



BUILDING A SUSTAINABLE WATER SUPPLY TO HELP OUR COMMUNITY THRIVE

**SPECIAL MEETING OF THE BOARD OF DIRECTORS
ROSEDALE-RIO BRAVO WATER STORAGE DISTRICT**

849 ALLEN ROAD, BAKERSFIELD, CA 93314

AGENDA

**August 31, 2023
8:00 a.m.**

1. CALL TO ORDER / ROLL CALL

2. COMMITTEE/SPECIAL PROJECT ACTIVITIES

- a) Sustainable Groundwater Management Act (DB & TT)
 - i. Water Charge Management Action Implementation (TT)
 - ii. **Consideration of Technical Services Contract for Subbasin Point of Contact (DB)**
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3. ATTORNEY'S REPORT

4. OLD OR NEW BUSINESS

5. CORRESPONDENCE

6. PUBLIC COMMENT

7. CLOSED SESSION

- a) Conference with legal counsel – Anticipated Litigation: Significant Exposure to Litigation – *Government Code Section 54956.9(d)(2)*: Four (4) Matters
- b) Conference with legal counsel – Anticipated Litigation: Initiation of Litigation – *Government Code Section 54956.9(d)(4)*: Two (2) Matters
- c) Conference with legal counsel – Pending Litigation – *Government Code Section 54956.9 (d)(1)*:
 - i. State Water Resources Control Board – Applications to Appropriate Kern River Water

- ii. City of Bakersfield v. Rosedale-Rio Bravo Water Storage District (McAllister CEQA)
 - iii. Department of Water Resources v. All Persons Interested (Validation Action)
 - iv. Rosedale-Rio Bravo Water Storage District, et al. vs. Kern County Water Agency, et al. (CVC Litigation)
 - v. Buena Vista Water Storage District, et al. v. Rosedale-Rio Bravo Water Storage District (Three Separate Suits) (Onyx Ranch CEQA Litigation)
 - vi. Rosedale-Rio Bravo Water Storage District v. Buena Vista Water Storage District, et al. (Onyx Ranch Declaratory Relief Litigation)
 - vii. Bring Back the Kern, et al v. Rosedale-Rio Bravo Water Storage District, et al. (Kern River Public Trust Litigation)
- d) Conference with real property negotiator – *Government Code Section 54956.8* – Negotiators: Dan Bartel / Dan Raytis
- i. Property: Water Supply (Delta Conveyance). Negotiating parties: Various parties and Rosedale-Rio Bravo Water Storage District. Under negotiation: Price & Terms of Payment
 - ii. Property: Water Supply (2023 Supplies). Negotiating parties: Various parties and Rosedale-Rio Bravo Water Storage District. Under negotiation: Price & Terms of Payment
 - iii. Property: License / Easement for Canal Facility. Negotiating parties: Various parties and Rosedale-Rio Bravo Water Storage District. Under negotiation: Price & Terms of Payment
 - iv. Property: Various Parcels – Potential District Projects. Negotiating parties: Various parties and Rosedale-Rio Bravo Water Storage District. Under negotiation: Price & Terms of Payment
 - v. Property: APN 104-240-49 & 51. Negotiating Parties: SH Bakersfield LLC and Rosedale-Rio Bravo Water Storage District. Under negotiations: Price & Terms of Payment.

8. ADJOURNMENT

DECLARATION OF POSTING: I, Rachele Echeverria, declare under penalty of perjury, that I am employed by the Rosedale-Rio Bravo Water Storage District and I posted the foregoing Agenda at the District Office and on the District's website (www.rrbwsd.com) on or before August 29, 2023. ***Requests for disability related modifications or accommodations, including auxiliary aids or services may be made by telephoning or contacting Megan Misuraca at mmisuraca@rrbwsd.com. Please attempt to make such requests known at least 24 hours before the scheduled meeting.***



Rincon Consultants, Inc.
180 North Ashwood Avenue
Ventura, California 93003
805-644-4455

Revised August 14, 2023
Rincon Project No. 23-14981

Kern County Subbasin Coordination Committee
Rodney Palla, Coordination Committee Chair
Kern Delta Water District
501 Taft Highway, Bakersfield, CA 93307
Via email: Rodney@rpfarms.com

Subject: Proposal for Kern County Sustainable Groundwater Management Agency Plan
Manager Support, Kern County, California

Rincon Consultants, Inc. (Rincon) is pleased to provide this proposal for continued support of the Kern County Sustainable Groundwater Management Agency (SGMA) Plan Manager position (Plan Manager). Kristin Pittack has been supporting the Kern County Subbasin Coordination Committee (Committee) as the hired Plan Manager since April 2023. Ms. Pittack will join Rincon Consultants on August 14, 2023, and this proposal is prepared to continue providing the requested services through December 31, 2023.

Since April 2023, additional services have been provided per the direction of the Committee for the Kern Subbasin's Technical Working Group, including bi-weekly meeting coordination, and phone and email correspondence (reflected in Task 2). Additionally, in-person and virtual meetings with State officials will likely increase due to the ongoing work to address Kern Subbasin deficiencies detailed in the March 2, 2023, Department of Water Resources (DWR) letter in advance of the April 2024 State Water Resources Control Board (SWRCB) probationary hearing (reflected in Task 3).

Scope of Work

Task 1 Coordination Committee Support

Serving as Plan Manager, Ms. Pittack will continue providing on-call support to the Client. Typical services to be provided under this task will include:

- Organizing monthly Committee Meetings (led by Committee Chair)
- Organizing periodic (weekly/monthly) Subbasin managers' meetings
- Facilitating and organizing Annual Report preparation
- Facilitating meetings with DWR, SWRCB, and others
- Upload and maintenance of SharePoint site with Committee materials
- Facilitating Coordination Committee oversight of Subbasin-wide projects, topics, project scoring, and future subbasin-wide grant efforts. Administration and



management of existing grants will remain with the grantee; however, scheduling subbasin-wide coordination or meetings will be included in the Plan Manager role.

For budgeting purposes, we anticipate up to 10 hours per week will be required to complete this task throughout the duration of the contract. Additionally, one (1) in-person meeting with the Client; monthly for four (4) months is budgeted under this task. Mileage per in-person meeting is estimated at 114 miles roundtrip.

Deliverables:

- Various documents (meeting agendas, meeting notes, etc.) in Word and PDF format

Task 2 Technical Working Group Support

Serving as Plan Manager, Ms. Pittack will provide support to the Technical Working Group, including bi-weekly meeting coordination and phone and email correspondence. For budgeting purposes, we anticipate up to 10 hours per week will be required to complete this task throughout the duration of the contract.

Deliverables:

- Meeting agendas and meeting notes in Word and PDF format

Task 3 Agency Meetings

Serving as Plan Manager, Ms. Pittack will provide support as the SGMA Point-of-Contact between the Kern County Subbasin, DWR, and the SWRCB by attending public hearings and in-person meetings as directed by the Coordination Committee, including providing agency meeting coordination and phone and email correspondence. For budgeting purposes, we anticipate up to three (3) virtual meetings to occur throughout the duration of the contract.

Deliverables:

- Meeting agendas and meeting notes in Word and PDF format

Assumptions

This scope of work assumes the following:

- Estimated 4-month timeline; if FY23 Agreement execution extend beyond 4-months, a contract and budget amendment for program support and management will be necessary.
- Additional services may be needed during the estimated contract timeframe based on the Client's need; the Client may request a contract amendment for additional services provided by Rincon.



Cost

As shown in Table 1 below, the estimated cost for this scope is \$63,978.

Table 1 Cost Summary

Task	Estimated Cost
Task 1 Coordination Committee Support	\$29,433
Task 2 Technical Working Group Support	\$29,140
Task 3 Agency Meetings	\$5,405
Total	\$63,978

Note: Rincon reserves the right to escalate hourly billing rates at the beginning of each calendar year.

Thank you for your consideration and for this opportunity to support this position. If you have any questions regarding this proposal, please contact me at 760-930-7671 or rprickett@rinconconsultants.com, or Kristin Pittack at 760-223-5062 or kpittack@rinconconsultants.com.

Sincerely,
Rincon Consultants, Inc.

Rosalyn Prickett
Principal

PROJECT BUDGET

Client Name: Kern SGMA Coordination Committee

Project: Kern County SGMA Plan Manager

Task Description	Hours			Expenses		TOTALS	
	Planning		Total Hours	TOTAL LABOR	Mileage		TOTAL NON-LABOR EXPENSES
	Principal Planner	Senior Planner					
Labor Rates	\$285	\$175			\$0.66		
Services							
1 - Coordination Committee Support (12 hours/week - September 2023 to December 2023 - 164 hours total)							
- General Coordination Support (Email and Phone Correspondence) - 5 hrs/week	4.0	80.0	84.0	\$15,140	\$293	\$293	\$15,433
- Monthly In-Person Meeting Support (Agenda Preparation, Meeting Facilitation, Meeting Notes) - 20 hrs/month		80.0	80.0	\$14,000	-	\$0	\$14,000
2 - Technical Working Group Support (12 hours/week - September 2023 to December 2023 - 164 hours total)							
- General Coordination Support (Email and Phone Correspondence) - 5 hrs/week	4.0	80.0	84.0	\$15,140	-	\$0	\$15,140
- Bi-Weekly Virtual Meeting Support (Agenda Preparation, Meeting Facilitation, Meeting Notes) - 10 hrs/bi-week		80.0	80.0	\$14,000	-	\$0	\$14,000
3 - Agency Meetings							
- SWRCB Virtual Meetings (Meeting Preparation, Agenda Creation, Attendance, Notes to CC Members) - 2 mtgs	2.0	20.0	22.0	\$4,070	-	\$0	\$4,070
- DWR Quarterly Virtual Meetings (Attendance, Meeting Notes) - 1 mtgs	1.0	6.0	7.0	\$1,335	-	\$0	\$1,335
Subtotals	11.0	346.0	357.0	\$63,685	\$293	\$293	\$63,978
TOTALS	11.0	346.0	357.0	\$63,685	\$293	\$293	\$63,978

TO: Rosedale-Rio Bravo Water Storage District Board of Directors
Agenda Item 2.a.

FROM: Trent Taylor

DATE: August 31, 2023

RE: Draft Board Policies for Water Charge Implementation for Water Year 2024

BACKGROUND

This memo describes various policies governing the terms and conditions under which the District could implement a proposed “Water Charge” for water usage above the amount of water that the District’s Conjunctive Use Project (Project Water) generates on a per acre basis. All lands within the District have access to Project Water; however, certain landowners utilize more than the available Project Water supplies (i.e. overdraft). In an effort to prevent groundwater overdraft and provide all landowners with a sustainable groundwater supply, and to meet the requirements of the Sustainable Groundwater Management Act, the District identified a Water Charge as a management action in the Rosedale-Rio Bravo Water Storage District Groundwater Sustainability Agency (RRBWSD GSA) Groundwater Sustainability Plan (GSP). The Water Charge is intended to provide funding for projects, operations, and other management actions identified in the RRBWSD GSA GSP that are intended to minimize (or eliminate) overdraft. It is also expected that a Water Charge will result in reduced demand. The Water Charge will be considered for adoption in late 2023 and may be implemented beginning January 1, 2024.

WATER CHARGE POLICIES

DEFINITIONS

- Farming Unit – A group of APN’s within RRBWSD that are zoned/used for agricultural purposes and are grouped together by a landowner (by ownership or contract) for the benefit of combining the water supply (Project Water and Native Yield) for Water Charge purposes within the District water budget accounting platform.
- Demand – The amount of consumptive-use (total evapotranspiration) from a Farming Unit as calculated by the District’s technical services provider, currently LandIQ. No manual adjustments by staff will be made. Demand on lands used for Landowner Banking Programs will not be included.
- Precipitation – Currently 0.42 AF/Acre as stated in RRBWSD GSA GSP. The Shafter #5 CIMIS Station reported an annual range of 2.6 inches up to 13.05 inches for the 2005-2015

period with an average of 5.04 inches (0.42 ft). Precipitation will not be transferable to other lands and will only apply to the land(s) on which it fell.

- Native Yield – The amount of “native” groundwater available to a landowner for overlying use within a Farming Unit. Rosedale’s initial estimate of Native Yield is 0.15 AF/Acre and may be revised in the future as studies are completed; coordination with other GSA’s in the basin on the development/refinement of native yield is expected.
- Project Water – The amount of available surface water supplies that have been recharged by Rosedale into the groundwater basin for the benefit of its landowners. The amount is determined by taking the average annual net recharge attributable to the Rosedale Project, less 3rd party obligations, over a running 20-year period. Project Water is allocated proportional to acreage within Rosedale. Project Water must be utilized within the calendar year it is allocated and will not be carried over to future years.
- Stored Water - The amount of water supplies that have been accounted to Rosedale within the groundwater basin for the benefit of specific landowner(s) by agreement with Rosedale. Stored Water is generally either landowner supplies that were recharged in District facilities or District supplies that were recharged in landowner facilities.
- Water Charge Acreage Size – The Water Charge will apply to agricultural parcels 9.5 acres or greater in size and those parcels less than 9.5 acres but larger than 4.7 acres (nominal 5-acre parcels) when located adjacent to other parcels owned/controlled by the same landowner and/or collectively developed to irrigated agricultural use.
- Water Charge Quantity – The amount of consumptive-use above the allowable water supply (Precipitation, Native Yield, Project Water, and Stored Water) that will be subject to the Water Charge Rate.
- Water Charge Rate – The rate adopted by the Rosedale Board of Directors each year is developed by calculating the projected expenses applicable to the Water Charge divided by the projected annual demand subject to the estimated Water Charge Quantity. The maximum rate will be set through a rate study and protest hearing.

FARMING UNITS

Annually, the District will initially group APN’s into a Farming Unit within the District water budget accounting platform by name for all parcels that are listed as owned under the same exact name as determined by the Kern County Assessor’s tax roll. APN’s may be added to a Farming Unit for the benefit of combining the water supply (Project Water, Stored Water, and Native Yield) with notice to Rosedale. APN’s to be added should be submitted by November 30 for the upcoming calendar year for ease of administration. Changes will be allowed throughout the year and up until March 15 of the following calendar year. Both landowners must submit written notification to Rosedale regarding any Farming Unit changes.

WATER CHARGE CALCULATION

Water Charge Quantity will be determined utilizing the following calculation:

Water Charge Quantity =

Demand (Consumptive Use) – Precipitation – Native Yield – Project Water – Stored Water*

*The amount of stored water used in a particular year will be subject to the discretion of the landowner in accordance with the landowner’s agreement with the District.

Water Charge Rate =

Water Charge Quantity x Water Charge Rate

WATER MARKET AND TRANSFERS

The District will provide the Final Water Charge Quantities for the calendar year (January 1 through December 31) on or around February 15th of the following year. By no later than March 15th, each Farming Unit may transfer APN’s or Project Water for the applicable water year to and from other Farming Units with written notice to the District. The District will need to receive written verification of each transaction, including signatures/acknowledgements from both Farming Units, prior to March 15th.

The District will move the Project Water between Farming Unit accounts and prepare Water Charge Quantity Invoices, which will be sent to all applicable Farming Units by April 15.

Project Water may only be utilized within the calendar year it is provided and may not be transferred or carried over for future year use. Project Water may only be transferred within District boundaries and will not be allowed to be transferred to undistricted lands (i.e., “White Lands”) or to any other property outside of District boundaries.

Stored Water may only be transferred consistent with the conditions of the applicable Board policy terms and/or agreements with the District.

WATER BUDGET ACCOUNTING PLATFORM

The District water budget accounting platform provides all landowners and/or Farming Units with access to their water supply and total demand. Consumptive use demand metrics are uploaded to the platform monthly and reflect the preceding month’s demand data. By way of example, May demand will be uploaded by the end of June.

Landowners and Farming Units can track all APN and supply changes through this system as they happen and when they occur. The District will send alerts/statements to Farming Units periodically

to the email addresses associated with each individual account. Landowners may contact the District at any time with questions or to request changes to the accounting platform accounts.

PAYMENT TERMS

On approximately May 15, Water Charge invoices will be due following the previous Water Charge calendar year. Delinquent invoices will be assessed a 10% penalty and bear interest at 12% a year. At each June Board Meeting, the Board will consider delinquencies (if any) and choose one of the following actions:

1. Record a list of delinquencies, which will become a lien on the listed APN's; or
2. Bring suit against the delinquent landowner(s) to collect.

APPEAL PROCESS

Following issuance of the Water Charge invoices in April, a Farming Unit will have 30 days to submit a written protest. Staff will review the protest and information provided and other gathered information and make a recommendation to the Board at a public Board meeting; the landowner will be provided the opportunity to present relevant facts to the Board. The District Board will review and consider all data, evidence and Staff recommendations and make a final decision regarding the protest. Following the Board's recommendation and final decision, landowner will have a period of 30 days to submit final payment or be subject to the delinquency assessment for unpaid Water Charge invoices.