

MINUTES

Owens Valley Groundwater Authority

Board Members:

INDIAN CREEK-WESTRIDGE CSD	Luis Elias	BIG PINE CSD	BryAnna Vaughan
CITY OF BISHOP	Karen Kong	LONE PINE PAIUTE SHOSHONE TRIBE	Mel Joseph
COUNTY OF INYO	Dan Totheroh	OWENS VALLEY COMMITTEE	Mary Roper

August 11, 2022

The Owens Valley Groundwater Authority meeting was called to order at 2:08 p.m. at the Bishop City Council Chambers, Bishop, CA.

1. Pledge of allegiance

Dr. Steinwand led the pledge of allegiance.

2. Public Comment

Sally Manning stated on June 21, 2022 the tribe was invited to present a workshop to the Inyo County Board of Supervisors on their issues with Fish Springs Fish Hatchery; a huge amount of ground water has been pumped for 50 years to supply the hatchery; that pumping takes its toll as far as under the Big Pine Reservation and up to the Baker Creek area; well 332 would be going off sometime this week but it is still on.

3. Introductions

The Board introduced themselves with no alternates in attendance and 1 absence, Mel Joseph, Lone Pine CSD.

4. Board Member Reports

Luis Elias stated the Indian Creek Westridge CSD was one of the major suppliers of water for the Fairview fire in Bishop.

5. Approval of minutes from March 10, March 30, and April 14, 2022

Motion to approve the March 30, 2022 minutes as presented by Mary Roper, seconded by BryAnna Vaughan. The Chairperson requested a roll call vote; Luis Elias – Y, Karen Kong – Y, Dan Totheroh - Y, BryAnna Vaughan – Y, Mel Joseph – absent, Mary Roper - Y. Motion passed 5 Yes, 1 absent.

Motion to approve the March 10 and April 14, 2022 minutes as presented by Luis Elias, seconded by Dan Totheroh. The Chairperson requested a roll call vote; Luis Elias – Y, Karen Kong – Y, Dan Totheroh – Y, BryAnna Vaughan – Y, Mel Joseph – absent, Mary Roper – Y. Motion passed 5 yes, 1 absent.

6. OVGA Staff Reports

a. Financial Report

Laura Piper provided the financial report and stated the OVGA cash balance is \$293,976.93. Revenue since last meeting was interest in the amount of \$480.21; expenses were \$27,998.62 in staff services costs: \$7,122.50 audit costs: \$2440.00 for insurance; \$91.55 copy charges.

b. Update on the Proposition 1 grant final report

Dr. Steinwand stated the grant completion report and final invoice were submitted to DWR in late April; DWR is currently reviewing the last 3 invoices; and after the final report is accepted, the retention should be processed.

c. Update on the GSA boundary modifications

Dr. Steinwand stated the GSA boundary modification was approved by DWR on August 2, 2022; that allowed Mono County to be a GSA for its portion of the basin as well as Tri-Valley's request to be a GSA be posted making 3 GSA's covering the Owens Valley groundwater basin; Inyo/Mono worked on a groundwater model proposal which was accepted for funding by the IMRWGMG.

d. Update on database hosting contract

Dr. Steinwand stated the contract has been finalized with DBS&A for database hosting and technical support and the contract is for one year. Sally Manning asked if the database would be kept up to date, currently it stops at 2017. Dr. Steinwand stated it will be updated; the Water Department is in the midst of current staffing changes.

7. First Reading and Adoption of Ordinance 2022-01: An Ordinance of the Owens Valley Groundwater Authority Establishing the Regulations and Procedures for the Registration of Owners and Users of Groundwater Extraction Facilities within the Owens Valley Groundwater Basin.

Dr. Steinwand stated SGMA requires the OVGA to prepare and maintain an accounting system of the water balance for the groundwater system in the basin; there were pumpers that did not provide data so the GSP identified that as a data gap and included this management action for the OVGA to consider an ordinance to register groundwater production wells and require annual reporting. Exemptions to this are households with private wells that produce less than two acre feet for domestic use; federal; state; and tribal reservations. The ordinance will only apply within Inyo County. John Vallejo provided the process to adopt the ordinance and stated the adoption will be set at the next regularly scheduled OVGA meeting. Aaron Johnson asked where is the ordinance posted for review; Dr. Steinwand stated on the OVGA website under today's meeting.

Motion to approve the Ordinance of the Owens Valley Groundwater Authority establishing the Regulations and Procedures for the Registration of Owners and Users of Groundwater Extraction Facilities within the Owens Valley Groundwater Basin; to make the CEQA findings; and to make the date to adopt the ordinance - BryAnna Vaughan made a motion to follow the recommendations of staff for this ordinance, seconded by Luis Elias. The Chairperson requested a roll call vote; Luis Elias – Y, Karen Kong – Y, Dan Totheroh - Y, BryAnna Vaughan – Y, Mel Joseph – absent, Mary Roper - Y. Motion passed 5 Yes, 1 absent.

8. Request to authorize Executive Manager to send letter to Inyo County requesting exchange of new well permit applications with the OVGA

Dr. Steinwand stated the GSP included a second ordinance be prepared that required the sharing of well permit applications that have been submitted to Inyo County with the OVGA; this can be accomplished with a simple letter that is enclosed in the agenda material. Motion to approve the Executive Director to send the letter by BryAnna Vaughan, seconded by Mary Roper. The Chairperson requested a roll call vote; Luis Elias – Y, Karen Kong – Y, Dan Totheroh - Y, BryAnna Vaughan – Y, Mel Joseph – absent, Mary Roper - Y. Motion passed 5 Yes, 1 absent.

9. Discussion regarding future meeting dates and agenda items.

The next meeting was scheduled for September 15, 2022 at 2pm, Bishop City Council Chambers to adopt the above ordinance and to select a Vice Chairperson.

10. Adjourn

The Chairperson adjourned the meeting at 2:53 pm.

**BEFORE THE BOARD OF DIRECTORS OF THE
OWENS VALLEY GROUNDWATER AUTHORITY**

In the matter of: Ordinance No. 2022-01

**Establishing the Regulations and Procedures for the Registration of Owners and Users of
Groundwater Extraction Facilities within the Owens Valley Groundwater Basin.**

I, _____, Clerk of the Board of Directors for the Owens Valley
Groundwater Authority, do certify that the following ordinance, on motion of Director
_____, seconded by Director _____, was duly passed and adopted by the Board of
Directors at an official meeting this 11 day of August, 2022, by the following vote:

AYES:

NOES:

ABSENT:

Chairman of the Board
Owens Valley Groundwater Authority

ATTEST:

Clerk of the Board of Directors
Owens Valley Groundwater Authority

AN ORDINANCE OF THE OWENS VALLEY GROUNDWATER AUTHORITY ESTABLISHING THE REGULATIONS AND PROCEDURES FOR THE REGISTRATION OF OWNERS AND USERS OF GROUNDWATER EXTRACTION FACILITIES WITHIN THE OWENS VALLEY GROUNDWATER BASIN

RECITALS:

Whereas, the Owens Valley Groundwater Authority (“Authority”) was formed for the express purpose of cooperatively carrying out the requirements of the Sustainable Groundwater Management Act (“SGMA”), including, but not limited to, the funding, development, adoption and implementation of a Groundwater Sustainability Plan (“GSP”) that achieves groundwater sustainability in the Owens Valley Groundwater Basin.

Whereas, the Authority is the exclusive Groundwater Sustainability Agency for the portion of the Owens Valley Groundwater Basin located within Inyo County, which is designated as Basin number 6-012 in Department of Water Resources’ Bulletin No. 118.

Whereas, the Authority adopted the “Groundwater Sustainability Plan for the Owens Valley Groundwater Basin” on December 9, 2021.

Whereas, a fundamental component of the Groundwater Sustainability Plan for the Owens Valley Groundwater Basin is an accurate understanding of amounts and location of groundwater extraction within the Basin.

Whereas, the Authority has reviewed and considered the environmental impacts of this action and concluded that this action is exempt from further environmental review pursuant to California Environmental Quality Act Guidelines section 15273 and Public Resources Code section 21080(b)(8) because it is for the establishment of operational rates and charges. Additionally, it has been determined that this action is exempt from further environmental review pursuant Guidelines section 15061(b)(3) because it can be seen with a certainty that this action will not have a significant effect on the environment. Moreover, it has been determined that this action is exempt from further environmental review pursuant Guidelines section 15378(b)(5) because it involves administrative activities that will not result in direct or indirect physical changes in the environment.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF OWENS VALLEY GROUNDWATER AUTHORITY ORDAINS AS FOLLOWS:

Section 1. This Ordinance shall become effective 30 days from the date of adoption and the entire Ordinance shall be published in accordance with Californian Government Code section 25124.

Section 2. Definitions. As used in this Ordinance, the following terms shall have the meanings stated below:

"Authority" means the Owens Valley Groundwater Authority.

"Basin" means the Owens Valley Groundwater Basin which is designated as basin number 6-6-012.01 and 6-12.02 (Fish Slough subbasin) in Department of Water Resources' Bulletin No. 118.

“De minimis extractor” means a person who extracts, for domestic purposes, two acre-feet or less per year (CWC §10721(e)).

"Groundwater Extraction Facility ("Facility")" means any device or method used for the extraction of groundwater from the Basin.

"Groundwater Extractor" means both the owner and the user of a Groundwater Extraction Facility located within the Basin.

"Executive Manager" means the individual given said title and position with the Authority by the Board of Directors.

Section 3. Groundwater Extraction Owner and User Registration. No later than April 1, 2023, all owners and users of Groundwater Extraction Facilities must register their Groundwater Extraction Facilities if located within the Basin and boundary of the Authority on a form provided by the Authority. These forms will be used in the implementation of the Groundwater Sustainability Plan for the Basin and as such the careful and complete attention to the form is required. Completion of the form is **voluntary** for extractors that meet the definition of a de minimis extractor. Extractors other than de minimis extractors must comply with this Ordinance.

Section 4. Groundwater Extraction Owner and User Registration Form. The registration required by Section 3 of this Ordinance shall be made on forms approved by the Executive Manager. Likewise, registration shall be made to the satisfaction of the Executive Manager and, at a minimum, the registration shall include the following information: 1) the name and contact address of the owner and/or user of the Groundwater Extraction Facility; 2) the location of the Groundwater Extraction Facility and the property it serves; 3) a statement describing whether the extracted groundwater is used for residential, commercial, industrial or agricultural purposes, or a combination thereof; 4) an accurate declaration of the annual groundwater production figures and the agricultural acreage in production (if applicable) for the years with extant data and provided annually before April 1 of each year after 2022; 5) a description of the equipment associated with the Groundwater Extraction Facility; 6) a description of the method used by the owner and/or user to measure groundwater extractions from the Groundwater Extraction Facility; and, 7) any other information that the Authority's Executive Manager deems to be prudent and necessary to achieve the legal purposes of the Authority.

Section 5. Registration Form Review. The Executive shall review all registrations and return, with corrective comment, any registration that does not meet the requirements described in Section 4. Approved registrations shall receive an approval notice from the Authority.

Section 6. New Groundwater Extraction Facility. A Groundwater Extraction Facility constructed after the effective date of this Ordinance shall comply with the requirements set forth in this Ordinance.

Section 7. Violations. Any violation of any provision prescribed in this Ordinance may subject the violator to possible civil action and penalties by the Authority. The Authority's civil penalties and civil action rights are additional rights to those rights which may otherwise be prescribed to the Authority, or its members, by law. Additionally, as these forms will be used in the implementation of the GSP, any violations of this Ordinance could have detrimental impacts on the owner and/or user in the GSP.

Section 8. Exemptions. As provided by law, federal, state, and tribal entities are exempt from the mandatory provisions of this Ordinance, but it is requested that they abide by the registration requirements. Likewise, if you receive groundwater from a public purveyor and you don't own a Groundwater Extraction Facility, you are not required to register. Lands and pumping managed

in accordance with the Long Term Water Agreement (City of Los Angeles v. Board of Supervisors of the County of Inyo et al. (Inyo County Case No. 12908)) are exempt to the extent provided by Water Code Section 10720.8. Groundwater facilities within the Basin but outside the boundary of the Authority are exempt.

Section 9. Severability. If any provision of this Ordinance, or its application to any person, entity, or circumstance, is held invalid or to any extent illegal or incapable of being enforced, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

Section 10. California Environmental Quality Act. The Board of Directors finds that this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to California Environmental Quality Act Guidelines section 15378(b)(5) because it involves administrative activities that will not result in direct or indirect physical changes in the environment. The Board of Directors also finds this Ordinance is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with a certainty that this action will not have a significant effect on the environment.