Subtotal:* \$1,836.00

**05 - General Project Mgmt**

**Professional Services**

	<u>Bill Hours</u>	<u>Bill Rate</u>	<u>Charge</u>
Supervisor I	11.25	\$206.00	\$2,317.50
Senior Associate	5.50	\$128.00	\$704.00
Assistant I	10.75	\$98.00	\$1,053.50

*Professional Services Subtotal:* \$4,075.00

*General Project Mgmt Subtotal:* \$4,075.00

**06 - Model Transfer & Upgrade**

**Professional Services**

	<u>Bill Hours</u>	<u>Bill Rate</u>	<u>Charge</u>
Supervisor I	8.50	\$206.00	\$1,751.00

*Professional Services Subtotal:* \$1,751.00

**Sub-Contractors**

		<u>Charge</u>
Board of Regents		\$4,410.03

*Sub-Contractors Subtotal:* \$4,410.03

*Model Transfer & Upgrade Subtotal:* \$6,161.03

**07.01 - 01 Imported Water: Planning/Design/Environmental**

**Professional Services**

	<u>Bill Hours</u>	<u>Bill Rate</u>	<u>Charge</u>
Supervisor I	8.00	\$206.00	\$1,648.00
Assistant I	25.25	\$98.00	\$2,474.50

*Professional Services Subtotal:* \$4,122.50

*01 Imported Water: Planning/Design/Environmental Subtotal:* \$4,122.50

**08 - Imported Water: Negotiations & Coordination**

**Professional Services**

	<u>Bill Hours</u>	<u>Bill Rate</u>	<u>Charge</u>
Principal	1.00	\$237.00	\$237.00
Senior Associate	1.50	\$128.00	\$192.00

*Professional Services Subtotal:* \$429.00

*Imported Water: Negotiations & Coordination Subtotal:* \$429.00

**09 - Recycled Water**

**Professional Services**

	<u>Bill Hours</u>	<u>Bill Rate</u>	<u>Charge</u>
Principal	5.50	\$237.00	\$1,303.50
Supervisor I	4.75	\$206.00	\$978.50
Assistant I	117.00	\$98.00	\$11,466.00

*Professional Services Subtotal:* \$13,748.00

*Recycled Water Subtotal:* \$13,748.00

**11 - Data Collection, Monitoring & Data Gaps**

**Professional Services**

	<u>Bill Hours</u>	<u>Bill Rate</u>	<u>Charge</u>
Supervisor I	10.50	\$206.00	\$2,163.00





**11 - Data Collection, Monitoring & Data Gaps**

<b>Professional Services</b>	<u>Bill Hours</u>	<u>Bill Rate</u>	<u>Charge</u>
Associate I	12.25	\$122.00	\$1,494.50
GIS Manager	3.75	\$122.00	\$457.50
Senior Assistant	13.00	\$103.00	\$1,339.00
<i>Professional Services Subtotal:</i>			<u>\$5,454.00</u>
<b>Reimbursables</b>			<u>Charge</u>
Equipment Purchase			\$2,052.40
<i>Reimbursables Subtotal:</i>			<u>\$2,052.40</u>
<b>Sub-Contractors</b>			<u>Charge</u>
Horizon Environmental, Inc.			\$1,963.38
<i>Sub-Contractors Subtotal:</i>			<u>\$1,963.38</u>
<i>Data Collection, Monitoring &amp; Data Gaps Subtotal:</i>			<u>\$9,469.78</u>

**12 - Prop 1 SDAC Program Support**

<b>Professional Services</b>	<u>Bill Hours</u>	<u>Bill Rate</u>	<u>Charge</u>
Supervisor I	0.75	\$206.00	\$154.50
Assistant I	2.50	\$98.00	\$245.00
<i>Professional Services Subtotal:</i>			<u>\$399.50</u>
<i>Prop 1 SDAC Program Support Subtotal:</i>			<u>\$399.50</u>

**14 - Production Reporting, Transient Pool & Fee Support**

<b>Professional Services</b>	<u>Bill Hours</u>	<u>Bill Rate</u>	<u>Charge</u>
Senior Assistant	0.50	\$103.00	\$51.50
<i>Professional Services Subtotal:</i>			<u>\$51.50</u>
<i>Production Reporting, Transient Pool &amp; Fee Support Subtotal:</i>			<u>\$51.50</u>

**15 - TSS: El Paso Well Drilling Support**

<b>Professional Services</b>	<u>Bill Hours</u>	<u>Bill Rate</u>	<u>Charge</u>
Supervisor I	0.50	\$206.00	\$103.00
<i>Professional Services Subtotal:</i>			<u>\$103.00</u>
<i>TSS: El Paso Well Drilling Support Subtotal:</i>			<u>\$103.00</u>

**17 - Navy/Coso Royalty Fund: Develop FY23 Projects & Secure Funding**

<b>Professional Services</b>	<u>Bill Hours</u>	<u>Bill Rate</u>	<u>Charge</u>
Principal	4.50	\$237.00	\$1,066.50
Supervisor I	2.75	\$206.00	\$566.50
<i>Professional Services Subtotal:</i>			<u>\$1,633.00</u>
<i>Navy/Coso Royalty Fund: Develop FY23 Projects &amp; Secure Funding Subtotal:</i>			<u>\$1,633.00</u>

**18 - Navy/Coso Royalty Fund: FY21 Rose Valley MW Permitting, Bid Doc Support & Dr**

<b>Professional Services</b>	<u>Bill Hours</u>	<u>Bill Rate</u>	<u>Charge</u>
Supervisor I	1.75	\$206.00	\$360.50
<i>Professional Services Subtotal:</i>			<u>\$360.50</u>
<i>Navy/Coso Royalty Fund: FY21 Rose Valley MW Permitting, Bid Doc Support &amp; Dr</i>			<u>\$360.50</u>

**20 - Shallow Well Mitigation Program: Outreach & Impacts Evaluation**

<b>Professional Services</b>	<u>Bill Hours</u>	<u>Bill Rate</u>	<u>Charge</u>
Principal	1.50	\$237.00	\$355.50
Supervisor I	7.50	\$206.00	\$1,545.00
Senior Associate	0.50	\$128.00	\$64.00
Assistant I	16.00	\$98.00	\$1,568.00



**20 - Shallow Well Mitigation Program: Outreach & Impacts Evaluation**

*Professional Services Subtotal:* \$3,532.50

*Shallow Well Mitigation Program Outreach & Impacts Evaluation Subtotal:* \$3,532.50

**21 - General Engineering**

**Professional Services**

	<u>Bill Hours</u>	<u>Bill Rate</u>	<u>Charge</u>
Supervisor I	6.25	\$206.00	\$1,287.50
Assistant I	2.00	\$98.00	\$196.00

*Professional Services Subtotal:* \$1,483.50

*General Engineering Subtotal:* \$1,483.50

**23 - Annual Report Preparation**

**Professional Services**

	<u>Bill Hours</u>	<u>Bill Rate</u>	<u>Charge</u>
Principal	3.50	\$237.00	\$829.50
Supervisor I	9.50	\$206.00	\$1,957.00
Supervisor II	92.50	\$191.00	\$17,667.50
Senior Associate	4.50	\$128.00	\$576.00
Associate I	4.50	\$122.00	\$549.00
GIS Manager	18.75	\$122.00	\$2,287.50
Associate III	1.50	\$111.00	\$166.50
Senior Assistant	1.25	\$103.00	\$128.75

*Professional Services Subtotal:* \$24,161.75

*Annual Report Preparation Subtotal:* \$24,161.75

**25 - Allocation Plan & Rules & Regs on Pumping/Restrictions**

**Professional Services**

	<u>Bill Hours</u>	<u>Bill Rate</u>	<u>Charge</u>
Principal	4.50	\$237.00	\$1,066.50
Associate III	1.00	\$111.00	\$111.00

*Professional Services Subtotal:* \$1,177.50

*Allocation Plan & Rules & Regs on Pumping/Restrictions Subtotal:* \$1,177.50

**26 - Budget Support**

**Professional Services**

	<u>Bill Hours</u>	<u>Bill Rate</u>	<u>Charge</u>
Supervisor I	5.50	\$206.00	\$1,133.00
Senior Associate	14.00	\$128.00	\$1,792.00

*Professional Services Subtotal:* \$2,925.00

*Budget Support Subtotal:* \$2,925.00

**27 - Litigation Support**

**Professional Services**

	<u>Bill Hours</u>	<u>Bill Rate</u>	<u>Charge</u>
Principal	9.50	\$237.00	\$2,251.50
Supervisor I	9.50	\$206.00	\$1,957.00
Senior Associate	4.00	\$128.00	\$512.00
Associate I	4.00	\$122.00	\$488.00
Associate III	14.50	\$111.00	\$1,609.50

*Professional Services Subtotal:* \$6,818.00

*Litigation Support Subtotal:* \$6,818.00

***Water Resources Management 2022 Subtotal: \$109,596.66***



Project #: 2652

Invoice No: 2652-62

October 26, 2022

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**\*\*\* Invoice Total \*\*\***

**\$109,596.66**

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PO Box 1350  
Carmel Valley, CA 93924

# Invoice

Date	Invoice #
9/30/2022	14072

Bill To:
Indian Wells Valley Groundwater Authority 100 W California Ave Ridgecrest, CA 93555

P.O. No.	Due Date	Inv Sent
	10/30/2022	10/17/2022

Date	Description	Amount
9/30/2022	Contract Services for September - please see attached	20,591.00
<b>Total</b>		<b>\$20,591.00</b>

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**Capitol Core Group, Inc.**  
 205 Cartwheel Bend (Operations Dept.)  
 Austin, TX 78738 US  
 512.568.3084  
 operations@capitolcore.com  
 www.capitolcore.com

**BILL TO**

Indian Wells Valley Groundwater  
 Authority  
 500 West Ridgecrest Blvd.  
 Ridgecrest, California 93555  
 USA

**INVOICE 2022-055**

**DATE** 11/01/2022 **TERMS** Net 45

**DUE DATE** 12/16/2022

**VENDOR ID**

195953

**INVOICE PERIOD**

October 2022

DATE	ACCOUNT SUMMARY	AMOUNT
10/03/2022	Balance Forward	29,562.50
	Other payments and credits after 10/03/2022 through 10/31/2022	-29,562.50
11/01/2022	Other invoices from this date	0.00
	New charges (details below)	18,837.50
	Total Amount Due	18,837.50

ACTIVITY	HOURS	RATE	AMOUNT
<b>Charges</b>			
Task 1: Identify and Secure Water Supplies			
<b>Government Relations: Intergovernmental Affairs</b>	2.50	250.00	625.00
Subtask B: ROW and Interconnection discussions {McKinney}			
<b>Government Relations: Intergovernmental Affairs</b>	2	250.00	500.00
Subtask A: Negotiations w/ Jackson Ranch {Tatum}			
<b>Government Relations: Intergovernmental Affairs</b>	4	250.00	1,000.00
Subtask B: Transfer and Storage Agreements {Tatum}			
<b>Government Relations: Intergovernmental Affairs</b>	2	250.00	500.00
Subtask C: State Regulatory Approval {Tatum}			
<b>Government Relations: Intergovernmental Affairs</b>	3	250.00	750.00
Subtask D: New water supplies and initial term sheet development for presentation {Tatum}			
<b>Government Relations: Intergovernmental Affairs</b>	2	250.00	500.00
Internal client calls re: water and follow-up {Tatum}			
<b>Government Relations: Intergovernmental Affairs</b>	4	225.00	900.00
Subtask A: Jackson Ranch Negotiations {Simonetti}			
<b>Government Relations: Intergovernmental Affairs</b>	2.25	225.00	506.25
Subtask B: AVEK Connection Project {Simonetti}			
<b>Government Relations: Intergovernmental Affairs</b>	1.50	225.00	337.50
Subtask B: AVEK Cost-sharing agreement {Simonetti}			



ACTIVITY	HOURS	RATE	AMOUNT
<b>Government Relations: Intergovernmental Affairs</b> Subtask D: Water Supplier Calls	5	225.00	1,125.00
Invoice Total Task 1 = \$6,743.75			
Task 2: Secure Federal Funding			
<b>Government Relations: Federal</b> Congressional: U.S. Senate -- DCIP floor amendments review, coordination w/ County of Kern, coordination w/ ADC, internal discussions and analysis {McKinney}	3.50	250.00	875.00
<b>Government Relations: Federal</b> Agency: U.S. Army Corps of Engineers -- Preparation of Task List, Review, internal client coordination meetings {McKinney}	6	250.00	1,500.00
<b>Government Relations: Federal</b> Congressional: Briefing Document updates Interconnection/Water Recycling Plant, Conf. call w/ Rep. McCarthy's office, meeting Rep. McCarthy's office, coordination, client preparation {McKinney}	3.75	250.00	937.50
<b>Government Relations: Federal</b> Research: Legislative Research on funding under WRDA-02 and WRDA-07 {Tatum}	2.50	250.00	625.00
<b>Government Relations: Federal</b> Agency: USACE materials review {Simonetti}	2.25	225.00	506.25
<b>Government Relations: Federal</b> Congressional: DCIP updates and potential amendment {Simonetti}	3.50	225.00	787.50
<b>Government Relations: Federal</b> Congressional: Congressional Briefing Document Water Recycling Plant {Simonetti}	1	225.00	225.00
<b>Government Relations: Federal</b> Congressional: Legislative Meetings and materials preparation {Simonetti}	4	225.00	900.00
Invoice Total Task 2 = \$6,356.25			
Task 3: Secure State Funding			
<b>Government Relations: California</b> Legislative: LAO analysis and discussion FY2022/2023 remaining water amounts (split) {McKinney}	2.50	250.00	625.00
<b>Government Relations: California</b> Agency: WRCB -- Wastewater Treatment Plant funding status update {McKinney}	1	250.00	250.00
<b>Government Relations: California</b> Agency: DWR -- SGMA-IP Round 2 discussion and Urban Community Drought Relief Grant Program {McKinney}	4.50	250.00	1,125.00
<b>Government Relations: California</b> Agency: State Parks -- Review of Letter {McKinney}	0.50	250.00	125.00
<b>Government Relations: California</b> Agency: Coordination with IWWWD on shallow well mitigation funding {Simonetti}	2.50	225.00	562.50
<b>Government Relations: California</b> Agency: State Parks Outreach {Simonetti}	2	225.00	450.00
<b>Government Relations: California</b> Agency: DWR: SGMA-IP Round 2 Implementation Guidance Review {Simonetti}	1	225.00	225.00
Invoice Total Task 3 = \$3,362.50			

ACTIVITY	HOURS	RATE	AMOUNT
Task 4: Administrative			
<b>Administrative</b> Board Meeting October {McKinney}	2	250.00	500.00
<b>Administrative</b> Board Meeting: October {Tatum}	3	250.00	750.00
<b>Administrative</b> Monthly materials update {Simonetti}	1	225.00	225.00
<b>Administrative</b> Board Meeting and Materials Preparation {Simonetti}	4	225.00	900.00
Invoice Total Task 4 = \$2,375.00			

-----

Regulatory Compliance Notes:

Federal Reportable Amount on Invoice City of Ridgecrest = \$1,662.50

Federal Reportable Amount on Invoice IWVGA = \$4,693.75

California: Reportable Amount on Invoice City of Ridgecrest = \$250.00

California: Reportable Amount on Invoice IWVGA = \$3,112.50

-----

Thank you for your business. Please make checks payable to  
Capitol Core Group, Inc.

TOTAL OF NEW  
CHARGES

18,837.50

TOTAL DUE	<b>\$18,837.50</b>
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# California Rural Water Association

California Rural Water Association  
 Task #6 Additional Conservation and Drought Mngmt Planning  
 September-October 2022

## INVOICE

**To:** Indian Wells Valley Groundwater Authority  
 Attn: Carol Thomas-Keefer  
 500 W. Ridgecrest Blvd  
 Ridgecrest CA, 93555

**Invoice #:** IWVGA-Task#6-006  
**Invoice Date:** 11/4/2022  
**Terms:** Net 30 Days

**Pay:** California Rural Water Association  
 1234 North Market Blvd.  
 Sacramento, CA 95834

**Project Name:** IWVGA Task #6 Agreement 03-19 Addendum No. 1

IWVGA-Searles Valley Water District			
Work Plan/AR #	Description of work	Date	Cost
Task 6	Admin and project support	Invoice period	\$ 1,029.75
Task 6	Technician Admin/Onsite	Invoice period	\$ 11,315.00
Task 6	Technician Travel hours	Invoice period	\$ 1,770.00
Travel Expenditures			
Name	Description of Travel	Cost	
	N/A		
Equipment			
Name	Description of Equipment	Cost	
<b>INVOICE TOTAL:</b>			<b>\$ 14,114.75</b>

Submitted by:  
 Dustin Hardwick, Deputy Director  
 California Rural Water Association

Signature

11/4/2022

Date

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# Brown Armstrong Accountancy Corporation

4200 Truxtun Avenue  
Suite 300  
Bakersfield, CA 93309  
661-324-4971

INDIAN WELLS VALLEY GROUNDWATER AUTHORITY  
100 W. CALIFORNIA AVENUE  
RIDGECREST, CA 93555

Invoice No. 266658

Date Sunday, October 30, 2022

Client No. 32711.001

Work in progress on 2021 audit:

(Contract amount/Billed to date: \$12,000/\$12,000)  
Additional fees will be charged in order to complete  
the contract in the future

Current Invoice Amount	\$	3,000.00
Beginning Balance		<u>2,000.00</u>
Balance Due	\$	<u>5,000.00</u>

0 - 30	31 - 60	61 - 90	91 - 120	Over 120	Balance
3,000.00	2,000.00	0.00	0.00	0.00	5,000.00

Please remit by: November 25, 2022

**Credit Card and ACH Payments Accepted on BA Payment Portal, [www.ba.cpa](http://www.ba.cpa)**

Click on "Make a Payment"

(3.5% Convenience Fee will Apply on Credit Cards)

Make checks payable to: **Brown Armstrong**

E-mail billing inquiries to: Sherry Stewart  
sstewart@ba.cpa

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455 W. Fir Avenue  
Clovis, CA 93611  
(559) 449-2700  
Fax (559) 449-2715



April Keigwin  
Indian Wells Valley Groundwater Authority  
100 West California Avenue  
Ridgecrest, CA 93555

September 13, 2022  
Project No: 04101-22-001  
Invoice No: 94895

**Project Name: Indian Wells Valley Groundwater Authority-Imported Water Pipeline Alignment Study**

**Client Project #:**

Project kickoff; began work on IWWVD demands; began gathering data and creating maps; started looking at potential alignments.

**Professional Services from August 1, 2022 to August 31, 2022**

---

Phase: T02 Imported Water Demands Determination

**Labor**

	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>	
Senior Engineer	.50	184.00	92.00	
Principal Engineer	5.20	225.00	1,170.00	
Totals	5.70		1,262.00	
<b>Total Labor</b>				<b>1,262.00</b>
		<b>Total this Phase:</b>		<b>\$1,262.00</b>

---

Phase: T03 Delivery & Connection Points Evaluation

**Labor**

	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>	
Senior Engineer	.50	184.00	92.00	
Totals	.50		92.00	
<b>Total Labor</b>				<b>92.00</b>
		<b>Total this Phase:</b>		<b>\$92.00</b>

---

Phase: T04 Preliminary Alignment Option Development

**Labor**

	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>	
Senior Engineer	10.60	184.00	1,950.40	
Totals	10.60		1,950.40	
<b>Total Labor</b>				<b>1,950.40</b>
		<b>Total this Phase:</b>		<b>\$1,950.40</b>

---

Phase: T06 Pipeline Alignment Options Analysis

**Labor**

	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>	
Principal Planner	1.50	182.00	273.00	
Associate Biologist	2.00	95.00	190.00	
Associate Biologist	1.70	115.00	195.50	
Totals	5.20		658.50	
<b>Total Labor</b>				<b>658.50</b>

---

\*\*\* Please make checks payable to Provost & Pritchard Consulting Group \*\*\*  
For billing inquiries, please email BillingInquiries@ppeng.com.



Project	04101-22-001	Imported Water Pipeline Alignment Study	Invoice	94895
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**Total this Phase: \$658.50**

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Phase: T07 Pipeline Alignment Options Comparison

**Labor**

	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>	
Associate Engineer	.50	147.00	73.50	
Principal Engineer	.50	225.00	112.50	
Totals	1.00		186.00	
<b>Total Labor</b>				<b>186.00</b>

**Total this Phase: \$186.00**

---

Phase: T09 Project Management

**Labor**

	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>	
Senior Engineer	.50	153.00	76.50	
Senior Engineer	18.10	184.00	3,330.40	
Principal Engineer	.70	205.00	143.50	
Principal Engineer	2.80	195.00	546.00	
Principal Engineer	12.30	225.00	2,767.50	
Project Administrator	.60	98.00	58.80	
Senior GIS Specialist	3.60	142.00	511.20	
Principal Const. Manager	.70	210.00	147.00	
Licensed Surveyor	.50	175.00	87.50	
Totals	39.80		7,668.40	
<b>Total Labor</b>				<b>7,668.40</b>

**Total this Phase: \$7,668.40**

**Total this Invoice \$11,817.30**

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455 W. Fir Avenue  
Clovis, CA 93611  
(559) 449-2700  
Fax (559) 449-2715



April Keigwin  
Indian Wells Valley Groundwater Authority  
100 West California Avenue  
Ridgecrest, CA 93555

October 18, 2022  
Project No: 04101-22-001  
Invoice No: 95661

**Project Name: Indian Wells Valley Groundwater Authority-Imported Water Pipeline Alignment Study**

**Client Project #:**

Developed eleven alignments; began analysis of each. Met with AVEK re tie-in point to Cal City Feeder. Met with IWWWD re projected demands. Developed maps of each alignment. Made two field visits.

**Professional Services from September 1, 2022 to September 30, 2022**

---

Phase:	T01	Capacity at Pipeline Inlet Determination		
<b>Labor</b>				
		<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
	Senior Engineer	3.10	184.00	570.40
	Totals	3.10		570.40
	<b>Total Labor</b>			<b>570.40</b>
			<b>Total this Phase:</b>	<b>\$570.40</b>

---

Phase:	T02	Imported Water Demands Determination		
<b>Labor</b>				
		<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
	Senior Engineer	8.00	184.00	1,472.00
	Principal Engineer	3.50	225.00	787.50
	Totals	11.50		2,259.50
	<b>Total Labor</b>			<b>2,259.50</b>
			<b>Total this Phase:</b>	<b>\$2,259.50</b>

---

Phase:	T03	Delivery & Connection Points Evaluation		
<b>Labor</b>				
		<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
	Senior Engineer	12.00	184.00	2,208.00
	Principal Engineer	1.00	225.00	225.00
	Travel Time	2.50	80.00	200.00
	Totals	15.50		2,633.00
	<b>Total Labor</b>			<b>2,633.00</b>
<b>Reimbursable Expenses</b>				
	Travel & Mileage			130.81
	<b>Total Reimbursables</b>			<b>130.81</b>
			<b>Total this Phase:</b>	<b>\$2,763.81</b>

---

Phase:	T04	Preliminary Alignment Option Development		
<b>Labor</b>				
		<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
	Senior Engineer	1.00	153.00	153.00

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\*\*\* Please make checks payable to Provost & Pritchard Consulting Group \*\*\*  
For billing inquiries, please email BillingInquiries@ppeng.com.

Project	04101-22-001	Imported Water Pipeline Alignment Study	Invoice	95661
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Senior Engineer	95.80	184.00	17,627.20	
Principal Engineer	17.00	225.00	3,825.00	
Senior GIS Specialist	.50	160.00	80.00	
Associate GIS Specialist	5.90	106.00	625.40	
Travel Time	2.00	80.00	160.00	
Totals	122.20		22,470.60	
<b>Total Labor</b>				<b>22,470.60</b>

**Reimbursable Expenses**

Printing, Repro & Photographs			24.12	
Travel & Mileage			856.04	
Other Direct Reimb Expenses			27.22	
<b>Total Reimbursables</b>			<b>907.38</b>	<b>907.38</b>

**Total this Phase: \$23,377.98**

Phase:	T08	Alternative Alignment Technical Memo		
<b>Labor</b>				

	Hours	Rate	Amount	
Principal Planner	3.80	182.00	691.60	
Associate Biologist	5.70	101.00	575.70	
Associate Biologist	9.20	115.00	1,058.00	
Totals	18.70		2,325.30	
<b>Total Labor</b>				<b>2,325.30</b>

**Total this Phase: \$2,325.30**

Phase:	T09	Project Management		
<b>Labor</b>				

	Hours	Rate	Amount	
Senior Engineer	16.70	184.00	3,072.80	
Principal Engineer	1.00	205.00	205.00	
Principal Engineer	4.40	195.00	858.00	
Principal Engineer	19.10	225.00	4,297.50	
Project Administrator	.90	98.00	88.20	
Senior GIS Specialist	42.00	142.00	5,964.00	
Senior GIS Specialist	.40	160.00	64.00	
Assistant Envir. Spec.	10.30	105.00	1,081.50	
Principal Const. Manager	2.00	210.00	420.00	
Totals	96.80		16,051.00	
<b>Total Labor</b>				<b>16,051.00</b>

**Total this Phase: \$16,051.00**

Billing Limits	Current	Prior	To-Date	
Total Billings	47,347.99	11,817.30	59,165.29	
Budget			449,100.00	
Budget Remaining			389,934.71	
<b>Total this Invoice</b>				<b><u>\$47,347.99</u></b>

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**PackWrap Business Center, Inc.**

1500 McLean St  
Ridgecrest, CA 93555  
(760)446-3010  
packwrap@hotmail.com  
www.packwrapprint.com



# INVOICE

**BILL TO**

IWVGA  
100 California Avenue  
Ridgecrest, CA 93555

**INVOICE #** 39595

**DATE** 10/12/2022

**DUE DATE** 11/11/2022

**TERMS** Net 30 Days

**P.O. NUMBER**

April Keigwin

**SALES REP**

Mary Boster

DESCRIPTION	QTY	RATE	AMOUNT
Dry Well Postcards	1	1,820.72	1,820.72

Thank you for your business with Packwrap. Please check out our website at [www.packwrapprint.com](http://www.packwrapprint.com).

SUBTOTAL	1,820.72
TAX (0)	0.00
TOTAL	1,820.72
BALANCE DUE	<b>\$1,820.72</b>

Signature \_\_\_\_\_

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**PackWrap Business Center, Inc.**

1500 McLean St  
Ridgecrest, CA 93555  
(760)446-3010  
packwrap@hotmail.com  
www.packwrapprint.com



# INVOICE

**BILL TO**

IWVGA  
100 California Avenue  
Ridgecrest, CA 93555

**INVOICE #** 39564

**DATE** 09/22/2022

**DUE DATE** 10/22/2022

**TERMS** Net 30 Days

**P.O. NUMBER**

April Keigwin

**SALES REP**

Mary Boster

DESCRIPTION	QTY	RATE	AMOUNT
Go Dry Postcards	1	2,243.30	2,243.30T
Mail Processing	13,081	0.06	784.86T
Bulk Mail Postage Final Postage - \$4,005.40 - Postage Paid \$3,966.16	1	39.24	39.24T

Thank you for your business with Packwrap. Please check out our website at [www.packwrapprint.com](http://www.packwrapprint.com).

SUBTOTAL	3,067.40
TAX (0)	0.00
TOTAL	3,067.40
BALANCE DUE	<b>\$3,067.40</b>

Signature \_\_\_\_\_



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PackWrap Business Center, Inc.  
1500 McLean St  
Ridgecrest, CA 93555  
(760)446-3010  
packwrap@hotmail.com  
www.packwrapprint.com



# INVOICE

**BILL TO**

IWVGA  
100 California Avenue  
Ridgecrest, CA 93555

**INVOICE #** 39566

**DATE** 09/23/2022

**DUE DATE** 10/23/2022

**TERMS** Net 30 Days

**P.O. NUMBER**

April Keigwin

**SALES REP**

Mary Boster

DESCRIPTION	QTY	RATE	AMOUNT
USPS Marketing Mail Postage for Sick Well Postcard	1	4,005.40	4,005.40

Thank you for your business with Packwrap. Please check out our website at [www.packwrapprint.com](http://www.packwrapprint.com).

**BALANCE DUE**

**\$4,005.40**

Signature \_\_\_\_\_

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REPAYMENT SCHEDULE FOR KERN COUNTY OBLIGATION

---

**PENDING APPROVAL- PAYMENT FOR NOVEMBER 2022** 125,000

**COMPLETED PAYMENTS AND PENDING APPROVAL**

EST PMT DATE	PAYMENT	MARCH	AUGUST	SEPT	NOV	TOTAL
3/25/2022	Payment 1	125,000	-	-	-	125,000
8/1/2022	Payment 2	-	125,000	-	-	125,000
9/14/2022	Payment 3	-	-	125,000	-	125,000
Pending Approval	Payment 4	-	-	-	125,000	125,000
	<b>TOTAL</b>	<u>125,000</u>	<u>125,000</u>	<u>125,000</u>	<u>125,000</u>	<u>500,000</u>

## OUTSTANDING OBLIGATIONS

	Kern County	City of Ridgecrest	Augmentation Fund	Total
<b>Advance Agreements</b>				
Advance of Funds	500,000	-	-	500,000
Advance Repayment: 3 of 4	(375,000)	-	-	(375,000)
<b>In-Kind Services</b>				
Attorney Srvcs./IT/Chambers -FY22 thru 9/30		190,585		190,585
Attorney Srvcs./IT/Chambers -FY 21	-	325,235	-	325,235
Attorney Srvcs./IT/Chambers -FY's16-20		366,982		366,982
<b>Inter-Fund Loans</b>				
Estimated 2022 Loan to Extraction Fund*	-	-	1,062,745	1,062,745
Repayment of Adv. Of Funds to IWVWD**	-	-	500,000	500,000
Estimated 2021 Loan to Extraction Fund-TBD***	-	-	-	-
<b>Postponed Invoice Payments</b>				
None	-	-	-	-
Total	<u>125,000</u>	<u>882,801</u>	<u>1,562,745</u>	<u>2,570,546</u>

\* Included in Adopted Budget.

\*\* IWVWD used restricted Augmentation Revenue to repay the Advance Agreement.

Repayment of the IWVWD Advance requires a transfer from the Extraction Fund to the Augmentation Fund.

\*\*\* Review of prior year use of Augmentation Revenue is on-going. Additional inter-fund loans will be presented in a future financial update. Amendment to the budget will be necessary to schedule a revised repayment.

## ADOPTED 2022 OBLIGATION REPAYMENTS

	Kern County	City of Ridgecrest	Augmentation Fund	Total
<b>Advance Agreements</b>				
\$125,000 scheduled in March, Aug, Sept, Dec	500,000	-	-	500,000
<b>In-Kind Services</b>				
Attorney Services/IT/Council Chambers	-	300,000	-	300,000
	<u>500,000</u>	<u>300,000</u>	<u>-</u>	<u>800,000</u>

Upon repayment of the 2022 Obligations, an inter-fund loan of \$800,000 will be created between the Extraction Fund and Augmentation Fund and added to Outstanding Obligations under Inter-Fund Loans.

City of Ridgecrest In-Kind Services Repayment for prior years is included in the Outstanding Obligation Schedule. Currently \$300,000 is budgeted for repayment in the Adopted 2022 Obligation Repayments Schedule. Amendment to the budget will be required to schedule a revised repayment and loan from the Augmentation Fund.

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# IWVGA ADMINISTRATIVE OFFICE

*MEMORANDUM*

**TO:** IWVGA Board Members

**DATE:** November 9, 2022

**FROM:** IWVGA Staff

**SUBJECT:** Agenda Item 9 – Resolution No. 09-22 SUBMITTING AN APPLICATION FOR SGMA ROUND 2 GRANT FUNDING

## **DISCUSSION**

Funding is available for medium and high priority groundwater basins, including critically overdrafted basins, through the California Department of Water Resources (DWR) Sustainable Groundwater Management (SGM) Grant Program’s SGMA-Implementation Round 2 Grant funding solicitation (SGMA-IP or Grant). The Grant provides funding for updates of Groundwater Sustainability Plans (GSPs) and for projects that encourage sustainable management of groundwater resources and that support SGMA and/or invest in groundwater recharge projects with surface water, stormwater, recycled water, and other conjunctive use projects. The Indian Wells Valley Groundwater Basin is a critically overdrafted basin of high priority, according to DWR’s most recent basin prioritization findings, so it is eligible to submit an application for a SGMA-IP Round 2 Grant. The Round 2 Grant solicitation will close on **Wednesday, November 30, 2022 at 5:00 pm PST**.

The IWVGA was previously awarded a SGMA-IP Round 1 Grant for \$7.6 million for planning, design, environmental review, and right of way requirements for the Imported Water Project. Unlike Round 1, funding awards for Round 2 Grant funding is highly competitive, and there is no guarantee that the IWVGA will receive additional funding. DWR has indicated that priority will be given for medium and high priority basins and to applicants that did not receive funding from Round 1.

Staff has identified and developed draft priority tasks necessary for the implementation of the GSP and the development of the 5-Year GSP Update that are eligible for Round 2 funding. These tasks are organized into two components which together form the Grant project. The current listing of tasks, along with brief descriptions, is included in the Board packet. A local cost share (i.e. matching funds) is not required for Round 2, but a minimum of 5% local cost share is required to be competitive.

There is currently no budget remaining in the FY2022 budget for this grant application. At the October 2022 Board Meeting, the Board authorized Stetson to prepare two applications for the Urban Community Drought Relief Grant Program which required an additional budget allocation to supplement the then remaining FY2022 budget for grant applications. An additional budget allocation of \$25,000 would be required to complete this grant application.

Should the Board agree with Staff’s recommendation to submit a grant application, a motion is needed which requires three parts: (1) Authorization of an additional allocation of \$25,000 for the FY 2022 budget

for grant applications; (2) Authorization for the IWVGA's General Manager, along with the Water Resources Manager, to submit an application on behalf of the IWVGA for the Round 2 Grant solicitation; and (3) Adoption of a Resolution No. 09-22 Authorizing an Agreement with the State of California for SGMA Implementation Grant Funding under the California Budget Act of 2021.

**RECOMMENDATION**

Staff recommends that your Board authorize an additional allocation of \$25,000 for the FY 2022 budget for grant applications, authorize the IWVGA's General Manager, along with the Water Resources Manager, to submit an application under the SGM Grant Program's SGMA-IP Round 2 Grant, and adopt the attached Resolution No. 09-22.



IWVGA Board Meeting  
November 9, 2022  
Agenda Item 9

## **Preliminary IP Grant Round 2 Application Tasks**

### **Component 1: GSP 5-Year Update and SGMA Support Tasks**

#### **Task: Model Upgrade and Analysis**

Budget: \$400,000

Description: Complete the transfer of the model to the IWVGA. Upgrade the structure of the model with current datasets. Use the model to evaluate management areas, climate change, evapotranspiration, water budgets, and groundwater conditions throughout the Basin. Evaluate and address DWR's recommended corrective actions regarding aquifer properties, water budgets, evapotranspiration, and climate change. Update the Hydrogeologic Conceptual Model, as necessary, with updated data.

#### **Task: Data Gap Analysis and Evaluation of Monitoring Network**

Budget: \$50,000

Description: Evaluate data gaps identified in the GSP and potential additional data gaps. Evaluate and address DWR's recommended corrective actions including establishing a timeline for filling the identified data gaps. Evaluate GDEs within the Basin and conduct field surveys. Establish monitoring points and monitoring protocols. Install data loggers and equipment. Reevaluate and modify monitoring network, as necessary, for groundwater levels and water quality monitoring.

#### **Task: Well and Pumper Verification**

Budget: \$50,000

Description: Conduct a survey and analysis on domestic, private, and mutual wells to fill in data gaps regarding well locations and groundwater production. Update water budgets with refined production estimates.

#### **Task: Storage Evaluation**

Budget: \$50,000

Description: Evaluate methodology for determining change in storage and analyze trends in changes in storage to support evaluation of Projects and Management Actions and sustainable management criteria.

Task: Annual Report Preparation

Budget: \$160,000

Description: Preparation of three GSP Annual Reports in compliance with SGMA regulations for Water Years 2022 through 2024 concurrent with the preparation of the GSP 5-year Update.

Task: GSP 5-Year Update Preparation

Budget: \$220,000

Description: Preparation of the GSP 5-Year Update including compilation of data and reports, reevaluation and establishment of sustainable management criteria, review and update of all projects and management actions, preparation of figures and exhibits and attachments, coordination with the public and DWR staff, and coordination with the IWVGA Committees and Board. Address all DWR recommended corrective actions.

**Component 2: GSP and Data Gap Implementation Tasks**

Task: Communication and Engagement Plan Implementation

Budget: \$50,000

Description: Implement revised Communication and Engagement Plan to actively engage stakeholders during the implementation of the GSP, as recommended by DWR in the recommended corrective actions.

Task: Shallow Well System Consolidation

Budget: \$500,000

Description: Implementation of GSP Project- Shallow Well Mitigation. Evaluation of private wells experiencing impacts due to the chronic decline of groundwater levels. Design and construction of distributions systems to consolidate parcels into larger public water systems.

Task: Monitoring Well Installation

Budget: \$700,000

Description: Design and construction of monitoring wells identified as essential for filling in data gaps, as recommended by DWR in the recommended corrective actions. Includes the replacement of the Inyo monitoring well.

Task: Geophysical Investigation to Quantify Mountain Front Recharge

Budget: \$490,000

Description: Quantify the mountain-front recharge that originates from the Sierra Nevada Mountains. Perform geologic and geophysical studies of the alluvial fans at the base of the Sierra Nevada Mountains to define the geometry and geologic structure of the interface between the mountains and the basin boundary.

Task: High-resolution seismic survey at El Paso Subarea

Budget: TBD

Description: Identify horizontal and vertical anisotropies using shear wave reflection methods that employ three component geophones using high-resolution seismic techniques. Map potential low permeability confining layers not identified in existing well logs to identify potential infiltration basins.

Task: Shallow seismic survey to determine depth of Black Mountain volcanics

Budget: TBD

Description: Perform seismic investigation of Black Mountain volcanics south of Bowman Road to determine the aquifer extents in this area and identify if there is a groundwater table above bedrock.

**Application Project Summary**

<b><u>PRELIMINARY TASKS</u></b>	<b><u>DRAFT BUDGET</u></b>
<b>GSP 5-Year Update and SGMA Support Tasks</b>	
Model Upgrade and Analysis	\$400,000
Data Gap Analysis	\$50,000
Well and Pumper Verification	\$50,000
Storage Evaluation	\$50,000
Annual Report Preparation	\$160,000
GSP 5-Year Update Preparation	\$220,000
<i>Subtotal</i>	<i>\$930,000</i>
<b>GSP and Data Gap Implementation Tasks</b>	
Communication and Engagement Plan Implementation	\$50,000
Shallow Well System Consolidation	\$500,000
Monitoring Well Installation	\$700,000
Geophysical Investigation to Quantify Mountain Front Recharge	
High-resolution Seismic Survey at El Paso Subarea	TBD
Shallow Seismic Survey to Determine Depth of Black Mountain Volcanics	TBD
<i>Subtotal</i>	<i>\$1,740,000 (plus TBD task budgets)</i>
<b>PRELIMINARY TASK TOTAL</b>	<b>\$2,670,000</b>
<b>GRANT ADMINISTRATION (~10%)</b>	<b>\$250,000</b>
<b>IWVGA COST SHARE (5%) *</b>	<b>\$146,000</b>
<b>GRANT AMOUNT (95%)</b>	<b>\$2,774,000</b>

\* Cost share is not required, but recommended to obtain maximum scoring points.

IWVGA Board Meeting  
November 9, 2022

**Grant Funding**

*SGMA-Implementation Round 2 Grant Application*

- Solicitation for Round 2 grant funds is currently open
  - Applications Due November 30, 2022
- Eligible Projects:
  - GSP Updates
  - GSP Implementation Projects
- Project End Date: June 30, 2025
- Round 2 grant funds are highly competitive (unlike Round 1)
  - No guarantee IWVGA will receive funding
- Currently requesting Board authorization for the following:
  - Preparation and Submittal of the Application (\$25,000)
  - Execution of Agreement with DWR (if Grant funds awarded)

AGENDA ITEM 9

1



IWVGA Board Meeting  
November 9, 2022

**Grant Funding**

*SGMA-Implementation Round 2 Grant Application (cont.)*

- Objectives:
  - Conduct studies and analyses critical to implementing SGMA requirements including the preparation of the GSP 5-Year Update which will address DWR's Recommended Corrective Actions.
  - Implement GSP projects and Data Gap projects to address undesirable results and achieve sustainability.

AGENDA ITEM 9

2



# IWVGA Board Meeting November 9, 2022

## Grant Funding

### SGMA-Implementation Round 2 Grant Application (cont.)

PRELIMINARY TASKS	DRAFT BUDGET
GSP 5-Year Update and SGMA Support Tasks	
Model Upgrade and Analysis	\$400,000
Data Gap Analysis	\$50,000
Well and Pumper Verification	\$50,000
Storage Evaluation	\$50,000
Annual Report Preparation	\$160,000
GSP 5-Year Update Preparation	\$220,000
GSP and Data Gap Implementation Tasks	
Communication and Engagement Plan Implementation	\$50,000
Shallow Well System Consolidation	\$500,000
Monitoring Well Installation	\$700,000
Geophysical Investigation to Quantify Mountain Front Recharge	
High-resolution Seismic Survey at El Paso Subarea	TBD
Shallow Seismic Survey to Determine Depth of Black Mountain Volcanics	TBD
<b>PRELIMINARY TASK TOTAL</b>	<b>\$2,670,000</b>
<b>GRANT ADMINISTRATION (~10%)</b>	<b>\$250,000</b>
<b>IWVGA COST SHARE (5%)</b>	<b>\$146,000</b>
<b>GRANT AMOUNT (95%)</b>	<b>\$2,774,000</b>

#### Project Tasks

- Tasks are still under evaluation for inclusion in Application

#### Budgets

- Task budgets in review
- Minimum 5% local cost share required to earn maximum scoring points
- Cost share funding would be through the Extraction Fee

# BEFORE THE BOARD OF DIRECTORS INDIAN WELLS VALLEY GROUNDWATER AUTHORITY

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In the matter of:

Resolution No. 09-22

## AUTHORIZING AN AGREEMENT WITH THE STATE OF CALIFORNIA FOR SGMA IMPLEMENTATION GRANT FUNDING UNDER THE CALIFORNIA BUDGET ACT OF 2021

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I, April Keigwin, Secretary of the Board of Directors for the Indian Wells Valley Groundwater Authority, do certify that the following resolution, on motion of Director \_\_\_\_\_, seconded by Director \_\_\_\_\_, was duly passed and adopted by the Board of Directors at an official meeting this 9<sup>th</sup> day of November, 2022, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

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Secretary of the Board of Directors  
Indian Wells Valley Groundwater Authority

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## RESOLUTION

### Section 1. **WHEREAS:**

(a) The Board's adoption and submission of its Groundwater Sustainability Plan ("GSP") to the California Department of Water Resources ("DWR") by no later than January 31, 2020, was a requirement of the "Sustainable Groundwater Management Act" ("SGMA"); and

(b) The stated purpose of SGMA, as set forth in California Water Code Section 10720.1, is to provide for the sustainable management of groundwater basins, and sub-

basins, as defined by DWR at a local level by providing local water supply, water management and land use agencies with the authority and technical and financial assistance necessary to sustainably manage groundwater; and

(c) Round 2 grant funding from DWR is available through the California Budget Act of 2021 under the Sustainable Groundwater Management (“SGM”) grant program for projects consistent with implementation of GSPs; and

(d) The Indian Wells Valley Groundwater Authority (“IWVGA”) is eligible to receive funding, up to \$20,000,000, through submittal of a Round 2 SGMA Implementation grant application to DWR; and

(e) The Round 2 SGMA Implementation grant application solicitation was released on October 4, 2022 and is to be submitted to DWR by November 30, 2022 at 5:00 pm PST; and

(f) The SGM grant program Application requires submittal of a Resolution adopted by the IWVGA authorizing a representative to enter into an agreement with DWR to receive grant funding.

Section 2. **THEREFORE IT IS RESOLVED** by the Board of Directors of the Indian Wells Valley Groundwater Authority, as follows:

1. This Board finds that the recited facts are true and that it has the jurisdiction to consider, approve, and adopt this Resolution.

2. The General Manager of IWVGA or designee is authorized to submit an Application to DWR to obtain a grant under the 2021 SGM Grant Program SGMA Implementation Grant pursuant to the California Budget Act of 2021 (Stats. 2021, ch. 240, § 80).

3. The General Manager of IWVGA or designee is authorized to enter into an agreement with DWR to receive a grant for the Indian Wells Valley Groundwater Basin GSP Planning and Implementation tasks. The General Manager of the IWVGA, or designee, is hereby further authorized and directed to prepare the necessary data, conduct investigations, file such application, execute a



grant agreement and any future amendments (if required), submit invoices, and submit any reporting requirements with DWR.

Passed and adopted at a meeting of the Indian Wells Valley Groundwater Authority on November 9<sup>th</sup>, 2022.

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IWVGA ADMINISTRATIVE OFFICE  
STAFF REPORT

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**TO:** IWVGA Board Members **DATE:** November 9, 2022

**FROM:** IWVGA Staff

**SUBJECT: Agenda Item 10 – REPORT ON PROGRESS OF IMPORTED WATER PIPELINE ALIGNMENT STUDY AND RELEASE OF THREE PREFERRED ALIGNMENTS**

**BACKGROUND AND DISCUSSION**

On July 22, the Board authorized an agreement with Provost & Pritchard Consulting Group to perform an alignment study for the proposed imported water pipeline. A Notice to Proceed was issued on August 17.

The study's scope includes identifying three potential alignments for the proposed pipeline and, based on weighted screening criteria, recommending a preferred alignment to the Board. Brief descriptions of the three potential alignments developed by Provost and Pritchard with figures showing the study area and the three alignments are included in your Board package. Provost & Pritchard will make a presentation at the Board meeting summarizing the work to date, providing details on the three final alignments, and discussing next steps.

The next steps are to work with Southern California Edison to find out exactly where power is available along each alignment, to determine how many parcels and individual landowners are adjacent to each alignment, to identify exactly where booster pump stations will be located, and to start applying weighted screening criteria to determine the preferred alignment. Stakeholder input will be sought regarding weighting factors for the screening criteria so that the community's desires become part of the screening process.

The Imported Water Pipeline Alignment Study is funded by the Sustainable Groundwater Management Act Implementation Round 1 Grant the Authority received for planning, design, environmental review, and right-of-way work for the Imported Water Pipeline. All work funded by the grant must be completed by April 30, 2025. A preferred alignment must be identified in order to proceed with the project, which will include a CEQA/NEPA document, right-of-way requirements, and preliminary and final design. A preferred alignment may be available for the December Board meeting.

**ACTION(S) REQUIRED BY THE BOARD**

No action is required by the Board at this time. This is an informational item. It is anticipated that, if a preferred alignment is available for the December Board meeting, staff will seek Board authorization in December to release Requests for Proposals for CEQA work, right-of-way work, and preliminary and final design.

# **Indian Wells Valley Groundwater Authority**

## **Imported Water Pipeline Project**

### **Brief Descriptions of the Three Potential Alignments**

Figure 1 is a map of the study area. The beginning point of the imported water pipeline (connection point) is a point connecting to the California City Feeder, a treated water pipeline owned and operated by the Antelope Valley-East Kern Water Agency (AVEK). The exact connection point varies depending on the alignment but is generally located in the City of California City near the intersection of California City Boulevard and Redwood Boulevard. The point of connection at the other end of the line (delivery point) is proposed to be the Ridgecrest Heights Reservoir, owned and operated by the Indian Wells Valley Water District. The reservoir is located near the intersection of China Lake Boulevard and Kendall Avenue in Ridgecrest, near Cerro Coso Community College.

Figure 2 is a Google Earth image of the same study area. The map and the Google Earth image show some of the key features that must be considered in identifying potential alignments. The Rand Mountains and the El Paso Mountains are between the connection point and the delivery point. Much of the land in the study area is federal government land managed by the Bureau of Land Management. Red Rock Canyon State Park is also in the study area, as are the Red Rock Canyon State Recreation Area, Dove Springs Recreation Area, Bickel Camp, El Paso Mountain Wilderness Area, a Desert Tortoise Research Area, Desert Tortoise critical habitat, and habitat for other listed species. Some of these features are shown on Figure 1.

The connection point is at an elevation of approximately 2,356 feet and the delivery point is at an elevation of approximately 2,540 feet. The mountains in between the two points peak at between 3,500 and 4,000 feet, so the water must be pumped over the mountains, resulting in a number of booster pump stations for each alignment.

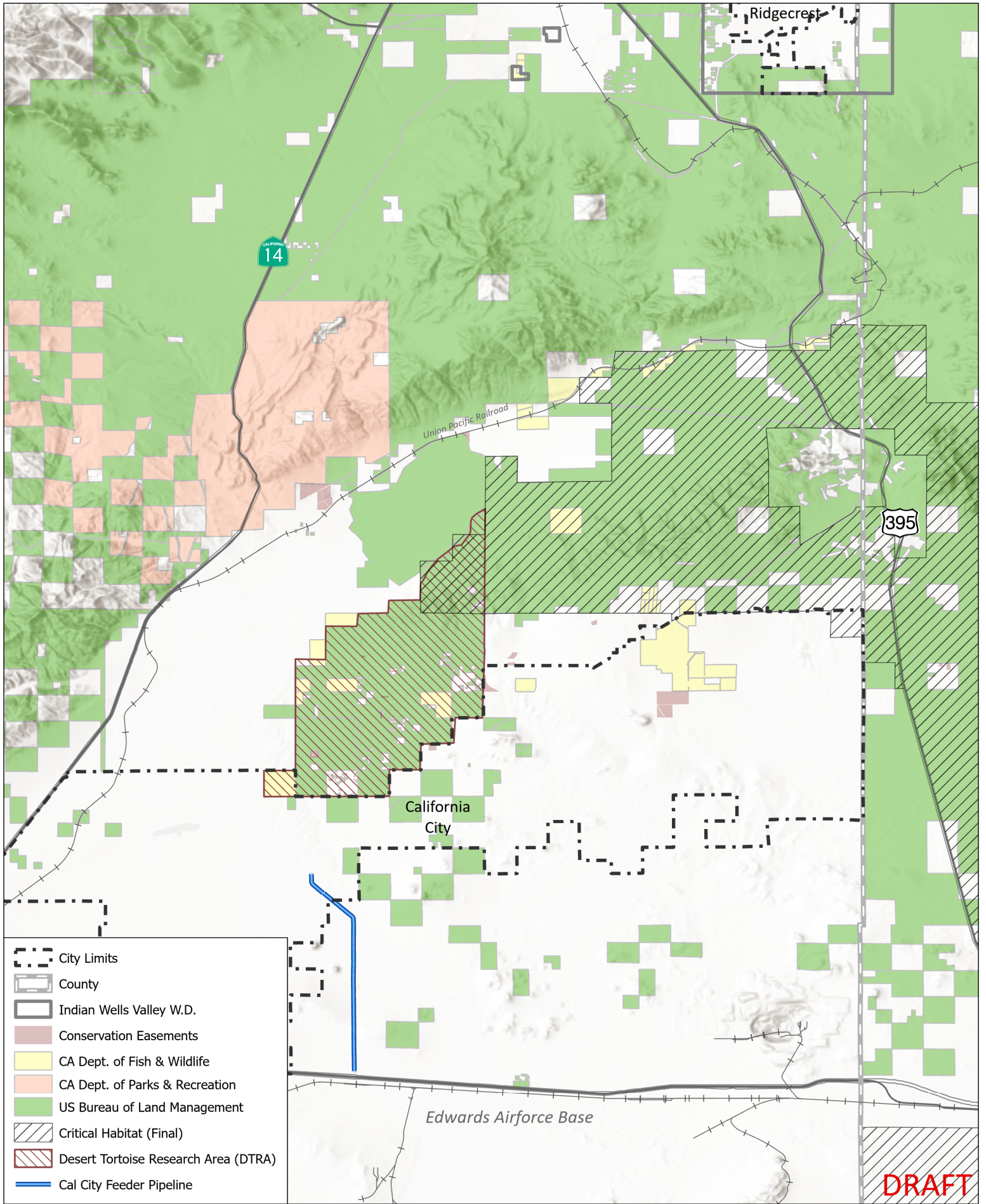
Figure 3 is a map of the three final alignments, referred to as the West, Central, and East alignments. Figure 4 shows the same alignments on a Google Earth image. They are briefly described below.

**West Alignment**—From the California City Feeder, this proceeds westerly on Redwood Boulevard in California City to Neuralia Road, where it turns northward in the road right-of-way. It follows Neuralia Road under the railroad track to Redrock Randsburg Road, where it turns west and crosses under Highway 14. It proceeds southward along Highway 14 to Jawbone Canyon Road, which it follows northwesterly. From there it approximates the alignment of the Los Angeles Aqueduct No. 2 to the northeast until it crosses back under Highway 14 at Redrock Inyokern Road, which it follows to a point that is roughly due west of the Ridgecrest Heights Reservoir. The alignment then proceeds cross country due east to the reservoir. This alignment is approximately 51.6 miles long and has a peak elevation of 3,647 feet. Approximately 24 miles are on BLM land and

approximately five miles are in Red Rock Canyon State Park. This alignment does not traverse any Desert Tortoise critical habitat.

**Central Alignment**—This follows the West Alignment along Redwood Boulevard and Neuralia Road but then proceeds east on Munsey Road and then follows an existing unpaved road around the south edge of the Koehn Dry Lakebed and then to the northeast to another unpaved road that proceeds due north to Redrock Randsburg Road. It follows this road to Garlock Road and under Highway 395. From there it parallels Highway 395 on the east side along a power line service road outside of the Caltrans right-of-way to China Lake Boulevard, where it turns to the northeast toward the Ridgecrest Heights Reservoir. This alignment is approximately 51.9 miles long and skirts but does not encroach on the Desert Tortoise Research Area. It does impact approximately 7.7 miles of Desert Tortoise critical habitat. Approximately 26.5 miles are on BLM land. The peak elevation of this alignment is 3,514 feet.

**East Alignment**—This connects to the California City Feeder north of the other two connection points, approximately where California City Boulevard turns west. From there it follows Randsburg Mojave Road until it branches off to 20 Mule Team Parkway, which it follows for 19 miles to Highway 395. After crossing under Highway 395, it parallels a power line service road outside of the Caltrans right-of-way, mostly following the existing power line where it exists. It traverses the mining towns of Red Rock and Johannesburg in those areas moves further east to avoid developed areas. Once it reaches Garlock Road, it follows the Central Alignment. This alignment is 48.8 miles long, 27 miles of which is BLM land. It traverses 8.2 miles of Desert Tortoise critical habitat. This alignment is the only one that crosses both the Rand and El Paso Mountains, so involves two peaks, which means more pumping will be required. Their elevations are 3,636 feet and 3,514 feet, respectively. The other two alignments circumvent the Rand Mountains.



**Figure 1- Study Area**

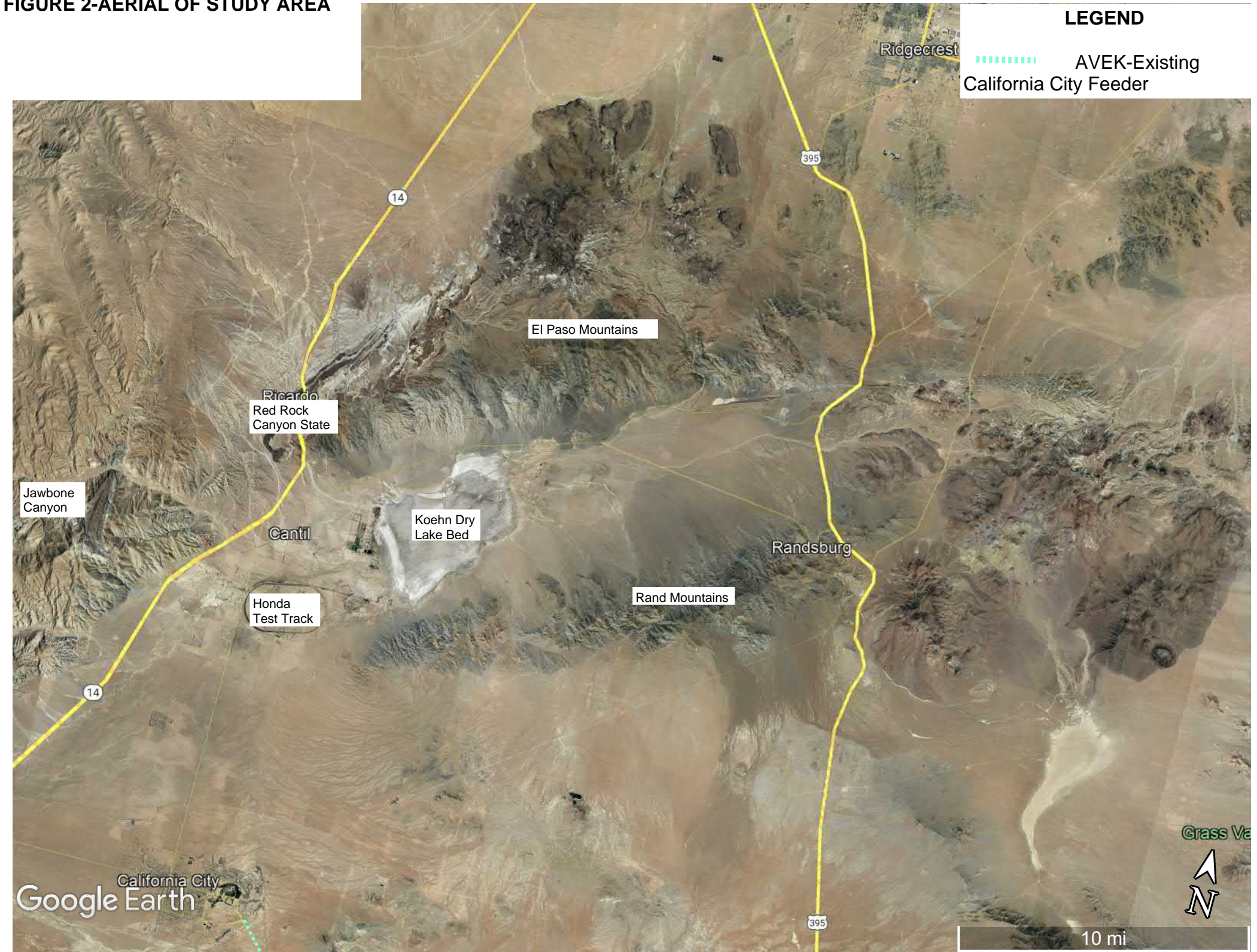
**PROVOST & PRITCHARD**



FIGURE 2-AERIAL OF STUDY AREA

LEGEND

----- AVEK-Existing  
California City Feeder

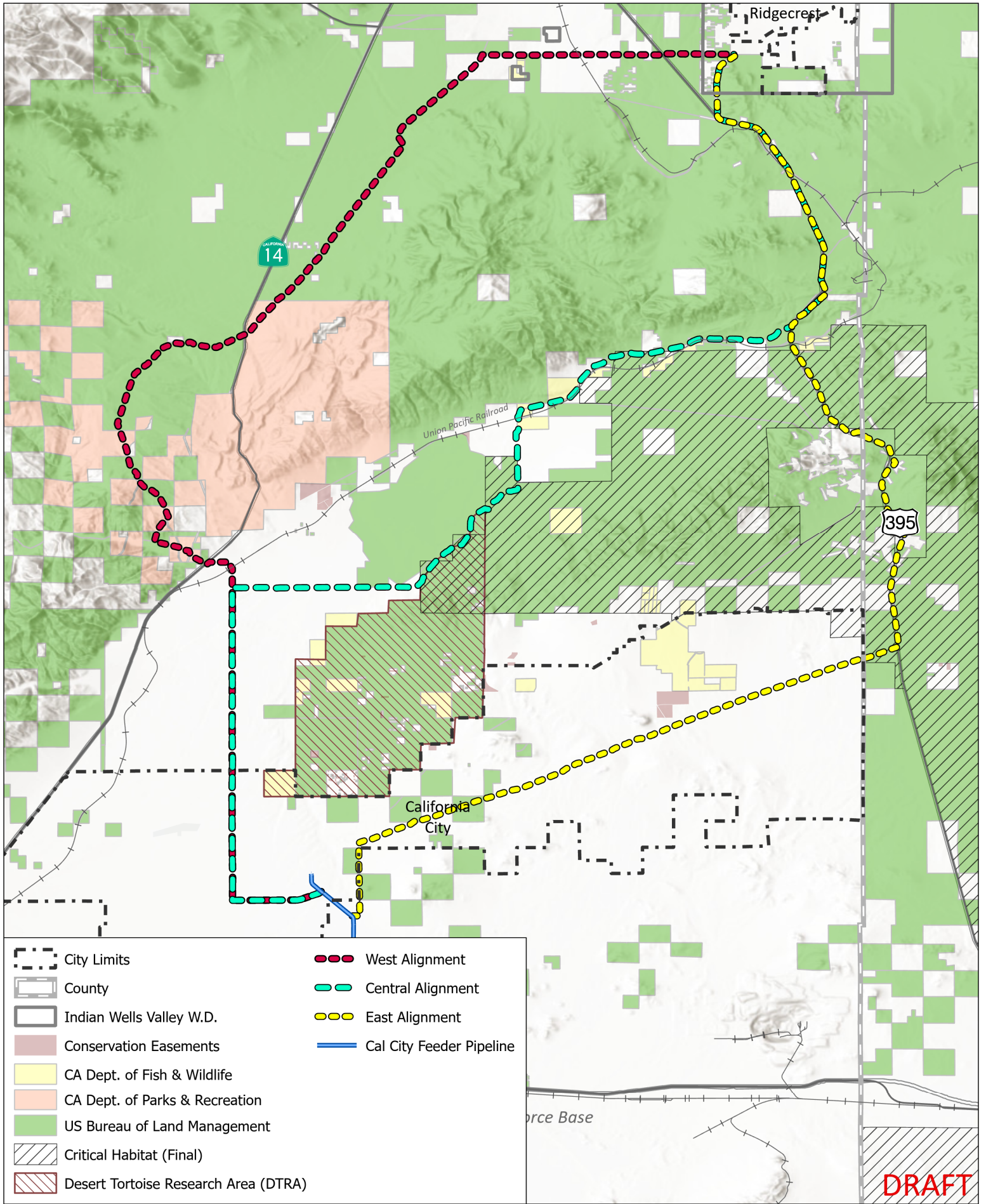


Google Earth



10 mi





**Figure 3- Three Preferred Alignments  
West, Central, and East**

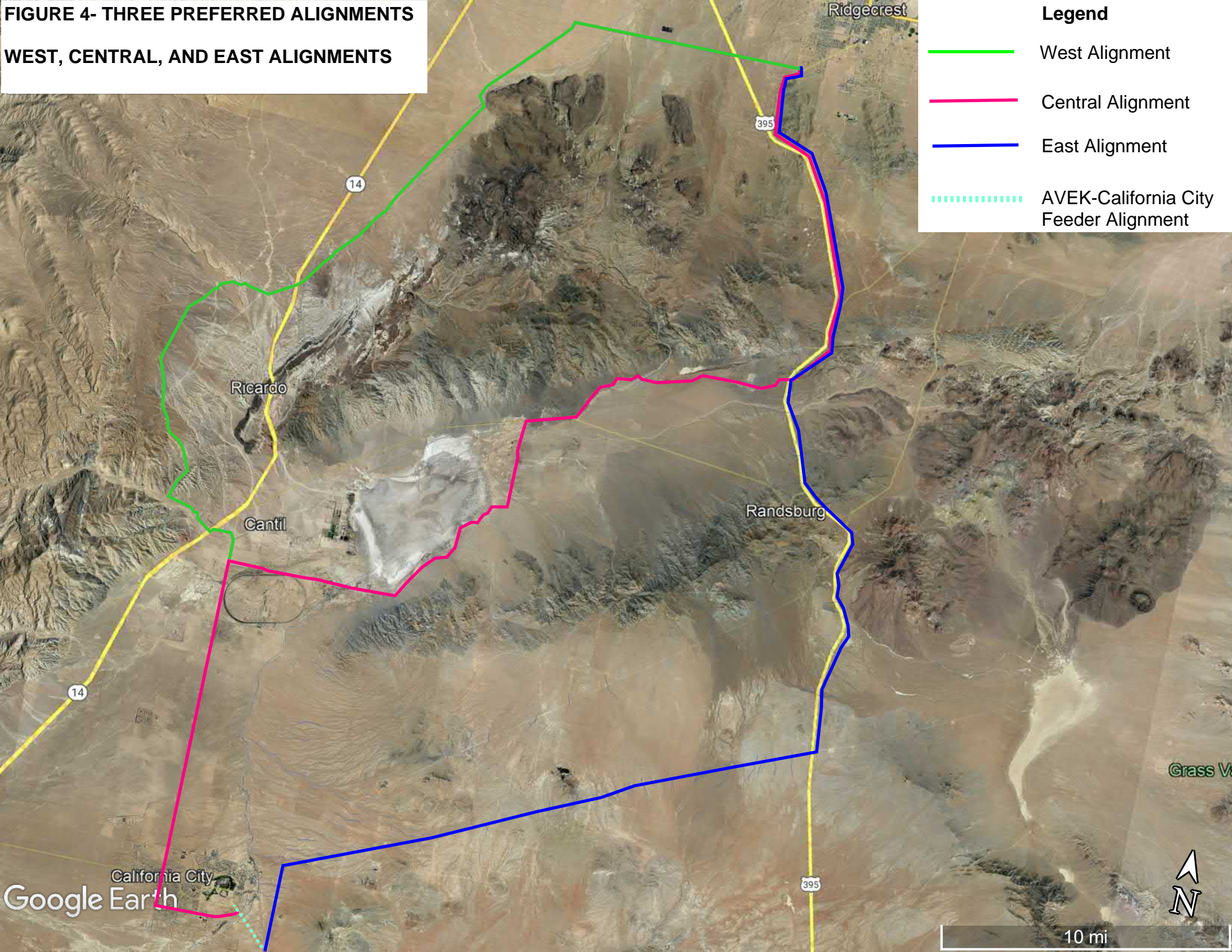
**PROVOST &  
PRITCHARD**



**FIGURE 4- THREE PREFERRED ALIGNMENTS  
WEST, CENTRAL, AND EAST ALIGNMENTS**

**Legend**

- West Alignment
- Central Alignment
- East Alignment
- ⋯ AVEK-California City Feeder Alignment



Google Earth



10 mi

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IWVGA Board Meeting  
November 9, 2022

**Grant Funding**

Proposition 1 Status Update

- Invoice #14a
  - Covers January 2022 through March 2022
  - Total requested payment after retention: **\$64,941.88**
  - Status: Under DWR review
- Invoice #15a
  - Covers April 2022 through June 2022
  - Total requested payment after retention: **\$17,532.41**
  - Status: Under DWR review

AGENDA ITEM 12.a.i 1



1

IWVGA Board Meeting  
November 9, 2022

**Grant Funding**

Proposition 68 Status Update

- Invoice #14b
  - Covers January 2022 through March 2022
  - Total requested payment after retention: **\$1,885.36**
  - Status: Approved, currently awaiting payment
- Invoice #15b
  - Covers April 2022 through June 2022
  - Total requested payment after retention: **\$21,932.48**
  - Status: Under DWR review

AGENDA ITEM 12.a.ii 2



2



IWVGA Board Meeting  
November 9, 2022

**Grant Funding**

Proposition 1/68 Grant Closeout

- Recent Submittals
  - Draft Grant Completion Report submitted October 2, 2022
  - Component 5 and 6 Deliverables submitted on November 1, 2022
- Upcoming Submittal
  - Progress Report due November 30, 2022

AGENDA ITEM 12.a.ii 3



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IWVGA Board Meeting  
November 9, 2022

**Grant Funding**

SGMA-Implementation Round 1 Grant Status Update

- DWR Grant Submissions
  - Provide First Progress Report and Invoice to DWR by November 31, 2022
- Imported Water Pipeline Alignment Study
  - Provost & Pritchard
    - November Monthly Progress Meeting on November 2, 2022
    - Submitted Draft Technical Memorandum Deliverable for Water Demand Estimate to Staff
    - Received Data from AVEK regarding California City Feeder
    - Screened 11 Preliminary Alignments and identified 3 preferred alignments
    - Ongoing coordination with Capital Core
      - Sent a letter to California Department of Parks and Recreation to begin dialogue on land encroachment
      - Continue dialogue with U.S. Department of the Interior Bureau of Land Management (BLM) land, U.S. Department of the Interior Fish and Wildlife Service protected areas, California Department of Parks and Recreation

AGENDA ITEM 12.a.iii 4



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IWVGA Board Meeting  
November 9, 2022

**Grant Funding**

*SGMA-Implementation Round 1 Grant Status Update (cont.)*

- Imported Water Pipeline Alignment Study
  - Next Steps
    - Provost & Pritchard
      - Provost & Pritchard are developing screening criteria and will then screen 3 alignments to identify a recommended alignment
        - Provost & Pritchard expect to present screening criteria to the TAC for feedback
      - The recommended alignment may be available for the December Board meeting
      - Deliverables: Pipeline Capacity, Delivery and Connection Points, and Preliminary Pipeline Alignments Tech Memos expected to be submitted in November
    - Expect to present Board with Requests for Proposals for Design, Environmental, and Right-of-Way Consultants and request authorization to release RFPs following presentation of recommended alignment

AGENDA ITEM 12.a.iii 5



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IWVGA Board Meeting  
November 9, 2022

**Shallow Well Impact and Mitigation**

*Shallow Well Mitigation Program – Current Applications*

- Stark St
  - Reported dry well located on Stark Street, east of Ridgecrest
  - Well stopped producing water in June 2022
  - Self-Help Enterprise provided water quality records on Oct 26
  - Currently awaiting well evaluation from Garrison Brothers
- Heritage Village Master Community Association (HVMCA)
  - Reported dry well located on Heritage Dr in Ridgecrest
  - Submitted Main and Emergency Assistance report forms for reimbursement of the mitigation costs for the Shallow Well Impact Identification, Evaluation, and Mitigation Program
  - Well stopped producing water in Spring 2022 and pulled up sand and other debris
  - HVMCA provided information from Garrison Brothers on Nov 2
  - Application was determined complete on Nov 4

AGENDA ITEM 12b 6



6

IWVGA Board Meeting  
November 9, 2022

**GSP Implementation Projects/Management Action Updates**

Recycled Water Program Update

- Recycled Water Alternatives Analysis
  - Analysis has determined that advanced treatment and injection into the Basin of the available recycled water is the most feasible project.
  - Prepared draft evaluation of Water District suggested injection well site
    - Water District Well 36 was found to be too close to nearby domestic wells and would not achieve the necessary underground retention time as required under the Title 22 Regulations regarding deep injection.
  - Ongoing investigation of disposal of brine from advanced treatment process
- Next Steps
  - Continue development of selected project including evaluating potential injection well sites
  - Ongoing coordination with Capitol Core on potential grant funding opportunities
  - Draft final tech memo in December

AGENDA ITEM 12.b.i 7



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IWVGA Board Meeting  
November 9, 2022

**GSP Implementation Projects/Management Action Updates**

Recycled Water Program Update (cont.)

- U.S. Bureau of Reclamation Title XVI Feasibility Study
  - Board authorized Water Resource Manager to proceed with Title XVI Feasibility Study during July 22, 2022 Special Board Meeting
  - Met with Trussell Technologies on November 1, 2022 to coordinate preparation of sections of the Study
  - Scheduling meeting of Trussell, MKN Associates, and the City of Ridgecrest for the second week of November to discuss design/treatment process for City's new Wastewater Treatment Facility.
  - Continuing to write sections of Title XVI Feasibility Study
  - Continuing to refine treatment process needed.

AGENDA ITEM 12b.ii 8



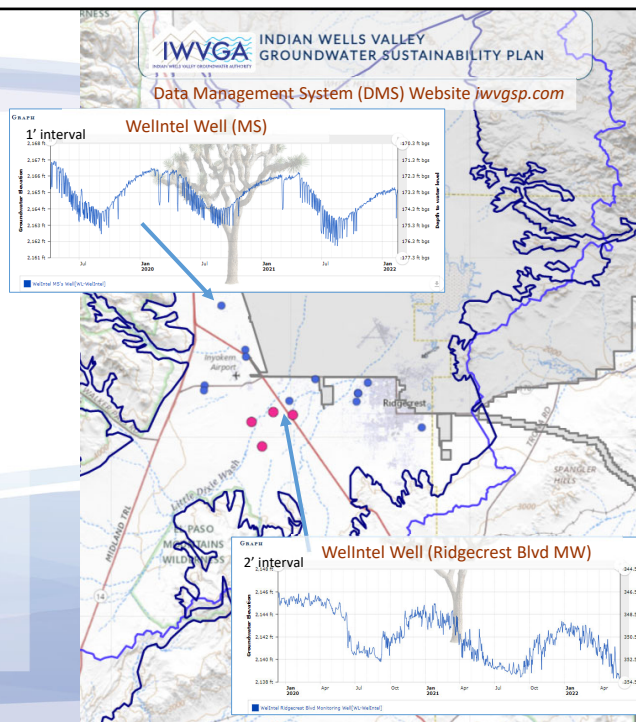
8

## IWVGA Board Meeting November 9, 2022

### Data Collection and Monitoring Update

- Review Fall 2022 Groundwater Level Measurements:
  - Debrief field work with KCWA
  - Process transducer data for barometric pressure
  - Review initial data collected from GDE monitoring wells
  - Data will be posted on DMS/SGMA websites by end of year
- WellIntel Well Maintenance
  - 7 wells battery/sounder maintenance
  - 4 wells (2 decedents) request remove from program
  - 1 well added to program in northwest
  - Download data to DMS
- Fall 2022 Water Quality Sampling
  - Received sample results for review
  - Next step – summarize results and send to TAC for review
- Navy Real Estate Access Agreements
  - Cadastral mapping underway for Telemetry at 5 NAWs monitoring wells (GSP Key Wells)
  - Expect access agreement by end of January

AGENDA ITEM 12c i



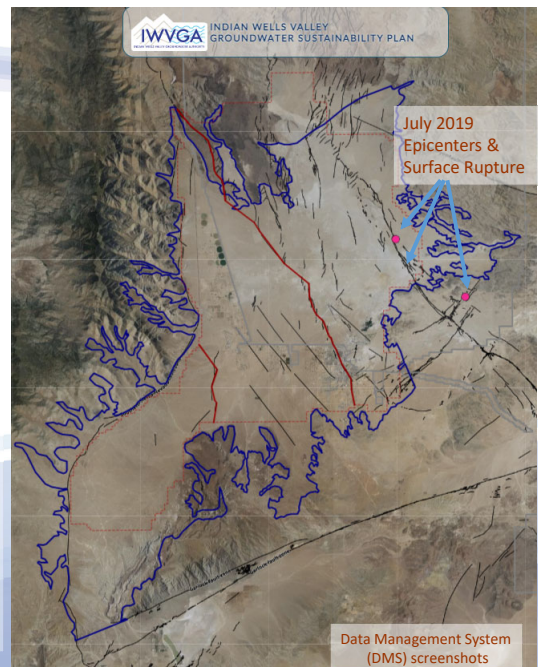
9

## IWVGA Board Meeting November 9, 2022

### GSP Model Configuration Management Plan

- Oct 6<sup>th</sup> meeting in Ridgecrest w WRM, Navy, DRI, TMG (DOM, BLM)
  - Discussion of Configuration Items and Proposed Model Updates
- Oct 20<sup>th</sup> Field Trip on Navy Base
  - new USGS fault data, new springs, playa evaporation, aquifer extents, and model structure
- Oct 27<sup>th</sup> TEAMS meeting with WRM, Navy, DRI, TMG (DOM, BLM)
  - Discussion El Paso Subarea and IWV Basin boundary
  - Review modified Thiessen Polygon method and WY 2022 storage change
- Nov 3<sup>rd</sup> TEAMS meeting with WRM, Navy, DRI, TMG (DOM)
  - Discussion El Paso Subarea and modified Thiessen Polygon method
  - DRI presented evaporation/transpiration from wet desert playas
- CMP Meetings scheduled for Nov 17, Dec 1, and Dec 15

AGENDA ITEM 12c ii



10



**INDIAN WELLS VALLEY  
GROUNDWATER SUSTAINABILITY PLAN**

**AGENDA ITEM 12c iii**

## IWVGA Board Meeting November 9, 2022

### Subflow from Rose Valley to IWV

- Nov 9<sup>th</sup> Navy / GA \$300,000 Cooperative Agreement
- Complete Drilling Subcontract
- Monitoring well drilling/construction planned for Late Fall/Winter 2022/2023
- California State Lands Commission(CSLC) approved lease agreement at Oct 27<sup>th</sup> meeting to access existing former sawmill wells located between USBR-10 and future RVS well sites

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## IWVGA Board Meeting November 9, 2022

### WY 2022 Annual Report Update

- Preparation of the WY 2022 Annual Report is in progress
- Anticipated Schedule:
  - November 15: Review draft of Annual Report released to TAC/Board for review
  - December 14: Review Draft Annual Report presented at Board Meeting
  - February 8: Final Draft Annual Report presented at Board Meeting
  - March 8: Final Annual Report Completed
  - April 1: Submittal Deadline to DWR

**AGENDA ITEM 12c**

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# BUDGET TO ACTUAL REPORT- October

		ACTUALS BY REVENUE ALLOCATION					(B)	(A-B)	(B/A)		
		Restricted	Restricted	Restricted	Restricted	Restricted	\$	\$	%		
		Extraction	Augmentation	Shallow Well Mitigation	Prop. 1 SDAC	Prop. 68	ACTUAL	REMAINING	COMPLETED		
		(A)									
		BUDGET									
<b>1</b>	<b>REVENUE</b>									<b>1</b>	
<b>2</b>	Extraction Fee	1,245,105	990,420	-	-	-	<b>990,420</b>	254,685	80%	<b>2</b>	
<b>3</b>	<b>Transfer In/Loan from Augmentation Fund</b>	<b>1,062,745</b>	<b>375,000</b>	-	-	-	<b>375,000</b>	687,745	35%	<b>3</b>	
<b>4</b>	Augmentation Fee	4,069,625	-	3,218,849	-	-	<b>3,218,849</b>	850,776	79%	<b>4</b>	
<b>5</b>	<b>Transfer In/Loan Repayment from Extraction Fund</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	-	0%	<b>5</b>	
<b>6</b>	Shallow Well Mitigation Fee	195,250	-	-	116,705	-	<b>116,705</b>	78,545	60%	<b>6</b>	
<b>7</b>	Department of Water Resources (DWR) Grants	338,500	-	-	-	280,669	6,983	<b>287,653</b>	85%	<b>7</b>	
<b>8</b>										<b>8</b>	
<b>9</b>	<b>TOTAL REVENUES</b>	<b>6,911,225</b>	<b>1,365,420</b>	<b>3,218,849</b>	<b>116,705</b>	<b>280,669</b>	<b>6,983</b>	<b>4,988,626</b>	1,922,599	72%	<b>9</b>
<b>10</b>	<b>EXPENSES</b>									<b>10</b>	
<b>11</b>	<b>Administration</b>									<b>11</b>	
<b>12</b>	Administration (RGS)	333,000	135,493	135,493	-	-	-	<b>270,985</b>	62,015	81%	<b>12</b>
<b>13</b>	Office Rent	3,600	1,350	1,350	-	-	-	<b>2,700</b>	900	75%	<b>13</b>
<b>14</b>	Office Supplies	1,000	-	-	-	-	-	-	1,000	0%	<b>14</b>
<b>15</b>	Postage and Delivery	360	-	-	-	-	-	-	360	0%	<b>15</b>
<b>16</b>	External Audit (Brown & Associates)	12,000	9,000	9,000	-	-	-	<b>18,000</b>	(6,000)	150%	<b>16</b>
<b>17</b>	Council Chambers/IT Services	8,500	-	-	-	-	-	-	8,500	0%	<b>17</b>
<b>18</b>	General Counsel (Aleshire & Wynder)	150,000	2,529	-	-	-	-	<b>2,529</b>	147,471	2%	<b>18</b>
<b>19</b>	Insurance Premium (Insurica)	13,160	12,930	-	-	-	-	<b>12,930</b>	230	98%	<b>19</b>
<b>20</b>	Legal Notices (Daily Independent)	2,000	-	-	-	-	-	-	2,000	0%	<b>20</b>
<b>21</b>	Memberships (Cal. Assoc. Mutual Water Co)	100	100	-	-	-	-	<b>100</b>	-	100%	<b>21</b>
<b>22</b>	Website (IWVWD)	300	276	-	-	-	-	<b>276</b>	24	92%	<b>22</b>
<b>23</b>	Printing and Reproduction	-	3,966	-	-	-	-	<b>3,966</b>	(3,966)	0%	<b>23</b>
<b>24</b>	Bank Service Charges	-	4	-	-	-	-	<b>4</b>	(4)	0%	<b>24</b>
<b>25</b>										<b>25</b>	
<b>26</b>	<b>Non-Departmental</b>									<b>26</b>	
<b>27</b>	Other Legal Services (RWG Law)	500,000	-	210,985	-	-	-	<b>210,985</b>	289,015	42%	<b>27</b>
<b>28</b>	Lobbying Services (Capitol Core)	175,000	-	143,354	-	-	-	<b>143,354</b>	31,647	82%	<b>28</b>
<b>29</b>	Other Professional Services	-	20,350	-	-	-	-	<b>20,350</b>	(20,350)	0%	<b>29</b>
<b>30</b>	Reimb to Antelope Valley-East Kern Water Agency	-	-	5,000	-	-	-	<b>5,000</b>	(5,000)	0%	<b>30</b>
<b>31</b>	Shallow Well Mitigation Emergency Assistance Program	50,000	-	-	-	-	-	-	50,000	0%	<b>31</b>
<b>32</b>	Repayment of Kern County Advance	500,000	375,000	-	-	-	-	<b>375,000</b>	125,000	75%	<b>32</b>
<b>33</b>	Repayment of City of Ridgecrest In-Kind Services	300,000	-	-	-	-	-	-	300,000	0%	<b>33</b>
<b>34</b>	<b>Transfer Out/ Loan Repayment to Augmentation Fund</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	-	0%	<b>34</b>
<b>35</b>	<b>Transfer Out/Loan to Extraction Fund</b>	<b>1,062,745</b>	<b>-</b>	<b>375,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>375,000</b>	687,745	35%	<b>35</b>

# BUDGET TO ACTUAL REPORT- October

		ACTUALS BY REVENUE ALLOCATION					(B)	(A-B)	(B/A)	
		Restricted	Restricted	Restricted	Restricted	Restricted	\$	\$	%	
(A)		Extraction	Augmentation	Shallow Well Mitigation	Prop. 1 SDAC	Prop. 68	ACTUAL	REMAINING	COMPLETED	
BUDGET										
36										36
37	<b>Conservation Programs</b>									37
38	Outreach & Technical Services (Cal Rural Water Assoc & Water Wise)	306,500	-	-	-	96,142	96,142	210,358	31%	38
39										39
40	<b>Basin Management Administration</b>									40
41	Production Reporting, Transient Pool, and Fee Support	34,000	592	-	-	-	592	33,408	2%	41
42	Meetings and Prep	120,000	100,968	-	-	-	100,968	19,032	84%	42
43	Budget Support	10,000	4,017	-	-	-	4,017	5,983	40%	43
44	Stakeholder Coordination	10,000	192	-	-	-	192	9,808	2%	44
45	Litigation Support	40,000	21,091	-	-	-	21,091	18,909	53%	45
46										46
47	<b>Basin Management</b>									47
48	POAM No. 20 Data Management System	-	-	-	-	-	-	-	0%	48
49	POAM No. 56 Monitoring Wells - Implementation	-	-	-	-	-	-	-	0%	49
50	POAM No. 78 Aquifer Tests	-	-	-	-	-	-	-	0%	50
51	Review of Ramboll Report (Task began in 2020)	8,210	237	-	-	-	237	7,973	3%	51
52	Prop 1 SDAC Program Support	15,000	-	-	-	11,743	11,743	3,257	78%	52
53	General Engineering	35,000	38,216	-	-	-	38,216	(3,216)	109%	53
54	TSS: El Paso Well Drilling Support	10,000	4,218	-	-	-	4,218	5,782	42%	54
55	TSS: General Coordination/Application Support	30,000	366	-	-	-	366	29,634	1%	55
56	Coordination with DWR on GSP Review	45,000	9,657	-	-	-	9,657	35,343	21%	56
57	Annual Report Preparation	30,000	70,438	-	-	-	70,438	(40,438)	235%	57
58	Data Management System Support	20,000	29,336	-	-	-	29,336	(9,336)	147%	58
59	Allocation Plan: Allocation Process & Transient Pool Support	-	356	-	-	-	356	(356)	0%	59
60	Allocation Plan and Rules & Regs on Pumping/Restrictions	10,000	8,735	-	-	-	8,735	1,265	87%	60
61	Allocation Plan: Following & Transient Pool Transfer Program	-	-	-	-	-	-	-	0%	61
62	Conservation Efforts	20,000	-	-	-	-	-	20,000	0%	62
63	General Project Management	30,000	25,564	-	-	-	25,564	4,437	85%	63
64	Model Transfer and Upgrade	150,000	69,947	-	-	-	69,947	80,053	47%	64
65	Navy/Coso Royalty Fund: Develop Projects & Secure Funding	30,000	4,263	-	-	-	4,263	25,737	14%	65
66	Navy/Coso Royalty Fund: Rose Valley MW Permitting, Bid Doc Spt & Drillii	300,000	30,390	-	-	-	30,390	269,610	10%	66
67	Data Collection, Monitoring, and Data Gaps	134,000	123,334	-	-	-	123,334	10,666	92%	67
68	Imported Water: Negotiations and Coordination	35,000	-	5,138	-	-	5,138	29,863	15%	68
69	Imported Water: Engineering and Analysis	118,000	54,919	-	-	-	54,919	63,081	47%	69
70	Recycled Water	180,000	-	57,245	-	-	57,245	122,755	32%	70

# BUDGET TO ACTUAL REPORT- October

		ACTUALS BY REVENUE ALLOCATION					(B)	(A-B)	(B/A)	
		Restricted	Restricted	Restricted	Restricted	Restricted	\$	\$	%	
		Extraction	Augmentation	Shallow Well Mitigation	Prop. 1 SDAC	Prop. 68	ACTUAL	REMAINING	COMPLETED	
(A)	BUDGET									
71	<b>EXPENSES (Cont'd)</b>									71
72	<b>Basin Management (cont'd)</b>									72
73	Shallow Well Mitigation Program: Plan Development	-	-	1,115	-	-	1,115	(1,115)	0%	73
74	Shallow Well Mitigation Program: Outreach and Impacts Evaluation	20,000	-	18,637	-	-	18,637	1,364	93%	74
75	Brackish Water Group: Data Review and Coordination	7,500	237	-	-	-	237	7,263	3%	75
76	Well Monitoring Services (WellIntel Inc.)	2,100	1,680	-	-	-	1,680	420	80%	76
77	Weather Station Maintenance	-	-	-	-	-	-	-	0%	77
78										78
79	<b>Grant Management</b>									79
80	Prop 1 / Prop 68 Grant Administration	70,000	30,698	-	-	-	30,698	39,302	44%	80
81	Grant Review and Application Preparation	50,000	51,674	-	-	-	51,674	(1,674)	103%	81
82										82
83	<b>TOTAL EXPENSES</b>	<u>4,982,075</u>	<u>1,242,123</u>	<u>942,564</u>	<u>19,752</u>	<u>107,885</u>	<u>2,312,324</u>	<u>2,669,751</u>	<u>46%</u>	83
84										84
85	<b>Surplus (Deficit)</b>	<u>1,929,150</u>	<u>123,297</u>	<u>2,276,285</u>	<u>96,953</u>	<u>172,784</u>	<u>2,676,302</u>	<u>(747,152)</u>		85

Budget to Actual Report includes all revenues and expenditures during the calendar year and is on a cash basis. Accruals will be finalized during the year-end reconciliation and audit process and presented in a separate report. Billing and receipt of reimbursement grant program revenue may cross over fiscal years with revenue received for prior year programs. Separate reconciliation will be completed for grant programs.

## MONTH TO DATE REVENUES & EXPENDITURES EXCLUDING TRANSFERS

	Revenue	Transfer In*	Transfer Out*	Expenses	Surplus (Deficit)
Extraction Fund	990,420	375,000	-	1,242,123	123,297
Augmentation Fund	3,218,849	-	375,000	567,564	2,276,285
Shallow Well Mitigation Fund	116,705	-	-	19,752	96,953
Dept. of Water Resources (DWR) Grants Fund	287,653	-	-	107,885	179,767
Total	<u>4,613,626</u>	<u>375,000</u>	<u>375,000</u>	<u>1,937,324</u>	<u>2,676,302</u>

\* The Extraction Fund Budget will be balanced through a loan from the Augmentation Fund.

## OUTSTANDING OBLIGATIONS

	Kern County	City of Ridgecrest	Augmentation Fund	Total
<b>Advance Agreements</b>				
Advance of Funds	500,000	-	-	500,000
Advance Repayment: 3 of 4	(375,000)	-	-	(375,000)
<b>In-Kind Services</b>				
Attorney Srvcs./IT/Chambers -FY22 thru 9/30		190,585		190,585
Attorney Srvcs./IT/Chambers -FY 21	-	325,235	-	325,235
Attorney Srvcs./IT/Chambers -FY's16-20		366,982		366,982
<b>Inter-Fund Loans</b>				
Estimated 2022 Loan to Extraction Fund*	-	-	1,062,745	1,062,745
Repayment of Adv. Of Funds to IWVWD**	-	-	500,000	500,000
Estimated 2021 Loan to Extraction Fund-TBD***	-	-	-	-
<b>Postponed Invoice Payments</b>				
None	-	-	-	-
Total	125,000	882,801	1,562,745	2,570,546

\* Included in Adopted Budget.

\*\* IWVWD used restricted Augmentation Revenue to repay the Advance Agreement.

Repayment of the IWVWD Advance requires a transfer from the Extraction Fund to the Augmentation Fund.

\*\*\* Review of prior year use of Augmentation Revenue is on-going. Additional inter-fund loans will be presented in a future financial update. Amendment to the budget will be necessary to schedule a revised repayment.

## ADOPTED 2022 OBLIGATION REPAYMENTS

	Kern County	City of Ridgecrest	Augmentation Fund	Total
<b>Advance Agreements</b>				
\$125,000 scheduled in March, Aug, Sept, Dec	500,000	-	-	500,000
<b>In-Kind Services</b>				
Attorney Services/IT/Council Chambers	-	300,000	-	300,000
	500,000	300,000	-	800,000

Upon repayment of the 2022 Obligations, an inter-fund loan of \$800,000 will be created between the Extraction Fund and Augmentation Fund and added to Outstanding Obligations under Inter-Fund Loans.

City of Ridgecrest In-Kind Services Repayment for prior years is included in the Outstanding Obligation Schedule. Currently \$300,000 is budgeted for repayment in the Adopted 2022 Obligation Repayments Schedule. Amendment to the budget will be required to schedule a revised repayment and loan from the Augmentation Fund.

## CASH BALANCE

### October 2022 Activity

#### Cash Receipts (Receipts over \$50,000 and all grants are detailed)

September - IWVWD Augmentation/Extraction/SWM	\$ 463,510.77
All Other Cash Receipts	40,512.86
Total Cash Receipts	<u>\$ 504,023.63</u>

#### Cash Disbursements (Obligation payments are detailed)

Warrants - Antelope Valley East Kern Water Agency	5,000.00
Warrants - September: Repymt of Adv.3 of 4-Kern County	125,000.00
Warrants - September	153,139.20
Warrants - October	166,643.48
Total Cash Disbursements	<u>\$ 449,782.68</u>

### Cash Balance

#### Prior Month to Current Month Ending Balance Reconciliation

#### September Cash Balance By Investment

Kern County Treasurer	\$ 5,656,408.81
AltaOne Credit Union	500.00
Total Cash Balance as of September 30	<u>\$ 5,656,908.81</u>

#### October Activity

Cash Receipts	\$ 504,023.63
Cash Disbursements	<u>(449,782.68)</u>
Total October Activity	\$ 54,240.95

October Ending Cash Balance	\$ 5,711,149.76
Less: Outstanding Warrants	<u>(383,651.49)</u>
Total Available Cash By Activity as of October 31	<u>\$ 5,327,498.27</u>

#### October Cash Balance by Investment

Kern County Treasurer	\$ 5,206,626.13
AltaOne (Cash In Transit 10/31)	<u>504,523.63</u>
Total October Balance	\$ 5,711,149.76
Less: Outstanding Warrants	<u>(383,651.49)</u>
Total Available Cash by Investment as of October 31	<u>\$ 5,327,498.27</u>

*Cash Receipts are deposited in AltaOne Credit Union and sent electronically to Kern County Treasurer. Cash in Transit at month end will be reflected in the Kern County Treasurer balance. Warrants are approved by IWVGA Board and administratively processed by IWVGA staff. Warrants are executed by Kern County staff. Outstanding Warrants are vendor invoices received and not yet paid. Outstanding Obligations are detailed in a separate attached report.*

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To: Carol Thomas-Keefer, General Manager Indian Wells Valley Groundwater Authority

From: Michael W. McKinney, President Capitol Core Group, Inc.

cc: Steve Johnson, Stetson Engineering  
Jeff Simonetti, Sr. Vice President Capitol Core Group  
Todd Tatum, Sr. Client Advisor Capitol Core Group

Date: November 9, 2022

Subject: Project Update Memorandum – October 2022 Activities

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The following will serve as our project update memorandum for activities during the month of October 2022.

### Task 1: Secure Imported Water Supplies

#### **Update: Subtask A – Existing Negotiations**

The IWVGA is moving forward on the agreement between the Authority and the seller of water rights in the Dudley Ridge Water District. We continue the permitting and transfer discussions with the relevant districts and regulatory authorities. The seller has completed further steps to move the transfer process forward and Capitol Core anticipates that the seller will bring forward the transfer request to the Dudley Ridge Board of Directors this month. Further steps to move forward the agreement will take place during the month of November.

#### **Update: Subtask B – Storage, Transfer and Other Agreements**

Capitol Core Group continued worked with Provost and Pritchard to secure necessary documentation from the Antelope Valley - East Kern Water Agency concerning the interconnection pipeline. We also assisted Provost and Pritchard on a variety of government affairs items during the month of October in support of their task order to deliver potential interconnection routes to the Board of Directors at this meeting.

### Task 2: Secure Federal Funding

The United States Congress was in recess during the month of October in anticipation of the November 8<sup>th</sup> elections. However, significant activity took place during the month in-district including a briefing on the status of infrastructure projects with Representative McCarthy's staff as well as various other priorities listed below:

### **Updated Report: Water Resources Development Act of 2022 (HR 7776)**

The U.S. Senate passed the *Water Resources Development Act of 2022* (WRDA-22) with an amendment in the nature of a substitute (S. 4136) setting up the request for Conference Committee once the Congress returns after the election. Of interest to IWVGA is the House Committee Report's directive language concerning studies of the Interconnection Project. The bill's statutory progress through the Congress does not affect our language and takes effect upon passage of the legislation. We have contacted the US Army Corps of Engineers and have begun discussions between their staff and IWVGA technical staff on the beginning of the study. Capitol Core expects passage of the WRDA-22 bill in the "lame duck" session of Congress at the end of the calendar year.

### **Updated Report: National Defense Authorization Act for Fiscal Year 2023 (HR 7900)**

Passage of the annual National Defense Authorization Act (NDAA) is pending on the Floor of the U.S. Senate. The Senate will not take up the bill until after the election, leaving less than two months of the "lame duck" session for the Senate to complete the NDAA and to convene the Conference Committee. Of interest to the City of Ridgecrest is the amendment to the Defense Communities Infrastructure Program (DCIP) which would make defense community infrastructure that is on leased land or an easement from the US Department of Defense eligible to make a DCIP application. Capitol Core has confirmed that both the passed House bill and the proposed Senate bill contain the language pertaining to the leased lands. The House and Senate language are slightly different, though each bill's language accomplishes what we need to make the wastewater treatment plant eligible for an application. Successful amendment to the DCIP sets-up a 2023 application by the City of Ridgecrest for the Wastewater Treatment Plant. The language will be subject to a Conference Committee on the NDAA, and we anticipate that this will take place at some point in December.

### **Task 3: Secure State Funding**

#### **New/Staff Action: DWR: Urban Community Drought Relief Program**

The Department of Water Resources released its final Implementation Guidelines for its "Round-2 – Urban Community Drought Relief Program (UCDRP)" on October 10<sup>th</sup>. Changes from Round-1 funding in the UCDRP were required by the Legislature as directed in the FY2022/2023 State Budget Act. The FY2021/2022 Round-1 UCDRP largely provided \$400 million for emergency drought response in the form of hauled water, emergency interconnections and bottled water supplies to drought-stricken areas. The Round-2 funding, providing \$285 million, expands the program to more permanent drought resiliency projects as well. The funding also may provide assistance to drilling new or rehabilitating existing public wells that have either gone dry or are experiencing problems related to the drought. **Final applications are due on January 31, 2023.** You can find more information on the program [here](#).

**New/Staff Action: DWR: Round-2 SGMA-IP**

DWR is now forecasting that \$202 million will be available to medium, high-priority, and CODs through the SGMA-IP Round 2 funding.

The SGM Grant Program's SGMA Implementation Round 2 will provide funding to GSAs and other responsible entities to update/revise/modify their GSPs or their Alternatives to a GSP. The funding will also be used towards implementing the GSP or Alternative Plan. This funding is for eligible applicants with projects located in medium and high priority basins, including critically overdrafted (COD) basins.

ONE application per basin will be allowed. Previous recipients must update GSPs consistent with the “funding priorities outlined in its Round 1 application.”

Applications opened in September. Capitol Core is continuing discussions with staff on a potential Round-2 Application.

**New/Staff Action: November Priorities**

During the month of November, we plan to meet with our Congressional and California Legislative delegation to discuss the proposed AVEK pipeline alignments and to get their feedback on the proposal. We will also continue discussions with AVEK regarding the pipeline and potentially connecting into their system.

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## **IWVGA October 2022 Report**

**October 1-12:** Working for a few weeks in finalizing templates for the WSCPDWC-Water Shortage Contingency Plan Drought/Water Conservation SB552

**Oct 5:** Sent Template to team for review and had them start gathering information from the water system assigned to oversee and help them with Water Shortage Contingency Plan Drought/Water Conservation Plans.

**Oct 10-16:** Team spent week gathering from systems updated information in helping us custom their plan via telecommunications.

**Oct 17-21:** Team communicating with each system explaining and helping build their plan and fixing template for their water system needs.

**Oct 24:** Sent Jacob draft of four systems overview for his review and thoughts through telecommunication. Sent drafts to Stetson Engineering for their review and comments.

**Oct 25:** Received comments from Bianca at Stetsons Engineering on Water Shortage Contingency Drought/Water Conservation Plans. Began revising Plan according to her comments.

**Oct 26:** Getting Jacobs feedback and revising all four systems from her comments and us collaborating.

**Oct 27:** Finished revising all four systems from comments from Bianca with Jacobs input. Jacob sent revision to Bianca.

**Oct 28:** More comments from Bianca. Jacob and I gathered the information and made the adjustments.

**Oct 31:** Jacob and I through telecommunication finalize comments from Bianca's comments. Jacob sent four systems Water Shortage Contingency Plan Drought/Water Conservation Plans to Bianca at Stetsons Engineering for further review and commenting.

**Stetson comments:** *Please address this last set of comments. There is universal comment on the introduction section of each draft and then one comment to fix a typo on the China Lake Acres draft. Once updated, we can mark these as complete. Thank you!*

Done.

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**BOARD OF DIRECTORS**

**Phillip Peters, Chair**  
**Scott Hayman, Vice-Chair**  
**Stan Rajtora**  
**Matt Kingsley**  
**Paul Cook**  
**Thomas Bickauskas**  
**CDR Benjamin Turner, DoD Liaison**

**Carol Thomas-Keefer**  
*General Manager*  
**Keith Lemieux**  
*Legal Counsel*

October 21, 2022

Board of Directors  
Indian Wells Valley Water District  
RE: Imported Water Supply Project

Dear President Saint-Amand and Directors:

A discussion took place at your last meeting regarding the Indian Wells Valley Groundwater Authority's (GA) imported water pipeline project. Water District Board members expressed a number of fundamental questions regarding import project costs and completion schedule that have already been analyzed and answered in the Groundwater Sustainability Plan (GSP) which the Water District's GA member voted for.

Of course, the Water District's Board should be fully informed of the GA's progress on this critically important project which it voted for. Accordingly, and in light of the recent discussion at the facilitation about public communication and brackish water, the GA Board directed staff to provide this informational response in hopes of more fully informing the Water District's Board members and the general public. Undoubtedly, public communication begins with informed and knowledgeable statements by the officials elected to represent the public on a matter, regardless of the official's personal views on the matter.

At this point, it is simply undeniable that Mojave Pistachios' owner was correct in 2015 when he told the community, at a Kern County Planning Commission public hearing, that his farm magnified the Basin's water supply problem and imported water is the **"answer that sustains us all"** in this Basin. He went on to specifically add that the amounts of water that would be involved can be found and economically imported. ([Planning Commission Ridgecrest Meeting - Apr 9th, 2015 at 3:11:30 of video https://kern.granicus.com/MediaPlayer.php?view\\_id=34&clip\\_id=2940](https://kern.granicus.com/MediaPlayer.php?view_id=34&clip_id=2940))

Understandably, the imported water project is the core of the GSP's sustainability plan for the Indian Wells Valley. To date, roughly 4 years since the significant work on the GSP development began, no one has presented any plan for achieving sustainability in this Basin that does not ultimately rely on augmentation from an imported water project. It is simply undeniable to any fair-minded water professional that even the most optimized recycle project cannot provide enough additional water to meet the domestic and Navy needs of the Basin. On this point, the GA's other members and staff are in complete unanimity and so is the Department of Water Resources (DWR).

DWR's support of the import project is evidenced by not only the express approval of the GSP but also the award of a \$7.6 million grant which adequately funds the final interconnection design phase and environmental review for import interconnection construction. Notably, that grant award was made over the express objection of the Water District's "groundwater management consultant" who claimed in an email to DWR that the Water District had other priorities including brackish water exploration.

The GA is well aware of the Water District's more than 12 year pursuit of brackish water exploration and its more recent partnership in the Brackish Group, which includes Mojave Pistachios, Coso Geothermal, and Searles Valley Minerals. As you are probably aware, while the GSP included a discussion of potential brackish water use, the Water District's general manager reported some months ago to your Board that after nearly 4 years of work, and countless dollars spent, the Brackish Group had determined that the brackish project was financially infeasible, and no project would be presented to the GA.

Additionally, the Water District's own 2010 engineering report found that a brackish project would produce only 3,000 acre feet per year (afy) and would cost over \$7 million annually (in 2010 dollars), which is nearly the entire operating budget of the Water District. (Attachment A) Moreover, since there is a finite supply of brackish water, any brackish project would still need an import project to bring this Basin into sustainability. With that being the case, the GA was rather puzzled by the recent comments at the facilitation by those in the Brackish Group claiming that brackish water was somehow still an option for achieving sustainability in this Basin. These comments are especially puzzling because they are nothing more than assertions unsupported by any project details or revised cost estimates, which any proper engineering study would need at this stage.

The GA Board and staff should be commended for the fact that its GSP is one of very few that has actually been approved by DWR. In fact, while DWR has failed to approve the vast majority of GSP's in the State, DWR not only approved the GA's GSP but in doing so it expressly stated that:

- a) the Plan "demonstrates a thorough technical understanding of the basin"
- b) the Plan's projects and management actions "are technically feasible" and "designed to improve adaptive management practices"
- c) the "Authority adequately responded to comments that raised credible technical or policy issues with the Plan" and
- d) the Plan is based on "the best available science and information."

The Water District of course should be especially proud of its involvement in the GSP development because in the most critical year for GSP development (2019) the Water District's staff held the position of GA general manager and GA legal counsel. Additionally, the Water District was not only a Board member of the GA voting in favor of the GSP but it held vital seats on the Policy Advisory Committee (PAC) and the Technical Advisory Committee (TAC).

In that critical year, the Water District was an active and significant participant in the development of the GSP, including the determination that an import project was both feasible and unfortunately required. Project costs were identified under a variety of scenarios; components of these estimates included pipeline size and length, rights-of-way studies, environmental documentation, cost to purchase water rights, power costs for conveyance, and financing costs. Before inclusion in the GSP, these cost estimates were fully vetted through the TAC, which again included the Water District's representative.

Unfortunately, the Water District's representative on the GA Board during that critical year asserted a cost estimate for the import project at a Water District Board meeting that was obviously in error, and unfortunately that estimate was published by a local newspaper uncorrected. Whether this was a simple math error, a slip of the tongue, or something else is presently uncertain but as you are aware the Water District responded to a public records request on this point by expressly asserting that, "[t]here have been no such calculations from the impact of an imported water project produced by" the Water District. (Attachment B) Of course, it's rather disheartening to see his fellow Board members, and staff, not correct such an obvious and unsupportable error when informed public communication is so vital. As the Water District's Board members and staff know full well, the costs to rates payers for the import project will be in the lower tens of dollars per month, not higher hundreds of dollars as was asserted.



A slide from a presentation to the TAC in 2019 is included for your information. (Attachment C) This information with more specificity can also be found in the DWR approved GSP which the Water District's representative seconded the approval motion on, and voted for.

This slide assumes 50 percent grant funding of infrastructure costs, and it includes estimates of total imported water costs per acre-foot, delivered to the Basin. Estimates have also been prepared with other assumptions for grant funding; but the 50 percent assumption appears to be more than reasonable and conservative for purposes of estimating costs to consumers. After all, DWR has not only approved the import project itself but it has also adequately funded the final interconnection design and environmental review phase with a \$7.6 million grant. Moreover, it is simply undeniable that the national treasury should step in to assist in the preservation of a national treasure such as NAWS China Lake.

Simply put, the GA is more than reasonable in its belief that the complete costs of the project in the end will be less than the Water District is currently paying because it chose not to finance its water entitlement needs.

Of course, the actual costs to Water District customers depends on the actions of the Water District itself. To date, the Water District has only been asked to purchase its needed entitlement of imported water (the current infrastructure costs are fully funded by a DWR grant). In the future, it is unlikely that a grant can be obtained to purchase this entitlement. More importantly, it will be nearly impossible to get grant money for actual pipeline construction if the water to be conveyed in the pipeline is not already acquired. For these reasons, the GA, County and City have all asked the Water District to finance its entitlement needs. As you are aware, had the Water District moved forward as suggested, the current fees paid by Water District customers would be significantly lower, as those payments would be amortized over the long-term loan period (30 years in comparison to 5 years), and the loan would have been secured at all-time low interest rates.

If one is interested in analyzing the slide further, they should be cognizant that the costs in the slide are broken down into per acre foot costs, not individual home costs. The average home only uses one-half of an acre foot per year so the cost per home is immediately cut in half. Lowering the impact further, the adopted GSP provides the Water District with roughly two-thirds of its pumping fee free which means the actual impact on Water District customers should be in the tens of dollars per month.

For illustrative purposes let's assume an improbably high cost of \$2,800 per acre foot for imported water. When you cut that in half for the average home consumption your left with \$1,400 but again because the Water District only pays for roughly a third of its pumping that equates to a rough cost of \$467 a year, or \$39 per month. Moreover, the Water District has the ability to lower this cost even further through the use of a rate structure that properly incentivizes water conservation. And, it cannot be underappreciated that these costs are on the improbably high end of the spectrum as the GA has already received more in grant funding than predicted in that slide, and it is more than reasonable to assume that more money from the State and Federal government will be provided for the import project in the coming months and years.

The GA is also aware of comments by Water District Board members asserting that the Water District is being asked to purchase import water for others such as Searles Valley Minerals. The GA is at a complete loss as to why Water District Board members believe this is the case. To be very clear, the Water District will only need to purchase enough water to replenish the amount of water that it would overdraft the Basin by, and no more.

Additionally, Water District Board members have expressed some anxiety over the reliability of import water supplies. This demonstrates a fundamental misunderstanding of how imported water allocations work. The import project is based on the State Water Project's reliability factor of 62%. Generally speaking, this means that in roughly half the years the GA will receive less than its entitlement and in half the years it will receive more. In wet years, the GA receives more than its delivered water needs, and the GA then has options such as selling that additional water or banking it for future use in the Basin. In dry years, the GA receives less than its delivered water needs, and Basin pumps (like the Water District) will need to rely on Basin groundwater pumping. As such, it is critical that the GA maintain the Basin's storage at a level that recognizes its critical importance to this community.

Another concern that has grown from recent Water District meetings is the lack of urgency in tackling this existential threat to the community. It is undeniable that time is of the essence when it comes to purchasing water, as evidenced by the attached power point on well damages. (Attachment D) Moreover, one needs to look no further than the Water District Brackish Water Group partner Mojave Pistachios to see the threat of further delay. First, as the Water District is well aware, just a few months after the Water District transferred lands to Mojave Pistachios, attorneys for Mojave Pistachios submitted a public letter to the County asserting that Mojave Pistachios' water rights are superior to the rights which the Water District uses to serve the community and claimed that Mojave Pistachios' right must be fulfilled before any water can pass to the Water District. (Attachment E at page 6-7) Obviously, this legal theory is not supported by the GSP and it will be paramount in the Water District initiated general groundwater adjudication. Through that adjudication process, every groundwater pumper in the Basin is now required to defend their rights or risk losing them to Mojave Pistachios, or others including the Water District, by legal default.

On that point of urgency, it cannot go unnoticed that while the owner of Mojave Pistachios is actively and disingenuously attacking the viability of an import project based on purchase costs, he is simultaneously holding the position as the Vice President of the Belridge Water Storage District (BWSD). This water storage district owns 121,508 afy of import water entitlement which it delivers mostly to farmers in the Central Valley. Since March of 2021, BWSD has had 18 agenda items, including numerous closed sessions, where the BWSD Board discussed or closed on water transfer negotiations. Simply put, since all of the State's Table A entitlement has already been allocated, those needing import supplies in this Valley will need to compete in the marketplace with farmers in the Central Valley that also need to shore up their water needs with additional entitlement. The owner of Mojave Pistachios is well aware of this fact and, just like the Indian Wells Valley, his district and his greater land holdings in the Central Valley need additional import entitlement to meet the current demand needs. Of course, it's all the better for him, especially since his district has yet to receive GSP approval, if he does not have to compete in those negotiations with the domestic needs of the Indian Wells Valley.

The GA has also learned from watching meetings that the Water District Board members don't seem to have a complete grasp on what it means to buy import entitlement currently. Some 30 years ago, when the Water District helped to form the Indian Wells Valley Cooperative Water Group, import entitlements were not yet fully allocated (although close), and the Water District could have purchased its import needs at a considerable discount; that is simply no longer the case because those entitlements are now owned by communities and farms throughout the State. This does not mean that import entitlements cannot be found, it merely means that any purchase price will be predicated on the owner's desire for an immediate return on investment (ROI) through a sale of the entitlement and a transfer of that water use to this Basin as compared to the longer term, and at times uncertain, ROI from using that water for ongoing farming operations. The simple economics of this unfortunate situation speaks for itself. Depending on the source it is fair to say that one pistachio nut takes 1 to 3 gallons of water to be produced. In contrast, average human consumption is 80 to 100 gallons per day. With such a wide disparity, it's readily evident that farmers will be willing to sell their entitlements to communities so that water can be used for domestic rather than agricultural purposes.

In terms of current project timing, the GA, with the Water District's vote, has already commissioned a pipeline alignment study to refine the pipeline path and address any right-of-way issues using DWR grant money. Our consultant has already held discussion with Water District staff on this planning effort. GA staff has a detailed project implementation chart and once the pipeline study is complete the environmental documentation will commence again with DWR grant money. Of course, as you're aware, the environmental documentation cannot, and will not, legally hinder the ultimate project completion in this instance.

Ultimately, sustainability for the Indian Wells Valley Basin will only be accomplished through a supplemental source of water and local resources such as recycled water and/or brackish water are undeniably insufficient to meet the Basin's needs. Moreover, as already mentioned the Brackish Group which includes the Water District has spent nearly 5 years trying to develop a project only to have the Water District announce that the brackish water was financially infeasible.

After several years of planning and community involvement, the GA is now proceeding with its mandate under the state Sustainable Groundwater Management Act to implement its approved Plan; the pipeline alignment study, and the

potential purchase of 750 acre-feet of water rights from the State Water Project are significant steps toward that implementation. Completion of the project will certainly require several years; however, wells in the community are already seeing the impacts of declining water levels and years of unmitigated overdraft. By pursuing the imported water project now, the GA will ensure we have adequate supplies before water levels fall to critical lows and entitlement costs skyrocket as GSP's are approved and other agencies enter the water market.

In closing, the GA truly appreciates the Water District's participation and it looks forward to your informed support in achieving sustainability for the Indian Wells Valley Basin. If we can answer any further questions or provide additional information, please contact me.

Sincerely,



Carol Thomas-Keefer  
General Manager  
Indian Wells Valley Groundwater Authority

- Attachment A – Carollo Brackish Water Study May 2010
- Attachment B – PRA response from Water District October 19, 2022
- Attachment C – 2019 TAC Slide Re Import Project Costs
- Attachment D – Shallow Well Power Point October 2022
- Attachment E – September 30, 2014 letter to Kern County Board of Supervisors

**ATTACHMENT A**  
**CAROLLO BRACKISH WATER STUDY MAY 2010**

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## Indian Wells Valley Water District

### PILOT TESTING OF ZERO LIQUID DISCHARGE TECHNOLOGIES USING BRACKISH GROUNDWATER FOR INLAND DESERT COMMUNITIES

FINAL

May 2010



**carollo**  
Engineers...Working Wonders With Water™

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**EXECUTIVE SUMMARY**

**ES.1 INTRODUCTION AND BACKGROUND**

In response to the greater demands for potable water in the Indian Wells Valley Water District (IWWVD) service area, the IWWVD identified brackish groundwater desalination from the Northwest Well Field (NWWF) as a potential new source of potable water. The groundwater from the NWWF was originally used for irrigation and cannot be used for drinking water without treatment. The treatment of brackish groundwater will allow the IWWVD to increase capacity while using the existing resources in the Indian Wells Valley.

After completing a detailed preliminary design in February 2006, IWWVD submitted a proposal to the Department of Water Resources (DWR) requesting financial assistance as part of the 2006 Water Desalination Grant Program (Chapter 6(a) of Proposition 50) to conduct a brackish groundwater desalination pilot study. IWWVD's proposal was accepted for funding by the DWR, and IWWVD hired Carollo Engineers, P.C. (Carollo) to conduct a turnkey piloting project focused on minimizing the brine volume produced from brackish groundwater desalination.

The minimization of brine volume is an important aspect of this project. Due to the IWWVD's geographical location, traditional brine disposal options such as ocean discharge are not feasible. Ultimately, a zero liquid discharge (ZLD) treatment system, incorporating a brine concentrator (BC) followed by evaporation ponds, will be required, and decreasing the brine volume to the BC can lead to significant capital and operational cost savings.

This report summarizes results from the pilot testing conducted during June 2008 through June 2009. The work focused on establishing reasonable conditions under which the treatment system could operate. This information enabled brackish groundwater desalination to be evaluated as a potential future source of potable water in the IWWVD.

**ES.2 GOALS AND OBJECTIVES**

The overall goal of the pilot project was to determine the feasibility of brackish groundwater desalination to supply potable water for the IWWVD using the treatment train combination identified in the 2006 Preliminary Design Report (PDR) as the most appropriate treatment approach to achieve a ZLD system. Results from this testing are intended for use as a basis to determine the economic viability of constructing a 3,000 acre-feet per year (AFY) ZLD treatment process that would increase potable water production in the region.

The major objectives of this work were to:

1. Demonstrate the technical feasibility of the primary and secondary desalting technologies at pilot scale using reverse osmosis (RO) and electrodialysis-reversal (EDR), respectively.

2. Demonstrate that the primary RO process is able to treat NWWF groundwater with minimal membrane fouling after pretreatment to remove iron (Fe) and manganese (Mn). In addition, verify that the secondary desalting process can operate at its projected water recovery level. A combined water recovery level of 90 percent was predicted via a desktop analysis conducted in 2006.
3. Evaluate the effectiveness of reversible RO operation to reduce membrane fouling tendencies and to permit higher recoveries.
4. At bench scale, evaluate the removal of selenium (Se), arsenic (As), and uranium (U) from the concentrate stream produced by the secondary desalting step.
5. Investigate potential users for high-quality distillate that would be generated by a thermal brine concentration step.
6. Evaluate the cost of using solar power for a full-scale plant.

### **ES.3 MATERIALS AND METHODS**

The pilot facility was housed in a temporary building constructed adjacent to Well No. 1 in the NWWF. The pilot plant consisted of Fe and Mn pretreatment filtration pilot, a primary RO pilot, and a secondary EDR pilot operating on the primary RO concentrate stream. Well water was pumped to the pretreatment system where Fe and Mn were removed for subsequent treatment using RO; the concentrate stream was then fed from the RO unit to the EDR unit for further treatment. The RO and EDR permeate, EDR concentrate, and Fe/Mn filter backwash were all combined and returned to a pilot process sump where the combined water could be pumped out onto the surrounding farmland for disposal.

As part of the original pilot testing plan, the RO unit was to be operated for 3 months in conventional mode (Phase I) and 3 months in reversible mode (Phase II). Likewise, the EDR was to be operated for a total of 3 months with a goal of 1,000 hours of operation. During operation, each process stream was to be sampled and a detailed water quality analysis was to be performed. Bench-scale testing was also included in the test plan to initially determine the free chlorine dose required for adequate Fe and Mn removal and testing of As, Se, and U coagulation/sedimentation jar test. Coagulation bench-scale testing was to be undertaken on the final EDR concentrate sample to determine if these constituents could be removed and sequestered from the final concentrate prior to BC treatment. High levels of As, Se, and U in the brine pond salts could result in solids that require disposal to costly hazardous waste landfills.

### **ES.4 RESULTS AND DISCUSSION**

The pilot facility was operated for a 7-month period and during this time, the RO unit was operated for a total of 4,400 hours (2,100 hours in conventional mode and 2,300 hours in reversible mode). Despite delays in the preparation and shipment of the EDR unit, 1,600 hours of operation were achieved, which exceeded the initial goal of 1,000 hours.

Long runtime and stable performance enabled a significant amount of data collection during the pilot study. This data allowed performance trends to be established and conclusions on system performance to be drawn.

The membrane processes (RO plus EDR) achieved an overall recovery of 92 percent and both produced a high-quality product removing 90 percent of the influent total dissolved solids (TDS). This removal resulted in a combined product TDS of 140 milligrams per liter (mg/L). All treated water goals were met (with the exception of boron) and the removal of more than 90 percent of many of the contaminants of concern (including As, Se, U, Fe, and Mn) was achieved. The boron treatment goal of 0.8 mg/L was not met by the membrane processes. Boron is not regulated and there is no maximum contaminate limit (MCL), however, the California Department of Public Health (CDPH) has set a notification level of 1 mg/L for boron. The boron concentration in the combined product was 1.4 mg/L; thus, the IWVWD would either need to notify the governing body that this limit has been exceeded, provide additional treatment to remove boron, or blend the effluent with water from the IWVWD's potable wells to reduce the boron concentration.

## ES.5 COST ESTIMATE

A preliminary construction cost estimate (order-of-magnitude) was developed for a greenfield brackish groundwater treatment facility to produce 3,000 AFY. Using cost assumptions and vendor quotes, an overall project cost was developed, which includes engineering, legal and administration, and a 15-percent contingency. The project cost estimate is \$46.0 million. This estimate includes chemical systems, treatment equipment, storage tanks, pumps, and other ancillaries required for treatment. It does not include the cost of distribution piping downstream of the finished water high-lift pump station. The total annual operation and maintenance (O&M) cost is estimated as \$3.0 million, which includes electrical costs, chemical costs, membrane and filter media replacement costs, sludge disposal costs, and labor costs. The annual capital and O&M costs are summarized in Table ES.1.

<b>Table ES.1 Annual Cost of Treatment Pilot Testing of Zero Liquid Discharge Technologies Using Brackish Groundwater for Inland Desert Communities Indian Wells Valley Water District</b>	
<b>Item</b>	<b>Cost</b>
Amortized Capital Cost <sup>(1)(2)(3)</sup>	\$4,009,000
Annual Operating Cost	\$3,041,000
<b>Total Estimated Annual Cost</b>	<b>\$7,050,000</b>
<b>Notes:</b>	
(1) Assuming a 20-year term and an annual fixed interest rate of 6 percent.	
(2) Land costs not included as IWVWD has available land for the treatment facility.	
(3) Costs for drilling and equipping wells, distribution piping from wells to plant, and distribution piping downstream of finished water high-lift pump station are not included.	



The annual cost equates to \$7.21 per 1,000 gallons (\$2,350 per acre-foot (AF)). However, if this cost is split between the cost of the primary desalting process and brine disposal, then it can be seen that brine disposal comprises 65 percent of the overall cost. A comparison of primary desalting and brine disposal costs are shown in Table ES.2.

<b>Table ES.2 Comparison of Primary Desalting and Brine Treatment Costs Pilot Testing of Zero Liquid Discharge Technologies Using Brackish Groundwater for Inland Desert Communities Indian Wells Valley Water District</b>		
<b>Item</b>	<b>Primary Desalting \$/AF<sup>(1)</sup></b>	<b>Brine Treatment \$/AF<sup>(1)</sup></b>
Capital Cost <sup>(2)</sup>	454	882
O&M Cost	360	654
<b>Total Cost</b>	<b>\$814</b>	<b>\$1,536</b>

**Notes:**  
 (1) \$/AF values were determined using the cost per year for both capital and O&M divided by the amount of water produced per year (3,000 AF).  
 (2) Assuming a 20-year term and an annual fixed interest rate of 6 percent.

If the IWVWD had the option of disposing to an ocean brine line, instead of on-site treatment, overall treatment costs would be less. For example, there would still be a cost associated with ocean disposal - approximately \$500 per AF. The total costs of the optimal case, primary desalting with ocean disposal, would be approximately \$1,314 per AF.

With the additional treatment to achieve a ZLD system, the IWVWD benefits from the extra drinking water recovered, however, the value of this additional water does not compare to the cost of brine treatment. Thus, due to the IWVWDs inland location, a premium of about \$1,036 per AF is added to the cost of brackish groundwater treatment.

## **ES.6 CONCLUSIONS**

1. Pretreatment that includes sodium hypochlorite addition and granular media filtration can effectively remove Fe and Mn from the influent well water. During pilot testing, both Fe and Mn were consistently removed to below detection limits.
2. The RO unit can produce a high-quality, low-TDS product. During pilot testing, the RO product TDS was consistently less than 20 mg/L.
3. During pilot testing, the RO unit operated at recoveries ranging from 60 percent to 75 percent. Stable performance was achieved at all recoveries.
4. Biofouling caused a majority of the performance decline in the RO unit. The first stage of the RO unit experienced significant biofouling due to the biological content of the influent well water. The biofouling allowed for approximately 50 days of operation between chemical cleans. At full-scale, the feed water to the RO unit would be dosed with a disinfectant (such as monochloramine), to control biological growth in the RO unit, which should increase the interval between clean-in-places (CIP) operations.

5. The RO unit can be cleaned using a standard cleaning cycle with an extended soak time.
6. The reversible RO configuration has the potential to improve RO performance. During pilot testing, the reversible operation demonstrated the potential to reverse membrane fouling and improve overall performance.
7. The EDR unit can produce a high-quality, low TDS product when operating on the RO concentrate stream (3,040 mg/L TDS). During pilot testing the EDR product TDS was consistently less than 600 mg/L.
8. During pilot testing, the EDR unit was operated at recoveries from 75 to 80 percent; stable performance was achieved at all recoveries. The EDR experienced little to no scaling or fouling during operation.
9. The combined RO and EDR product water was able to meet all treatment goals set in the preliminary design except for the boron concentration. The average boron concentration was 1.4 mg/L, compared with the treated water goal of 0.8 mg/L. The combined product TDS averaged 140 mg/L and will need to be stabilized using lime stabilization at full-scale unless blending with other IWWWD wells is possible.
10. Pilot testing was able to achieve stable performance at an overall recovery of 92 percent, which is in line with the predicted values identified in the 2006 PDR.
11. The combined EDR/slurry precipitation and recycle RO (SPARRO) system (patent pending) was able to improve EDR performance and increase the EDR recovery. Further testing of this process combination is needed.
12. The bench-scale testing showed little to no removal of arsenic, selenium, and uranium due to competition with other ions present in the EDR concentration at much higher concentrations. However, it was determined that the background levels of these constituents were not high enough to cause ZLD residuals in brine ponds to be classified as hazardous or naturally occurring radioactive material (NORM).
13. Final brine treatment using a brine concentrator could achieve a recovery of 95 percent, increasing the overall plant recovery to 99.6 percent. The final 0.4 percent of flow would be disposed of in a lined evaporation pond.
14. A 1-megawatt (MW) solar facility would produce approximately 20-percent of the treatment facilities energy demand and cost the IWWWD approximately 5.0 million in additional capital cost if the solar facility is purchased by the IWWWD.
15. The total project cost estimate for a treatment system to produce 3,000 AF per year is \$46.0 million. The O&M costs for such a facility would be about \$3.0 million per year. The capital and O&M costs equate to unit cost of water of \$2,350 per AF.

**ATTACHMENT B**

**PRA RESPONSE FROM WATER DISTRICT OCTOBER 19, 2022**



**From:** [don.zdeba@iwwvd.com](mailto:don.zdeba@iwwvd.com) <[don.zdeba@iwwvd.com](mailto:don.zdeba@iwwvd.com)>  
**Sent:** Wednesday, October 19, 2022 3:32 PM  
**To:** Alan Christensen <[achristensen@kerncounty.com](mailto:achristensen@kerncounty.com)>  
**Cc:** 'Jim Worth' <[jim@mhwlegal.com](mailto:jim@mhwlegal.com)>  
**Subject:** RE: Possible Records Request

**CAUTION:** This email originated from outside of the organization. Do not click links, open attachments, or provide information unless you recognize the sender and know the content is safe.

Alan

Ron stated that he had done a “qualitative analysis” and not a calculation. As such, there are no documents, emails, text messages, or other communications that discuss his analysis. There have been no such calculations for the impact of an imported water project produced by me or my staff.

Don



**Donald M. Zdeba**

General Manager  
Indian Wells Valley Water District  
500 W. Ridgecrest Blvd  
Ridgecrest, CA 93555  
P: 760.384.5555 | F: 760.375.0167

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**From:** Alan Christensen <[achristensen@kerncounty.com](mailto:achristensen@kerncounty.com)>  
**Sent:** Tuesday, October 18, 2022 4:39 PM  
**To:** Don Zdeba <[don.zdeba@iwwvd.com](mailto:don.zdeba@iwwvd.com)>  
**Cc:** Jim Worth <[jim@mhwlegal.com](mailto:jim@mhwlegal.com)>  
**Subject:** Possible Records Request

Don,

Mr. Kicinski stated at your last meeting, and was quoted in the newspaper, that he had done calculations on what the costs of imported water to the Indian Wells Valley would be to customers of the IWVWD. His calculations seemed quite high; however, we would like to know if there are any documents, including emails and texts, that reference his calculations or any discussions related to the possible costs of imported water between July 1, 2022 and October 17, 2022.

On behalf of the County of Kern, please consider this a public records request.

Thank you.

Alan Christensen  
CAO Manager  
County of Kern

**ATTACHMENT C**  
**2019 TAC SLIDE RE IMPORT PROJECT COSTS**

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Presented at September 5, 2019 TAC Meeting

## Imported Water - Costs

Assumption: Grant fees available to cover one-half of capital costs for infrastructure

Option	Annual Imported Water Demand	Capital Costs (Infrastructure)	One-Time Water Supplies Acquisition Cost	Annual O&M Costs	Annual Service Costs <sup>1</sup>	IWVGA Cost per AF (4%) <sup>2</sup>	IWVGA Cost per AF (2%) <sup>3</sup>
Option 1: LADWP	5,000 AFY	\$27,523,000	\$48,388,000	\$833,000	\$4,260,000	<b><u>\$1,900</u></b>	<b><u>\$1,700</u></b>
Option 2: AVEK	5,000 AFY	\$88,987,500	\$48,388,000	\$2,280,000	\$5,860,000	<b><u>\$3,220</u></b>	<b><u>\$2,860</u></b>

**Notes**

- 1) Annual service costs consist of State Water Project transportation fees (Options 1 and 2), wheeling fees (Options 1 and 2), and treatment (Option 2 only)
- 2) Amortized at a 4% interest rate over 30 years
- 3) Amortized at a 2% interest rate over 30 years



**ATTACHMENT D**  
**SHALLOW WELL POWER POINT OCTOBER 2022**

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## Shallow Wells Impacts & Mitigation

### Basin Numerical Flow Model

- University of Nevada's Desert Research Institute (DRI) first developed a groundwater flow model of the Basin in 2016.
- This model was further reviewed and recalibrated during the GSP development process.

## Shallow Wells Impacts & Mitigation

### Shallow Well Analysis

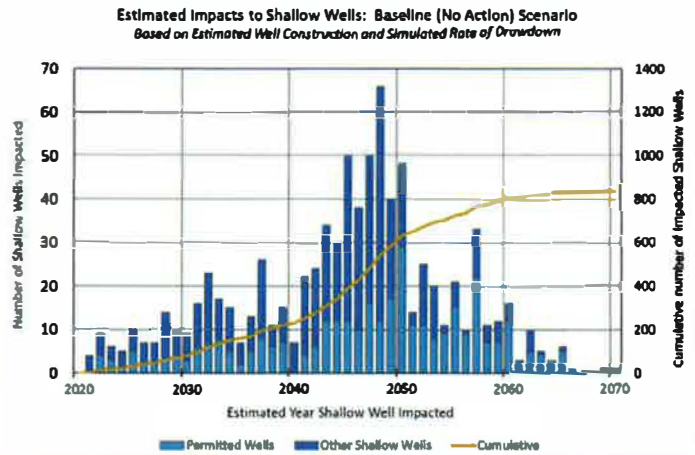
- Included in the Approved Final GSP.
- Evaluates potential impacts to shallow wells caused by declining groundwater levels (does not include water quality impacts).
- 872 wells estimated to be shallow (Includes 832 private domestic wells)



## Shallow Wells Impacts & Mitigation

### Worst-Case Scenario (no management actions)

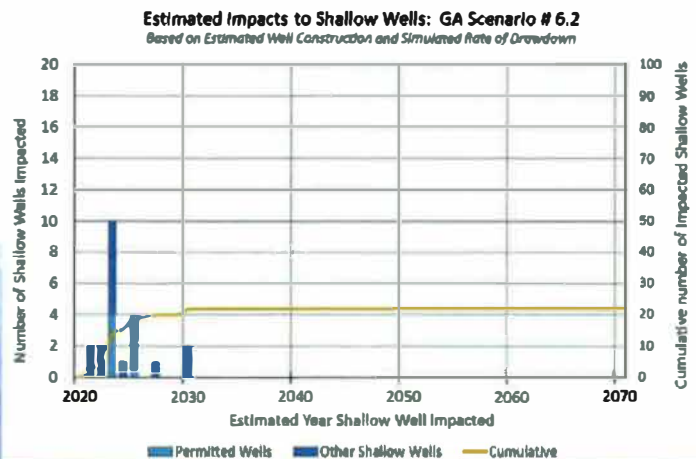
- 81 Wells impacted by 2030 (10%)
- 230 Wells impacted by 2040 (25%)
- 600+ Wells impacted by 2050 (~66%)
- 800 Wells impacted by 2060 (~90%)



## Shallow Wells Impacts & Mitigation

### GSP Management Scenario

- 22 Wells impacted by 2035 (2.5%)
- Shallow Well Mitigation Program



## Shallow Wells Impacts & Mitigation

- Shallow Well Mitigation Program discussed in the GSP.
- Pumping is generally following predictions.
- The Program anticipated approximately 116,000 acre-feet of groundwater in storage would be mined from the Basin before imported water would be delivered.
- Mojave Pistachios was not predicted to continue pumping in the manner it has been and has not paid any mitigation fees.
- Based on Mojave Pistachio's self-reporting, an additional approximately 5,600 acre-feet of groundwater has been removed from Basin storage from January 2021 to July 2022.

## Shallow Wells Impacts & Mitigation

### Current Applications

- **Stark Street (East of Ridgecrest)**
  - Well stopped producing water in June 2022
  - Communication and coordination with Self-Help discussing mitigation program, application, etc.
- **Heritage Village Master Community Association**
  - Well stopped producing water in Spring 2022 and pulled up sand and other debris
  - Currently awaiting well evaluation from their well driller
- Recent well driller quotations show cost of \$100,000 each.

## Shallow Wells Impacts & Mitigation

### Other Potentially Impacted Wells

- Kern County documents 19 new production wells drilled since January 2020 (GSP Adoption)
  - These new wells are being investigated as to why they were drilled
- Ten (10) wells in the IWV have been reported dry to DWR (as of 9-12-22)
- We suspect additional wells have problems (Not reported to DWR or IWVGA)



**ATTACHMENT E**  
**SEPTEMBER 30, 2014 MOJAVE PISTACHIOS LETTER**  
**TO KERN COUNTY BOARD OF SUPERVISORS**

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**Brownstein Hyatt  
Farber Schreck**

September 30, 2014

Received by Clerk of the Board	
Additional Material for	
Board Agenda Date of:	Item No.
9-30-14	PMS
SD 1 ✓	CAO ✓
SD 2 ✓	County Counsel ✓
SD 3 ✓	Planning ✓
SD 4 ✓	
SD 5 ✓	

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**VIA E-MAIL AND FIRST CLASS MAIL**

Members of the Board of Supervisors  
Attn: Kathleen Krause, Clerk of the Board  
Kern County Administrative Center  
1115 Truxtun Avenue  
Bakersfield, CA 93301

**RE: Agenda Item #5: PROPOSED INTERIM ORDINANCE TO TEMPORARILY PROHIBIT IMPLEMENTATION OF SPECIFIC LAND USES AUTHORIZED IN TITLE 19 - KERN COUNTY ZONING ORDINANCE CHAPTER 19.12 (A) EXCLUSIVE AGRICULTURE AND CHAPTER 19.14 (A-1) LIMITED AGRICULTURE DISTRICT IN THE INDIAN WELLS VALLEY AREA OF UNINCORPORATED KERN COUNTY—(FISCAL IMPACT: UNKNOWN) S.D. #1**

Dear Chair Perez and Members of the Board:

Our office represents Rod Stiefvater, the owner of RTS Agribusiness and Mojave Pistachios, LLC (collectively, RTS). On behalf of RTS, a large-scale grower of pistachios in the Indian Wells Valley of Kern County (County), these comments address concerns regarding the proposed *Urgency Interim Ordinance of the Board of Supervisors of the County of Kern Temporarily Prohibiting the Implementation of Certain Specific Land Uses Previously Authorized in Title 19 – Kern County Zoning Ordinance Chapter 19.12 Exclusive Agriculture (A) and Chapter 19.14 Limited Agriculture (A-1) District in the Indian Wells Valley Area of Unincorporated Kern County* (Ordinance) being considered.

As you may be aware, RTS previously met with County Staff and welcomes further opportunities to maintain an open dialogue. However, the proposed adoption of the Ordinance is not warranted, and unduly impacts RTS' significant investments into the County's thriving agricultural sector. RTS is confident that the County's concerns regarding water supply availability in Indian Wells Valley may be addressed without singling out one type of use thereby excluding other solutions which apportion any decreased use among all users.

Earlier this year, the County declined to regulate groundwater in a similar manner. This fact underscores the lack of urgency of the present situation, as well as the piecemeal approach solely targeting pistachio and alfalfa growers by authorizing the County to restrict certain agricultural uses in an attempt to reduce groundwater pumping from the basin. As a result, we respectfully request the Board reject the proposed Ordinance which results in wiping out agriculture use in favor of municipal, industrial or large-scale residential uses thus ignoring

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demographics, including the present high unemployment statistics in the area. As fully contemplated in the Proposed Indian Wells Valley Land Use Management Plan (IWLUMP), it disregards the unique and vested nature of groundwater rights to which property owners are entitled to "put to beneficial use to the fullest extent of which they are capable" as required by California Constitution, Article X, section 2. Whether intended or not, the adoption would result in an unlawful adjudication of the relative rights of landowners' access to groundwater, without a legal basis or affording due process. This amounts to a taking of vested property rights without just compensation, an action which would set dangerous precedent in a County whose economy is heavily reliant on agriculture.

Given the water supply challenges facing California, RTS understands that multiple solutions will be necessary to meet future needs. RTS supports several of the recommendations provided by Todd Engineers, such as acquiring imported water, pursuing local conservation and supply projects, and strengthening current water management planning. These shared solutions will allow all groundwater users to work together to improve the health of the basin. In fact, the Supreme Court has opined on the importance of comprehensive and coordinated management of groundwater that respects overlying groundwater users' property rights.<sup>1</sup>

RTS respectfully requests the Board consider its on-going agricultural operations, just as was recently accomplished in San Luis Obispo County which, while passing an ordinance establishing a moratorium on new or expanded irrigated crop production, conversion of dry farm or grazing to new or expanded irrigated crop production and new development dependent on a well in the Paso Robles Groundwater Basin, still recognized and ensured the protection of vested water rights.<sup>2</sup> Therefore, RTS recommends the Ordinance be revised to acknowledge its on-going operations are not "new" and are excluded from the Ordinance's application as described more fully below.

## **I. BACKGROUND AND INTRODUCTION**

### **A. Indian Wells Valley Groundwater Basin**

The Indian Wells Valley Groundwater Basin (IWV Basin or the Basin) is located east of the southern Sierra Nevada Range in the northern reaches of the Mojave Desert. RTS' landholdings overlie the IWV Basin. Groundwater levels in the Basin have been declining since 1945.<sup>3</sup> The Basin has experienced overdraft conditions since the 1960s.<sup>4</sup> Under its CASGEM program, the

<sup>1</sup> *City of Barstow v. Mojave Water Agency* (2000) 23 Cal.4th 1224, 1239-1240 (Mojave).

<sup>2</sup> San Luis Obispo County, Ordinance No. 3246, §6(A)(4) ("Where satisfactory evidence can be provided that, prior to the effective date of this Ordinance, an applicant has secured a vested right to complete site preparation, planting, or sale of product.").

<sup>3</sup> Department of Water Resources, *California's Groundwater* (Bulletin 118- Update 2003), Indian Wells Valley Groundwater Basin.

<sup>4</sup> County of Kern Planning and Development Department, Response to Referral and Request for Action on Urgency Interim Ordinance of the Board of Supervisors of the County of Kern Temporarily Prohibiting the Implementation of Certain Specific Land Uses Previously Authorized in Title 19 – Kern County Zoning Ordinance Chapter 19.12 Exclusive Agriculture (A) and Chapter 19.14 Limited Agriculture (A-1) District in the Indian Wells Valley Area of Unincorporated Kern County, Sept. 30, 2014 (Staff Report on Ordinance), p. 2.

Department of Water Resources has designated the IWW Basin as Medium priority.<sup>5</sup> To address concerns arising from decline of the Valley's ground water levels, the Indian Wells Valley Water District developed a Water Supply Enhancement Plan in 2012.

**B. RTS' Landholdings and Operations in Indian Wells Valley**

Over the past several years, RTS purchased various lands in the agricultural zoning district of the County's Indian Wells Valley as part of a coordinated plan to develop a pistachio farming operation. RTS' research demonstrated this was an area with potential showing reasonable growth and production. In 2011, RTS purchased land and to date holds 3,319 acres of lands in the area, 1,849 of which are farmland. RTS holds 30-year leases on an additional 270 acres of land in the Indian Wells Valley.

In 2013, RTS planted pistachios on 1,250 acres of its land and in 2014, RTS planted another 200 acres of pistachio trees. This acreage was planted with young pistachio trees which were ultimately found to be diseased or defective. In 2014, RTS was forced to remove these trees and because of the disease issue, the nursery was unable to supply RTS with the total allotment of healthy replacement trees. Accordingly, there are 1,250 acres laying fallow which RTS currently has invested for replanting in Spring 2015.

All lands currently in production are irrigated by an efficient drip irrigation system. Pistachio trees take about 12 years to reach maturity, and the per-acre irrigation requirement parallels the growth of the trees. Water is delivered by drip irrigation, initially with one emitter per seedling and with additional lines and emitters introduced as the trees grow. Annual irrigation starts at around 0.25 ft/yr (averaged over the full area of the orchard) and is expected to reach 4 afy when the trees reach full size.

The significant investment RTS has made in the Indian Wells Valley and Community, has included purchasing land, hiring labor, preparation of land for planting, construction of water supply wells, installation of an underground irrigation system, a drip irrigation system, and planting trees, etc. which exceed \$16 million.

Not only does the Ordinance wipe out RTS' investment, it also impacts the local community. For example, if 1,600 acres of pistachios are planted for this coming growing season, RTS will employ as many as 30 or more employees. However, if RTS is able to only plant 500 acres, the number employed is cut by 2/3rds, to most likely only 8 people. While the Ordinance addresses only one issue, the consequences of its adoption significantly impact both RTS' operations and its ability to continue to provide a positive economic benefit to the local community, as it utilizes and supports local vendors in the Cities of Ridgecrest and Inyokern.

**C. Impact of Ordinance on Agriculture Production**

On September 16, 2014, the BOS requested that County staff provide a solution to the expansion of agriculture in agricultural zones in the Indian Wells Valley portion of Kern County while staff is

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<sup>5</sup> Staff Report on Ordinance, p. 2.



preparing an environmental impact report (EIR) and proposed land use changes to address water shortages in the area.<sup>6</sup>

In response, County staff prepared the Ordinance, cloaked as "urgent," which would prohibit implementation of specific portions of land uses in the agricultural zoning districts of A (Exclusive Agriculture) and A-1 (Limited Agriculture) zoning on an interim basis until the IVWLUMP is presented to the BOS in the first quarter of 2015. Specifically, for 45 days following adoption of the ordinance, new plantings of fields that currently have no commercial crops or only have cover crops, including commercial trees or row crops, are prohibited.<sup>7</sup> The Ordinance further provides that: "a 'new land use activity' shall include any activity that has not occurred over an unbroken period of time. As example, if a field is left fallow or unplanted for more than 30 days any subsequent activity or planting on that field shall be considered a 'new land use activity.'"<sup>8</sup> Hence, the Ordinance would directly impact 1,250 acres of RTS' land, which but for the pistachio tree problem would be fully planted. Therefore, the Ordinance targets RTS operations by restricting its ability to continue to farm this land.

The Ordinance is being considered pursuant to Government Code section 65858, which provides:

Without following the procedures otherwise required prior to the adoption of a zoning ordinance, the legislative body of a county, city, including a charter city, or city and county, to protect the public safety, health, and welfare, may adopt as an urgency measure an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable time.<sup>9</sup>

The County Staff Report indicates the Ordinance is necessary "[t]o protect the public safety and health of over 27,000 people living in the Indian Wells Valley who are completely dependent on groundwater for domestic and commercial uses, as well as compatibility with air navigation at the NAWA China Lake."<sup>10</sup> In so-characterizing, it is attempting to bypass the normal procedural steps required of an ordinance despite the existence of overdraft for over 40 years. Further, the Ordinance relies on the Todd Report's conclusion that "current water and land use practices within the basin, specifically the expansion of commercial permanent agricultural crop lands, result in detrimental impacts to the basin users..."<sup>11</sup> This conclusion completely ignores the years of planning invested in the County's General Plan which contemplated the existing zoning and made allowances for that use in the overall community, including water supply demands.

<sup>6</sup> Staff Report on Ordinance, p. 1.

<sup>7</sup> Ordinance, §§ 3 & 8, pp. 9, 11.

<sup>8</sup> Ordinance, §3(d).

<sup>9</sup> Gov. Code, § 65858(a).

<sup>10</sup> Staff Report on Ordinance, p. 4.

<sup>11</sup> Ordinance, Recital N.

As explained below, the County's adoption of this Ordinance is not urgent and would adversely affect on-going agricultural operations in Indian Wells Valley, including RTS' fundamental vested rights and interests.

**II. THE PROPOSED ORDINANCE DOES NOT PROTECT AGAINST A "CURRENT AND IMMEDIATE THREAT TO THE PUBLIC HEALTH, SAFETY, AND WELFARE"**

Government Code section 65858 allows cities and counties to enact an interim ordinance that prohibits certain uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal which the legislative body is considering, studying or intends to study within a reasonable time.<sup>12</sup> In order to enact such a temporary moratorium, the legislative body must do two things: (1) demonstrate that the moratorium is necessary to protect against a **current and immediate threat** to the public health, safety, and welfare; and (2) identify a contemplated general plan, specific plan, or zoning proposal that is being considered or studied, or will be studied within a reasonable time.<sup>13</sup> The legislative body must satisfy both requirements prior to enacting a temporary moratorium; if it fails to do so, the moratorium is void.<sup>14</sup>

In justifying its legislative actions, such as approval of the Ordinance, the County's conduct must not be palpably unreasonable and arbitrary.<sup>15</sup> Stated differently, the County's decision to adopt an emergency ordinance that prohibits agriculture in areas currently zoned for agricultural uses must bear a reasonable relation to the public welfare or not represent an unreasonable, oppressive or unwarranted interference with property rights.<sup>16</sup>

First, the present facts do not support that the Ordinance is necessary to protect against "a current and immediate threat." Agricultural operations allowed under existing zoning do not jeopardize or threaten the community health, safety or welfare. Nor do ongoing overdraft conditions in the IWW Basin for over 40 years suddenly constitute an "immediate threat." Courts have opined that "a current and immediate threat to the public health, safety and welfare" is a condition radically changing the status quo. For example, in *216 Sutter Bay Associates v. County of Sutter* (1997) 58 Cal.App.4th 860, the Court upheld an urgency ordinance's findings that a current and immediate threat existed where the outgoing board of supervisors' approval of development agreements paved the way for urbanization of farmland, posing a threat to the "peaceful and largely pastoral way of life for the County's residents."<sup>17</sup> Thus the urgency ordinance's cancellation of development agreements (allowing urbanization of 25,000 acres of farmland) was found proper because the ordinance was enacted to address a current and immediate threat that jeopardized the public health, safety and welfare.<sup>18</sup>

Here, agriculture is ongoing and the Ordinance would prohibit planting of new trees on lands that are presently zoned for agriculture on the basis that doing so will curtail the threat of continued critical conditions of overdraft in the Basin. However, the overdraft conditions have persisted

<sup>12</sup> Gov. Code, § 65858(a).

<sup>13</sup> Gov. Code, § 65858(a); *216 Sutter Bay Assoc. v. County of Sutter* (1997) 58 Cal.App.4th 860, 867.

<sup>14</sup> *Building Industry Legal Defense Foundation v. Superior Court* (1999) 72 Cal.App.4th 1410.

<sup>15</sup> *United Association of Journeymen v. City and County of San Francisco* (1995) 32 Cal.App.4th 751.

<sup>16</sup> *Lockard v. City of Los Angeles* (1949) 33 Cal.2d 453.

<sup>17</sup> *216 Sutter Bay Associates*, 58 Cal.App.4th at 868-69.

<sup>18</sup> *Id.*

since the 1960s, including during the past several years of drought, and there is no explanation as to why those conditions are now more urgent than before and rise to the level of an immediate threat. The planting of pistachio trees RTS seeks to undertake soon does not present a threat either as these young trees will not use significant amounts of water (annual irrigation for new trees starts at around 0.25 ft/yr, averaged over the full area of the orchard) and trees do not reach maturity for 12 years. To the contrary, the continued operation of agriculture in the IWV Basin will help stave off the threat of economic disaster that will inevitably occur if its primary economic driver – agriculture – is stifled. Moreover, the Ordinance ignores the water planning processes currently being carried out by the Indian Wells Valley Water District which are intended to address the overdraft conditions in the Basin.<sup>19</sup> Against this backdrop, prohibitions on agricultural activities on agriculturally zoned lands, adopted on an urgency basis would be arbitrary, capricious, and without any reasonable relationship to protect the public interest.

Similarly, the continued operations of existing farming will not “threaten” or inhibit the proposed General Plan amendment currently being prepared which is undergoing environmental analysis.

As a general matter, courts are increasingly suspicious of local legislative zoning actions which are unreasonable or singularly discriminatory. This is particularly true with hasty zoning changes focused on individual property owners.<sup>20</sup> Under the circumstances, RTS’ landholdings will be disproportionately burdened by application of the Ordinance due to its recent removal of infected trees and as presently stated, the County is unable to articulate a lawful basis for finding that “a current and immediate threat to the public health, safety and welfare” exists warranting adoption of the Ordinance.

### III. THE PROPOSED ORDINANCE CONSTITUTES A TAKING OF VESTED RIGHTS

The immediate cessation of what is characterized as “new” agricultural activities is procedurally and substantively contrary to the California and United States Constitutions. No case has ever contemplated local agencies making decisions to completely eliminate existing vested water rights through a zoning process and they are not equipped to do so. While counties may regulate groundwater, they may not arbitrarily deny access to groundwater and ignore well-established groundwater right priorities. If adopted as proposed, the Ordinance will eliminate established water rights’ law through zoning which effectively de-prioritizes senior water rights (overlying water rights users, such as RTS).

#### A. By Virtue Of Its Landholdings, RTS Possesses Overlying Rights To Extract Water That Are Superior To Other Users in the Valley, Such as Indian Wells Valley Water District’s Appropriative Rights.

RTS possesses overlying rights to the “percolating” groundwater in the Indian Wells Valley aquifer. An overlying water right is the right to take the water from the ground underneath the land for reasonable and beneficial use on the land and that it is based on ownership of the land

<sup>19</sup> See Indian Wells Valley Water District Water Supply Enhancement General Plan.

<sup>20</sup> *Kieffer v. Spencer* (1984) 153 Cal.App.3d 954 [interim ordinance invalid when city made affirmative representations and then adopted urgency ordinance which mandated denial of permit]; *Ogo Associates v. City of Torrance* (1974) 37 Cal.App.3d 830 [evidence that moratorium enacted to block a project]; see also *Arnel Development Co. v. City of Costa Mesa* (1981) 126 Cal.App.3d 330.

and appurtenant thereto.<sup>21</sup> As between overlying owners, such as other farmers, the rights are correlative, meaning each has a common right to take all that he can beneficially use on his land if the quantity is sufficient.<sup>22</sup> When the quantity is insufficient, each overlying owner is limited to his proportionate fair share of the total amount available based upon his reasonable need.<sup>23</sup> The proportionate share of each owner arises solely from property ownership and is based not on his past use over a specified period of time, nor on the time he commenced pumping, but solely on his current reasonable and beneficial need for water.<sup>24</sup>

When there are insufficient supplies to meet all overlying needs, courts consider a number of factors (purpose of use, the suitability of the use to the water, the economic value of the use, the social value of the use, the extent and amount of harm it causes, etc.) in assessing the relative priority of competing overlying uses.<sup>25</sup> RTS' right is limited to the amount of water that may be reasonably and beneficially used and is common, equal and correlative with all other overlying owners. In other words, in the event of a shortage of supply between overlying users, all overlying users would be cut back equally based upon the rule of reasonableness. This means that each overlying user may use as much as it wants as long as the water is put to a reasonable and beneficial use, and can be limited only to "his reasonable share when water is insufficient to meet the needs of all."<sup>26</sup> The overlying right includes the right to use water for both existing and prospective uses.<sup>27</sup> Any use that does not conform to these limitations must be authorized as an appropriative right rather than a overlying right.

Virtually all municipal water service is characterized as an appropriative use and not overlying use. Appropriative rights authorize use of water off of the parcel and outside the watershed or basin from which the water is withdrawn. For example, the Indian Wells Valley Water District, which serves approximately thirty thousand (30,000) people in and around the Ridgecrest, California area, is considered an appropriator. In circumstances in which there is insufficient supply to provide water for all demands, overlying rights, such as RTS, are deemed to be paramount in right to appropriative rights, and therefore, have priority and are satisfied before appropriative rights. Priority between appropriative users is predicated on the rule of first in time being first in right; that is, the earlier-in-time appropriator's demands are satisfied before later-in-time appropriators'.

<sup>21</sup> *Tehachapi-Cummings County Water Dist., v. Armstrong* (1975) 49 Cal.App.3d 992, 1001.

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> See Restatement Second of Torts (1978) § 850.

<sup>26</sup> *Mojave*, 23 Cal.4th at 1241.

<sup>27</sup> *Peabody v. City of Vallejo* (1935) 2 Cal.2d 351; *Tulare Irr. Dist. v. Lindsay-Strathmore Irr. Dist.* (1935) 3 Cal.2d 489, 499; *Wright v. Goleta Water Dist.* (1985) 174 Cal.App.3d 74.

**B. The Proposed Ordinance Constitutes A Physical Or Regulatory Taking**

All water rights are a form of real property right.<sup>28</sup> As a property right, a water right is unique in that it is a usufructuary right which is the right to use water, not a right in the corpus of the water itself.<sup>29</sup>

The taking of water rights requires compensation.<sup>30</sup> Specifically, the rule that the taking of an overlying water right requires compensation was established in a long-line of water rights cases involving the doctrine of intervening public use.<sup>31</sup> These cases establish that a reallocation of water right priorities requires payment of compensation to private property owners in accordance with principals of "inverse condemnation," procedural due process, and takings jurisprudence.

Under the *Baldwin v. County of Tehama* case, local agencies, such as the County, like courts, do have the power "to make reasonable regulations for water use provided they protect the one enjoying paramount rights" pursuant to their police power.<sup>32</sup> But groundwater rights possessed by overlying users remain a vested property right.<sup>33</sup> Therefore, overlying users are entitled to make reasonable use of water for beneficial uses on overlying land and local agencies may regulate waste and unreasonable use. However, there were no vested water rights at issue in *Baldwin*. In fact, there was no effort on the part of Tehama County to regulate the vested overlying water right to make beneficial use of groundwater on overlying land.<sup>34</sup> Tehama County sought to protect overlying uses against the export of water in a manner that would harm the vested property rights.

The County's proposed Ordinance does not fulfill these requirements because it does not contain sufficient standards to provide a basis for restricting agricultural groundwater use, thus effectively preventing RTS from accessing all the groundwater underlying its agricultural land that is currently fallow, which results in the County taking of RTS' groundwater right.<sup>35</sup>

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<sup>28</sup> *Schimmel v. Martin* (1923) 190 Cal. 429, 432; *Hill v. Newman* (1855) 5 Cal. 445; *State of California v. Superior Court of Riverside County* (2000) 78 Cal.App.4th 1019, 1025; *Scott-Free River Expeditions v. County of El Dorado* (1988) 203 Cal.App.3d 896, 904.

<sup>29</sup> *Mojave*, 23 Cal.4th at 1237 n. 7, 1240; *People v. Shirokow* (1980) 26 Cal.3d 301, 308-309; *People v. Murrison* (2002) 101 Cal.App.4th 349.

<sup>30</sup> *United States v. Gerlach Live Stock Co.* (1950) 339 U.S. 752.

<sup>31</sup> See *Tulare Irrigation Dist. v. Lindsay-Strathmore Irrigation Dist.* (1935) 3 Cal.2d 489; *Peabody et al. v. City of Vallejo* (1935) 2 Cal.2d 351; *Rancho Santa Margarita v. Vail* (1938) 11 Cal.2d 501.

<sup>32</sup> Compare *Mojave* at 1249-1250 with *Baldwin v. County of Tehama* (1994) 31 Cal.App.4th 166, 179.

<sup>33</sup> *Mojave*, 23 Cal.4th at 1250.

<sup>34</sup> *Baldwin*, 31 Cal.App.4th at 172.

<sup>35</sup> A property owner is entitled to a judicial determination of whether an agency action constitutes a taking. (*Hensler v. City of Glendale* (1994) 8 Cal.4th 1, 15.) An administrative agency is not competent to decide whether its own action constitutes a taking and in most cases, the administrative hearing often is not one in which the landowner "has a full and fair opportunity to present evidence relevant to the taking issue, one in which witnesses may be sworn, and testimony presented by means of direct and cross-examination...." (*Id.* at 16.)

Groundwater rights, like other real property rights, are entitled to the Constitutional protection against takings without compensation.<sup>36</sup> In *Baldwin*, the Court of Appeal held that ordinances that regulate or manage groundwater are permissible. However, a regulation that deprives an owner of "all economically beneficial or productive use of land" affects a taking.<sup>37</sup> Even if there is no physical invasion and the property owner is left with **some** economically benefit use of the property, a regulation may nevertheless affect a taking based on an evaluation of the factors set forth in *Penn Central Transportation Co. v. New York City* (1978) 438 U.S. 104 (1978) and its progeny.<sup>38</sup> Because of the unique nature of groundwater, the restrictions the County placed on its use constitute a categorical taking. As in *Santa Monica Beach v. Superior Court* (1999) 19 Cal.4th 952, 967, review is required to determine where local agency restrictions on groundwater "fit within this scheme."

By restricting RTS from replanting 1,250 acres of land and pumping groundwater, the County is not "preserving" this groundwater resource; it is simply making more groundwater available for another overlying user (or appropriator) and effectively making RTS' water right priority junior to other users rather than correlative. Accordingly, restricting groundwater use by an overlying users is the equivalent of "a permanent physical invasion... however minor" requiring just compensation.<sup>39</sup> That is because this restriction effectively "eviscerates the owner's right to exclude others...from using her property – perhaps the most fundamental of all property interests."<sup>40</sup>

Even if the County's restriction on RTS' groundwater use does not constitute a physical taking, it would be considered a regulatory taking under *Penn Central* because it 1) "affects the ... traditional use of the property and thus interferes with the owner's 'primary expectation;'" 2) the regulation does not provide the property owner benefits that "mitigate whatever financial burdens the law has imposed" since other overlying owners may use whatever groundwater RTS cannot pump; 3) the regulation prevents the best use of the land; and 4) the regulation "extinguishe[s] a fundamental attribute of ownership."<sup>41</sup> Most importantly, regardless of which analysis is properly applied, if this Ordinance is passed, RTS will be deprived of his water right and the ability to replant its trees without compensation.

**C. If Adopted, the Ordinance's Effect of Taking RTS' Agricultural Interests Renders the County Liable**

An unconstitutional taking of property occurs for which compensation must be paid if the regulation does not substantially advance a legitimate state interest or denies an owner economically viable use of his land.<sup>42</sup> The "taking" clauses of the United States and California

<sup>36</sup> *Gerlach Live Stock Co.*, 339 U.S. at 742-55; *Hage v. United States* (2004) 51 Fed.Cl. 570; *Peabody v. City of Vallejo* (1935) 2 Cal.2d 351; *Steiger v. City of San Diego* (1958) 163 Cal.App.2d 110.

<sup>37</sup> *Allegretti & Co. v. County of Imperial* (2006) 138 Cal.App.4th 1261, 1270, citing *Lucas v. South Carolina Coastal Council* (1992) 505 U.S. 1003, 1015.

<sup>38</sup> *Gerlach Live Stock Co.*, 339 U.S. at 774-75.

<sup>39</sup> See *Loretto v. Teleprompter Manhattan CATV Corp.* (1982) 458 U.S. 419.

<sup>40</sup> *Lingle v. Chevron U.S.A. Inc.* (2005) 544 U.S. 528, 539.

<sup>41</sup> *Kavanau v. Santa Monica Rent Control Bd.* (1997) 16 Cal.4th 761, 775-776 (citations omitted).

<sup>42</sup> *Agins v. Tiburon* (1980) 447 U.S. 255, 260-261.

Constitutions (Fifth Amendment; Article I, § 19, respectively<sup>43</sup>) require payment of just compensation when a governmental entity "takes" private property.<sup>44</sup> The vested right of RTS to farm its property and its overlying water rights are protected "property rights" within the meaning of the California and United States Constitutions.<sup>45</sup> The Ordinance interferes with the distinct investment backed expectations of RTS' interests in its property. Since the rights to complete the replanting of RTS' landholdings are vested, any further delay simply increases the specter of County liability.

#### **IV. THE COUNTY MUST CONSIDER THE ENVIRONMENTAL CONSEQUENCES OF THE PROPOSED ZONING CHANGE BEFORE ITS ADOPTION**

The County's avoidance of its legal responsibility to conduct an environmental review of this proposed zoning change is inappropriate. Zoning ordinances by their very definition impact allowable land uses and may have a significant impact on the environment. Zoning changes are considered projects under the California Environmental Quality Act (CEQA).<sup>46</sup> Contrary to the findings in the proposed Ordinance<sup>47</sup> it does not qualify as exempt from CEQA. For example, prohibiting the replanting of commercial or row crops on previously planted lands may cause increased airborne dust emissions and/or force the relocation of an existing or expanding operation outside the area subject to the Ordinance or outside the County. These types of air quality and relocation impacts could have a significant environmental impact and must be analyzed prior to adoption.

In addition, a prohibition on replanting crops will have economic impacts due to displacement of existing jobs in the Indian Wells Valley. While an EIR must evaluate a project's physical impacts on the environment, consideration of a project's economic and social impacts are appropriate when determining whether a project's physical impacts are significant. Though "[e]conomic and social changes" are not themselves significant effects on the environment, "economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment."<sup>48</sup> "If the physical changes cause adverse economic or social effects on people, those adverse effects may be used as a factor in determining whether the physical change is significant."<sup>49</sup> Here, the unemployment rates in Ridgecrest and Inyokern are 5.3 and 5.6 percent, respectively. The effect of the Ordinance is to stifle agricultural development, which

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<sup>43</sup> The enforcement of the Ordinance will allow the County to enforce its zoning and land use regulations arbitrarily and to treat RTS differently from other similarly situated types of agricultural uses which require similar water usage, are similar in size, location and other relevant factors, without a rational relation to a legitimate state interest. The enforcement of the Ordinance will cause great and irreparable injury to RTS and RTS will be unlawfully deprived of its rights to equal protection under the law. Therefore the County's adoption of the Ordinance would also violate RTS' rights under the Equal Protection Clauses of the 14th Amendment, Article I, § 7(a), and 42 U.S.C. § 1983.

<sup>44</sup> *First English Evangelical Lutheran Church of Glendale v. County of Los Angeles* (1987) 482 U.S. 304; *Alli v. City of Los Angeles* (1999) 77 Cal.App.4th 246.

<sup>45</sup> See *Loretto*, 458 U.S. 419.

<sup>46</sup> CEQA Guidelines, § 15378(a)(1).

<sup>47</sup> Ordinance, §§ 1(y), 2(j).

<sup>48</sup> CEQA Guidelines, § 15064(e).

<sup>49</sup> CEQA Guidelines, §§ 15064(e), 15832; 1 Kostka & Zischke, *Practice Under the California Environmental Quality Act* (2d ed. Cal CEB 2014), §§ 6.36, 6.52.

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will mean fewer jobs for local residents and this displacement of existing jobs (blight) could result in physical impacts. As stated above, if RTS is unable to re-plant the 1,250 acres with replacement trees, there will be as many as 30 fewer jobs during the next season. Accordingly, in this small community, an analysis is required under CEQA, including consideration of the economic costs associated with its enactment.

As discussed above, the Ordinance's failure to address environmental impacts, specifically the potential impacts from dust emissions, relocation of existing operations and displacement of existing jobs, is improper and in violation of CEQA.

Very truly yours,



Amy M. Steinfeld



Diane De Felice

DCD:ibc

Attachment(s)

cc: Lorelei H. Oviatt, AICP, Kern County Planning Director

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