

UPPER VENTURA RIVER GROUNDWATER AGENCY

NOTICE OF REGULAR MEETING

NOTICE IS HEREBY GIVEN that the Upper Ventura River Groundwater Agency (“Agency”) Board of Directors (“Board”) will hold a **Regular Board Meeting at 1:00 P.M. on Thursday, March 14, 2024 at the Ventura River Water District Meeting Room, 409 Old Baldwin Road, Ojai, CA 93023.**

ON-LINE / TELECONFERENCE ACCESS FOR REMOTE PUBLIC PARTICIPATION:

DIAL-IN: Toll Free US 1 (888) 788-0099 or 1 (877) 853-5247

JOIN BY COMPUTER, TABLET OR SMARTPHONE:

<https://us02web.zoom.us/j/88500007127?pwd=aXp5NWIDLzBEVHh5RDJWL0RqVWg2QT09>

Meeting ID: 885 0000 7127 Passcode: 680259

UPPER VENTURA RIVER GROUNDWATER AGENCY BOARD OF DIRECTORS **REGULAR MEETING AGENDA**

March 14, 2024

A. MEETING CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

D. APPROVAL OF AGENDA

E. PUBLIC COMMENT FOR ITEMS NOT APPEARING ON THE AGENDA

The Board will receive public comments on items not appearing on the agenda and within the subject matter jurisdiction of the Agency. The Board will not enter into a detailed discussion or take any action on any items presented during public comments. Such items may only be referred to the Executive Director or other staff for administrative action or scheduled on a subsequent agenda for discussion. Persons wishing to speak on specific agenda items should do so at the time specified for those items. In accordance with Government Code § 54954.3(b)(1), public comment will be limited to three (3) minutes per speaker.

REGULAR SESSION AGENDA

1. CONSENT CALENDAR

All matters listed under the Consent Calendar are considered routine by the Board and will be enacted by one motion. There will be no separate discussion of these items unless a Board member pulls an item from the Calendar. Pulled items will be discussed and acted on separately by the Board. Members of the public who want to comment on a Consent Calendar item should do so under Public Comments.

- a. Approve Minutes from January 11, 2024 Regular Board Meeting**
- b. Approve Financial Report for January 2024**
- c. Approve Financial Report for February 2024**
- d. Receive and File Fiscal Year 2022-2023 Financial Statement Audit**

2. DIRECTOR ANNOUNCEMENTS

Directors may provide oral reports on items not appearing on the agenda.

3. EXECUTIVE DIRECTOR'S REPORT

The Board will receive an update from the Executive Director concerning Agency matters and correspondence. The Board may provide feedback to staff.

4. AGENCY COUNSEL'S REPORT

The Board will receive a verbal update from Agency Counsel concerning Agency matters. The Board may provide feedback to Agency Counsel.

5. ADMINISTRATIVE ITEMS

a. Fiscal Year 2023/2024 Mid-year Budget Report and Mid-Year Budget Modifications

The Board will consider receiving and filing the 2nd quarter budget report and approving mid-year budget modifications.

6. GSP IMPLEMENTATION ITEMS

a. Well Registration and Flowmeter Compliance Update

The Executive Director will provide an update on the well registration on flowmeter compliance. The Board may provide feedback or direction to staff concerning compliance and/or penalties for non-compliance.

b. Approve Water Year 2022/2023 Annual Report

The Board will consider approving the Water Year 2022/2023 Annual Report for submittal to the Department of Water Resources pursuant to the Sustainable Groundwater Management Act.

c. State Well No. 04N23W32C03S Modifications to Facilitate Groundwater Level Monitoring by UVRGA

The Board will consider approving Layne's proposal and terms and conditions to modify State Well No. 04N23W32C03S in an amount not-to-exceed \$14,000 and \$1,400 contingency to be authorized at the discretion of the Executive Director.

d. State Well No. 04N23W20A01S Modifications to Facilitate Groundwater Level Monitoring by UVRGA

The Board will consider approving payment of SAR Construction Invoice No. 22367 in the amount of \$1,695.55 for modification of State Well No. 04N23W20A01S to facilitate groundwater level monitoring.

e. Rincon Consultants Work Order No. 12 Amendment

The Board will consider approving a scope modification and budget increase for Rincon Consultants, Inc. Work Order No. 12 in the amount not-to-exceed \$22,743 for annual desktop mapping of the riparian groundwater dependent ecosystems with field verification to track changes in vegetation communities, including giant reed (*Arundo donax*) for water years 2023 through 2025. The recommended approval also includes \$2,257 in contingency to be authorized at the discretion of the Executive Director (\$25,000 total increase).

7. COMMITTEE REPORTS

a. Ad Hoc Stakeholder Engagement Committee

The committee will provide an update on Stakeholder Engagement Plan implementation activities since the last Board meeting and receive feedback from the Board.

8. FUTURE AGENDA ITEMS

This is an opportunity for the Directors to request items for future agendas.

CLOSED SESSION AGENDA

1. Conference with Legal Counsel – Existing Litigation (§ 54956.9): Name of Case: Santa Barbara Channelkeeper v. City of San Buenaventura

REGULAR SESSION AGENDA (CONTINUED)

9. ADJOURNMENT

The next Regular Board meeting is scheduled for April 11, 2024 at 1 P.M.

The Americans with Disabilities Act provides that no qualified individual with a disability shall be excluded from participation in, or denied the benefits of, the Agency's services, programs, or activities because of any disability. If you need special assistance to participate in this meeting, or if you require agenda materials in an alternative format, please contact the Upper Ventura River Groundwater Agency Executive Director at (805) 212-0484. Notification of at least 48 hours prior to the meeting will enable the Agency to make appropriate arrangements.

UPPER VENTURA RIVER GROUNDWATER AGENCY MINUTES OF REGULAR MEETING JANUARY 11, 2024

A. CALL TO ORDER

A regular meeting of the Board of Directors of Upper Ventura River Groundwater Agency was held in the offices of the Ventura River Water District, 409 Old Baldwin Road, Ojai, CA 93023 on Thursday, January 11, 2024. Chair Kaiser called the meeting to order at 1:02 p.m.

B. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

C. ROLL CALL

Directors Present:

Pete Kaiser, Chair
Bruce Kuebler, Vice Chair
James Kentosh, Director
Emily Ayala, Director
Vivon Sedgwick, Director
Jenny Tribo, Director

Director Absent: Arnie Anselm

Staff Present:

Bryan Bondy, Executive Director
Keith Lemieux, District Counsel
Maureen Tucker, Administrative Assistant

Identified Members of the Public:

In person: Kelly Dyer and Alma Quezada

Online: Burt Handy, Hope Sexton, Mary Bergen, Kevin DeLano, and Kiernan Brtalik

D. APPROVAL OF THE AGENDA

Chair Kaiser asked for any proposed changes to the agenda. None were requested.

E. PUBLIC COMMENTS FOR ITEMS NOT APPEARING ON THE AGENDA

Chair Kaiser asked for public comments on items not appearing on the agenda. No comments were offered.

REGULAR SESSION AGENDA

1. CONSENT CALENDAR

- a) Approve Minutes from November 9, 2023 Regular Board Meeting
- b) Approve Minutes from November 30, 2023 Special Board Meeting
- c) Approve Financial Report for November 2023
- d) Approve Financial Report for December 2023
- e) Rincon Consultants, Inc. Work Order Nos. 8 and 9 Amendments

Chair Kaiser asked if any Director wanted to pull any items off the consent calendar.

Public Comments: None

Director Kuebler moved approval of the consent items. Director Tribo seconded the motion.

Roll Call Vote:	E. Ayala - Y	J. Kentosh – Y	B. Kuebler – Y
	V.Sedgwick - Y	J. Tribo – Y	P. Kaiser – Y

Director Absent: A. Anselm

2. DIRECTOR ANNOUNCEMENTS

Directors may provide an oral report on items not appearing on the agenda.

Director Ayala:	No report.
Director Sedgwick:	No report.
Director Kuebler:	No report.
Director Kentosh:	No report.
Director Kaiser:	Said the flu season is upon us and wants legal counsel's guidance for moving to on-line meetings. Counsel advised that UVRGA cannot meet on-line unless an emergency is declared. Director Kaiser mentioned a presentation regarding El Nino will be made at an upcoming AWA meeting.
Director Tribo:	Reported that the City of Ventura's ocean outfall is under construction.

Director Absent: A. Anselm

3. EXECUTIVE DIRECTOR'S REPORT

Executive Director Bondy reminded the Directors that Form 700 filings are due by April 2nd. He then reviewed the staff report concerning on Agency matters since the last regular Board meeting, including status of groundwater extraction fee billings and receivables, fiscal audit, reserves investment, and outreach and coordination related to the Aquatic GDE field trip, Matilija Dam Ecosystem Restoration Project, and Small GSA Coalition.

Executive Director Bondy also reported on monitoring wells recently added to UVRGA's groundwater level monitoring program. Access agreements were executed with Ojai Valley Land

Conservancy to monitor two wells located at their Steelhead Preserve property. An access agreement was also executed to monitoring a well located on a private ranch located north of the Ventura River confluence with San Antonio Creek. This well will require a wellhead modification before monitoring can be initiated. Lastly, he reported that wellhead modifications were completed on State Well No. 04N23W20A01, and the well will be outfitted with a transducer soon.

The Executive Director summarized a comment letter that he sent concerning the Matilija Dam Ecosystem Restoration Project supplemental environmental impact report scoping.

The Executive Director reported that the Small GSA Coalition met with senior level DWR Representatives in an on-line meeting on January 4, 2024 to brainstorm ideas to increase funding opportunities for small GSA.

No public comments.

4. AGENCY COUNSEL'S REPORT

Agency Counsel Lemieux provided an update on AB 779 and reviewed his letter to the Board regarding his firm's engagement with the City of Ojai. A partner in the firm will be working as special counsel for the City of Ojai on a housing project. Agency Counsel does not believe there is any conflict at all, but an ethical screening was performed out of an abundance of caution.

Director Kaiser asked about an email he received regarding a PFAS class action lawsuit. Agency counsel explained it is a nationwide class action lawsuit that does not apply to Agency counsel .

5. ADMINISTRATIVE ITEMS

a. Agency Investment Authorization

Executive Director Bondy explained that the Board previously adopted Resolution Nos. 2023-06, -08, and -09 authorizing the investment of \$500,000 of excess Agency funds in certificates of deposits at two banks with the understanding that the annual percentage rate earned would be 4% to 5%. However, the Agency's Treasurer reported that the banks are now only offering a fraction of a percent to public agencies. As a result, the Executive Director and Treasurer are recommending investing in either the Local Agency Investment Fund (LAIF) or the Ventura County Treasury Investment Pool. Executive Director Bondy reviewed the two funds and answered questions from the directors.

Director Tribo asked how frequently the interest rates are updated. Executive Director Bondy said LAIF is updated quarterly and the County pool is updated monthly.

Director Kentosh asked if the County is allowed to go bankrupt or if it can dip into the investments for emergencies. Executive Director Bondy referred to the County investment policy.

Director Kaiser said the State's rating is not as high as the County's fund. The Executive Director clarified that the State fund is not rated.

Director Kuebler said he prefers the County. Director Ayala said both funds seem similar.

Item 1(a)

Executive Director Bondy said he feels more comfortable with the County because UVRGA can meet with them locally in person to address any issues.

Director Kuebler moved adoption of Resolution No. 2024-01 authorizing investments of Agency funds in the Ventura County Treasury Investment Fund and to direct the Agency Treasurer to invest up to \$500,000 in the fund. Seconded by Director Ayala.

Public Comments: None

Roll Call Vote: E. Ayala - Y J. Kentosh – Y B. Kuebler – Y
 V. Sedgwick – Y J. Tribo – Y P. Kaiser – Y

Director Absent: A. Anselm

b. Repeal Resolution Nos. 2023-06, -08 and -09.

Executive Director Bondy explained that, because certificate of deposits are no longer being pursued, the associated Board resolutions are no longer needed. The Board discussed adopting Resolution No. 2024-02, a Resolution repealing Agency Resolution Nos. 2023-06, -08 and -09.

Executive Director Bondy asked Agency Counsel whether the Secretary can attest even though he is absent. Agency Counsel stated that the Secretary can still attest.

Public Comments: None

Director Kuebler moved approval of Resolution No. 2024-02 to repeal Resolutions 2023-06, 2023-08, 2023-09. Seconded by Director Ayala.

Roll Call Vote: E. Ayala - Y J. Kentosh – Y B. Kuebler – Y
 V. Sedgwick – Y J. Tribo – Y P. Kaiser – Y

Director Absent: A. Anselm

6. GSP IMPLEMENTATION ITEMS

a. Well Registration and Flowmeter Compliance Update

Executive Director Bondy provided an update on the status of well registrations and flowmeter compliance.

Director Kuebler asked about DWR requirements for well registration. Executive Director Bondy said there is no requirement for GSAs to register wells.

No public comments.

b. Water Year 2022/2023 Monitoring Data Presentation

Executive Director Bondy and Kiernan Brtalik of Rincon Consultants provided a presentation concerning the data collected under the groundwater level, streamflow, and groundwater dependent ecosystems monitoring programs during water year 2022/2023.

There was discussion about whether UVRGA should track changes in vegetation species within the riparian GDEs, specifically to track increases in giant reed. Executive Director Bondy said he would reach out to Ojai Valley Land Conservancy and Ventura Watershed Protection District to discuss whether there is an opportunity to collaborate on this.

Public Comments: None

7. COMMITTEE REPORTS

a. Ad Hoc Stakeholder Engagement Committee

Director Ayala said there is no report.

8. FUTURE AGENDA ITEMS

None

9. CLOSED SESSION

The Board adjourned into closed session at 3:01 p.m.

The Board returned to open session at 3:16 p.m.

Agency Counsel Lemieux reported on existing litigation: *Santa Barbara Channelkeeper v. City of San Buenaventura*. No reportable action took place.

10. ADJOURNMENT

The meeting was adjourned at 3:18 p.m.

Action: _____

Motion: _____

E. Ayala ___ P. Kaiser _ J. Kentosh_ B. Kuebler_ J. Tribo___ V. Sedgwick ___

UPPER VENTURA RIVER GROUNDWATER AGENCY Item No. 1(b)

DATE: February 6, 2024
TO: Board of Directors
FROM: Carrie Troup C.P.A., Treasurer
SUBJECT: Approve Financial Report for January 2024

December 2023 UVRGA Balance \$ 498,378.31

January 2024 Activity**Revenues/ Credits:**

Extraction Fees	229,460.00
Total Revenues/Credits	<u>\$ 229,460.00</u>

Checks and Electronic payments:

2457	VOID	-
2458	VOID	-
2459	VOID	-
2460	VOID	-
2461	VOID	-
2462	VOID	-
2463	VOID	-
2464	VOID	-
2465	VOID	-
2466	VOID	-

Note:
Reason for large number of
voided checks is that a batch of
checks was lost by FedEx
during shipment from Treasurer
to Director check signers.

2467	Intera Incorporated	Dec. Services	10,210.00
2468	Rincon Consultants, Inc.	Service thru Dec	5,236.50
2469	Rincon Consultants, Inc.	Nov. Services	20,250.13
2470	Aleshire & Wynder, LLP	Dec. Services	1,079.22
2471	Rincon Consultants, Inc.	Nov. Services	10,925.59
2472	Carrie Troup, CPA	Dec. Services	1,464.65
2473	Intera Incorporated	Nov. Services	10,810.00
2474	Intera Incorporated	Dec. Services	1,252.50
2475	Bondy Groundwater Consulting, Inc.	Dec. Services	4,125.00
2476	Intera Incorporated	Dec. Services	1,955.00
EFT	GoDaddy.com	Website Services	199.99
EFT	GoDaddy.com	Website Services	148.20
EFT	GoDaddy.com	Website Services	119.88
EFT	GoDaddy.com	Website Services	119.88
EFT	Dropbox.com	Office Expense	119.88
EFT	Bank of the Sierra	Bank Fees	150.00

Total Expenditures Paid & To Be Paid \$ 68,166.42

January 2024 UVRGA Ending Balance: \$ 659,671.89

Action: _____

Motion: _____ Second: _____

B. Kuebler___ A. Anselm___ J. Kentosh___ P. Kaiser___ J. Tribo___ V. Crawford___ E. Ayala___

The financial report omits substantially all disclosures required by accounting principles generally accepted in the United States of America; no assurance is provided on them.

UPPER VENTURA RIVER GROUNDWATER AGENCY Item No. 1(c)

DATE: March 5, 2024
TO: Board of Directors
FROM: Carrie Troup C.P.A., Treasurer
SUBJECT: Approve Financial Report for February 2024

January 2024 UVRGA Balance \$ 659,671.89

February 2024 Activity

Revenues/ Credits:

Checks and Electronic payments:

2477	Rincon Consultants, Inc.	Jan. Services	\$ 1,582.00
2478	Aleshire & Wynder, LLP	Jan. Services	\$ 1,870.80
2479	Carrie Troup, CPA	Jan. Services	\$ 1,472.71
2480	Bondy Groundwater Consulting, Inc.	Jan. Services	\$ 7,688.65
2481	Intera Incorporated	Jan. Services	\$ 5,990.00

Total Expenditures Paid & To Be Paid \$ 18,604.16

February 2024 UVRGA Ending Balance: \$ 641,067.73

Action: _____

Motion: _____ Second: _____

B. Kuebler___ A. Anselm___ J. Kentosh___ P. Kaiser___ J. Tribo___ V. Crawford___ E. Ayala___

The financial report omits substantially all disclosures required by accounting principles generally accepted in the United States of America; no assurance is provided on them.

Item 1(c), Page 1 of 1

Item 1(d)

Fiscal Year 2022-2023 Financial Statement Audit

Documents Can Be Viewed At:

<https://uvrgroundwater.org/wp-content/uploads/2024/03/FY-22-23-Combined-Audit-Documents.pdf>

UPPER VENTURA RIVER GROUNDWATER AGENCY Item No. 3

DATE: March 14, 2024

TO: Board of Directors

FROM: Executive Director

SUBJECT: Executive Director's Report

SUMMARY

The following are updates on Agency matters since the last Board meeting:

1. Administrative: No reportable activity.
2. Financial:
 - a. Groundwater Extraction Fees:
 - i. Private Well Extraction Fees for the January 1 – June 30, 2023 Semi-Annual Period: Private well owner invoices for this period were issued on September 29, 2023 and are due October 29, 2023. The total amount invoiced was \$15,374.24, compared with \$27,246.80 assumed in the fiscal year 2022/2023 budget. As of March 8 2024, one invoice is unpaid, totaling \$1,628.00.
 - ii. Member Agency Extraction Fees for Fiscal Year 2023/2024: Member Agency extraction fee invoices for fiscal year 2023/2024 were issued on September 29, 2023 were due October 29. The total amount invoiced was \$444,080.00, which is in-line with the fiscal year 2023/2024 budget. As of January 29, 2024, all invoices have been paid.
 - b. Fiscal Audit:
 - i. The Fiscal Year 2022/2023 audit was completed (please see Item 1(d) for more information).
 - c. Reserves Investment: UVRGA's Treasurer worked on setting up the Ventura Treasury Investment Pool account. Member Agency Directors are requested to stay after the Board meeting to sign the account documents.
3. GSP Implementation:
 - a. Well Registration and Flowmeter Compliance: The Executive Director issued follow-up letters for 39 unregistered wells and followed up on delinquent flowmeter documentation for four wells. The Executive Director responded to

questions from well owners regarding well registration and flowmeter compliance. Please see Item No. 6(a) for more information.

b. Monitoring Networks:

i. Groundwater Level Monitoring:

1. Groundwater level monitoring is ongoing.
2. The Executive Director worked with the owner of State Well No. 04N23W20A01 to coordinate the installation of a groundwater level recording transducer in the well. The Executive Director authorized contingency for Rincon Consultants, Inc. to install the transducer on February 21, 2024 and the transducer was installed on March 7, 2024. The data collected from this well will help address data gap area “E” identified in the GSP (please see map in Attachment A). The well owner is requesting that UVRGA pay for well modifications necessary to facilitate monitoring (please see Item No. 6(d) for more information).
3. The Executive Director coordinated with the owner’s representative and contractor to assess the required wellhead modifications necessary to facilitate groundwater level monitoring in State Well No. 04N23W32C03S (please see Item No. 6(c) for further information). Once monitoring is initiated, the data collected from this well will help address data gap area “D” identified in the GSP (please see map in Attachment A).
4. The Executive Director applied for an encroachment permit to monitor groundwater in two monitoring wells constructed by Ventura County Watershed Protection District within and adjacent to the Live Oak Acres Levee located on the western bank of the Ventura River north of Santa Ana Blvd. Once monitoring is initiated, the data collected from these wells will help augment groundwater level monitoring in an area where available data suggest that basin becomes desaturated and disconnected, which is important for understanding the hydraulic connectivity of the upper portion of the Basin with the sensitive areas in the southern portion of the Basin (please see map in Attachment A)
5. The Executive Director reached out to the City of Ventura to evaluate whether there are City-owned wells in the vicinity of data gap area “A” that can be utilized for monitoring. A field trip will be conducted to locate and assess wells after Ventura River flows decline.

- ii. Surface Water Flow Monitoring: The Camino Cielo gage was removed on December 5, 2023. Monitoring well resume when Ventura River flows decline to a safe level.
- iii. Visual Surface Water Monitoring: Monthly monitoring is ongoing.
- iv. Riparian Groundwater Dependent Ecosystem (GDE) Monitoring: No activity since the last Board meeting.
- v. Aquatic GDE Monitoring: Field monitoring activities have been suspended until Ventura River flows decline to a safe level.

4. Outreach and Coordination:

- a. The Executive Director reached out to Ventura County Watershed Protection District (VCWPD) and Ojai Valley Land Conservancy (OVLC) about collaborating on Arundo mapping. Neither entity currently has plans to conduct Arundo mapping.
- b. The Executive Director reached out to the Ventura River Watershed Council (VRWC) about presenting the water year 2022/2023 monitoring results. The Executive Director is scheduled to present at VRWC's April 4th meeting.
- c. The Executive Director published UVRGA Newsletter, Volume 5, Issue 1 for Spring 2024 (Attachment F). The newsletter focusses on UVRGAs field monitoring programs and invites stakeholders to attend UVRGA's presentation during the upcoming April 4th VRWC meeting.

5. Small GSA Coalition:

- a. The Executive Director participated in Small GSA Coalition's monthly teleconference calls on January 25 and February 22.
- b. The coalition prepared a fact sheet (Attachment B), talking points (Attachment C), and sent two comment letters to state officials (Attachments D and E). One letter was sent to Assemblymembers Papan and Bennet concerning the joint hearing (Assembly Budget Subcommittee 4 and Assembly Water, Parks, and Wildlife) on SGMA implementation scheduled for February 21 (Attachment D). The other letter was sent to Governor Newsom, Senate Pro Tem McGuire, Assembly Speaker Rivas, Senator Allen, and Assemblymember Garcia concerning the natural resources bonds currently moving through the legislative process (Attachment E).
- c. The coalition held an on-line meeting with Keith Cialino in Assembly Speaker Rivas' office on March 8, 2024. The Executive Director participated in the meeting on behalf of Upper Ventura River Groundwater Agency.

6. SWRCB / CDFW Instream Flow Enhancement Coordination: No update.

7. Correspondence: None

RECOMMENDED ACTIONS

Receive an update from the Executive Director concerning Agency matters and correspondence.
Provide feedback to staff.

BACKGROUND

Not applicable

FISCAL SUMMARY

Not applicable

ATTACHMENTS

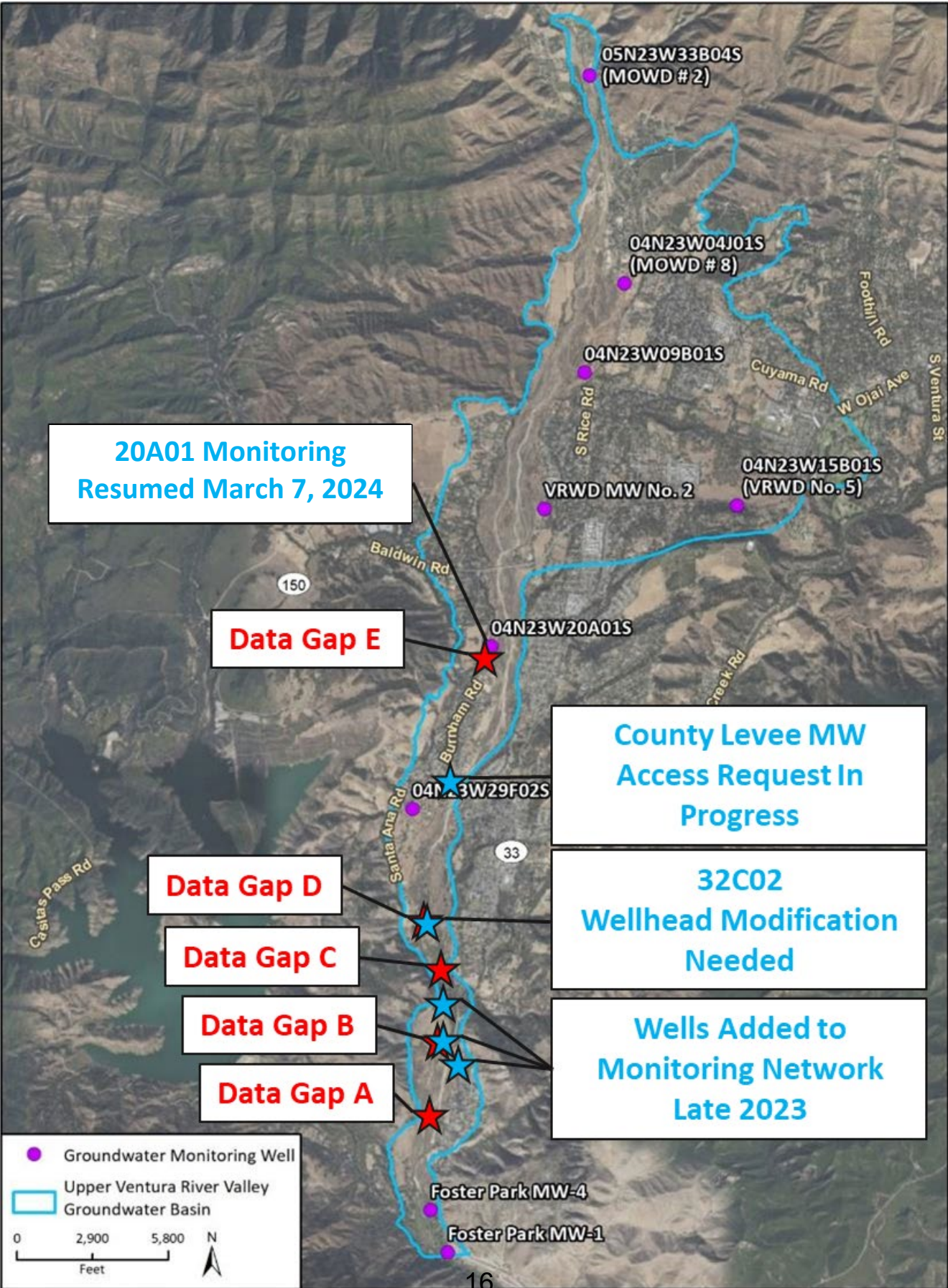
- A. Groundwater Level Monitoring Network Map
- B. Small GSA Coalition Fact Sheet
- C. Small GSA Coalition Talking Points
- D. Letter to Assemblymembers Papan and Bennett
- E. Letter to Governor Newsom, Senate Pro Tem McGuire, Assembly Speaker Rivas, Senator Allen, and Assemblymember Garcia
- F. UVRGA Newsletter Volume 5, Issue 1 – Spring 2024

Action: _____

Motion: _____

P. Kaiser _ B. Kuebler _ A. Anslem _ E. Ayala _ V. Crawford _ J. Tribo _ J. Kentosh _

Item 3
Attachment A
Groundwater Level Monitoring Network Map





MoundBasin
GROUNDWATER SUSTAINABILITY AGENCY



SANTA MARGARITA
Groundwater Agency



Ukiah Valley Basin
Groundwater Sustainability Agency



SONOMA VALLEY
GROUNDWATER
SUSTAINABILITY AGENCY



PETALUMA VALLEY
GROUNDWATER
SUSTAINABILITY AGENCY

Implementing Groundwater Sustainability Plans

Funding Small Basins

The Problem

Groundwater Sustainability Agencies (GSAs) managing very small groundwater basins are struggling to fund GSA administration and the implementation of recently submitted Groundwater Water Sustainability Plans (GSPs). Support for administration and reporting (tasks which are not eligible for DWR grants) is needed to help these GSAs bridge the gap while they seek reasonable options for long-term, sustainable agency funding.

Proposed Solution

Include in the proposed climate bond \$10 million in non-competitive matching funding to very small GSAs to cover a portion of SGMA-required annual operating and monitoring costs. Very small GSAs are those that manage basins, sub-basins, or portions thereof with less than 10,000 acre-feet of groundwater pumped annually (AFY).

Fixed Costs

The mandates under SGMA result in fixed administrative and reporting costs. These include support for running a public agency such as Brown Act compliance, budgeting, accounting, and legal review. Costs also are incurred for maintaining new monitoring networks, data management, annual reports, groundwater models, and five-year updates. In basins with large populations or extensive commercial agriculture, these costs can be spread out over many users, but smaller basins do not benefit from such an economy of scale. Table 1, below, illustrates these challenges in 10 GSAs that manage basins or portions of basins with annual groundwater pumping of less than 10,000 AFY. The table includes two larger basins for comparison purposes.

Table 1. Annual costs per acre-foot for basic SGMA compliance

Basin	Location	Acre-Feet pumped annually (AFY)	Annual compliance costs*	Annual costs per AFY
Ukiah Valley	Mendocino County	6,500	\$ 610,000	\$ 94
Langley Subbasin	Monterey County	1,755	\$ 397,900	\$ 227
Monterey/Corral de Tierra	Monterey County	1,675	\$ 397,900	\$ 238
180/400 Foot Subbasin**	Monterey County	122,850	\$ 355,000	\$ 3

Santa Margarita	Santa Cruz County	2,700	\$ 390,400	\$ 145
Santa Cruz Mid-County	Santa Cruz County	5,400	\$ 622,600	\$ 115
Petaluma Valley	Sonoma County	2,640	\$ 500,000	\$ 189
Sonoma Valley	Sonoma County	7,100	\$ 616,700	\$ 87
Santa Rosa Plain**	Sonoma County	20,600	\$ 840,800	\$ 41
Mound Basin	Ventura County	5,900	\$ 572,300	\$ 97
Upper Ventura River	Ventura County	3,360	\$ 469,100	\$ 140
Ojai Basin	Ventura County	3,000	\$ 279,500	\$ 93

**Compliance costs vary widely from basin-to-basin depending on local labor costs, staff support provided by other local government agencies, history of groundwater issues/monitoring, and other factors.*

***Two larger basins are included to illustrate how economies of scale affect costs per acre foot.*

GSA Funding Options

Statewide, two common funding approaches being pursued by GSAs are (1) member-agency funding, particularly when the GSA is created through a Joint Powers Authority (JPA), and (2) groundwater pumping-fees, based on actual or estimated pumping amounts.

Member-agency funding has been a useful tool for JPAs but leads to questions of the equitable distribution of costs. For example, in the Santa Cruz Mid-County Groundwater Basin, some residents are paying for the GSA costs through both their water rates and their property tax. The cost allocations are based on pumping impacts to the basin from each member agency, though the administrative burdens of SGMA are arguably independent of those impacts.

Groundwater pumping fees are based on actual or estimated amounts of groundwater pumped annually and are often levied in agricultural areas. Table 1 illustrates the fee levels that would be required if these very small basins charged fees based on groundwater pumping. These fees reflect the costs of basic SGMA compliance and do not include the programs, projects and management actions needed to maintain or to bring basins into sustainability. Groundwater users unused to paying any charges for their pumping are understandably skeptical of high per-acre-foot fees that pay for basic government compliance.

For example, two of these basins – Petaluma Valley and Sonoma Valley – completed fee studies in 2022 and adopted fees based on estimated use. In response to groundwater pumpers concerned about proposed fees that were significantly higher than the neighboring, larger Santa Rosa Plain GSA, the County of Sonoma provided a contribution to the GSAs that allowed the fees to temporarily drop to \$40 per AFY. The subsidy, which was possible due to a budget surplus, ends in 2026 and is not expected to be renewed.

Another funding option – a parcel tax on all parcels in a basin – would help spread costs more broadly but is unlikely to be successful in most basins, given the cost of placing a measure on the ballot and the two-thirds vote requirement.

For more information, please contact Mark Fenstermaker at mark@pacificpolicygroup.com.

FEBRUARY 2024 TALKING POINTS: GSAs MANAGING SMALL BASINS

- We are part of informal coalition of GSAs responsible for managing very small basins or portions of basins (annual pumping under 10,000 AFY) that have come together because we face many of the same issues.
- We've successfully put together GSPs with the support of past bond funding that recognized the importance of SGMA implementation at a time when GSAs were trying to get up off the ground.
- **We believe that SGMA's success is a shared state and local responsibility** and our GSAs are facing real challenges to raise funding at the local level to cover basic administrative functions and have the staffing to implement our GSPs.
- Small basins that have completed fee studies found that costs can be as high as \$200-\$400 per acre foot of groundwater pumped annually for managing groundwater sustainability
- We are concerned that very small basins could fail to comply with SGMA without state assistance
- Compounding this issue is that the Round 2 SGM implementation grant funding was announced in June, and unfortunately, of the 82 applicants, only 31 were recommended for funding, including only 5 very small basins.
- Others in our coalition missed out on funding recommendations by one point, which is devastating given our funding constraints.
- We see the climate resilience bond as an opportunity to keep us on track to implement SGMA and we think any final bond product should have clear language that there is funding available for SGMA implementation with a preference for GSAs managing very small basins or portions of basin.

A coalition of GSAs responsible for small basins is asking for help as follows:

- Current language in both climate bond measures AB 1567 and SB 867 specifies the types of projects that should be funded and focuses on multi-benefit projects. GSAs with limited staff and capacity will struggle to coordinate complex multi-benefit projects. Critical state funding should help ALL basins implement GSPs – including those with plans that focus on programs and management actions rather than projects to achieve sustainability.
- **REQUESTED ACTION: Revise climate bond language to allow GSAs to receive grant funding to simply implement Groundwater Sustainability Plans**, without specifying project or program type.
- GSAs in small basins often don't have the capacity to develop grant proposals that can compete with larger basins (note that only 5 very small basins are recommended for funding in the current SGMA implementation round).
- **REQUESTED ACTION: Provide GSAs managing very small basins a leg-up by giving them funding preference, by adding the following language:** *(d) Preference shall be given to implement the Sustainable Groundwater Management Act (Part 2.74 (commencing with Section 10720) of Division 6 of the Water Code) by groundwater sustainability agencies that manage a basin or sub-basin or portion thereof with an annual groundwater yield of no more than 10,000 acre feet per year.*



MoundBasin
GROUNDWATER SUSTAINABILITY AGENCY



SANTA MARGARITA
Groundwater Agency



Ukiah Valley Basin
Groundwater Sustainability Agency



SONOMA VALLEY
GROUNDWATER
SUSTAINABILITY AGENCY



PETALUMA VALLEY
GROUNDWATER
SUSTAINABILITY AGENCY

February 16, 2024

The Honorable Diane Papan
Chair, Assembly Water, Parks & Wildlife Committee
1021 O St., Ste. 4220
Sacramento, CA 95814

The Honorable Steve Bennett
Chair, Assembly Budget Subcommittee No. 3
1021 O St., Ste. 4710
Sacramento, CA 95814

Re: Small Groundwater Sustainability Agencies' Comments

Dear Chairs Papan and Bennett:

We, the undersigned Groundwater Sustainable Agencies (GSAs) representing a coalition of small GSAs in California, write to provide our experience in implementing the Sustainable Groundwater Management Act (SGMA) and highlight some of the challenges we are facing that require state assistance. We submit these comments to be included in the record of the February 21, 2024, hearing your committees are jointly holding titled *Water We Are Doing with Groundwater: Evaluating Sustainable Groundwater Management Act (SGMA) Implementation*.

The undersigned GSAs have come together based on our shared challenge of implementing SGMA as GSAs managing basins, sub-basins, or portions thereof that have small groundwater pumping yields of less than 10,000 acre-feet a year. The mandates under SGMA result in fixed administrative and reporting costs, including, maintaining new monitoring networks, data management systems, Brown Act compliance, updating JPAs and bylaws, budgeting, accounting, legal review, annual reports, groundwater models, and 5-year updates. In basins with either large populations or extensive commercial agriculture, these costs can be spread out over many users, but our smaller basins do not benefit from such an economy of scale. Our residents and businesses cannot afford the exorbitant costs that we are faced with in order to self-fund basic SGMA compliance.

For example, in Ventura County, the costs for basic compliance for three small GSAs range from \$93 to \$140 per acre-foot. These costs do not include projects and management actions. In Salinas Valley, the annual cost of compliance for the very small (1,675 acre-feet of groundwater pumped annually (AFY)) Corral de Tierra basin is approximately \$397,900 -- equivalent to \$238 per AFY. The nearby 180/400 Foot Subbasin pumps 122,850 AFY and basic compliance costs are about \$355,000 annually -- equivalent to \$3 per AFY.

Similarly, the annual compliance cost for the Petaluma Valley is \$189 AFY (2,640 acre-feet pumped annually with an annual basic compliance cost of \$500,000) while nearby Santa Rosa Plain comes in at \$41 AFY (20,600 acre-feet pumped annually with an annual basic compliance cost of \$840,800). The County of Sonoma took it upon itself to utilize some of its discretionary general fund revenues to level these costs on a short-term basis. This disproportionate burden on groundwater users in similar

circumstances is becoming increasingly problematic as very small GSAs attempt to adopt fees. The appended chart displays compliance costs for many of the undersigned GSAs.

SGMA's success is a shared state and local responsibility. As noted above, investments are being made at the local level to implement SGMA, and while recent state bond funding that has been made available to date is greatly appreciated, additional state support for basic tasks is needed to ensure that small GSAs can comply with SGMA and bring the basins into sustainability. Moreover, the Department of Water Resources is currently out of funding for SGMA implementation grants and last year's round of implementation funding was oversubscribed by nearly \$600 million, clear evidence of the need for additional state support.

Failure to implement SGMA will be a shared responsibility, as an inability for our GSAs to operate at the local level will necessitate state intervention. This is not an outcome that anybody wants as it will prove more costly to the state to have to assume management of basins. In the 2023-24 state budget, the State Water Resources Control Board (SWRCB) received an appropriation of \$4.8 million dollars to protect groundwater users and uses in six basins for which DWR had deemed the groundwater sustainability plans (GSPs) to be inadequate. This roughly translates to \$800,000 for SWRCB to step in at the local level to get GSPs on track, it assuredly will cost more should a GSA not be able to afford to exist. We estimate that each of our GSAs need roughly \$250,000 to cover the basic compliance costs outlined above, showing that a local-state partnership is the more affordable pathway for the state.

We are grateful for the hard work and dedication of our state partners at DWR in assisting our GSAs to date and we call upon you and your committees to work with our coalition to provide the necessary financial resources to carry this partnership forward. We thank you for taking our comments into consideration and for holding this timely hearing.

Please feel free reach out to us individually or to contact Mark Fenstermaker at mark@pacificpolicygroup.com, 916.798.8008.

Sincerely,

Ann DuBay
Community & Government Affairs
Sonoma Water

Sierra Ryan
Water Resources Manager
Santa Cruz County GSAs

Piret Harmon
General Manager
Salinas Valley GSA

Castulo Estrada
Utilities Manager
City of Coachella

Erik Cadaret
General Manager
Ukiah Valley Basin GSA

Bill Keene
Administrator
Sonoma Valley GSA

Bryan Bondy
Executive Director
Upper Ventura River GSA
Mound Basin GSA

Julia Aranda
General Manager
Ojai Basin Groundwater
Management Agency

Marcus Trotta
Plan Manager
Petaluma Valley GSA
Sonoma Valley GSA

Annual costs per acre-foot for basic SGMA compliance

Basin	Location	Acre-Feet pumped annually (AFY)	Annual compliance costs*	Annual costs per AFY
Ukiah Valley	Mendocino County	6,500	\$ 610,000	\$ 94
Langley Subbasin	Monterey County	1,755	\$ 397,900	\$ 227
Monterey/Corral de Tierra	Monterey County	1,675	\$ 397,900	\$ 238
180/400 Foot Subbasin**	Monterey County	122,850	\$ 355,000	\$ 3
Santa Margarita	Santa Cruz County	2,700	\$ 390,400	\$ 145
Santa Cruz Mid-County	Santa Cruz County	5,400	\$ 622,600	\$ 115
Petaluma Valley	Sonoma County	2,640	\$ 500,000	\$ 189
Sonoma Valley	Sonoma County	7,100	\$ 616,700	\$ 87
Santa Rosa Plain**	<i>Sonoma County</i>	20,600	\$ 840,800	\$ 41
Mound Basin	Ventura County	5,900	\$ 572,300	\$ 97
Upper Ventura River	Ventura County	3,360	\$ 469,100	\$ 140
Ojai Basin	Ventura County	3,000	\$ 279,500	\$ 93

**Compliance costs vary widely from basin-to-basin depending on local labor costs, staff support provided by other local government agencies, history of groundwater issues/monitoring, and other factors.*

***Two larger basins are included to illustrate how economies of scale affect costs per acre foot.*



MoundBasin
GROUNDWATER SUSTAINABILITY AGENCY



SANTA MARGARITA
Groundwater Agency



Ukiah Valley Basin
Groundwater Sustainability Agency



SONOMA VALLEY
GROUNDWATER
SUSTAINABILITY AGENCY



PETALUMA VALLEY
GROUNDWATER
SUSTAINABILITY AGENCY

February 22, 2024

The Honorable Gavin Newsom
Governor, Senate of California
1021 O St., Ste. 9000
Sacramento, CA 95814

The Honorable Mike McGuire
Pro Tempore of the Senate
1021 O St., Ste. 8518
Sacramento, CA 95814

The Honorable Ben Allen
Senator, 24th District
1021 O St., Ste. 6610
Sacramento, CA 95814

The Honorable Robert Rivas
Speaker of the Assembly
1021 O St., Ste. 8330
Sacramento, CA 95814

The Honorable Eduardo Garcia
Assemblymember, 36th District
1021 O St., Ste. 8120
Sacramento, CA 95814

Re: Small Groundwater Sustainability Agency Bond Priorities

Dear Governor Newsom, Senate Pro Tem McGuire, Assembly Speaker Rivas, Senator Allen, and Assemblymember Garcia:

We, the undersigned Groundwater Sustainable Agencies (GSAs) representing a coalition of small GSAs in California, write in support of the effort to pass a general obligation bond this year to fund water and climate resilience to protect the future of our state. Currently there are two natural resources bonds moving through the legislative process: AB 1567 (E. Garcia, et al) and SB 867 (Allen, et al.), both of which dedicate funding to projects that further the sustainability of groundwater resources which is urgently needed given the enormity of the problem.

GSAs across the state are working hard to implement the Sustainable Groundwater Management Act (SGMA), and SGMA implementation funding from the Department of Water Resources has been critical to establishing a pathway to success. However, DWR is currently out of funding for SGMA implementation grants and last year's round of implementation funding was oversubscribed by nearly \$600 million, clear evidence of the need for additional state support. The success of SGMA is a shared state-local responsibility and a bond is needed to keep us on track.

GSAs, akin to the groundwater basins they are established to manage, range in size and capacity. Some GSAs manage basins, sub-basins, or portions thereof that have small groundwater yields, with those signed onto this letter managing pumping yields of less than 10,000 acre-feet a year. The ability of these small, under-resourced GSAs to assess fees on users is difficult as we are challenged to spread

the cost across the low volume of groundwater pumpers. Accordingly, despite being extremely cost-conscious and careful in staffing our agencies, it is a financial struggle for GSAs managing very small basins to comply with the requirements of SGMA. Our budgets and capabilities to construct competitive grant applications are also challenged as can be seen in the DWR's Round 2 funding determinations. Several small GSA applicants missed out on funding by one point, frustrating for any applicant but even more critical for small GSAs that depend on these grants to keep operations going.

We are grateful for the hard work and dedication that has gone into the climate resilience bonds to date and for the ongoing leadership all of you have demonstrated in funding programs that position California to respond to the threat of climate change. Now is the time to craft and support a bond to put before the California voters in November so that we can build our groundwater resilience today to prepare for the challenges of tomorrow.

Sincerely,

Ann DuBay
Community & Government Affairs
Sonoma Water

Sierra Ryan
Water Resources Manager
Santa Cruz County GSAs

Piret Harmon
General Manager
Salinas Valley GSA

Castulo Estrada
Utilities Manager
City of Coachella

Erik Cadaret
General Manager
Ukiah Valley Basin GSA

Bill Keene
Administrator
Sonoma Valley GSA

Bryan Bondy
Executive Director
Upper Ventura River GSA
Mound Basin GSA

Julia Aranda
General Manager
Ojai Basin Groundwater
Management Agency

Marcus Trotta
Plan Manager
Petaluma Valley GSA
Sonoma Valley GSA

**UVRGA Field
Monitoring Program
Presentation at the
Upcoming April 4, 2024
Ventura Watershed
Council Meeting**

UVRGA's Executive Director and consultants are scheduled to present a summary of UVRGA's groundwater, surface water, aquatic groundwater dependent ecosystem (GDEs), and riparian GDE field monitoring programs. This is a opportunity to learn about these exciting programs and the data that has been collected thus far in the Upper Ventura River Valley Basin.

For more information about the meeting, please visit:
<https://venturawatershed.org/>

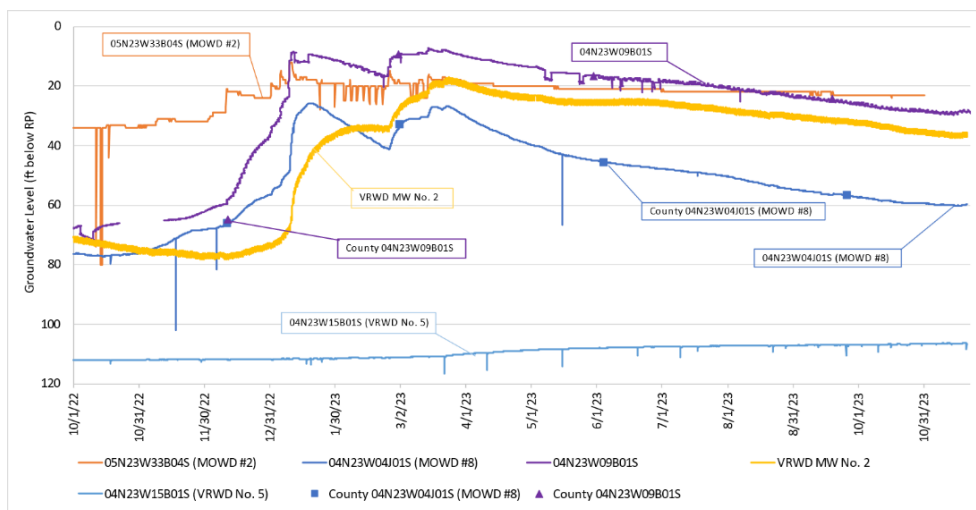


*Stream Gauging on the Ventura River
near Camino Cielo Road.*

UVRGA's Field Monitoring Programs In Focus

Pursuant to its adopted Groundwater Sustainability Plan (GSP or Plan), UVRGA operates five field monitoring programs to collect data necessary for Plan implementation. These five field monitoring programs include:

- **Groundwater Level Monitoring:** UVRGA currently maintains continuous groundwater level recording devices in eight wells and obtains continuous data from owners of three additional wells. UVRGA is currently working on adding four wells to the groundwater level monitoring network. The data are used to help understand basin dynamics, evaluate groundwater and surface water interaction, calibrate the Basin groundwater model, and implement the chronic lowering of groundwater levels and groundwater storage sustainable management criteria (SMC) included in the GSP.



*Selected Groundwater Levels During Water Year 22/23
Showing Rapid Rise Following Storms in Early 2023*

- **Streamflow Measurements:** UVRGA currently maintains dry weather stream gages at three locations and obtains data from others for six additional locations within or adjacent to the Upper Ventura River Valley Basin. The data are used to help understand basin dynamics, evaluate groundwater and surface water interaction, calibrate the Basin groundwater model, and implement the depletions of interconnected surface water SMC included in the GSP.



Visual Streamflow Monitoring of Ventura River at Santa Ana Blvd. In Feb. 2023



Aquatic Habitat Mapping in Ventura River.

Upcoming UVRGA Board Meetings

The UVRGA Board of Directors scheduled its 2024 Regular Board meetings on the second Thursday of each month at 1:00 PM. The next scheduled regular meeting is March 14, 2024. Special meetings are also scheduled on as-needed basis. The UVRGA Board meets at the Ventura River Water District located at 409 Old Baldwin Road, Ojai, CA 93023.

For the latest updates concerning Board meetings, please visit:
<https://uvrgroundwater.org/public-meetings/>

- **Visual Streamflow Monitoring:** UVRGA performs monthly visual monitoring of the Ventura River to document locations of flowing and dry reaches within the Upper Ventura River Valley Basin. The data are used to help understand basin dynamics, evaluate groundwater and surface water interaction, and calibrate the Basin groundwater model.
- **Riparian Groundwater Dependent Ecosystem (GDE) Monitoring:** UVRGA periodically collects aerial orthoimagery via drone and couples that with satellite-based vegetation and moisture indices (NDVI and NDMI) to assess changes in riparian vegetation health and distribution in the two riparian GDE areas identified in the GSP.



*Aerial Imagery of Foster Park Riparian GDE Area
December 2022, March 2023, and July 2023*

- **Aquatic GDE Monitoring:** UVRGA performs periodic aquatic habitat mapping, fish stranding and mortality surveys, habitat suitability surveys, snorkel surveys, water quality monitoring, and aerial and ground photography in the two aquatic GDE areas identified in the GSP. The data are used to assess performance of the depletions of interconnected surface water SMC included in the GSP for the Foster Park Aquatic GDE area and to determine if SMC are needed for the Confluence Aquatic GDE area.

Annual data summaries are available on UVRGA website at <https://uvrgroundwater.org/sgma-overview/>

Stay Informed

If you haven't already, please join our interested parties list at:
<https://uvrgroundwater.org/join-interested-parties-list/>.

UPPER VENTURA RIVER GROUNDWATER AGENCY Item No. 5(a)

DATE: March 14, 2024

TO: Board of Directors

FROM: Executive Director and Treasurer

SUBJECT: Fiscal Year 2023/2024 Mid-Year Budget Report and Mid-year Budget Modifications

SUMMARY

The mid-year budget report and proposed mid-year budget modifications are enclosed (Attachment A). The balance sheet and statement of cash flows as of December 31, 2023 are also provided (Attachments B and C, respectively). The following is a summary of the budget status and recommended budget modifications.

- Income: Groundwater extraction fee income was 98% of budget at mid-year because the Member Agency pumpers were billed for the entire fiscal year upfront in July 2023. The balance of the budget is the private pumper extraction fees which have not been invoiced yet. Invoicing of the private pumper extraction fees for quarters 1 and 2 is pending receipt of well meter photos from some non-exempt private well owners.
- Administrative Expenses: Minor budget modifications are proposed to address the lack of rent expenses and to reflect the actual insurance premium and California Special District Association dues paid.
- Professional Services Fees: Audit actuals are 0% because work on the audit did not result in any invoicing prior to December 31, 2023. No budget modifications are proposed.
- Capital Projects: The capital project budget is for progress work on new monitoring wells and a stream gage. No expenditure was made during the first and second quarters. Stream gaging is being addressed as part of the existing riparian GDE monitoring programs. In addition, considerable progress was made on obtaining access to monitoring existing private wells instead of drilling dedicated monitoring wells. It is proposed that the capital project budget for the current year be reduced to the anticipated costs for retrofitting two private wells to facilitate groundwater level monitoring. Unused budget can be transferred to reserve at yearend.

RECOMMENDED ACTIONS

1. Receive and file the 2nd quarter budget report.
2. Approve the proposed mid-year budget modifications.

BACKGROUND

The Fiscal Year 2023/2024 budget was adopted on May 11, 2023.

FISCAL SUMMARY

Please see Summary and attachments.

ATTACHMENTS

- A. 2nd Quarter Budget Report and Proposed Mid-Year Budget Modifications
- B. 2nd Quarter Balance Sheet
- C. 2nd Quarter Statement of Cash Flows

Action: _____

Motion: _____ Second: _____

B. Kuebler__ P. Kaiser__ A. Anselm__ J. Kentosh__ J. Tribo__ V. Crawford__ E. Ayala__

Upper Ventura River Groundwater Agency
Profit Loss Budget vs. Actual
July 2022 through December 2023

	Jul - Dec 23	Adopted Annual Budget	% of Annual Budget	Budget Remaining	% of Annual Budget Remaining	Proposed Mid-Year Budget Update	Comments
Ordinary Income/Expense							
Income							
Interest/Penalties	\$ -	\$ -	N/A	\$ -	N/A		
43000 · Groundwater Extraction Fee	\$ 459,454	\$ 469,091	98%	\$ 9,637	2%	\$ 469,091	Ahead of budget because member agencies are billed for entire year at beginning of fiscal year. July-December 2022 private well extraction billing in progress.
Total Income	\$ 459,454	\$ 469,091	98%			\$ 469,091	
Expense							
55000 · Administrative Exp							
55005 · Rent Expense	\$ -	\$ 2,146	0%	\$ 2,146	100%	\$ -	VRWD is providing meeting room at no charge.
55011 · Computer Maintenance	\$ -	\$ 550	0%	\$ 550	100%	\$ 550	
55015 · Postage & Shipping	\$ -	\$ 112	0%	\$ 112	100%	\$ 112	
55020 · Office Supplies & Software	\$ 242	\$ 550	44%	\$ 308	56%	\$ 308	
55025 · Minor Equipment	\$ -	\$ 276	0%	\$ 276	100%	\$ 276	
55035 · Advertising and Promotion	\$ -	\$ 1,604	0%	\$ 1,604	100%	\$ 1,604	Public notices for fee adoption forthcoming.
55055 · Insurance Expense-SDRMA	\$ 3,843	\$ 4,961	77%	\$ 1,118	23%	\$ 3,843	Update based on actual cost.
55060 · Memberships-CSDA	\$ 1,906	\$ 1,764	108%	\$ (142)	-8%	\$ 1,906	Update based on actual cost.
Total 55000 · Administrative Exp	\$ 5,991	\$ 11,963	50%	\$ 5,972	50%	\$ 8,599	
58000 · Professional Fees							
58005 · Executive Director /GSP Manager	\$ 18,271	\$ 37,464	49%	\$ 19,193	51%	\$ 19,193	
58010 · Legal Fees	\$ 11,328	\$ 37,464	30%	\$ 26,136	70%	\$ 26,136	
58015 · Website	\$ 1,495	\$ 3,206	47%	\$ 1,711	53%	\$ 1,711	
58020 · Accounting	\$ 8,457	\$ 17,658	48%	\$ 9,201	52%	\$ 9,201	
58040 · Audit Expense	\$ -	\$ 14,985	0%	\$ 14,985	100%	\$ 14,985	Audit expenses hit books in Q3.
58050 · Other Professional Services	\$ 120,533	\$ 340,768	35%	\$ 220,235	65%	\$ 220,235	Bulk of annual report expenses hit in Q3.
Total 58000 · Professional Fees	\$ 160,086	\$ 451,545	35%	\$ 291,459	65%	\$ 291,459	
Total Expense	\$ 166,077	\$ 463,508	36%	\$ 297,431	64%	\$ 300,058	
Net Ordinary Income	\$ 293,378	\$ 5,583	5255%	\$ (287,795)	-5155%	\$ 169,033	
Other Income/Expense							
Other Expense							
Capital Projects							
Capital Project-Mon. Well & Str	\$ -	\$ 75,000	0%	\$ 75,000	100%	\$ 20,000	Retrofit two existing wells for monitoring instead of obtain right-of-way for construction of two monitoring wells.
Captal Projects- Contingency	\$ -	\$ 7,500	0%	\$ 7,500	100%	\$ -	
Total Capital Projects	\$ -	\$ 82,500	0%	\$ 82,500	100%	\$ 20,000	
Contingency - Non Capital Exp	\$ -	\$ 45,155	0%	\$ 45,155	100%	\$ 45,155	
Total Other Expense	\$ -	\$ 127,655	0%	\$ 127,655	100%	\$ 65,155	
Net Other Income	\$ -	\$ (127,655)	0%	\$ (127,655)	100%	\$ (65,155)	
Net Income	<u>\$ 293,378</u>	<u>\$ (122,072)</u>	<u>-240%</u>	<u>\$ (415,450)</u>	<u>340%</u>	<u>\$ 103,878</u>	

Upper Ventura River Groundwater Agency

Balance Sheet

As of December 31, 2023

	<u>Dec 31, 23</u>
ASSETS	
Current Assets	
Checking/Savings	
Bank of the Sierra	498,378.31
Total Checking/Savings	498,378.31
Accounts Receivable	
11000 · Accounts Receivable	231,088.00
Total Accounts Receivable	231,088.00
Total Current Assets	729,466.31
TOTAL ASSETS	<u>729,466.31</u>
LIABILITIES & EQUITY	
Equity	
32000 · Retained Earnings	436,088.63
Net Income	293,377.68
Total Equity	729,466.31
TOTAL LIABILITIES & EQUITY	<u>729,466.31</u>

Upper Ventura River Groundwater Agency

Statement of Cash Flows

July through December 2023

	<u>Jul - Dec 23</u>
OPERATING ACTIVITIES	
Net Income	293,377.68
Adjustments to reconcile Net Income	
to net cash provided by operations:	
11000 · Accounts Receivable	-229,297.20
11000 · Accounts Receivable:11001 · DWR Grant Retention 10%	63,006.06
Vendor Credit	240.21
13000 · Prepaid Expenses	625.00
27000 · Accrued Expenses Payable	-23,258.34
Net cash provided by Operating Activities	<u>104,693.41</u>
Net cash increase for period	104,693.41
Cash at beginning of period	393,684.90
Cash at end of period	<u><u>498,378.31</u></u>

UPPER VENTURA RIVER GROUNDWATER AGENCY Item No. 6(a)

DATE: March 14, 2024

TO: Board of Directors

FROM: Executive Director

SUBJECT: Well Registration and Flowmeter Compliance Update

SUMMARY

The purpose of this item is to update the Board on well registration and flowmeter compliance.

Well Registration Status

On September 16, 2022, letters were mailed to the owners of all parcels on which County of Ventura records indicate a potentially active well is present (i.e., any well with a County-noted status other than “destroyed”). The letters explained the new ordinance, including the well registration requirements, and provided instructions for registering wells and providing flowmeter documentation. A total of 116 letters were mailed addressing 188 potentially active wells identified in County records.

Based on calls from several former landowners in September 2022, it was suspected that fifty-one wells had out-of-date contact information on initial registration request letters. The Executive Director received updated contact information for the landowners of these wells from the Ventura County Assessor. Comparison of the original and new assessor data revealed that twenty-three of the fifty-one wells had different contact information and new registration request letters were mailed in late September 2023. The remaining twenty-eight wells had the same contact information and registration follow-up letters (i.e., “2nd request” letters) were mailed in late September 2023. As of February, 2024, thirty-nine of the fifty-one wells that received letters in September 2023 remain unregistered. In mid-February, “2nd request” letters were sent to eighteen owners and “3rd request” letters were sent to twenty-one owners. Table 1 summarizes the updated registration status as of March 7, 2024. Attachment A provides a more detailed breakdown of the registration status.

Table 1. Well Registration Status Summary

Category	Jan. Status (# of wells)	Mar. Status (# of wells)	Change (# of wells)	Comment
Registration Not Required	77	79	+2	
Registered	72	76	+4	
Wells Pending Further Evaluation	39	33	-6	
Totals	188	188	0	

Flowmeter Compliance

UVRGA Ordinance No. 1 requires that all wells that are not inactive or deemed exempt be equipped with flowmeters. Exemptions are provided for any well that extract less than 2 acre-feet per year (AFY).

Operators of non-exempt wells were required to install flowmeters and provide proof of flowmeter calibration within a range of plus or minus 5% by June 30, 2023. The proof of calibration for wells that extract 100 or more AFY must be less than 3 years old. Proof of calibration for wells that extract less than 100 AFY must be less than five years old.

Twenty-seven of the seventy-five registered wells are non-exempt. Table 2 summarizes flowmeter calibration compliance status of the non-exempt wells as of March 7, 2024.

Table 2. Flowmeter Calibration Compliance Summary

Acre-Feet Per Year	Well Count	Active Well In Compliance	Active Well Out of Compliance	Well Not Operational (Well on standby or pending repairs)
>=100	10	6	2 ⁽¹⁾	2 ⁽²⁾
<100	17	13	1 ⁽³⁾	3 ⁽⁴⁾
Totals	26	17	3	6
Notes: (1) Two wells owned by the same entity. Staff has followed up six times since the June 30, 2023 due date. Owner says flowmeter calibration testing is scheduled for March 13, 2024. (2) Includes two wells that are pending repairs. Proof of meter calibration is required prior to bringing wells back into service. (3) Includes one well registered on November 13, 2023. Executive Director followed-up re: meter installation on January 6, 2024 and March 7, 2024. Owner says flowmeter was installed recently. Just waiting on paperwork. (4) Includes one well that is on standby and two wells that are pending repairs. Proof of meter calibration is required prior to bring wells back into service.				

Enforcement

The Executive Director has been following up with well owners concerning unregistered wells and flowmeter non-compliance. However, these efforts appear to be reaching a point of diminishing returns and represent an ongoing cost. As such, the Board may consider directing staff to notify noncompliant well owners that UVRGA will begin accruing civil penalties effective a date to be determined by the Board. The following table provides options for consideration.

Table 3. Possible Enforcement Options

Group No.	Status Description	Count of Wells	Civil Penalty Accrual Start Date	Civil Penalty Amount^{1,2}
1	Has not responded to the September 2022, September 2023, and February 2024 well registration request letters.	18	5/1/24	\$50/day
2	Has not responded to the September 2023 and February 2024 well registration request letters. (Note: this group did not receive the initial well registration request letters in September 2022 because of outdated owner contact information.)	15	6/1/24 (after issuing one more letter in April)	\$50/day
3	Registered wells in a timely manner in October 2022 but has not submitted proof of flowmeter calibration. Six follow-up attempts have been made. Owner says flowmeter calibration testing is scheduled for March 13, 2024.	2 (same owner)	5/1/24	\$50/day
4	Registered well late (in January 2024) after second registration request mailed in September 2023, but lacked a flowmeter. Owner says flowmeter was installed recently. Just waiting on paperwork.	1	5/1/24	\$50/day
Notes: (1) UVRGA's Ordinance provides for civil penalties in an amount up to \$1,000 per day. (2) The Board may also consider a one-time fine of up to \$500 fine for intentional violations. Well registration violations may possibly be considered intentional in cases where the Executive Director knows the well owner received the well registration request letter because the owner called or emailed about the letter. For flowmeter compliance, all may potentially be considered intentional because the Executive Director has been in communication with the owners.				

FISCAL SUMMARY

Not applicable.

RECOMMENDED ACTIONS

Receive an update on well registration and flowmeter compliance. The Board may provide feedback or direction to staff concerning compliance and/or penalties for non-compliance.

BACKGROUND

The Groundwater Well Registration, Metering, and Extraction Reporting Ordinance was adopted on July 14, 2022 and became effective August 14, 2022.

ATTACHMENTS

A. Well Registration Status Table

Action: _____

Motion: _____

P. Kaiser _ B. Kuebler _ A. Anslem _ E. Ayala _ V. Crawford _ J. Tribo _ J. Kentosh _

Item 6(a), Attachment A
Well Registration Status (updated 3/7/24)

Status	Count	Comment
Registration Not Required		
<ul style="list-style-type: none"> Confirmed destroyed, abandoned, or inactive based on conversation with landowner and/or information provided by landowner 	48	No further action required.
<ul style="list-style-type: none"> Suspected destroyed, abandoned, or inactive based on County records or information previously compiled by Larry Rose 	26	No further action proposed.
<ul style="list-style-type: none"> Dedicated monitoring well 	4	
<ul style="list-style-type: none"> Well is actually a surface water diversion 	1	
Subtotal Registration Not Required	79	
Registered		
<ul style="list-style-type: none"> Registration form received 	76	
Subtotal Registered	76	
Wells Pending Further Evaluation		
<ul style="list-style-type: none"> Has not responded to registration requests in September 2022, September 2023, and February 2024 (confirmed ownership per latest Assessor data is same as that used on initial registration request mailing) 	18	Twenty-eight 2 nd request letters were mailed in late September 2023. Twenty-one 3 rd request letters were mailed in mid-February 2024.
<ul style="list-style-type: none"> Ownership per latest Assessor data is different than used on initial registration request mailing in September 2022. Did not respond to September 2023 and February 2024 registration requests. 	15	Twenty-three initial request letters were mailed to updated contacts in late September 2023. Eighteen 2 nd request letters were mailed in mid-February 2024.
Subtotal Not Registered	33	
Total	188	

UPPER VENTURA RIVER GROUNDWATER AGENCY Item No. 6(b)

DATE: March 14, 2024

TO: Board of Directors

FROM: Executive Director

SUBJECT: Approve Water Year 2022/2023 Annual Report

SUMMARY

Groundwater Sustainability Agencies (GSAs) are required to submit annual reports to the Department of Water Resources (DWR) by April 1 of each year following adoption of the Groundwater Sustainability Plan (GSP). The third annual report includes data collected during water year 2022/2023 (October 1, 2022 through September 30, 2023).

The annual report was prepared by Intera, Inc. in collaboration with the Executive Director to meet the regulatory reporting requirements (please see Background and Attachment A for more information).

The draft annual report is available for review at: <https://uvrgroundwater.org/wp-content/uploads/2024/03/DRAFT-UVR-AR-2024-03-06.pdf>.

No major issues were identified during preparation of the annual report. No minimum thresholds were exceeded during the reporting period, all five-year interim milestones were met, and all but one measurable objective was met. In response to above average rainfall, groundwater levels rose significantly filling up the Basin. The increase in groundwater storage between spring 2022 and spring 2023 was approximately 12,000 acre-feet.

The Executive Director will be happy to answer any questions about the report during the Board meeting.

RECOMMENDED ACTIONS

Approve the Annual Report for Water Year 2022/2023 for submittal to DWR.

BACKGROUND

After adopting a GSP, GSAs are required to submit annual reports to the DWR pursuant to §356.2 of the GSP Emergency Regulations each year by April 1. The annual report requirements are detailed in the excerpt of the GSP Emergency Regulations included in Attachment A and as summarized below:

- Executive summary
- Basin location map

- Description and graphical representation of the following data from the applicable water year:
 - Groundwater elevation data (contour maps and hydrographs)
 - Groundwater extractions from the Basin
 - Surface water supplies to the Basin
 - Total water use in the Basin
 - Change in Basin groundwater storage
- Description of progress toward implementing the Plan:
 - Status relative to sustainable management criteria
 - Implementation of projects or management actions

FISCAL SUMMARY

None.

ATTACHMENTS

A. GSP Emergency Regulations Excerpt

Action: _____

Motion: _____

B. Kuebler_ J. Kentosh_ P. Kaiser_ J. Tribo_ A. Anselm_ V. Crawford_ E. Ayala_

ARTICLE 7. Annual Reports and Periodic Evaluations by the Agency

§ 356. Introduction to Annual Reports and Periodic Evaluations by the Agency

This Article describes the procedural and substantive requirements for the annual reports and periodic evaluation of Plans prepared by an Agency.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Section 10733.2, Water Code.

§ 356.2. Annual Reports

Each Agency shall submit an annual report to the Department by April 1 of each year following the adoption of the Plan. The annual report shall include the following components for the preceding water year:

(a) General information, including an executive summary and a location map depicting the basin covered by the report.

(b) A detailed description and graphical representation of the following conditions of the basin managed in the Plan:

(1) Groundwater elevation data from monitoring wells identified in the monitoring network shall be analyzed and displayed as follows:

(A) Groundwater elevation contour maps for each principal aquifer in the basin illustrating, at a minimum, the seasonal high and seasonal low groundwater conditions.

(B) Hydrographs of groundwater elevations and water year type using historical data to the greatest extent available, including from January 1, 2015, to current reporting year.

(2) Groundwater extraction for the preceding water year. Data shall be collected using the best available measurement methods and shall be presented in a table that summarizes groundwater extractions by water use sector, and identifies the method of measurement (direct or estimate) and accuracy of measurements, and a map that illustrates the general location and volume of groundwater extractions.

(3) Surface water supply used or available for use, for groundwater recharge or in-lieu use shall be reported based on quantitative data that describes the annual volume and sources for the preceding water year.

(4) Total water use shall be collected using the best available measurement methods and shall be reported in a table that summarizes total water use by water use sector, water source type, and identifies the method of measurement (direct or estimate) and accuracy of measurements. Existing water use data from the most recent Urban Water Management Plans or Agricultural Water Management Plans within the basin may be used, as long as the data are reported by water year.

(5) Change in groundwater in storage shall include the following:

(A) Change in groundwater in storage maps for each principal aquifer in the basin.

(B) A graph depicting water year type, groundwater use, the annual change in groundwater in storage, and the cumulative change in groundwater in storage for the basin based on historical data to the greatest extent available, including from January 1, 2015, to the current reporting year.

(c) A description of progress towards implementing the Plan, including achieving interim milestones, and implementation of projects or management actions since the previous annual report.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Sections 10727.2, 10728, and 10733.2, Water Code.

§ 356.4. Periodic Evaluation by Agency

Each Agency shall evaluate its Plan at least every five years and whenever the Plan is amended, and provide a written assessment to the Department. The assessment shall describe whether the Plan implementation, including implementation of projects and management actions, are meeting the sustainability goal in the basin, and shall include the following:

(a) A description of current groundwater conditions for each applicable sustainability indicator relative to measurable objectives, interim milestones and minimum thresholds.

(b) A description of the implementation of any projects or management actions, and the effect on groundwater conditions resulting from those projects or management actions.

(c) Elements of the Plan, including the basin setting, management areas, or the identification of undesirable results and the setting of minimum thresholds and measurable objectives, shall be reconsidered and revisions proposed, if necessary.

(d) An evaluation of the basin setting in light of significant new information or changes in water use, and an explanation of any significant changes. If the Agency's evaluation shows that the basin is experiencing overdraft conditions, the Agency shall include an assessment of measures to mitigate that overdraft.

(e) A description of the monitoring network within the basin, including whether data gaps exist, or any areas within the basin are represented by data that does not satisfy the requirements of Sections 352.4 and 354.34(c). The description shall include the following:

(1) An assessment of monitoring network function with an analysis of data collected to date, identification of data gaps, and the actions necessary to improve the monitoring network, consistent with the requirements of Section 354.38.

(2) If the Agency identifies data gaps, the Plan shall describe a program for the acquisition of additional data sources, including an estimate of the timing of that acquisition, and for incorporation of newly obtained information into the Plan.

(3) The Plan shall prioritize the installation of new data collection facilities and analysis of new data based on the needs of the basin.

(f) A description of significant new information that has been made available since Plan adoption or amendment, or the last five-year assessment. The description shall also include whether new information warrants changes to any aspect of the Plan, including the

UPPER VENTURA RIVER GROUNDWATER AGENCY Item No. 6(c)

DATE: March 14, 2024

TO: Board of Directors

FROM: Executive Director

SUBJECT: State Well No. 04N23W32C03S Modifications to Facilitate Groundwater Level Monitoring by UVRGA

SUMMARY

The UVRGA GSP identified five groundwater level monitoring data gaps (Data Gaps “A” through “E”) (please see map in Attachment A of Item No. 3). State Well No. 04N23W32C03S, located near Data gap “D”, is an active private agricultural well. In December 2023, the Executive Director obtained access from the well owner to monitor the well. However, there is no physical access to the interior of the well for installation of groundwater level monitoring equipment. The well owner has agreed to allow UVRGA to retrofit the wellhead and install a sounding tube to house UVRGA’s downhole monitoring device subject to two conditions. First the retrofit work must be performed by the contractor who has worked on the well in the past (Layne). Second UVRGA must pay for the work.

The Executive Director met with the property owner’s representative and Layne in February to discuss the work. Subsequently, Layne submitted a proposal and terms and conditions for UVRGA consideration (Attachment A). The estimated cost to retrofit the well is \$13,953.84. The Executive Director confirmed with Layne that prevailing wages are included, as the \$1,000 threshold for prevailing wages is exceeded. Based on the Executive Director’s experience with similar projects, the proposal is reasonable. The cost is greater than for well 04N23W20A01S (Agenda Item 6(d)) because the pump must be removed to install the sounding tube.

RECOMMENDED ACTIONS

Approve Layne’s proposal and terms and conditions to modify State Well No. 04N23W32C03S in an amount not-to-exceed is \$14,000 and \$1,400 contingency to be authorized at the discretion of the Executive Director.

FISCAL SUMMARY

If approved the State Well No. 04N23W32C03S retrofits will facilitate groundwater level monitoring which will address data gap area “D” identified in the GSP. Doing so will avoid \$100-\$200K in estimated capital expenses to drill a dedicated monitoring well.

ATTACHMENTS

A. Layne Proposal and Terms and Conditions

Action: _____

Motion: _____

B. Kuebler_ J. Kentosh_ P. Kaiser_ J. Tribo_ A. Anselm_ V. Crawford_ E. Ayala_

Date: March 5, 2024
Written By: Brandon OBAR
Quote No.: 030124BOCR-100
Phone: 909-649-6529
Email: brandon.obar@gcinc.com
Project Address: 9806 Santa ana Rd
 Ventura , Ca 93001

	Sub-Total	\$13,749.79
7.25%	Sales Tax	\$204.05
	Total	\$13,953.84

Prices are good for 30 days from date of proposal

Date _____

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Item 6(c), Attachment A

TERMS AND CONDITIONS

LIABILITY OF CONTRACTOR: *Contractor shall not be liable for any bodily injury, death, or injury to or destruction of tangible property except as the same may have been caused by the negligence of Contractor. In no event shall Contractor be liable for any delays or special, indirect, incidental or consequential damages. Purchaser agrees that the total limit of Contractor's liability (whether based on negligence, warranty, strict liability or otherwise) hereunder, shall not exceed the aggregate amount due Contractor for services rendered under this contract. All claims, including claims for negligence or any other cause whatsoever, shall be deemed waived unless made in writing and received by Contractor within one (1) year after Contractor's completion of work hereunder.*

INSURANCE: Contractor shall provide workers' compensation insurance, public liability and property damage insurance covering its employees and operation. Purchaser, at its option, may maintain such insurance as will protect it against claims arising out of the work.

REIMBURSABLE COST: In addition to the hourly charge provided on the face of this contract, Purchaser will reimburse Contractor for travel and living expenses necessarily incurred by the Contractor in the performance of the work, minor incidental expenses such as overnight mail, telephone and petty cash expenditures necessarily incurred, cost of removal of all debris if so directed by Purchaser, sales, consumer, use and similar taxes required by law and the cost of permits and all licenses necessary for the execution of the work. The foregoing costs shall be billed at actual cost plus fifteen percent (15%) unless otherwise agreed upon.

PRICE ADJUSTMENT: Any cost estimates or time frames stated herein are subject to equitable adjustment in the event of differing or unforeseeable conditions, changes in applicable laws after the date of this contract, unforeseeable delays or difficulties caused by acts of God, Purchaser or any third parties. Prices of goods acquired by Contractor from others shall be adjusted to reflect Contractor's price in effect at time of shipment. The price of Contractor's goods will be adjusted to the price in effect at time of shipment in accordance with Contractor's current escalation policies or as specifically covered in this contract.

TERMS: Thirty (30) days net from date of invoice. For extended projects, Contractor shall submit invoices on a monthly basis for any and all work completed and materials or equipment provided during the previous month. Past due invoices shall be subject to a delinquency charge of one and one-half percent (1-1/2%) per month (eighteen percent (18%) per annum) unless a lower charge is required under applicable law, in which case the lower rate shall apply. Purchaser agrees to pay all collection fees, attorneys' fees and costs incurred in the collection of any past due amounts arising out of this contract. Contractor shall have the right to immediately terminate this contract without further liability if Purchaser fails to make timely payment or otherwise materially breaches this contract.

MATERIAL SHORTAGES AND COST INCREASES: If any portion of materials or equipment which Contractor is required to furnish becomes unavailable, either temporarily or permanently, through causes beyond the control and without the fault of Contractor, then in the case of temporary unavailability any completion time frames shall be extended for such period of time as Contractor shall be delayed by such above-described unavailability, and in the case of permanent unavailability Contractor shall be excused from the requirement of furnishing such materials or equipment. Purchaser agrees to pay Contractor any increase in cost between the cost of the materials or equipment which have become permanently unavailable and the cost of the closest substitute which is then reasonably available.

DELAYS: If Contractor is delayed at any time in the progress of work by labor disputes, fire, unusual delays in transportation, unavoidable casualties, weather, or any cause beyond Contractor's reasonable control, then any completion time frames shall be extended by a reasonable period of time, at least equal to the period of delay.

CHANGED CONDITIONS: The discovery of any hazardous waste, substances, pollutants, contaminants, underground obstructions or utilities on or in the job site which were not brought to the attention of Contractor prior to the date of this contract will constitute a materially different site condition entitling Contractor, at its sole discretion to immediately terminate this contract without further liability.

ESCALATION: This contract is made with the understanding that Contractor will be able to begin and continuously proceed with its work on or before the proposed start date on the reverse side hereof. In the event Contractor is unable to commence its work on or before said date because the project is not ready for Contractor's work, Contractor will charge Purchaser the amount of increase in Contractor's cost attributable to such delay, plus Contractor's normal overhead percentage.

GUARANTEE AND LIABILITY: Contractor warrants that its labor supplied hereunder shall be free from defect and shall conform to the standard of care in effect in its industry at the time of performance of such labor for a period of twelve (12) months after substantial completion of Contractor's work. Contractor agrees, to the extent it is permitted, to pass on any warranties provided by the manufacturers of materials and/or equipment furnished under this contract. Contractor itself provides no warranty, express, implied or otherwise, on any such materials or equipment. Contractor will not be responsible for: work done, material or equipment furnished or repairs or alterations made by others.

For any breach hereunder, Contractor shall be liable only for the value of the installation work or, if it wrongfully fails to install, then its liability is limited to the difference between the contract price herein, and the value of other similar installation work. If Contractor's breach damages any materials or equipment furnished hereunder, Contractor shall only be liable for the value of such materials or equipment. Under no circumstances will Contractor be liable for consequential, special or indirect damages, including without limitation, any crop loss or damage, damage to other equipment, structures or property, nor for any other similar or dissimilar damages or losses whether due to delay, failure to furnish or install, delay in installation, defective material or equipment, defective workmanship, defective installation, delay in replacing, nor for any cause or breach whatsoever. In any event, Contractor's total liability towards Purchaser for alleged faulty performance or nonperformance under this contract shall be limited to the total contract price. No materials, equipment or services contracted herein carries any guarantee not mentioned in this contract. THE ABOVE WARRANTY IS IN LIEU OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, WHICH ARE HEREBY DISCLAIMED.

TITLE AND OWNERSHIP: In case of default on Purchaser's part, Contractor shall have the right to enter the premises upon which any material or equipment furnished herein have been installed and retake such goods not then paid for and pursue any further remedy provided by law, including recovery of attorneys' fees and any deficiency to the maximum extent and in the manner provided by law. Such materials and equipment shall retain their character as personal property of Contractor until payment in full is received by Contractor, regardless of their mode of attachment. Unless prior specific written instructions are received to the contrary, surplus and replaced materials and equipment resulting from repair or installation work shall become the property of Contractor.

DELIVERY: Shipment schedules and dates, expressed or implied, are contingent on normal conditions. Contractor will not be responsible for any delays in shipment or completion caused by factors beyond its control such as, but not limited to, suppliers' failures, accidents, work stoppages or operation of or changes in the law. Shipments will be made as promptly as Contractor's ability to obtain materials and/or equipment and scheduling will permit. No delay in shipments or variances from shipping schedule shall be cause of cancellation or any claim for damage. Any changes in layout or design requested after acceptance of this contract will be made at Purchaser's additional cost. Any such change and/or time taken to supply engineering data or to approve drawings will automatically extend shipping schedules. Equipment will be shipped "knocked down" to the extent Contractor considers necessary, with small parts stripped from equipment and crated. On and after delivery to the carrier for transportation to the Purchaser's site, Purchaser shall be responsible for all loss or damage to materials or equipment due to any cause, including but not limited to loss or damage resulting from casualty.

INDEMNIFICATION: *Purchaser agrees to indemnify and hold Contractor, its directors, officers, stockholders, employees, agents and subcontractors, harmless from and against any and all claims, demands, causes of action (including third party claims, demands or causes of action for contribution or indemnification), liability and costs (including attorneys' fees and other costs of defense) asserted and/or filed by Purchaser or any third party(ies), including without limitation Purchaser's employees, and arising out of or as a result of: (i) the presence of Contractor or its subcontractors at the job site, (ii) the work performed by Contractor or its subcontractors, or (iii) any negligent act or omission of Purchaser, its employees, agents, consultants, other contractors or any person or entity under Purchaser's control; except to the extent that such claims, demands, causes of action, liabilities or costs are caused by the negligence of Contractor or its subcontractors.*

INTERPRETATION: This contract shall be governed by and construed in accordance with the laws of the state of the job site location. If any term, provision or condition contained herein shall, to any extent, be invalid or unenforceable, pursuant to state law or otherwise, the remainder of the terms, provisions and conditions herein (or the application of such term, provision, or condition to persons or circumstances other than those in respect of which it is invalid or unenforceable) shall not be affected thereby, and each term, provision and condition of this contract shall be valid and enforceable to the fullest extent permitted by law.

ASSIGNMENT & SUBLETTING: Purchaser shall not have the right to transfer or assign its rights and/or obligations under this contract to any third party, related or unrelated, without the express written consent of Contractor. Contractor shall have the right to transfer, assign or sublet all or any portion of its rights or obligations hereunder, but such transfer, assignment or subletting shall not relieve Contractor from its full obligations to Purchaser unless such transfer, assignment or subletting is pursuant to the sale of Contractor, or the division of Contractor responsible for this contract, to a third party.

MISCELLANEOUS: The terms and conditions set forth herein constitute the entire understanding of the parties relating to the work to be performed, and materials and equipment to be provided, by Contractor for the Purchaser. All previous proposals, offers, and other communications relative to the provisions of the subject work, oral or written, are hereby superseded, except to the extent that they have been expressly incorporated herein. Any modifications or revisions of any provisions herein or any additional provisions contained in any purchase order, acknowledgment, or other form of the Purchaser are hereby expressly objected to by Contractor and shall not operate to modify this contract. This contract shall take effect upon acceptance and execution by both parties.

UPPER VENTURA RIVER GROUNDWATER AGENCY Item No. 6(d)

DATE: March 14, 2024

TO: Board of Directors

FROM: Executive Director

SUBJECT: State Well No. 04N23W20A01S Modifications to Facilitate Groundwater Level Monitoring by UVRGA

SUMMARY

The UVRGA GSP identified five groundwater level monitoring data gaps (Data Gaps “A” through “E”) (please see map in Attachment A of Item No. 3). UVRGA formerly monitored State Well No. 04N23W20A01S, but UVRGA lost access when the property was sold, resulting in Data gap “E” being included in the GSP. Subsequently, the new property owner granted access to resume groundwater level monitoring. However, the property owner installed a new pump in the well and the new wellhead did not have physical access for UVRGA to monitor groundwater levels in the well. The property owner agreed to retrofit the wellhead and install a sounding tube to house UVRGA’s downhole monitoring device. The well owner expressed a preference to have their contractor perform the retrofits and the Executive Director requested an and estimated so the UVRGA Board approval could be obtained. The well owner instead proceeded to perform the retrofits and is now requesting that UVRGA pay the contractor’s invoice. The retrofit was performed by SAR Construction at a cost of \$1,695.55 (Attachment A). The Executive Director confirmed with SAR Construction that prevailing wages were paid for this work, as the \$1,000 threshold for prevailing wages was exceeded. UVRGA installed a groundwater level monitoring device in the well on March 7, 2024.

RECOMMENDED ACTIONS

Approve payment of SAR Construction Invoice No. 22367 in the amount of \$1,695.55 for modification of State Well No. 04N23W20A01S to facilitate groundwater level monitoring.

FISCAL SUMMARY

If approved payment of the State Well No. 04N23W20A01S retrofits will facilitate groundwater level monitoring which will address data gap area “E” identified in the GSP. Doing so will avoid \$100-\$200K in estimated capital expenses to drill a dedicated monitoring well.

ATTACHMENTS

A. State Well No. 04N23W20A01S Retrofit Invoice

Action: _____

Motion: _____

B. Kuebler_ J. Kentosh_ P. Kaiser_ J. Tribo_ A. Anselm_ V. Crawford_ E. Ayala_

SAR CONSTRUCTION**5142 Hollister Ave. #104****Santa Barbara, CA 93111**stewart@sarconstruction.com

(805) 331-0845 LIC. 584595

(FAX) (805) 456-3898

INVOICE # 22367

DATE : 2/29/24

TO: UVR Groundwater Agency
 c/o Brian Bondy
 Meiners Oaks Water District
 202 W. El Roblar Drive
 Ojai, CA 93023

DESCRIPTION OF WORK DONE: Sounding Tube, 1000 Burnham

1/2/24, Drill hole in well seal, drill holes in pipe, installed 1-1/4" flush joint with sch 80 top F/A.

QTY	MATERIAL	PRICE	AMOUNT
1	100' PVC Flush Joint, plug all 1.25"		\$387.27
1	Drilling fluid, pipe wrap tape and Sch 80 FA		<u>\$41.69</u>
TOTAL MATERIALS -----			\$428.96

LABOR	HOURS	RATE	AMOUNT
Pulstar 12,000 well pump rig.		120.00	
SAR (Design, meetings, permitting)		145.00	
SAR (supervise, control work, research)	1	125.00	\$125.00
Plumber/Supervisor	1	109.00	\$109.00
Electrician/Supervisor		109.00	
Highly Skilled		83.00	
Skilled I	5	81.00	\$405.00
Skilled II/Office		79.00	
Skilled III		75.00	
Semi Skilled	5	69.00	\$345.00
General		63.00	
General		57.00	
TOTAL LABOR -----			\$984.00

TERMS-NET 15 DAYS. A FINANCE CHARGE
 OF 1.5% PER MONTH (18% PER ANNUM) WILL
 BE CHARGED ON UNPAID BALANCES.

T&M SUBTOTAL: \$1,412.96
 10% OVERHEAD: \$141.30
 10% PROFIT: \$141.30
GRAND TOTAL: \$1,695.55

UPPER VENTURA RIVER GROUNDWATER AGENCY Item No. 6(e)

DATE: March 14, 2024

TO: Board of Directors

FROM: Executive Director

SUBJECT: Rincon Consultants, Inc. Work Order No. 12 Amendment

SUMMARY

During the January Board meeting presentation on UVRGA's field monitoring programs, it was suggested that periodic vegetation mapping of the riparian groundwater dependent ecosystem areas (GDEs) identified in the GSP be performed to track increases in giant reed (*Arundo donax*). Executive Director Bondy said he would reach out to Ojai Valley Land Conservancy and Ventura Watershed Protection District to discuss whether there is an opportunity to collaborate on this. After reaching out, it was determined that neither entity currently has plans to conduct vegetation mapping.

After reviewing the suggestion with the GSP consultant team it was concluded that vegetation mapping of the riparian GDE areas would be beneficial to UVRGA because the amount of groundwater evapotranspiration in the riparian GDE areas is not well understood. The mapping would help constrain the surface area of vegetation that transpires groundwater, and the species data would help constrain the distribution of transpiration rates. Improved understanding of riparian transpiration of groundwater will help improve UVRGA's understanding of the Basin water balance and improve the calibration of the numerical model. In addition, data concerning giant reed will be useful when UVRGA begins the process of evaluating options to address indirect depletions of interconnected surface water, as giant reed removal may be considered as a potential project to address indirect depletions.

FISCAL SUMMARY

Extra costs for the proposed amendment are approximately \$8,333 per year, which can be accommodated by the operating contingency line item in the annual budgets.

RECOMMENDED ACTIONS

It is recommended that the Board approve a scope modification and budget increase for Rincon Consultants, Inc. Work Order No. 12 in the amount not-to-exceed \$22,743 for annual desktop mapping of the riparian groundwater dependent ecosystems with field verification to track changes in vegetation communities, including giant reed for water years 2023 through 2025. The recommended approval also includes \$2,257 in contingency to be authorized at the discretion of the Executive Director (\$25,000 total increase).

BACKGROUND

Rincon Consultant's Work Order No. 12 was approved by the Board on July 13, 2023. Rincon Consultant's Master Services Agreement with UVRGA became effective August 18, 2020.

ATTACHMENTS

A. Rincon Consultants, Inc Proposal

Action: _____

Motion: _____

P. Kaiser _ B. Kuebler _ A. Anslem _ E. Ayala _ V. Crawford _ J. Tribo _ J. Kentosh _



February 15, 2024
Project No: 20-10008

Attn: Bryan Bondy, Executive Director and GSP Manager
Upper Ventura River Groundwater Agency
202 West El Roblar Drive
Ojai, California 93023
Via Email: bbondy@uvrgroundwater.org

Subject: Amendment Request for Work Order No. 12: Groundwater Sustainability Plan Field Monitoring Services

Dear Mr. Bondy:

Rincon Consultants, Inc. (Rincon) is providing the following scope of work as an amendment request for Work Order No. 12, for monitoring and planning services for the Upper Ventura River Groundwater Agency (UVRGA) Groundwater Sustainability Plan (GSP). Rincon proposes to provide the following services as requested by UVRGA:

- **Task 1. Field Monitoring Services**
 - Task 1e. Riparian GDE Vegetation Mapping for Water Years 2023, 2024, and 2025

Task 1. Field Monitoring Services

Task 1e. Riparian GDE Vegetation Mapping for Water Years 2023, 2024, and 2025

Rincon will update vegetation mapping within the Foster Park and South Santa Ana Riparian GDE Units (Riparian GDEs) using a combination of desktop aerial imagery review and field verification. The objective will be to document changes in the extent and composition of riparian vegetation within the Riparian GDEs during the 2023, 2024, and 2025 water years. The information developed by this analysis may also be used to update the Upper Ventura River Groundwater Model with refined assumptions for evapotranspiration from riparian vegetation within the riparian GDEs. The following describes the activities that will be performed.

- **Annual desktop mapping using high-resolution aerial imagery.** Rincon will conduct desktop vegetation mapping of the Riparian GDEs using high-resolution drone aerial orthoimagery collected during regular monitoring efforts (collected as part of Work Order Nos. 08 and 09). Vegetation will be mapped consistent with the categories used in the Natural Communities Commonly Associated with Groundwater (NCCAG) Dataset (Department of Water Resources 2024) and Riparian GDE Assessment (Rincon 2021), including identification of stands of giant reed (*Arundo donax*). A total of three vegetation maps will be produced, one each for the 2023, 2024, and 2025 water years. It is anticipated this task will be completed throughout the year and final evaluation will be conducted on an annual basis after the close of each water year and in concurrence with preparation of the annual reports for the 2024 and 2025 water years.



- **Field Mapping – Spot Check Approach.** Rincon botanists will conduct field verification of desktop vegetation mapping. Field verification efforts are intended to validate desktop vegetation mapping and will be focused on “spot checking” portions of the Riparian GDEs where vegetation types are not clearly discernible during desktop analysis. Spot checks will be conducted in summer or early fall of 2024 and 2025, to coincide with peak vegetation development within the Riparian GDEs.

Task 1e Assumptions and Deliverables

- Desktop analysis will be completed annually after the close of each water year. Vegetation mapping for water year 2023 will be provided in the 2024 annual report.
- Aerial drone orthoimagery collected by Rincon staff during concurrent monitoring activities (under Work Order Nos. 08 and 09) will be used for the desktop analysis.
- Vegetation community data will be compiled and graphically presented in Riparian GDE annual monitoring reports. Raw data will be provided as an electronic attachment to the annual reports, as well as within ArcGIS Online.

Cost Estimates

Table 1 presents cost estimates based on the level of effort and assumptions described above. Rincon will bill on a time materials basis in accordance with the July 1, 2023 fee schedule (attached), which is included in our Master Services Agreement, amended in July 2023. The costs herein reflect a 3.5% escalation, effective annually on July 1.

Table 1. Estimated Costs for Water Years 2023, 2024, and 2025

Task	Labor Cost	Direct Expense	Hours	Estimated Cost
Water Year 2023 Vegetation Mapping				
Water Year 2023 Desktop Vegetation Mapping	\$2,529	-	13	\$2,529
Water Year 2024 Vegetation Mapping and Reporting				
Water Year 2024 Desktop Vegetation Mapping	\$2,618	-	13	\$2,618
Water Year 2024 Field Verification of Desktop Mapping	\$3,662	\$199	20	\$3,861
Water Year 2024 Annual Data Transmittal and Reporting (includes Water Year 2023)	\$3,470	-	16	\$3,470
Water Year 2025 Vegetation Mapping and Reporting				
Water Year 2025 Desktop Vegetation Mapping	\$2,709	-	13	\$2,709
Water Year 2025 Field Verification of Desktop Mapping (Optional)	\$3,790	\$206	20	\$3,996
Water Year 2025 Annual Data Transmittal and Reporting	\$3,560	-	16	\$3,560
Total	\$22,338	\$405	111	\$22,743



Authorization and Schedule

We are prepared to begin this assignment following your written authorization in accordance with our Master Services Agreement with UVRGA.

We appreciate our continued working relationship with UVRGA, and we will strive to provide quality service and support for this project. Please do not hesitate to contact us if you have questions about this proposal.

Sincerely,

Rincon Consultants, Inc.

A handwritten signature in blue ink that reads "Robin Murray".

Robin Murray
Riparian GDE Lead

Phone: 831-612-0113

Email: rmurray@rinconconsultants.com

A handwritten signature in blue ink that reads "Kiernan Brtalik".

Kiernan Brtalik
Director

Phone: 805-328-2687

Email: kbrtalik@rinconconsultants.com