

Principles for Turnout Construction Related Agreements
Between the Kern County Water Agency, Groundwater Banking Authority and the
California Department of Water Resources for the
Kern Fan Groundwater Storage Project

May 12, 2020

GENERAL PRINCIPLES:

1. Rosedale Rio-Bravo Water Storage District (RRB) and Irvine Ranch Water District (IRWD) intend to form the Groundwater Banking Joint Powers Authority (Authority) to develop and administer the Kern Fan Groundwater Storage Project (Kern Fan Project) funded in part through the Proposition 1 Water Storage Investment Program.
2. The California Department of Water Resources (DWR) owns, operates and maintains the State Water Project (SWP) in accordance with various permits and regulatory requirements. DWR will retain all of its associated authorities. DWR has contracts with 29 public agencies (SWP contractors) for a water supply from the SWP that specify the terms and conditions for the delivery of the water supply. DWR is responsible to approve any encroachments to SWP facilities within the SWP right of way, including the subject turnout.
3. DWR and Kern County Water Agency (KCWA) have entered into a water supply contract, dated November 15, 1963, and subsequently amended, providing that DWR shall supply certain quantities of water to KCWA, providing that KCWA shall make certain payments to DWR, and setting forth the terms and conditions of such supply and payment (hereinafter "KCWA Water Supply Contract").
4. RRB is a member unit of the Kern County Water Agency (KCWA) and IRWD is a landowner in Dudley Ridge Water District (DRWD).
5. The proposed Kern Fan Project would develop a regional water bank in the Kern Fan area to capture, recharge, and store Article 21 water from the SWP requested through KCWA and DRWD during wet hydrologic periods conveyed through the California Aqueduct. The Kern Fan Turnout may be used for diversion of other water supplies consistent with approved agreements and policies.
6. The Kern Fan Project includes a proposed 500 cfs canal and corresponding lift stations to supply recharge basins and 100,000 AF of storage capacity.
7. Water would be diverted to the Kern Fan Project canal through a new 500 cfs turnout to be constructed at a Pool location to be determined in the California Aqueduct (Kern Fan Turnout). If approved, the turnout would be constructed at the expense of the Authority and operated through a SCADA system by DWR.
8. Currently, DWR is preparing designs for near-term, major repairs of the California Aqueduct in the vicinity of the Kern Fan Turnout. This DWR work and any other DWR maintenance or construction will take priority over construction of the Kern Fan Turnout. DWR will endeavor to coordinate work to facilitate the construction of the Kern Fan

Turnout. To this end, Kern Fan Turnout proponents will provide DWR permitting and design documents as soon as possible.

The following Terms are examples of terms that may be included in a Turnout Construction Agreement for the construction and operations of the Kern Fan Turnout. The examples are not a complete list of all required terms.

GENERAL TERMS

1. All devices and equipment in the DWR right of way will be owned, operated and maintained by DWR.
2. DWR will structure agreements to implement the Kern Fan Project and the Turnout to be consistent with SWP operations and SWP water supply contracts.
3. Environmental clearance is required for all work

PRE-CONSTRUCTION TERMS:

1. *Drawings, Specifications and Data:* To satisfy DWR's requirements for protection of the Aqueduct, and to accommodate DWR's near-term repairs in the vicinity of the Kern Fan Turnout, the Authority shall furnish permitting documents, contract drawings, specifications, data or calculations as requested by DWR as soon as possible. Authority shall not commence construction of any facilities on right of way that have not been approved by DWR.
2. *Subsidence Concerns:* The Authority shall provide any technical or operational studies deemed necessary by DWR to demonstrate that the location, construction and operation of the proposed Kern Fan Turnout does not adversely impact the California Aqueduct including, but not limited to: to subsidence impacts, reduced hydraulic conveyance capacity, deliveries of SWP water supplies, existing to other California Aqueduct turnouts or reduced operational flexibility.
3. *Timing:* DWR, KCWA and the Authority agree to proceed in good faith to develop an agreement with the goal of completing within ninety days after there is agreement on the location of the Kern Fan Turnout, to be executed upon certification of the Kern Fan Groundwater Storage Project Environmental Impact Report, and any CEQA or other regulatory requirements of DWR. The construction of the Kern Fan Turnout in the California Aqueduct will be under terms and conditions similar to previously constructed turnouts located within Kern County. DWR will prepare a document showing expected timing of completion of tasks needed to complete the Turnout Construction Agreement.

CONSTRUCTION AND OPERATION TERMS:

1. *Insurance during Construction:* The Authority shall insure DWR and KCWA against all liability during construction of the Kern Fan Turnout.
2. *Standards of Construction:* All construction within DWR right of way shall conform to DWR standards for protection of the California Aqueduct and to requirements for DWR-approved flow measuring devices.
3. *Inspection and Acceptance:* All of the construction authorized by the turnout agreement shall be subject to inspection by DWR. The Authority shall provide inspection of the construction by a registered professional engineer.