



BIGHORN-DESERT VIEW WATER AGENCY
A PUBLIC AGENCY

**SPECIAL MEETING AGENDA
OF THE PLANNING/LEGISLATIVE/ENGINEERING
GRANT & SECURITY COMMITTEE
WITH BOARD OF DIRECTORS***

BOARD MEETING OFFICE
1720 N. Cherokee Trail, Landers, CA 92285
Friday, March 19, 2010 - 10:00 AM

*The BDVWA Planning / Legislative / Engineering / Grant & Security Committee meeting is announced as a joint meeting with the Board of Directors for the purpose of strict compliance with the Brown Act. Members of the Board not assigned to this Committee who attend will participate only as observers at the meeting.

- **CALL TO ORDER**
- **PLEDGE OF ALLEGIANCE**
- **ROLL CALL**
- **APPROVAL OF THE AGENDA**

PUBLIC PARTICIPATION - Public is invited to comment on any item on the agenda during discussion of that item. You may wish to submit your comments in writing to assure that you are able to express yourself adequately. In giving your public comment, please state your name and have your information prepared. Due to time constraints, a three-minute time limit may be imposed. Per Government Code Section 54954.2, any person with a disability who requires a modification or accommodation, including auxiliary aids or services, in order to participate in the meeting, please contact the Board Secretary during Agency business hours by calling 760-364-2315.

1. **THE LOCAL AGENCY FORMATION COMMISSION (LAFCO) PRESENTATION -**
Service Review and Sphere of Influence Update for Bighorn-Desert View Water Agency (Case No. LAFCO 3148).

1) Presentation by LAFCO staff

2. **REVIEW OF DRAFT AMES/RECHE "PRINCIPLES OF AGREEMENT"**

CONSIDERATION:

1) Direct staff to agendize for next Board meeting

3. PUBLIC PARTICIPATION - Any person may address the Committee on any matter within the District's jurisdiction on items not appearing on this agenda.

4. ITEMS FOR NEXT AGENDA

5. ADJOURNMENT

In accordance with the requirements of California Government Code Section 54954.2, this agenda has been posted in the main lobby of the Bighorn-Desert View Water Agency, 622 S. Jemez Trail, Yucca Valley, CA not less than 72 hours prior to the meeting date and time above. All written materials relating to each agenda item are available for public inspection in the office of the Agency Secretary. Backup material for the Agenda is available at the Agency offices for public review and can be viewed online at the Agency's website: www.bdvwa.org.

As a general rule, agenda reports or other written documentation has been prepared or organized with respect to each item of business listed on the agenda, and can be reviewed at www.bdvwa.org. Copies of these materials and other discloseable public records distributed to all or a majority of the members of the Board of Directors in connection with an open session agenda item are also on file with and available for inspection at the Office of the Agency Secretary, 622 S. Jemez Trail, Yucca Valley, California, during regular business hours, 8:00 A.M. to 4:30 P.M., Monday through Friday. If such writings are distributed to members of the Board of Directors on the day of a Board meeting, the writings will be available at the entrance to the Board of Directors meeting room at the Bighorn-Desert View Water Agency.

**BIGHORN DESERT VIEW WATER AGENCY STANDING COMMITTEE
PLANNING/ENGINEERING/LEGISLATIVE/GRANT
AGENDA ITEM SUBMITTAL**

Meeting Date: March 19, 2010

To: Planning/Engineering/Legislative/Grant
Standing Comm. of Board of Directors

Budgeted: N/A

Budgeted Amount: N/A

Cost: N/A

Funding Source:

From: Marina D. West

General Counsel Approval: Reviewed
w/counsel

CEQA Compliance: Yes, in process

Subject: Draft Principles of Agreement Between Bighorn Desert View Water Agency, Hi Desert Water District, County Special Districts (W-1 and W-4) and Mojave Water Agency Regarding Future Groundwater Management Plan for the Reche Groundwater Subbasin

SUMMARY

Bighorn Desert View Water Agency has been in discussions with managers from Hi Desert Water District, County Special Districts representing W-1 (Landers) and W-4 (Pioneertown) and Mojave Water Agency regarding cooperative management of the Reche Groundwater Subbasin for the past six years. The intention of these negotiations is to create a new Groundwater Management Plan that moves the Agency beyond the drawbacks of the existing Ames Valley Water Basin Agreement. The attached Draft Principles of Agreement provides a foundation for the new Groundwater Management Plan.

RECOMMENDATION

That the Committee review the information, receive public input and provide feedback to staff.

BACKGROUND/ANALYSIS

Attached are a set of draft Principles of Agreement (POA) for future management of the Reche Groundwater Subbasin. The Board has not yet approved the project through the California Environmental Quality Act (CEQA) process but a Groundwater Management Plan and site Feasibility Study for a recharge facility are projects defined and approved for funding in the EPA STAG Grant Work Plan. These POA will become the foundation of the proposed Groundwater Management Plan and will enable the Agency to enter into a second Memorandum of Understanding with Mojave Water Agency to fund the construction of the Reche Recharge Facility, a project the Board of Directors has envisioned for many years.

The draft POA is based on an intent to sustainably manage the Reche Groundwater Subbasin thru reasonable allocation of available native water combined with recharge of State Water

Project supplies available to all the municipal users. The draft POA represents perspectives introduced by the managers of the different agencies and does not necessarily represent the final negotiations. Further information regarding the POA is provided herein:

- Sets an allowable baseline for each municipal producer beginning with the five-year average groundwater production. In the draft the baseline is shown to be adjusted upward to allow for a "growth cushion" giving each service area time to plan for routine delivery of imported supplies.
- Redefines the monitoring area to include all of the Reche Groundwater Subbasin with a buffer area just outside those boundaries. For instance, Pipes Groundwater Subbasin is excluded from the new monitoring boundary which allows BDVWA to manage that groundwater resource without intervention or restrictions that might otherwise be imposed, such as baseline allocations. No other municipal entity produces water from the Pipes Groundwater Subbasin.
- Water can be transferred between parties, meaning unused baseline can be sold at a profit to the Agency until such time as that water is actually needed to supply our own customers.
- Storage accounts will be established for each entity. There can be no restrictions on the use of water that a party brings into the basin, such as the State Water Project purchases.
- There is a stipulation that water deliveries to the BDVWA facility require that 5% of that water be transferred to the BDVWA storage account. This is a benefit to BDVWA as it offsets the cost of water we would eventually have to purchase.
- MWA assumes responsibility for groundwater monitoring on behalf of the producers which results in an annual cost savings to the Agency.
- Every five years the monitoring data will be evaluated and baselines may be adjusted down, or up, by an across the board percentage deemed to be necessary to allow for basin recovery or to access additional native supplies.

As discussed at the January 26th Board of Directors meeting, the existing Ames Valley Water Basin Agreement has a number of shortcomings that the new Groundwater Management Plan seeks to eliminate:

1. The baseline production allocated to HDWD ($800 + 0.5 \text{ AF/yr/connection}$) cannot be reasonably accommodated by natural recharge. One indicator of this is continued decline of static water levels. The new plan seeks to lower that allocation, cap it, and contains provisions for adjusting the baseline, up or down, based on a 5-year monitoring plan.
2. Water level monitoring documents that basin drawdown exceeds Ames Agreement parameters.
3. Water quality monitoring documents changes in water chemistry exceeding the Agreement parameters.
4. County Special Districts is not a party to the Ames Valley Water Basin Agreement which means they are under no obligation to assist in managing the basin. In fact,

they have contemplated exporting water to Pioneertown. The new plan seeks to include County Special Districts.

5. The new plan also relies on artificial recharge of State Water Project deliveries through the Morongo Basin Pipeline to meet current and future water demands of the three municipal producers tapping the Reche Groundwater Subbasin. A formal agreement enables the tracking of water purchases since all three entities will pump and recharge the same basin at different times.

The POA is a draft document and staff is asking that the Committee review the information, receive public input and provide feedback to staff. Staff intends to then forward the document to the Board on March 23rd for the same purpose.

PRIOR RELEVANT BOARD ACTION(S)

1/26/2010 Overview of the Ames Valley Water Basin Agreement

DISCUSSION POINTS FOR DRAFT PRINCIPLES OF AGREEMENT

Purpose of MOU: While this MOU does not define, assign, or otherwise acknowledge or make a determination of water rights within the Reche Basin Management area, this MOU does attempt to provide for a reasonable settlement of an allowance for pumping of water from the basin and obligations of each party to work cooperatively to avoid basin overdraft and to provide for mitigating measures to bring the basin into balance should overdraft occur. Parties are identified as Bighorn Desert View Water Agency, Hi-Desert Water Agency, and County of San Bernardino Service Area 70.

Boundary for Reche Basin Management Area: Attached as Exhibit A.

Baseline Usage: The Baseline Usage amount was calculated based on prior usage beginning with calendar year 2003 and ending in calendar year 2008. The pumping averages shall apply to wells commonly referred to as 24E for the High Desert Water Agency, wells 1, 2 and 3 from the County, and 6, 7, and 9 for Bighorn Desert View Water Agency. Verification of well production can be in the form of meter readings, if available, or pumping data verified through energy usage data from the pumps.

Based on production data provided by the County of San Bernardino, Hi-Desert Water District and the Bighorn Desert View Water Agency, the Baseline Usage is established as:

	<u>Baseline Amount</u>
• CSA 70 IZ W -1 (Landers)	250 acre-feet
• CSA 70 IZ W -4 (Pioneer Town)	-0- acre-feet
• Hi-Desert Water District	700 acre-feet
• Bighorn Desert View Water Agency	<u>350 acre-feet</u>
○ Total Baseline Usage Amount	1,300 acre feet

Administration and Verification: Each agency agrees to supply MWA no later than July 10th each year the meter readings and/or pumping data for all wells within the boundary for the prior twelve months (July 1st to June 30th). In order to ensure recovery of the basin and still allow for withdrawals, the Baseline Usage amount may be reduced by an across the board percentage deemed to be necessary to allow for recovery. This amount will be determined every five years by the General Manager's of the parties to this agreement after an analysis of the basin levels through a monitoring program managed by the Mojave Water Agency (MWA). The monitoring program will consist of the monitoring wells mentioned in the 1991 Ames Agreement at a minimum. Additional monitoring wells may be added to increase the completeness of the monitoring network in the Reche basin. MWA will include the appropriate monitoring wells into their monitoring network and their staff will take ground water level measurements on a schedule determined by MWA.

Storage Accounts: Each agency agrees to the following:

- Each agency shall have the right to withdraw from the basin the Baseline Usage amounts. Amounts withdrawn above the Baseline Usage amount must be mitigated by importing State Water Project water from the Mojave Water Agency via the Morongo Basin pipeline or purchasing unused Baseline Usage amount or excess storage from one of the other parties to this agreement.
- Each agency's Storage Account will be tracked by Mojave Water Agency and reported to each agency on an annual basis. Storage may go negative, depending upon the availability of imported water.
- Each agency may pre-store water for future use
- Amounts withdrawn below the Baseline Usage amount may be carried over for a maximum of two years.

5% of all water stored will accrue to the Bighorn Desert View Water Agency.

Construction and Maintenance of Recharge Facilities: The Mojave Water Agency will construct, maintain and operate the recharge facilities at a cost not to exceed \$ 1 million for the construction costs. In exchange, Mojave Water Agency may store water in the basin without accruing system water losses. The ownership of the land will remain with BDVWA. The facilities will reside with MWA.

Replacement of 1991 Agreement: This Principles of Agreement, when finalized as a formal agreement, will replace the 1991 agreement and amendments between Hi-Desert Water District and the Bighorn Desert View Water Agency. Neither the County of San Bernardino nor the Mojave Water Agency will become a party to the court filings as a result of this agreement.

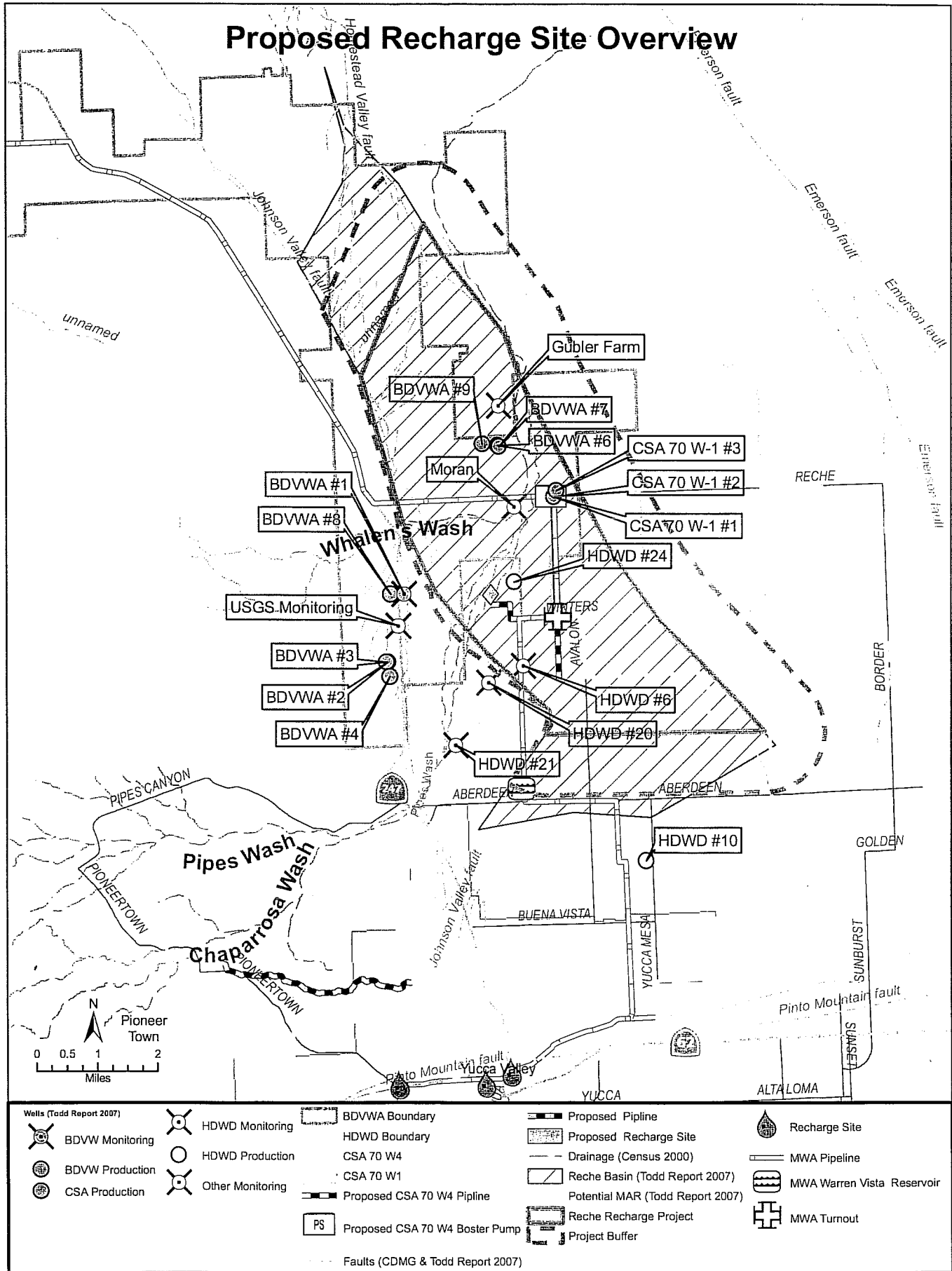
Signed: _____
BDVWA

Signed: _____
County of San Bernardino

Signed: _____
HDWD

Signed: _____
MWA

Proposed Recharge Site Overview



BDVW Monitoring	HDWD Monitoring	BDVWA Boundary	Proposed Pipeline	Recharge Site
BDVW Production	HDWD Production	HDWD Boundary	Proposed Recharge Site	MWA Pipeline
CSA Production	Other Monitoring	CSA 70 W4	Drainage (Census 2000)	MWA Warren Vista Reservoir
Proposed CSA 70 W4 Pipline	Proposed CSA 70 W1	Proposed CSA 70 W4 Pipline	Reche Basin (Todd Report 2007)	MWA Turnout
Proposed CSA 70 W4 Boster Pump	Reche Recharge Project	Project Buffer	Faults (CDMG & Todd Report 2007)	