

## Owens Valley Groundwater Authority Memorandum

DATE: April 12, 2018

TO: Owens Valley Groundwater Authority Board of Directors

FROM: Inyo County Staff

SUBJECT: Agenda Item #5 - Required steps for the OVGA to become the exclusive Groundwater Sustainability Agency in the Owens Valley Groundwater Basin.

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As you are aware, there are four Groundwater Sustainability Agencies (GSAs) in the Basin, formed by Mono County, Inyo County, the City of Bishop, and the Tri Valley Groundwater Management District. Each of these agencies is the GSA within their respective non-overlapping jurisdictions within the Basin (see attached map). The Owens Valley Groundwater Authority (OVGA) was formed with the intent that it would become the exclusive GSA for the Owens Valley Groundwater Basin (Basin). The formation of a single GSA in the Basin offers long-term opportunities for efficiency, inclusivity, and regional cooperation with respect to groundwater management under the Sustainable Groundwater Management Act (SGMA), and the Joint Powers Agreement forming the OVGA recognizes this and provides:

*...the Members desire to create the Owens Valley Groundwater Authority pursuant to the Act as authorized by the SGMA in order to jointly exercise their powers as a GSA for the purpose of creating a GSP to be implemented within their combined jurisdictional boundaries in the Basin.*

Turning to the process for the OVGA to become the exclusive GSA, SGMA's requirements for GSA formation address local agencies forming GSAs, but there is no process defined in SGMA for changing or restructuring GSAs. Recognizing that it will be necessary to accommodate changes in GSAs, DWR issued the following Answers to Frequently Asked Questions on its web page<sup>1</sup>:

*Can GSAs in a basin change or restructure after June 30, 2017?*

*Yes. While this scenario is not specifically addressed in SGMA, there is no reason why a basin's governance structure cannot adapt to either changing conditions or changing*

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<sup>1</sup> <https://www.water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Groundwater-Management/Sustainable-Groundwater-Management/Groundwater-Sustainability-Agencies/Files/GSA-Frequently-Asked-Questions.pdf>

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*roles and responsibilities when developing and implementing a GSP. A clear and legally-concise explanation of a basin's GSA governance structure will be required as part of the GSP in order to determine if the basin's sustainability goal can be reached and its groundwater sustainability program can be implemented. If the governance structure in a basin needs to be modified, then a GSA would need to withdraw from managing its portion of a basin by notifying DWR in writing. As part of the annual reporting requirements for GSAs, the modified GSA governance structure would need to be explained and the legal agreement that coordinates GSAs in a basin would need to be updated, if necessary. In high-and medium-priority basins, if an exclusive GSA opted out of its management role and no other local agency was able to take its place following the GSA formation process, the basin could be subject to intervention by the State Board. Water Code References: §10723 et seq., §10728, §10728.2, §10733 et seq., §10735.2*

Before formally deciding to become a GSA, the OVGA is required to hold a public hearing within the Basin. Following the public hearing, the OVGA Board must take formal action indicating its intent to become a GSA, and submit a GSA formation notice to DWR. With that in mind, and based on conversations with DWR staff, we recommend the following pathway for the OVGA to become the GSA for the Basin.

1. Prepare and circulate a resolution that can be adopted by each of the present GSA governing boards that finds that consolidating the four existing GSAs into a single GSA is a non-material change to the boundary of their GSA, and provides for rescission of GSA status contingent on (1) other GSAs within the Basin also rescinding their GSA status; and (2) acceptance of the OVGA as the exclusive GSA for the Basin. (This action is required by the JPA and was directed by your Board at the last meeting).
  2. Prepare a joint letter to DWR to be signed by all of the existing GSAs indicating that they collectively are GSAs for the entire Basin, they are each members of the OVGA and support the OVGA's intention to become the GSA for the Basin, they jointly agree this is a non-material change to their respective boundaries, and have adopted resolutions with these findings. (Staff is preparing this letter pursuant to the discussion at the last meeting.)
  3. Concurrently with the four existing GSAs taking the above actions, hold the public hearing required CWC §10723(b), and adopt a resolution deciding to become a GSA. (Per our last meeting, we have tentatively scheduled this hearing for May 10, 2018.)
  4. To become a GSA, the following information must be submitted to DWR within 30 days of the decision to become a GSA (§10723.8(a)):
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- a. Information that shows the GSA formation notification was submitted to DWR within 30 days of the decision to become or form a GSA. If the Board of directors desires to proceed with the steps necessary for the OVGA to file to become the GSA for the Owens Valley Groundwater Basin, the 30-day clock will start from the date the OVGA Board takes action following the required public hearing.
  - b. A map and narrative indicating (1) the local agency's service area boundaries, (2) the boundaries of the basin or portion of the basin the agency intends to manage, and (3) the other agencies managing or proposing to manage groundwater within the basin. To satisfy this requirement, the OVGA must define its service area boundaries (e.g., the Basin boundary), and explain the cooperative consolidation of the four existing GSAs into a single GSA.
  - c. A copy of the resolution forming the new agency (e.g., the resolution adopted by the OVGA at the public hearing).
  - d. A copy of any new bylaws, ordinances, or new authorities developed by the local agency (e.g., the Joint Powers Agreement).
  - e. A list of the interested parties developed pursuant to CWC §10723.2 and a detailed explanation how the GSA will consider the interests of all beneficial uses and users of groundwater, as well as those responsible for implementing GSPs. This can be created by combining the lists and explanations submitted by the four existing GSAs.
5. Upon submittal of the above information to DWR, DWR should designate the OVGA as the exclusive GSA for the Owens Valley Groundwater Basin. When such designation is made, the OVGA should submit a notice of intent to prepare a Groundwater Sustainability pursuant to DWR's GSP Emergency Regulations require an initial notification per §353.6(a), which provide that:

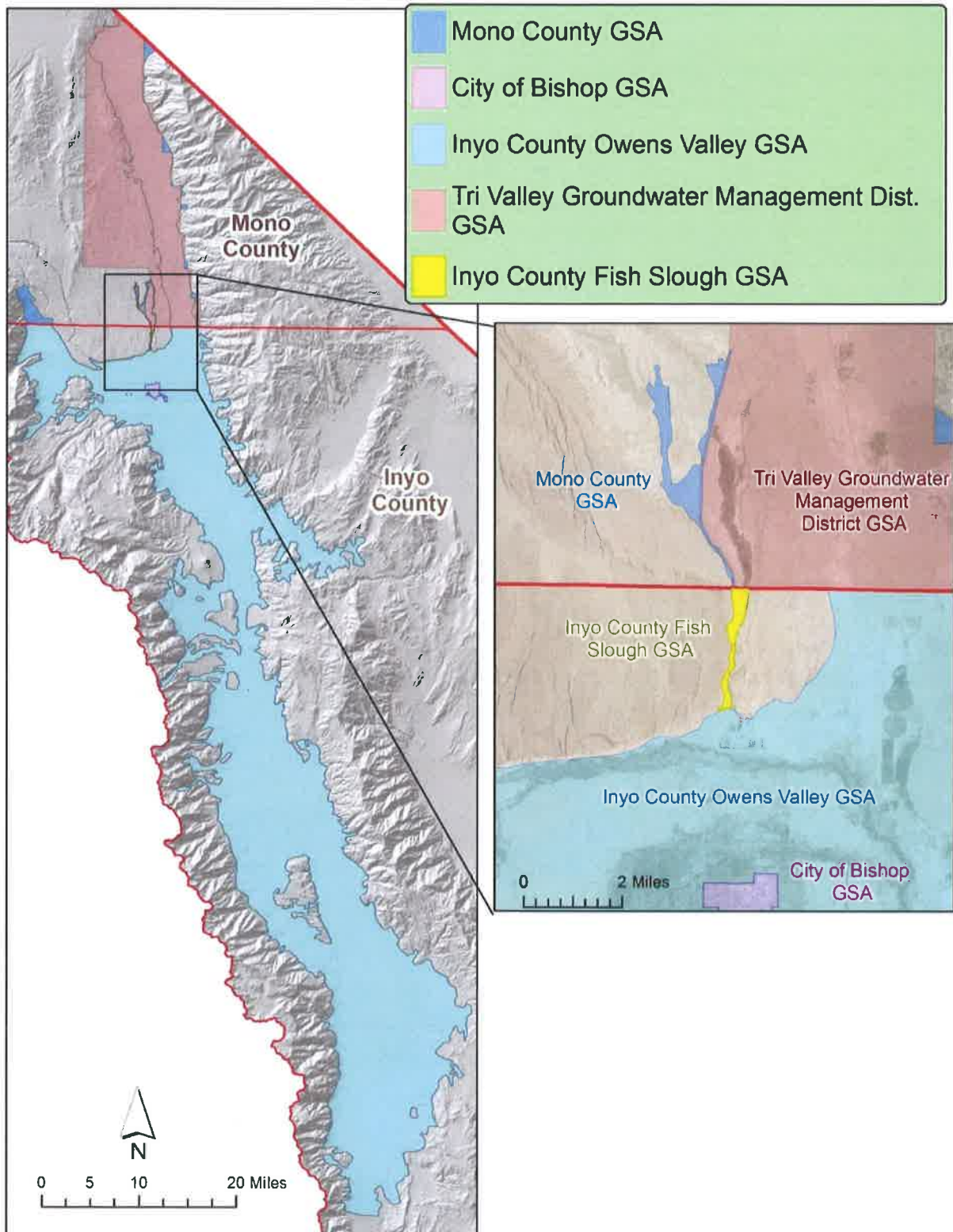
Each Agency (GSA) shall notify the Department, in writing, prior to initiating development of a Plan (GSP). The notification shall provide general information about the GSA's process for developing the GSP, including the manner in which interested parties may contact the GSA and participate in the development and implementation of the GSP. The GSA shall make the information publicly available by posting relevant information on the GSA's website.

Submittal of this notice is required before DWR will enter into a grant agreement for DWR funding for GSP development.

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## **Recommendation**

1. Schedule a public hearing based on the expected timing of the four GSAs adoption of the resolution and signing of the letter identified above in (1) and (2).
  2. Direct staff to prepare a resolution for the OVGA board to adopt indicating its intent to become a GSA, and make all necessary preparation and notice for a public hearing pursuant to Government Code §6066 and Water Code §10723.(b).
  3. Direct staff to prepare the required material listed above in (4.a-e) above for presentation at the public hearing and submittal to DWR.
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## **Owens Valley Groundwater Authority Memorandum**

**DATE:** April 12, 2018

**TO:** Owens Valley Groundwater Authority Board of Directors

**FROM:** Staff

**SUBJECT:** Agenda Item #6 - Discussion of regarding procurement of consultant to prepare Groundwater Sustainability Plan.

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The California Department of Water Resources announced their final awards for the Sustainable Groundwater Planning Grant Program on April 4, 2018. The Inyo County Water Department was awarded \$713,155 for preparing a Groundwater Sustainability Plan (GSP) for the Owens Valley Groundwater Basin. Given this award, it is timely that an RFP/RFQ be circulated to obtain consulting services for GSP preparation. There was a discussion of the RFP/RFQ process at your March 12, 2018 meeting. As follow up to that discussion, attached is a draft RFQ for review by your Board.

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**COUNTY OF INYO**  
**REQUEST FOR STATEMENT OF QUALIFICATIONS**



For Consulting Services for:  
Groundwater Sustainability Planning for the Owens Valley Groundwater Basin  
Inyo County, California

Submittal Deadline: \*\*\*\*\*, 2018

County of Inyo  
Water Department  
P.O. 337, 135 S. Jackson St.  
Independence, California 93526

DRAFT



## **REQUEST FOR STATEMENT OF QUALIFICATIONS**

The County of Inyo through its Water Department seeks to retain the services of a qualified individual or firm (Consultant) to provide consulting services to prepare a Groundwater Sustainability Plan (GSP) for the Owens Valley Groundwater Basin (Basin), Inyo and Mono Counties, California. The GSP is being prepared on behalf of the Owens Valley Groundwater Authority (OVGA), a joint powers authority formed for the purpose of developing and implementing a GSP for the Basin. County of Inyo is a member of the OVGA. At some future time when the OVGA is fully staffed and designated as an exclusive GSA, this contract may be transferred to the OVGA.

### **PROJECT DESCRIPTION**

#### **Purpose of the Project**

The goal of this project is to produce a GSP for the Basin that will guide future groundwater management in the Basin in compliance with the Sustainable Groundwater Management Act of 2014 (SGMA). The scope of the project includes data compilation, review, and management; description of the Basin setting; development of a hydrogeologic conceptual model for the Basin; description of current and historic groundwater conditions; development of a basin water budget; identification of management areas; development of sustainability criteria (undesirable results, sustainability goal, minimum thresholds, and measurable objectives); refinement and consolidation of existing groundwater monitoring programs; development of specific projects necessary to maintain or achieve sustainability; development of an annual GSP reporting system; submittal of the GSP to the Department of Water Resources (DWR); and revisions based on DWR's review.

The objective of the GSP will be to maintain and enhance the existing sustainable management practices in the Basin through the preparation and implementation of a GSP, including compiling information to identify and fill any gaps in data, analysis, or management that may exist. The Basin is medium priority and not in critical overdraft, and the Inyo/Los Angeles Long-Term Water Agreement, which regulates groundwater management activity for about 40% of the Basin area and 65% of the Basin's groundwater pumping, is treated as adjudicated and therefore exempt from SGMA (Water Code §10720.8 (c)). Key planning goals for the GSP are to mesh GSP management with the Inyo/Los Angeles Agreement so as to build on existing sustainable practices, compile basin-wide hydrologic data, identify data gaps, characterize the basin, identify management areas, develop management area sustainability criteria, and identify management-area-specific activities to be undertaken during plan implementation.

#### **Requested Services**

A State of California Registered Engineer or Geologist shall supervise the preparation of the GSP. The selected consultant shall produce a GSP that meets the statutory requirements of SGMA with respect to GSP content and schedule. Inyo County has been awarded a

Sustainable Groundwater Management Grant of \$713,155 based on the tasks enumerated below. In responding to this RFQ, respondents should address this task list or propose alternatives/additions that would better fulfill the goal of preparing and adopting a GSP.

1. Initial site visit.

The plan preparation consultant's initial site visit will include 1) a public meeting with the OVGA Board to foster a common understanding of GSP requirements, goals and objectives, and outline; and 2) a kick-off meeting with staff to initiate and coordinate work on the GSP. The plan preparation consultant will visit sites in the field as deemed necessary. These initial meetings will foster a common vision among the OVGA Members, plan preparation consultant, and stakeholders of the work ahead and the product that will result. Deliverable: Meeting agendas, presentation materials and site visit summary.

2. Data and document compilation, review, and management.

This task entails the consultant working with GSA members to compile available documents and data related to GSP preparation, including, but not limited to, technical standards, monitoring plans, reporting protocols, reports, studies, plans, models, and court documents. Assembled groundwater data will include all available groundwater elevation (hydraulic head), groundwater pumping, groundwater use, and groundwater quality data. Using the compilation of these materials, data gaps will be identified. Data will be assessed for consistency with Reg. § 352.4. Databases will be developed for storing and accessing documents and data conforming to Reg. 352.6. Deliverable: Databases for housing a library of source documents and a repository of groundwater data.

3. Develop interagency agreements.

Develop coordination and data sharing agreements with other agencies that are managing groundwater in basin that are not subject to SGMA (Los Angeles, tribes, federal agencies). Deliverable: Written agreements between the GSA and agencies with data that would benefit the preparation of a GSP. These agreements will be documented in the description of jurisdictional setting within the Basin.

4. GSP area and GSA information.

Descriptions of the GSA governance (Reg. § 354.6), GSP area (Reg. § 354.8), existing water resources monitoring and management programs (Reg. § 354.8 c,d,e), land use elements (Reg §354.8 f), additional GSP elements (Reg. § 354.8 g), and communication with beneficial users and the public (Reg. §354.10) will be documented. Deliverable: GSP chapter describing GSP area (Reg. 358.4).

5. Basin setting.

The description of the basin setting will include the hydrogeologic conceptual model for the basin (Reg. § 354.14), current and historical groundwater conditions (Reg. § 354.16), the basin water budget (Reg. § 354.18), and development of management areas (Reg. § 354.20). These components of the “Basin Setting” will be based on existing studies of subareas of the Basin (assembled under Task 2). The hydrogeologic conceptual model will describe the groundwater system (structural geology, hydrostratigraphy, recharge and discharge zones, hydraulic parameters, basin boundary conditions, water quality), and include maps, cross-sections, and other graphical rendering of content as necessary. DWR’s “Hydrogeologic Conceptual Model BMP” will be used as guidance for preparation of the hydrogeologic conceptual model. The Basin water budget is recognized in DWR Bulletin 118 as having a “Type A” groundwater budget, i.e., much of the information needed to characterize the groundwater budget for the basin or subbasin was available. DWR’s “Water Budget BMP” will be used as guidance for preparation of the water budget. It is anticipated that the water budget can be updated and characterized more completely than in Bulletin 118, and that data gaps will be identified to guide further work. Because of the large extent of the Basin (1036 square miles, spanning a linear extent of approximately 125 miles), it is anticipated that several management areas will be established based on the hydrogeologic conceptual model, land and water use patterns, and existing water management programs. Management-area water budgets will be developed. Deliverable: GSP chapter describing the basin setting (Reg. Article 5 Subarticle 2).

6. Sustainable management criteria.

This task entails setting sustainable management criteria for the basin, including identifying sustainability goals for the Basin (Reg. § 354.24), identifying measurable objectives and interim milestones specific to management areas (Reg. § 354.30), identifying minimum thresholds (Reg. § 354.28), and linking these criteria to the SGMA’s undesirable results (Water Code § 10721. (x)). This task will assess the current state of basin sustainability and in conjunction with Task 5 develop variables and monitoring sites to use for evaluating future basin sustainability. Deliverable: GSP chapter describing sustainability criteria.

7. Progress report public meeting.

At roughly the mid-point of the GSP preparation schedule, a public meeting with the OVGA Board will be held where the work to date and next steps will be presented. This will be an opportunity for the public to provide feedback and comment on the GSP components prepared to this point. Deliverable: Meeting agenda, presentation materials, and meeting summary.

8. Develop/refine monitoring program.

Several monitoring networks are currently active in the basin, including the LADWP’s extensive groundwater and surface water monitoring network on Los

Angeles-owned lands; CASGEM monitoring conducted by LADWP, Mono County, and the Tri Valley Groundwater Management District; groundwater elevation monitoring at Inyo/Mono County landfills; groundwater elevation monitoring conducted by USBLM in the Fish Slough Subbasin; groundwater monitoring in the Swall Meadows Community Services District (Mono County); and groundwater monitoring programs conducted by tribes on their lands. This array of monitoring programs provides somewhat complete coverage of the Basin; however, the programs have a variety of objectives, monitoring practices and protocols, and degrees of public access to data. This task will describe the physical, jurisdictional, and administrative aspects of these various programs, identify and address monitoring gaps, and assess their applicability to GSP sustainability criteria (Reg. § 354.34). Based on these existing programs, the need for improvements in monitoring will be assessed (Reg. § 354.38) and monitoring protocols will be developed (Reg. § 354.36). DWR's "Monitoring Networks and Identification of Data Gaps BMP" and "Monitoring Protocols, Standards, and Sites BMP" will be used as guidance. Deliverable: GSP chapter describing monitoring network conditions, protocols, and improvements.

9. Identify and describe projects and management actions to maintain or achieve sustainability.

Projects and management actions will be aimed at programs for GSP implementation that will maintain sustainability, and projects aimed at specific areas of the basin based on known needs (Reg. § 354.44). The scope of this task is to develop the objectives, feasibility, work plans, budgets, schedules, CEQA and permitting requirements, and priority within the GSP of these projects, as well as describing the need and relationship of each project to basin-wide sustainability criteria, and identifying other projects that may be necessary to implement the GSP. These projects are expected to include:

- a. A cost and rate study to estimate future expenses associated with GSP implementation and development of an equitable method of assessing fees to meet the financial needs of the GSP during the implementation phase. This will set the GSA and GSP on a sustainable financial foundation going forward.
- b. Assessment, reconciliation, and consolidation of existing groundwater models. At various times, groundwater models for the Tri Valley region, the central Owens Valley (Laws to Lone Pine), and Owens Lake have been developed. This task will examine existing models and determine the need for consolidating these models into a basin-wide model.
- c. Coordination and compatibility with the Inyo/Los Angeles Water Agreement. SGMA provides that land managed pursuant to the Inyo/Los Angeles Long-Term Water Agreement (about 400 square miles) is considered adjudicated for the purposes of SGMA. A key component of the GSP will be compatibility of the GSP with the Inyo/Los Angeles Agreement. Data, documents, and analytical

tools available through the Inyo/Los Angeles Agreement will be available to GSP preparers.

- d. Coordination with other landowners, such as federal agencies and tribes, to identify the role of these stakeholders in the GSP, and interaction and impacts to the GSP requirements.
- e. Improvements to monitoring based on the results of Task 8.
- f. Studies and plans related to a monitoring, management, and mitigation program for LADWP's proposed groundwater development at Owens Lake (this is an ongoing project that is currently funded and will be funded in the future by Los Angeles). LADWP has been pursuing this project for several years and is ~40% complete. The studies and plans will be conducted and funded by LADWP in consultation with the GSA. The principal work for the GSP contractor will be incorporating LADWP's work into the GSP.
- g. Determination of groundwater flow paths and rates between the Tri-Valley region and the Bishop-Laws region. Groundwater connectivity between the Tri-Valley region and Owens Valley proper was the subject of a request by Inyo County to split the Basin into subbasins, separating the two regions. The request was denied for lack of convincing evidence. The objective of this study would be to better understand and quantify groundwater flow between the two regions. A component of this study will address sustainability of Fish Slough. Fish Slough is a federally designated Area of Critical Environmental Concern (ACEC) harboring endemic plants and fishes that are dependent on groundwater discharge to surface water features. Sustainability of this habitat requires that groundwater discharge be maintained, but currently the sources and stresses on the groundwater system are poorly understood.
- h. Determination of hydrologic factors affecting shallow groundwater in West Bishop. In 2016, in response to an emergency request by Inyo County for an assessment of the cause of excessively high shallow groundwater in West Bishop, DWR made an inconclusive assessment of conditions. The land use and hydrology of West Bishop is varied and complex, and high groundwater poses a threat to private property.
- i. Recommendations for other studies or plans.

Deliverable: GSP chapter setting out the objectives, feasibility, work plans, budgets, schedules, CEQA and permitting requirements, and priority within the GSP of these projects, as well as describing the need and relationship of each project to basin-wide sustainability criteria, and identifying other projects that may be necessary to implement the GSP.

- 10. Develop GSP implementation schedule and budget.

This task will evaluate the budget for implementing the GSP after it has been adopted, and set out a schedule for implementation of tasks (Reg. § 354.6).  
Deliverable: GSP chapter setting out the budget and schedule.

11. Develop system for annual reporting.

This task entails developing and streamlining a system for submitting annual reports to DWR (Reg. § 356.2). Deliverable: Protocols and templates for submittal of annual reports to DWR.

12. GSP compilation, presentation, and submittal of GSP.

This task entails preparation and presentation of a complete GSP for public input, approval by GSA decision makers, and submittal of the GSP to DWR for approval.  
Deliverable: A complete GSP submitted to DWR.

13. Address deficiencies and corrective actions identified by DWR, and resubmit.

This task corrects any deficiencies identified by DWR in their evaluation of the GSA-adopted GSP. The scope of this task depends on the results of DWR's evaluation.  
Deliverable: Submittal of a revised GSP.

14. Coordination meetings between consultant and GSA staff.

Semi-monthly teleconferences between the consultant and GSA staff will keep the project on track and provide staff with information to keep GSA decision makers informed of progress and problems that may arise. Deliverable: Meeting summaries, action items, and memoranda to GSA decision makers concerning GSP preparation activities and status.

It is the intent of the County to evaluate all SOQs received in response to this request. To be considered, SOQs must be received before the close of business on \*\*\*\*\*, 2018 at the Inyo County Water Department, 135 S. Jackson St., P.O. Box 337, Independence CA 93526.

The responding firms or individuals will be evaluated by a selection committee to assess and rank each firm's capability, experience, staffing level, availability, history, past clientele, and ability to meet deadlines, budgets and work with public agencies. Following the review, the county will commence contract negotiations with the highest ranked respondent, as more fully described below.

**SERVICES PROVIDED BY INYO COUNTY**

The County of Inyo will provide the services listed below in support of the consulting firm's services:

- A. Furnish available information, including hydrologic, geographic, and institutional information.
- B. Inyo County has geographical information system data that will be made available to the consultant.
- C. Review interim and draft documents and provide direction, as required.
- D. Participate in meetings with the consultant and other parties as required.

### **RESPONSE TO THIS REQUEST FOR SOQS**

The respondent's SOQ must include, but may not be limited to, the following:

1. Identification of staff capabilities along with the resumes of key personnel and staff who will be assigned to each portion of the work.
2. A description of the respondent's recent experience with projects similar to the one proposed.
3. A proposed scope of work and not-to-exceed budget for accomplishing the tasks required to complete the project, with a proposed schedule and budget for completion.
4. A listing of references that may be contacted regarding the firm's experience for projects completed during the last 5 years, including a description of similar documents prepared by the firm. The listing shall include the names and addresses of the owners and the names and telephone numbers of persons in charge of the projects for the owners.
5. A list of any specialty subconsultants being considered by the respondent for use on the project and the information requested in items 1 through 4 above for each subconsultant.
6. The respondent's experience and history in meeting deadlines on similar projects.
7. A statement as to the respondent's ability to enter into County of Inyo Standard Contract No. 118 (Attachment \*\*\*\*\*), which will govern the selected respondent's work.
8. A maximum of two pages of additional information if the respondent feels the information may be useful and is applicable to this project.
9. The response shall be signed by the responding firm's project manager for this project.

**CONTRACT**

The successful respondent will be required to enter into an agreement with the County on Inyo County Standard Contract No. 118 (Attachment \*\*\*\*). The contract will specify the scope of service, schedule of work, and a mutually agreed schedule of payment. The selected respondent will be required to prepare a scope of work for each project, which will be inserted into the contract as an attachment.

All respondents are required to review the contract and verify that they can satisfy all requirements contained therein. Concerns with the contract or any of its terms or requirements should be addressed in the SOQ.

**EVALUATION CRITERIA/SELECTION PROCESS**

A selection committee composed of staff of the County of Inyo will evaluate all submitted SOQs. The information provided in the SOQ will be the basis for selecting a consultant firm. The criteria for selection will be determined from the following areas with the weights for each specific area as indicated.

- A. Demonstrated understanding of the scope and objectives of project, and capacity for public engagement.....25%
  - B. Qualifications of key personnel and specialty consultants, and experience with projects of similar nature.....25%
  - C. Familiarity with current statutory requirements, standards, principles, and practices of California groundwater management and groundwater hydrology.....25%
  - D. Familiarity with the Owens Valley groundwater basin, including geography, agencies and interested parties, relationships within the basin, water history, and LADWP and the Long-Term Water Agreement.....15%
  - E. Reference check.....10%
- Total = 100%

The County may request that the three respondents receiving the highest preliminary ranks from the review committee make a presentation to the committee. Following those presentations, the committee will make a final ranking of those three respondents and the county will commence contract negotiations with the firm receiving the highest final ranking.

If the County and that firm are unable to reach an agreement, the County will reject that firm and begin negotiations with the firm receiving the second highest rank from the committee. This process shall continue until the County reaches an agreement with a consultant.

After an agreement is reached, the successful consultant shall execute Standard County Contract No. 118, which will then be submitted to the Inyo County Board of Supervisors for



approval. The execution of the contract by the chairperson of the Inyo County Board of Supervisors will constitute notice to the consultant to proceed with the work.

**Inquiries:** Direct questions to: Bob Harrington, Ph.D., R.G., Director, Water Department, email: bharrington@inyocounty.us; phone: (760) 878-0001. Questions should be received by \*\*\*\*\*.

Those firms wishing to submit SOQs should send them to:

US Postal Service:

Bob Harrington, Director  
Inyo County Water Department  
PO Box 337  
Independence, CA 93526

Other (Federal Express, etc.):

Bob Harrington, Director  
Inyo County Water Department  
135 S. Jackson St.  
Independence, CA 93526

**DEADLINE:** To be considered, three (3) hard copies and one pdf copy on a USB thumb drive of the SOQ must be received at the above address by the close of business \*\*\*\*\*, 2018. Postmarks and facsimiles are not acceptable.

## **Owens Valley Groundwater Authority Memorandum**

**DATE:** April 12, 2018

**TO:** Owens Valley Groundwater Authority Board of Directors

**FROM:** Staff

**SUBJECT:** Agenda Item #7 - Presentation of draft applications for Associates and Interested Parties.

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Article V of the Joint Exercise of Powers Agreement Creating the Owens Valley Groundwater Authority (attached) provides that various entities may participate in the OVGA. Associates and Interested Parties are brought into the OVGA by applying to participate as an Associate or Interested Party and by vote to the OVGA Members. At your March 8, 2018 meeting, draft applications were requested to be presented at the next Board meeting. Attached are draft applications for Associate and Interested Party participation.

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Owens Valley Groundwater Authority ASSOCIATE APPLICATION	
If additional space is needed, please attach separately.	
Name	<i>(First)</i> <span style="float: right;"><i>(Last)</i></span>
Address	Residence  <i>(Street)</i> <span style="float: right;"><i>(City)</i> <i>(Zip Code)</i></span>
	Business  <i>(Street)</i> <span style="float: right;"><i>(City)</i> <i>(Zip Code)</i></span>
Telephone	Residence <span style="float: right;">Business</span>
E-Mail address	
Applicant <i>(agency(ies) or entity(ies))</i>	
Associate Entity(ies) <i>(see OVGA JPA Article V)</i>	

On separate pages attached to this application please respond to the following questions:

1. Identify the entity or entities (the "Applicant") for which this application is filed on behalf of.
2. Identify any jurisdictional / operational areas of the Applicant within and/or adjacent to the Owens Valley Groundwater Basin.
3. Describe the specific interest(s) in the OVGA's business held by the Applicant.
4. Describe any prior involvement by the entity(ies) in Owens Valley groundwater issues.
5. Who does the Applicant intend to have as its Director on the OVGA Board (the "Applicant Board Director")?
  - a. Describe the proposed Applicant Board Director's:
    - i. Relevant educational background;
    - ii. Relevant employment background;
    - iii. Experience serving on any committee(s) or board(s);
    - iv. Personal interest in serving as the Applicant Board Director;
    - v. Any business interests or positions that might conflict with his/her duties as an Applicant Board Director;
    - vi. Any additional information or qualifications related to the Applicant Board Director's interest in serving on the OVGA Board.
6. Is the Applicant willing to comply with Article V Paragraphs 1.2.2 and 1.3 of the JPA?
7. Any other relevant information.

I hereby certify that I am a registered voter in the Owens Valley Groundwater Basin, a citizen of the United States, and am at least 18 years of age. I understand that this is a public document and by submitting this application my background and/or qualifications could become public knowledge.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Owens Valley Groundwater Authority <b>INTERESTED PARTY APPLICATION</b> If additional space is needed, please attach separately.	
Name	(First) (Last)
Address	Residence (Street) (City) (Zip Code)
	Business (Street) (City) (Zip Code)
Telephone	Residence Business
E-Mail address	
Applicant (agency(ies) or entity(ies))	
Category of interested party (see OVGA JPA Exhibit B)	

On separate pages attached to this application please respond to the following questions:

1. If an agency/entity, please identify any jurisdictional / operational areas within and/or adjacent to the Owens Valley Groundwater Basin.
2. Describe the specific interest(s) in the OVGA's business held by the Interested Party.
3. Describe any prior involvement by the Interested Party in Owens Valley groundwater issues.
4. Who does the Interested Party intend to have as its Director on the OVGA Board (the "Interested Party Board Director")?
  - a. Describe the proposed Interested Party Board Director's:
    - i. Relevant educational background;
    - ii. Relevant employment background;
    - iii. Experience serving on any committee(s) or board(s);
    - iv. Personal interest in serving as the Interested Party Board Director;
    - v. Any business interests or positions that might conflict with his/her duties as an Interested Party Board Director;
    - vi. Any additional information or qualifications related to the Interested Party Board Director's interest in serving on the OVGA Board.
5. Any other relevant information.

I hereby certify that I am a registered voter in the Owens Valley Groundwater Basin, a citizen of the United States, and am at least 18 years of age. I understand that this is a public document and by submitting this application my background and/or qualifications could become public knowledge.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## ARTICLE V

### ASSOCIATES AND INTERESTED PARTIES

#### 1 ASSOCIATES:

1.1 APPLICATION TO BECOME AN ASSOCIATE. It is the Authority's intention to include certain entities, to the extent allowed by law and approved by the Authority's Directors appointed by its Members, in the sustainable management of groundwater within the Basin. To that end, only Directors appointed by the Members may vote to approve an application from an entity requesting to participate as an Associate in the GSA and/or GSP as permitted by the Act, SGMA, this Agreement, and any by-laws adopted by the Authority. The application shall be on a form developed by the Authority and shall include substantially the same types of information required as if the entity was filing to become a GSA. In the event an application is deemed incomplete, the Authority shall notify the entity in writing of such determination and describe the information or materials which must be provided and the deadline for their provision. The final terms governing the Authority's granting Associate status shall be consistent with the express requirements of this Agreement and subject to approval by the Directors appointed by the Members.

#### 1.2 GENERAL REQUIREMENTS.

*1.2.1 Eligibility.* Generally speaking, Associate Board seats and corresponding voting powers are intended to be made available to federally recognized tribes within the Basin, a Federal Agency, the Los Angeles Department of Water and Power, and a limited number of mutual water companies representing themselves independently or in association with other mutual water companies. To be eligible to become an Associate of the Authority, the applicant must be eligible to "participate" in the GSA and/or GSP under SGMA and the Act. No Associate shall be another GSA, or part of another GSA by agreement, within the Basin.

*1.2.2 Inclusion of new areas within the GSA.* To the extent an entity applying for Associate membership owns and/or controls any areas of the Basin that are not within the Authority's GSA boundary and/or are exempt from the SGMA, the entity must have the authority, and shall agree, to subject any such areas to the Authority's jurisdiction, including, but not limited to, implementation of any GSP requirements, and funding the Authority's costs to implement the GSP within such areas, unless otherwise agreed to by a majority of the Members. Such areas may be designated as a Management Area pursuant to Article II Section 4.3.

1.3 SPECIAL REQUIREMENTS. The following special requirements are in addition to any general requirements:

*1.3.1 Tribal Participation.* Tribes may be eligible to participate as authorized by Water Code Section 10720.3(c). To be eligible to participate as an Associate of the Authority a tribe must be federally recognized and have sovereign lands within the Basin.

*1.3.2 Federal Agency Participation.* While there are multiple Federal Agencies potentially eligible to become an Associate, there shall be a maximum of one Associate Board seat available for those Federal Agencies collectively. If the Federal Agencies are unable to agree on which agency among them is best suited to be an Associate of the Authority those agencies shall file competing applications to become the federal Associate of the Authority.

*1.3.3 LADWP.* The Los Angeles Department of Water and Power's participation in the GSA as an Associate shall be conditioned on its providing a minimum level of ongoing funding toward the Authority's budgets as determined by a majority of the votes of the Directors appointed by Members, and providing information deemed relevant to the preparation and implementation of the GSP. The GSP shall only otherwise apply to LADWP water management activities to the extent the City of Los Angeles and Inyo County agree that the GSP requirements do not directly conflict with the Water Agreement.

*1.3.4 Mutual Water Companies.* While there are multiple mutual water companies and/or corporations regulated by the PUC (collectively referred to as "mutual water companies") potentially eligible to be an Associate, there shall be a maximum of three available Associate seats for those mutual water companies collectively. If the mutual water companies are unable to agree on which company(s) among them are best suited to be an Associate, those mutual water companies, or groups thereof, shall file competing applications to become an Associate of the Authority. Any such participation in the GSA as an Associate shall be conditioned on their providing a minimum level of ongoing funding toward the Authority's budgets as determined by a majority of the votes of the Directors appointed by Members.

*1.3.5 Additional conditions.* Additional conditions required for Associates may be established by a majority of the votes of the Directors appointed by the Members.

#### 1.4 ASSOCIATE BOARD APPOINTMENTS AND VOTES.

*1.4.1 In General.* All Associates shall appoint one Primary Director and one Alternate Director (sometimes referred to herein as a "Director") to the Board of Directors. The Alternate Director shall serve and assume the rights and duties of the Primary Director when the Primary Director is unable to attend a Board of Directors meeting. Directors shall serve at the pleasure of the governing body appointing them and may be removed at any time, with or without cause, in the sole discretion of the Associate's governing body or equivalent thereof. Each Director shall hold office until his/her successor is selected by the Associate and the Authority has been notified of the succession in writing. Votes shall be allocated to Associates and available as follows:

*1.4.2 Tribes.* Each tribal Associate shall have two (2) votes.

*1.4.3 Federal Agency Votes.* The Federal Agency Associate shall have two (2) votes.

1.4.4 *LADWP*. The LADWP Associate shall have four (4) votes.

1.4.5 *Mutual Water Companies*. Each mutual water company Associate shall have two (2) votes.

**2 INTERESTED PARTIES:**

2.1 IN GENERAL. The Authority intends to allow other entities that are ineligible to become an Associate, or whose applications to become an Associate have been denied, or that choose not to be an Associate, to participate as an Interested Party as provided for by SGMA section 10727.8 and this Agreement. Those eligible to become an Interested Party are listed on Exhibit B to this Agreement, and shall not also be an Associate, or part of a group already represented on the Authority by an Associate. The Authority shall provide for four (4) seats on its Board of Directors held by representatives of Interested Parties. The (4) four Interested Parties' Director seats shall be selected by the Directors appointed by the Members. Each Director appointed as an Interested Party Director shall have one vote, except as otherwise specified herein.

2.2 APPLICATION TO BECOME AN INTERESTED PARTY. The application shall be on a form developed by the Authority. The application shall include substantially the same types of information required as if the entity was filing to become a GSA or as otherwise relevant to the applicant's interest in the Basin. In the event an application is deemed incomplete, the Authority shall notify the entity or individual in writing of such determination and describe the information or materials which must be provided and the deadline for their provision. The final terms governing the Authority's granting Interested Party status shall be consistent with the express requirements of this Agreement and subject to approval by a majority of the votes of Directors appointed by the Members and Associates.

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Starlite Community Services District  
Statement, to be read into the official record and minutes of  
The Owens Valley Groundwater Authority

April 12, 2018

This subject, having been brought up and discussed on at least a couple of different prior occasions during the formative meetings of this Board, with representatives of all these collective agencies in attendance, in open public meetings that were well attended, there should be no surprises in the following statement.

Now that the Owens Valley Groundwater Authority is finally officially formed and convened, the Starlite Community Services District wishes to inform and give notice to this Board of our intention to petition the California Department of Water Resources for a modification of the boundary of the Owens Valley Groundwater Basin, based on scientific principles, and the DWR's own definitions, in order to properly recognize that the Starlite Community's aquifer is part and parcel of the granitic bedrock Tungsten Hills, and clearly apart from that of the Owens Valley's alluvial aquifer. If successful, this modification will do no more than recognize the dichotomy of the aquifers as extant, and we will then be properly classified as not being a part of the Greater Owens Valley Groundwater Basin, just as with the wholly analogous situation of the Alabama Hills, which are currently classified as excluded, for exactly the same reasons.

Furthermore, it is the hope of the Starlite CSD that we will be supported in our endeavor, by this Board and the individual agencies of which it is composed, as well as the Inyo County Board of Supervisors, Inyo County Water Department and County Council, the Mono County Board of Supervisors and any Departments in support of their membership on this board, the City of Bishop, and any Organizations, Tribes, or concerned groups that have representatives in attendance, as well as the general public at large. As such we would like for this Authority to consider placing on the Agenda of the next scheduled meeting, a vote of support for Starlite's petition, and a statement calling for letters of support from all willing sources as identified above.

In order to help facilitate the foregoing request for all your support, we offer to provide consultation with any who would wish to better understand the motives, details and justifications for our taking this action, and will do our best to answer any questions that may be raised, individually or collectively, as the case best suits. Because time is so short, this consultation period can only effectively remain open until the next scheduled meeting, though we will still be glad to answer your questions to the best of our ability at any time beyond that point. Please find the necessary contact info appended below.

Daniel Cutshall .... For the Starlite Community Services District

[revdfc@hotmail.com](mailto:revdfc@hotmail.com) - or - 760-873-3630



## Starlite CSD Reference List for DWR Petition

Key definitions as determined by the State of California:

(A) "Aquifer" refers to a three-dimensional body of porous and permeable sediment or sedimentary rock that contains sufficient saturated material to yield significant quantities of groundwater to wells and springs, as further defined or characterized in Bulletin 118.

(B) "Basin" is defined in the Sustainable Groundwater Management Act as a groundwater basin or subbasin identified and defined in Bulletin 118. For purposes of this Chapter, unless the context indicates otherwise, those terms are further defined as follows:

(1) The term "basin" shall refer to an area specifically defined as a basin or "groundwater basin" in Bulletin 118, and shall refer generally to an aquifer or stacked series of aquifers with reasonably well-defined boundaries in a lateral direction, based on features that significantly impede groundwater flow, and a definable bottom, as further defined or characterized in Bulletin 118.

(2) The term "subbasin" shall refer to an area specifically defined as a subbasin or "groundwater subbasin" in Bulletin 118, and shall refer generally to any subdivision of a basin based on geologic and hydrologic barriers or institutional boundaries, as further described or defined in Bulletin 118.

Reports & Studies currently in possession of Starlite CSD that bear on this issue:

1) GSi/water	by: J. Birman	Jan. 22, 1990
2) Team Engineering	by: A. Zdon	Dec. 12, 2004
3) RCS	by: R. Slade	July, 2006
4) ART/Wells-Harboldt	by: V. Oberoi & W. Chamberlain	Nov. 26, 2006
5) Team Engineering	by: A. Zdon	Mar. 7, 2007
6) Team Engineering	by: A. Zdon	Jan. 2, 2008

There is a USGS report that also bears on this issue, currently on request and in transit to us.

There is a wealth of other documentation in our possession or available to us, in the form of technical letters and correspondence, well drillers logs, well water table level data, water extraction and use data and personal recollections of our early water operator, SCSD board members, residents, builders and developers.

Some pertinent excerpts from the referenced sources:

“The alluvium within the meadow areas consists of poorly sorted sand and gravel, with silt and clay matrix. These deposits are from a few feet to a few tens of feet thick and are of limited extent in the project area. The alluvium therefore, is not expected to be a good aquifer in the project area.” <sup>(1)</sup>

“Granitic rock underlies the alluvial and glacial deposits, and is exposed in the western part of the project area. It may function as a significant aquifer due to the numerous interconnected fractures. This is especially true in zones of shattering related to faults.” <sup>(1)</sup>

“Several faults have been mapped in this area ..... These faults are part of the large system of range-front faults along the eastern border of the Sierra Nevada” <sup>(1)</sup>

“This work plan is based on our review of available data from the Beach/Hill well and from several CSD wells. Those data reveal there are two basic geologic materials in the McGee Meadow area: the geologically young, undifferentiated alluvial-and glacial-type deposits which likely contain groundwater at least on a seasonal basis; and a possibly semi-confined to confined system within the geologically older fractured and jointed granitic-type rocks which underlie those younger sedimentary materials. Existing wells are considered to be perforated entirely within the granitic rocks.” <sup>(3)</sup>

“Data from previous geologic and hydrogeologic studies of the site area and its vicinity reveal that McGee Meadows is underlain by two types of geologic materials – the geologically young, undifferentiated alluvial- and glacial-type fan deposits of varying thickness; and, fractured granitic rock which underlie the younger unconsolidated materials, and crops out in the southern, western and northern portions of the site area (Dickens, 1978; GSi/water, 1990; THA, 1995).” <sup>(4)</sup>

“As can be seen, the cones of depression are not circular in form as would be expected in a homogeneous porous medium. There is a rather strong directional component to the geometry of the cones of depression. These orientations correspond to the local and regional structural orientations and indicate that for each well, groundwater flow occurs through preferentially-oriented, but incompletely connected, fracture systems.” <sup>(5)</sup>

“Groundwater sampling by the USGS indicates that the water is 2,000 years old and therefore is likely from a deep source, possibly with recharge from beyond the area of study.” <sup>(6)</sup>