

**MONO COUNTY TRI-VALLEY GROUNDWATER MANAGEMENT DISTRICT**  
**123B Valley Road**  
**Chalfant, California 93514**

**BOARD OF DIRECTORS:**  
Greg Allen, Chairperson  
Don Moss, Vice-Chairperson  
Geri Bassett, Secretary  
Carol Ann Mitchell  
Ed Parkinson  
Josh Rhodes  
Matt Doonan

Rhonda Duggan, Mono County District 2 Supervisor (Ex-Officio Member)

**REGULAR MEETING AGENDA**  
**Wednesday, May 29, 2024 at 6:30 p.m.**  
**Benton Community Center**  
**Hwy 120, Benton, CA 93512**

*Mission: The mission of the Tri-Valley Groundwater Management District is to comply with the California Sustainable Groundwater Management Act (SGMA)\* of 2014 and other applicable laws (government code, water code etc.) as the law pertains to the District.  
Core Vision: To preserve the groundwater within the boundaries of the District (Chapter 844 of 1989 California Statutes).*

- 1. Advisory Board.**
  - A. Report**
  - B. Recommendation and possible action on renewing terms of office for one year for Betsy McDonald, Janet Barth, and Dennis Murphy.**
- 2. Public Comment.**
- 3. Discussion and possible approval of minutes from the April 24, 2024 meeting.  
(See attachment # 3)**
- 4. Update on the Groundwater Model Project.**
- 5. County Counsel Beck regarding legal processes of the Advisory Board. (See attachment item #5, pages 5 and 6)**
- 6. Approval of Warrants:**
  - A. Reimbursement to Director Bassett for payment to The Sheet for publication of vacancy notice (from Director West's resignation) in the amount of \$105.00. (See attachment item # 8A)**
  - B. Reimbursement to Director Bassett for payment to The Sierra Reader for publication of vacancy notice (from Director West's resignation) in the amount of \$420.00.  
(See attachment item # 8B)**
  - C. Reimbursement to Director Rhodes for domain name and website hosting costs.**

- 7. Discussion and possible action on June 2024 meeting date.**
- 8. Board of Directors reports.**
- 9. Adjournment to Wednesday, June 26, 2024, 6:30 p.m. at the Chalfant Community Center.**

**DRAFT  
MINUTES**

attachment item #3

**MONO COUNTY TRI-VALLEY GROUNDWATER  
MANAGEMENT DISTRICT  
Regular Meeting of April 24, 2024 6:30 P.M.  
Chalfant Community Center**

Chairperson Allen called the meeting to order at 6:30 P.M. on Wednesday, April 24, 2024. The meeting was held in person.

**Roll Call:**

Directors Present: Allen, Moss, Mitchell, Parkinson, Rhodes, Duggan and Bassett.

Directors Absent: None; one vacancy.

Advisory Board (A.B.) present: McDonald, Barth, Phillips.

Mono County (M.C.) Personnel in attendance: Assistant County Counsel (A.C.C.) Chris Beck

Chairperson Allen opened the meeting with some general housekeeping procedures/policies that will be put in place, starting with this meeting.

- We're trying to streamline the meetings so we can stick to the agenda items and progress forward and get done what we need to get done as far as the business of the Water Board.
- We are going to stick to our three-minute comments for public comment during Public Comment. Any action item there will be comment allowed on action items and we'll notify you of that.
- We're going to try to keep meetings to one hour.

**A.C.C. Beck explained that:**

- The reason for the changes is to make sure that we abide very closely by the Brown Act. One of the big aspects of the Brown Act is we don't talk about what's not on the agenda. During public comment, particularly if someone brings something up that's not on the agenda, the reason the public body is not allowed to provide any sort of lengthy response is because then we have a conversation with something not on the agenda.
- If something is brought up that's not on the agenda, the Board Chair can direct a Board member to talk to them after the meeting, direct them to an appropriate staff member or other agency member whether it's with the water district, etc.
- Public Comment period is to discuss anything that's on the agenda or within the subject matter jurisdiction of the body. If someone talks about something that's not otherwise listed on the agenda, the Board is just to receive that comment. If there is something that they're discussing that's listed on the agenda, the Board is still just to receive that comment, not to engage in conversation. The only carve out in the Brown Act in the government code section is any member of the Board can provide a short response. So, for example, someone says I don't know where to find the agendas for the Tri-Valley Groundwater Management District. An appropriate response for myself or anybody on the Board is there's a website you can go to.
- When the Board is taking specific actions; usually it's related to ordinances or resolutions. The way that it's written for Tri-Valley is it's resolutions. So, you know you have all these items listed on the agenda, the appropriate point for the public to comment is Public Comment. If there's an action item, additional public comment would be allowed at that point, that's the way it works with every government or public body that exists in California. And if they're not doing that, it's because the Board has elected to reopen or allow public comment at another time.

## DRAFT

From a policy position, the reason that doesn't often happen is because you get redundant comments and the Board isn't able to get through the agenda and take appropriate action on it.

- We will have another Brown Act training in about 2 or 3 months. We'll go into detail again about agendas, meetings, and communications. So, we stick to the agenda. I have a couple changes to propose for the agenda going forward, particularly if we get zoom available for the public we'll list that on there. We'll talk about that when we have the Brown Act training.
- The reason we should try to stick to a one hour meeting is so the attending public has an idea of when things are going to be heard on the agenda. They know if they're here at 6:30, their item is going to be taken within relatively short order, rather than two hours or more later. This should help with the public's involvement. The differences will be if we have presentations by agencies such as Fish and Wildlife, where they have a 45-minute presentation. Those will be different. But we will focus in the future trying to set those as the only item for the meeting, so the public knows.

### 1. Advisory Board Report.

A.B. McDonald reported that:

- The A.B. has not had a meeting.
- They are tentatively setting a meeting date of May 8, 2024, pending confirmation from A.B. members that they can attend on that date. The agenda will be posted as required.

### 2. Public Comment.

**Rick Napoles** – Yes, good evening. My name is Rick Napoles, a member of the Bishop Paiute Tribe from Bishop, CA. My time is limited, so getting right to it. I did read through some of the packet information and I'm very, for myself, I'm very concerned about the balance of the Board with the 100 gallon minute users and the rest of the Board that that maintains a balance of people that are on it. Again, my ultimate goal is to reduce the amount of water being pumped in say in Hammil, that's affecting the sloughs at Fish Slough. The upper well is already down to a trickle, and there's some information going around that some of the sloughs may be starting to dry up as well. As I spoke before, there's endangered plants and endangered animals there, as partly, also being a highly cultural sensitive area to the Paiute people. I thank you for your time.

**Betsy McDonald** - I'm Betsy McDonald, resident of Chalfant. So, a stakeholder as a domestic well person and I know that you are going to be appointing a person tonight and I want to say again, as I said last time we were appointing, that it's important to really talk to people about what they believe is part of your thing that you're supposed to be doing is preserving the groundwater in the district and just to remember that there's a small part of Fish slough that's in our District, but it looks like and you should probably get confirmation of this, but it looks like 2 out of the 3 springs that power the slough at Fish Slough are in our district. So I think that's important to find out and it is that Northeast Spring that Rick was talking about that is possibly really being impacted. So just wanted to say that. Thank you very much for your time.

### 3. Discussion and possible approval of minutes from the March 20, 2024 meeting. (Attachment item #3)

A motion to approve the draft minutes for March 20, 2024 was made by Director Parkinson and seconded by Director Mitchell.

Vote – ayes – Directors Allen, Moss, Mitchell, Parkinson, Rhodes, and Bassett.

Nayes – none.

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## 4. Board Vacancy for an 100gpm Director with a term of office to end November 30, 2024:

### A. Letter of interest from Shane Saulque. (Attachment item #4A)

Shane Saulque was not in attendance, therefore, no questions could be asked of him.

### B. Letter of interest from Matt Doonan. (Attachment item #4B)

When asked by Chairperson Allen to tell those in attendance a little bit about his background and interest in the Board, Matt Doonan replied that he:

- grew up in the Valley and lives in Hammil Valley.
- is pumping groundwater for agricultural production purposes.
- has a background in agriculture, attended school at the University of Wyoming for Agriculture Communications with an emphasis in rangeland ecology and watershed management.
- is deeply invested in the Valley here and the health of the Valley.
- holds a firm belief that agriculture is vitally important to both the environmental and economic health of the Valley.
- is interested in being on the Board to try to represent that perspective to the best of his ability.

When asked by Director Mitchell if things have changed since 2021 when he was not able to fulfill his term on the Board, he commented that, yes, the personal life circumstances that kept him from attending required meetings have leveled out. He is invested enough that he believes that he can sacrifice the things he needs to to help with the Board.

Director Allen commented that anyone interested in a position on the A.B. or BOD needs to be willing to participate i.e. show up for meetings, read the agenda packet before the meeting, be willing to help with other items as needed.

Director Mitchell asked Matt what his opinion is of the district, how he feels about the groundwater sustainability issue and, if there are conflicting opinions, what does he feel he can do to bring people to the table? Matt commented that:

- his life and livelihood is tied to the sustainability of groundwater here.
- he believes in responsible use and utilization of the water. But, if that water is not sustainable, then then his livelihood goes away. So, he's deeply invested in that.
- he believes that with allot of conflicting opinions and conflicting information, some of the background he has in communication skills and ability and education gives him a little bit of room to help bring that together and try to find a middle ground so that everybody understands what we're trying to accomplish and at the end of the day that our common goal is to maintain the ability to use water in our property.

When asked by Director Bassett for clarification on some of the position qualifications, Matt confirmed that:

- he does have a 100 gpm well in addition to his domestic well
- he is a resident of and property owner in the Tri-Valley
- he is a Mono County registered voter.

Director Allen commented that one of the questions we like to ask is regarding personal biases, which we all have. He asked if Matt feels that his personal opinions will interfere with or bias our mission statement, division and the duties that we're charged with as the groundwater management district; can he look at a situation and basically say, I've got to look at it through the lens of all people within the District and I've got to see what's the best avenue

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for the community. It's easy for us to say, well, this suits me the best. But, if we find we have issues here, how do we work together to mitigate those issues? That's really the core of this group here, all of us, is for the sustainability for domestic users, for agricultural users, for water districts, for everybody.

Matt replied, yes, I do believe that I have the capability to act in that capacity because, personal biases and perspectives aside, I do think that my core belief is the right to use and utilize the water and a lot of that has to do with preserving the sustainability of that water. So my core belief I believe aligns with the mission statement of this Board and what was mentioned earlier, that is the same common ground for everybody in the District is the ability to access and use that water. Everything else aside, I do believe is that that's the core of my beliefs and I have the ability to act in that capacity.

### **C. Interviews, discussion and possible action on Board vacancy and appointment.**

Chairperson Allen asked for advice on how to proceed since one of the potential candidates was not present and the issue of property ownership, being a registered voter, etc could not be verified in his absence. It was also pointed out that the deadline for the Board to appoint someone to the vacancy is Saturday, April 27, 2024.

A.C.C. Beck commented that, from a legal position, you can't make the same request for affirmation that the person is a resident, has the appropriate well, and is registered to vote. If that's otherwise known, I think you could take a vote. But you don't want to risk filling a seat with someone that isn't qualified. There's no certification done by the County Clerk, it's sworn testimony from the individual, that they meet the qualifications. He added that the Board can take either action, they just take a risk that, unbeknownst to any of them, the person may not be a qualified candidate.

Chairperson Allen asked, since we do not have a concrete answer on Shane Saulque's qualifications and the position needs to be filled, would anyone like to make a motion for Matt Doonan's appointment to the position?

A motion to appoint Matt Doonan to the Tri-Valley Groundwater Management District Board was made by Josh Rhodes and seconded by Director Bassett.

Vote – ayes – Directors Allen, Moss, Parkinson, Rhodes, and Bassett.

Nayes – Director Mitchell.

Chairperson Allen commented that he would like Matt to work with him on getting information for the public on some of the nuances of irrigation.

Director Bassett will get the rest of Matt's contact information, notify the Elections Clerk about the appointment, and get the Oath of Office set up.

Director Mitchell added that we need to put on the agenda the formation of a questionnaire that gets the basic qualification information from the candidates.

### **5. Discussion and possible action regarding the letter from Bishop Tribal Council. (Attachment #5).**

Chairperson Allen asked if everyone had a chance to read the letter from the Bishop Paiute Tribe, which was included in the agenda packet and is signed by Tribal Chairwoman Meryl Picard.

## DRAFT

Director Mitchell asked Rick Napoles what the consultations involved and if the meetings were to be between the TVGMD Board and the Tribal Board. Or, if they would include everyone that was cc'd on the letter.

Rick replied that he was attending the TVGMD meetings as a representative of himself, not the Tribe. He suggested contacting Meryl Picard and Brian Adkins; Chairperson Picard for the Administrative angle and Brian Adkins as the Environmental Management Office. They would be better able to answer the Boards' questions.

Director Rhodes commented that he would like to see these Tribal representatives attend the TVGMD meetings.

Chairperson Allen concluded that he would reach out to the Bishop Tribe, make some phone calls. He looks at a situation like this as an opportunity to see what information the Tribe can offer to work with the Board to mitigate the problems and what information and data they have that the Board might be lacking.

### **6. Advice from Legal and discussion of possible rule adoption regarding language to clarify statutes regarding Board member qualifications.**

A.C.C. Beck clarified that the question presented during the March meeting was, can the Board adopt rules for interpreting the statutes prior to the legislative amendment? He reported that:

- In the enabling statutes for Tri-Valley Water Code section 128402, it specifies that the Board may adopt rules to carry out its business. But the next line says the Board shall exercise the powers of the District as set forth from the Act.
- Those are your primary guiding documents, the statute, but then to effectuate those obligations you can adopt rules.
- For an example of rule-making, which is essentially what the Board can do, he said, Congress will say, keep the air clean. You get something called Clean Air Act. Then you have an administrative agency that creates the rules for how you're actually going to do that. So, here, the state legislature said protect the water in Tri-Valley and now you get to adopt rules for having to do that, so long as it complies with the statutes.
- You're allowed to adopt rules to the statute, but you can't adopt rules that interpret the statute.
- General interpretations provided by your Legal Counsel with the definitive binding interpretation is through determining the statutes done by a judge. Judicial officers interpret our rules. That's our third check to the balance. The chapter, Tri-Valley Groundwater Management Act, that was amended in 2016, actually Chapter 2018, provided a change in the statute. It originally said you must adopt rules to carry out this effect. Now it says you may.
- The long and short of it to the question of can we adopt rules to help us interpret the statute prior to legislative changes is No. Those are locked, they are what they are.
- A rule to enact that legislative action would say we will comply with Water code section 10723.2 and make sure that there's a representative of these 13 bodies on the Board. Or those interests shall be represented by each individual person on the Board.
- The statutes are the statutes absent legislative change.

Director Bassett asked for clarification that, when Queenie Barnard, Clerk/Elections/Registrar, asks for the positions and qualifications that are up shortly for the election, what we need to give her is exactly what's in the statute for the two different membership types in the statute. A.C.C.

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Beck said, yes, just as stated in the statute.

Chairperson Allen added that any effectual change that we would be looking at would be done as we have our group that looks at it and then brings it forward as legislative action.

### **7. Approval of Warrants:**

#### **A. Reimbursement to Director Bassett for payment to The Sheet for publication of vacancy notice (from Director Puhvel's resignation) in the amount of \$90.00. (Attachment item # 7A)**

A motion to approve the warrant request was made by Director Mitchell and seconded by Director Parkinson.

Vote - ayes – Directors Allen, Moss, Mitchell, Parkinson, Rhodes, and Bassett.

Nayes – none.

#### **B. Reimbursement to Director Bassett for payment to The Sierra Reader for publication of vacancy notice (from Director Puhvel's resignation) in the amount of \$450.00. (Attachment item # 7B)**

A motion to approve the warrant request was made by Director Mitchell and seconded by Director Moss.

Vote - ayes – Directors Allen, Moss, Mitchell, Parkinson, Rhodes, and Bassett.

Nayes – none.

### **8. Review, discussion, and possible approval of 2024/2025 TVGMD Budget request to Mono County. (Attachment #8).**

Director Bassett explained that she took last year's budget request and tweaked it a little bit from what we know now of some of these items. Probably the biggest change being the directors insurance. The cost for zoom is what then Chairperson Mitchell had sent to her when she received a renewal notice on that account. That's where the numbers are coming from. She has a spreadsheet to track these different items and we'll also be tracking the petty cash; there's a spreadsheet for that.

A motion to approve the 2024-25 District budget and submit it to Mono County was made by Director Mitchell and seconded by Chairperson Allen.

Vote - ayes – Directors Allen, Moss, Mitchell, Parkinson, Rhodes, and Bassett.

Nayes – none.

The Board moved on to item #9 discussion and then came back to #8 to specifically approve the quoted cost of the website hosting and domain name for the website and email address.

A motion to reactivate the TVGMD website at the cost of \$18.99 + \$109.99 per year and that Director Rhodes be the Webmaster was made by Director Mitchell and seconded by Chairperson Allen.

Vote - ayes – Directors Allen, Moss, Mitchell, Parkinson, Rhodes, and Bassett.

Nayes – none.

### **9. Update on status of TVGMD website and email address.**

Chairperson Allen said that he had turned this task over to Director Rhodes, who said that he was comfortable working on it.

Director Rhodes reported that he first contacted previous Director West, who referred him to Hughes Web Services, where the website and email are through. After numerous phone calls and emails to Hughes Web Services, he found that both can be reactivated. The domain name



## **DRAFT**

will cost \$18.99 per year and the website hosting will be \$109.99 per year. He expects to be able to put the website back up as it was. He will be able to make adjustments to it as needed, essentially becoming the webmaster, which was a task that Director West previously did. He just needs approval from the Board to move forward with that.

Director Bassett reported that that cost was about what we had been paying previously.

### **10. Update on research for TVGMD Zoom account.**

Director Duggan reported that she had contacted a couple of Special Districts. They provide their own website. They don't use County services. She did contact one of the Special Districts and found that the account they subscribe to for zoom is \$40 a month and that gives them up to 170 webinars per year. She suspects that that price difference is because the account is a business account rather than a personal account. The Special Districts are Hilton Creek Community Service District and CSA1, which use a joint account because they're with the same person. She will send the Special District contact information to Directors Mitchell and Bassett.

### **11. Discussion and possible approval of comment letter(s) to OVGA/ICWD regarding the Water Year 2022 OVGA Annual Report.**

Chairperson Allen commented that he would like more time to peruse the report and asked if the Board had any comments on the report.

Director Bassett replied that she didn't have any comments on the report.

Director Mitchell said that:

- she was concerned that there was no mention of the fact that we were in a drought in 2022.
- she questioned some of the assumptions that were made in the report.

Director Moss pointed out that:

- they didn't include data for the surface water that was used for irrigation, although they did point out that they recognized that issue.

Director Duggan added that:

- having been on the Owens Valley Groundwater Authority (OVGA) when the Groundwater Sustainability Plan (GSP) was being developed, she knows that they used the best data that was available to them at the time.
- the OVGA GSP has recently been approved by the Department of Water Resources (DWR). It will be a good starting point for the Tri-Valley to use if/when they do their own GSP. The data from the Groundwater Model project, additional well monitoring, data from the 2023 above normal water year, etc. can be added to the plan. This will eliminate some of the assumptions.

After some discussion about logistics, it was decided that any Board members wanting to submit comments would send them to A.C.C. Beck no later than 12:00 noon on Friday, April 26. He will compile the comments and submit them to the designated contact no later than the afternoon of Friday, April 26, 2024, which is the deadline. Director Bassett will forward the informational email regarding the draft report that we received from Laura Piper, Inyo County; that lists the deadline and where the comments should be sent.

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### **12. Board of Directors reports.**

Director Bassett reported:

- Director Parkinson and she took a reading on the Benton monitoring well on Saturday, April 6, 2024. The reading was 130.74 feet, which is up 2.79 inches from January 13, 2024 and 4.32 inches from April 17, 2023.
- Director Rhodes and she took a reading on the Chalfant monitoring well on Sunday, April 7, 2024. The reading was 71.2 feet, which is up 5.76 inches from January 12, 2024 and 7.32 inches from April 21, 2023.
- We received a ledger report from the Finance Department. It is the same as the report we received in March 2024.
- As a reminder, she will not be at the June 26, 2024 Board meeting.

Director Mitchell asked that the draft RFP for the Groundwater Model be sent to the Board and posted on the website before the May 29, 2024 meeting so that people have ample time to review it. Director Bassett will forward this request to Tim Moore at the Inyo County Water Department.

Director Duggan reported that:

- The M.C. BOS has added to every agenda a Tribal Land Acknowledgment. It is also being read the first meeting of every month. She thanks the Gwaitu Tribe for their participation in the recognition preparation.
- SB 1383, a solid waste regulation, is coming to the state soon. She is going to request that Mono County adopt an ordinance to exempt the County from the regulation.
- Mono County did a fee study related to upcoming fee changes for County services. Initiative 1935 would affect how local governments and special districts can increase fees.
- The Rural Counties Representing California (RCRC) website [rcrcnet.org](http://rcrcnet.org) is a great resource for following legislation in process. Their Barbed Wire site has all of information pertinent to our area, such as AB 2079, which concerns well permits in high and medium priority basins.
- Mono County is requesting opinions on the idea of restarting Regional Planning Advisory Committees (RPAC's) to get community input and feedback. The idea of holding town halls once or twice a year instead has been discussed.
- For additional information on these items or input on the RPAC's or town halls, contact Rhonda Duggan at [rduggan@mono.ca.gov](mailto:rduggan@mono.ca.gov)

### **13. Adjournment to Wednesday, May 29, 2024, 6:30 p.m. at the Benton Community Center.**

A motion to adjourn the meeting was made by Director Mitchell and seconded by Director Parkinson.

Vote – ayes – Directors Allen, Moss, Mitchell, Parkinson, Rhodes, and Bassett.

Nays – none.

Meeting was adjourned at 7:35 PM.

**The next meeting is Wednesday, May 29, 2024 at 6:30 p.m.  
at the Benton Community Center.**

**Geri Bassett, Secretary, TVGMD**

Attachment item  
# 5

§ 128-1. Short title

**ARTICLE 1. LEGISLATIVE FINDINGS**

**Section 1.** This act shall be known and may be cited as the Mono County Tri-Valley Groundwater Management District Act.

**§ 128-102. Legislative findings and declaration**

**Sec. 102.** The Legislature finds and declares as follows:

- (a) The groundwater basins which are the subject of this act provide water for domestic, agricultural, and other commercial needs in the eastern portions of Mono County.
- (b) Those groundwater basins are or may become overdrafted, thereby depleting supplies for domestic uses, curtailing reasonable growth, endangering the economic viability of agriculture, and otherwise adversely affecting the environment and economy of the area.
- (c) Although it is not certain what adverse effects would result, or whether there is or may be excess water, there are pressures to export groundwater from the basins to other areas of the state.
- (d) It is necessary, and in the best interests of the persons and property dependent upon and served by the groundwaters of the basins, that the Legislature create a locally controlled water district for the purpose of preserving the waters of the basins and, to the extent there becomes a surplus of groundwater, approving the terms and conditions of any sale of the surplus and equitably allocating the proceeds of that sale.
- (e) The creation of the district will assure the carrying out of functions of statewide importance.

**ARTICLE 2. CREATION AND BOUNDARIES**

**§ 128-201. Creation; jurisdiction**

**Sec. 201.** The Mono County Tri-Valley Groundwater Management District is hereby created. The district, acting by and through its governing board, shall have jurisdiction over groundwaters within the boundaries of the district, and shall have the powers provided by this act or any other provision of law.

**§ 128-202. Boundaries**

**Sec. 202.** The district shall consist of those areas of eastern Mono County commonly known and referred to as Benton Valley, Hamill Valley, and Chalfant Valley, and portions of the watersheds thereof. The district is more particularly described as follows:  
Beginning at the point where U.S. Highway 6 crosses the California-Nevada state line, thence along the state line in a southeasterly direction to the national forest boundary; thence along the national forest boundary in a southerly direction to the Mono-Inyo county line; thence along the Mono-Inyo county line west to Fish Slough Road; thence along Fish Slough Road in a northerly direction to its intersection with the northern boundary of Range 32 East, Township 5 South; thence west to the national forest boundary; thence along the national forest boundary north to the southwest corner

of [Section 14](#), Range 31 East, Township 2 South; thence north to the southwest corner of [Section 11](#), Range 31 East, Township 1 South; thence along the national forest boundary in a northeasterly direction to the California-Nevada state line; thence along the state line in a southeasterly direction to the point where U.S. Highway 6 crosses the California-Nevada state line.

### **ARTICLE 3. DEFINITIONS**

#### **§ 128-301. Scope of definitions**

[Sec. 301](#). Unless otherwise indicated by their context, the terms defined in this article govern the interpretation of this act.

#### **§ 128-302. Advisory board**

[Sec. 302](#). “Advisory board” means the Groundwater Advisory Board appointed pursuant to [Section 403](#).

#### **§ 128-302.5. Available supply**

[Sec. 302.5](#). “Available supply” means the quantity of groundwater which can be withdrawn annually from the groundwater basin without resulting in or aggravating conditions of overdraft, subsidence, or groundwater quality degradation. Available supply of the groundwater basin includes the average annual natural water supply, imported water or other water which has been spread to the basin or otherwise added to the basin, and return flows to the basin attributable to these sources reaching the groundwater in the course of use.

#### **§ 128-303. Board**

[Sec. 303](#). “Board” means the Board of Directors of the Mono County Tri-Valley Groundwater Management District.

#### **§ 128-304. County**

[Sec. 304](#). “County” means the County of Mono.

#### **§ 128-305. District**

[Sec. 305](#). “District” means the Mono County Tri-Valley Groundwater Management District.

#### **§ 128-306. District off-basin user**

[Sec. 306](#). “District off-basin user” means a person extracting groundwater for use on land within the district which does not overlie the groundwater basin.

#### **§ 128-307. Export**

[Sec. 307](#). “Export” means groundwater extracted for use outside the boundaries of the district.

#### **§ 128-308. Extraction**

**Sec. 308.** “Extraction” means the act of obtaining groundwater by pumping or other controlled means.

#### § 128-309. Extraction facility

**Sec. 309.** “Extraction facility” means any device or method for the extraction of groundwater within the groundwater basin.

#### § 128-310. Groundwater

**Sec. 310.** “Groundwater” means water beneath the surface of the earth within the zone below the water table in which the soil is completely saturated with water. “Groundwater” does not include any water which, on the effective date of this act, is subject to appropriation under Part 2 (commencing with [Section 1200](#)) of [Division 2 of the Water Code](#).

#### § 128-311. Groundwater basins

**Sec. 311.** “Groundwater basins” means the groundwater basins within the boundaries of the district.

#### § 128-312. Groundwater rights adjudication

**Sec. 312.** “Groundwater rights adjudication” means the determination of substantially all rights in the groundwater basin or the area subject to the adjudication.

#### § 128-313. Operator

**Sec. 313.** “Operator” means the person who operates an extraction facility. “Operator” also means the person to whom the extraction facility is assessed by the county assessor or, if not separately assessed, the person who owns the land upon which an extraction facility is located.

#### § 128-314. Overdraft

**Sec. 314.** “Overdraft” means the conditions of the groundwater basin where the average annual amount of water extracted exceeds the average annual supply of water to the basin, plus any temporary surplus.

#### § 128-315. Person

**Sec. 315.** “Person” includes any state or local governmental agency, private corporation, firm, partnership, limited liability company, individual, group of individuals, or, to the extent authorized by law, any federal agency.

#### § 128-316. Program

**Sec. 316.** “Program” means a groundwater management program prepared by the district pursuant to this act.

#### § 128-317. Replenishment

**Sec. 317.** “Replenishment” means spreading water over a permeable area for the purpose of allowing it to percolate to the groundwater basin, or otherwise adding water to the groundwater basin which without such effort would not augment the groundwater supply.

### § 128-318. Supplemental water

**Sec. 318.** “Supplemental water” means surface water or groundwater imported from outside the watershed or watersheds of the groundwater basin and flood waters that are conserved and saved within the watershed or watersheds which would otherwise have been lost or would not have reached the groundwater basin.

### § 128-319. Temporary surplus

**Sec. 319.** “Temporary surplus” means the amount of water that can be extracted from the groundwater basin, without adversely affecting the available supply of the groundwater basin, to provide storage space for natural recharge that would be lost during wet years if it could not be stored in the groundwater basin.

### § 128-320. Water year

**Sec. 320.** “Water year” means the period from October 1 of one calendar year to September 30 of the following calendar year.

### § 128-321. Well interference

**Sec. 321.** “Well interference” means a substantial water level decline in a short time period in a localized area caused by pumping from extraction facilities.

### § 128-322. Zone of benefit

**Sec. 322.** “Zone of benefit” means an area, including, but not limited to, subbasins, within the district which will benefit from planning, studies, or any management program undertaken by the district in a manner different from other areas or subbasins within the district.

## **ARTICLE 4. BOARD OF DIRECTORS**

### § 128-401. Membership; quorum; terms; elections; vacancies

**Sec.401.** (a) The board of directors of the district shall consist of eight members as follows:

(1) One member shall be a county supervisor appointed by the board of supervisors as an ex officio, nonvoting member.

(2) Four members shall be residents of the district who are the owners of record of real property located within the district. These members shall be elected at large from the district, except as provided in subdivision (d).

(3) Three members shall be residents of the district who are the owners of record of real property located within the district, and on which property there are extraction facilities capable of pumping at least 100 gallons per minute exclusive of domestic use. These members shall be elected at large from the district.

(b) A quorum of the board of directors shall be four of the voting members. Four affirmative votes of the board shall be required to take an action.

(c) Of the seven members of the board elected at large, terms of office shall be four years. Members of the board of directors may be reelected.

(d) The member added to the board by the act that added this subdivision shall be elected for an initial term at the November 3, 2020, general election. Until a member is elected to that seat on the board, the vacant seat may be appointed by the board pursuant to subdivision (f).

(e) Except as otherwise provided in this act, the Uniform District Election Law (Part 3 (commencing with [Section 23500](#)) of [Division 14 of the Elections Code](#)) shall apply to elections within the district.

(f) Except for the board member who is a supervisor, vacancies on the board shall be filled by appointment by a majority vote of the remaining directors as provided in [Section 1780 of the Government Code](#). An appointment to fill a vacancy on the board shall be for the unexpired portion of the term of the office in which the vacancy occurs.

### § 128-402. Rules; powers

[SEC. 402](#). The board may adopt rules for the carrying out of its business. The board shall exercise the powers of the district as set forth in this act.

### § 128-403. Groundwater advisory board

[SEC. 403](#). The board may appoint a Groundwater Advisory Board consisting of persons who are eligible to vote and who reside within the boundaries of the district. A quorum of the advisory board shall be a majority of the number of persons appointed to the advisory board. To the greatest extent practicable based on persons' interest in serving on the advisory board, the board shall appoint members to the advisory board so that the residents of each of the Valleys of Benton, Chalfant, and Hammil are equally represented.

### § 128-404. Meetings and rules; advisory board

[SEC. 404](#). (a) The advisory board may meet at least once each quarter at a location within the district and shall comply with the Ralph M. Brown Act (Chapter 9 (commencing with [Section 54950](#)) of [Part 1 of Division 2 of Title 5 of the Government Code](#)).

(b) The advisory board may adopt procedural rules for the conduct of its business.

### § 128-405. Powers; advisory board

[Sec. 405](#). The advisory board shall exercise the following powers:

(a) Advise the board on all matters included within the purposes and provisions of this act.

(b) Independently comment on projects or other matters which may affect the district, whether in the context of the California Environmental Quality Act ([Division 13 \(commencing with Section 21000\) of the Public Resources Code](#)) or any other relevant proceeding.

(c) Hold public hearings on matters affecting the district for the purpose of gathering evidence and making recommendations to the board.

(d) Comment or initiate on rules and regulations affecting the district which may be adopted by the board.

#### § 128-406. Comments of advisory board

**Sec. 406.** The board shall not act on any matter within its jurisdiction under this act without first having given the advisory board an opportunity to comment. Each agenda of the board shall reserve a time for comments of the advisory board and its members.

### ARTICLE 5. GENERAL PROVISIONS

#### § 128-501. Civil penalties

**Sec. 501.** The board may establish civil penalties for violations of district ordinances in addition to the remedies specified in this act.

#### § 128-502. Ordinances

**Sec. 502.** Any ordinance adopted pursuant to this act shall become effective within 30 days of adoption. Within 10 days after its adoption, the ordinance shall be published pursuant to [Section 6061 of the Government Code](#). From and after the publication, any person who does not comply with the ordinance may be liable civilly for a sum not to exceed one thousand dollars (\$1,000) for each day the ordinance is not complied with, in addition to any penalties established pursuant to Section 501.

#### § 128-503. Exclusion of certain operators

**Sec. 503.** The board may exclude from any of the requirements of this act any operator who extracts a minimum amount of groundwater as specified in an ordinance adopted by the board after notice and hearing.

#### § 128-504. Petition for review of ordinances

**Sec. 504.** Within 60 days after publication of any ordinance or resolution establishing or in furtherance of a groundwater management program, any interested party may file with the superior court a petition for writ of mandate for the review thereof. Failure to file such an action shall not preclude a party from challenging the validity of the ordinance or resolution in any judicial proceedings brought to enforce the ordinance or resolution or for other civil remedies, including the imposition of civil penalties. The right to seek judicial review shall not be affected by any failure to seek reconsideration from the board.

#### § 128-505. Reconsideration of decisions; petitions

**Sec. 505.** The board may reconsider all or part of a decision on petition of any person affected by the decision. Any such petition shall be filed with the board within 15 days after adoption of the decision by the board. The board shall decide whether to reconsider its decision within 60 days after the petition is filed.

#### § 128-506. Fees; water export permits



**Sec. 506.** After notice and a public hearing, the board, by ordinance, shall adopt a schedule of fees to be imposed on each water export permit. The fees shall be based on the amount of water to be exported by the permittee.

## **ARTICLE 6. STUDIES AND INVESTIGATIONS**

### **§ 128-601. Investigations; data collection**

**Sec. 601.** The board may carry on technical and other necessary investigations of all kinds and collect data necessary to carry out this act. The board and its authorized agents shall have the right of access to all properties within the district to the extent permitted by the United States Constitution and the California Constitution.

### **§ 128-602. Cooperation with governmental agency investigations**

**Sec. 602.** The board may cooperate and contract with federal, state, and local governmental agencies in the conduct and performance of all investigations, studies, and data collection.

### **§ 128-603. Report on groundwater supplies and conditions**

**Sec. 603.** The board shall prepare annually a report on groundwater supplies and conditions in the district, including groundwater management objectives and a plan of implementation of those objectives, following a determination that groundwater management activities may be necessary.

## **ARTICLE 7. GROUNDWATER MANAGEMENT ACTIVITIES**

### **§ 128-701. Program of groundwater management activities; hearings**

**Sec. 701.** If, upon receipt of the recommendations of its engineers, consultants, and staff, or any of them, the board determines that groundwater management activities may be necessary, the board shall, after compliance with the California Environmental Quality Act ([Division 13 \(commencing with Section 21000\) of the Public Resources Code](#)), give notice of and hold a hearing to receive evidence and make findings on the need for such a program and on the form and scope of the management activities required. The requirement to comply with the California Environmental Quality Act does not, and shall not be construed to, limit compliance with that act for other discretionary actions by the board.

### **§ 128-702. Powers of board**

**Sec. 702.** If the board determines that groundwater management activities are necessary, the board may, by ordinance, exercise any of the following powers:

- (a) Store water in and recapture water from surface reservoirs or groundwater basins within the district.
- (b) Acquire water and water rights within or outside of the district.
- (c) Purchase and import water into the district.

- (d) Buy and sell water and water rights at rates determined by the board.
- (e) Exchange water and water rights.
- (f) Store and recapture water in the groundwater basins.
- (g) Commence and prosecute actions to enjoin unreasonable uses or methods of use of water within the district or outside of the district to the extent those uses or methods of use affect the groundwater supplies within the district.

### § 128-703. Extraction facilities; spacing requirements

**Sec. 703.** The board may impose spacing requirements on new extraction facility construction to minimize well interference.

### § 128-705. Rights of users; hearings

**Sec. 705.** (a) The board may, at the request of a water user, and after notice to all affected persons, convene a hearing to ascertain if the legal rights of the complaining water user have been infringed through well interference by the extractions of any other operator within the district. At any hearing, the burden is on the complaining water user to produce evidence that his or her legal rights have been infringed by the extractions of another operator within the district.

(b) If, on the basis of the hearing record, the board determines that the legal rights of the complaining water user have been infringed, the board may make such orders as are necessary to provide the complaining water user with an adequate remedy to the well interference.

(c) The board may petition the appropriate superior court for enforcement of its order.

### § 128-706. Permits to export groundwater

**Sec. 706.** (a) No groundwater shall be exported from the district unless the exporter has applied for and obtained a permit from the board which establishes the quantity of water which may be exported and the conditions on that export. Notwithstanding any conditions specified in the permit, exporters shall be subject to the provisions of Section 707.

(b) The board shall not issue any permit to export water from the district unless the applicant has established that there is an available supply in excess of the amount currently required for reasonable and beneficial uses within the district, and the board determines that the export, if permitted, would not adversely affect the rights of groundwater users within the district. The board shall issue permits for export for such time periods and under such terms and conditions as it deems appropriate. All permits shall state that they are subject to the right of the district to reduce or suspend exports as provided for in this act.

### § 128-707. Reduction or suspension of extraction by exporters

**Sec. 707.** The district shall, after published notice and a hearing which discloses evidence of overdraft, or threat of overdraft, reduce or suspend extractions by exporters regardless of whether a permit to export has been granted pursuant to this act.

### § 128-708. Limitation or suspension of extraction by district users

**Sec. 708.** If the evidence produced at the hearing specified in Section 707 or in any subsequent hearing, tends to show that reduction or suspension of extraction by exporters will be insufficient to eliminate existing or threatened conditions of overdraft, the district may limit or suspend extraction by district users. Any such limitation or suspension of extraction shall be done in the manner described in Section 709.

#### § 128-709. Allocation of rights to available supply of groundwater

**Sec. 709.** In the event that the board limits or suspends extraction by district users in order to eliminate existing or threatened conditions of overdraft, rights to the use of the available supply of groundwater shall be allocated primarily on the basis of the number of acres overlying the basin or subbasin that a user owns or leases in proportion to the total number of acres overlying the basin or subbasin. The board shall adjust any figure so arrived at up or down for any of the following factors:

- (a) The number of acres actually irrigated compared to the number of acres owned or leased.
- (b) Crop type.
- (c) Wasteful or inefficient use.
- (d) Reasonable need.
- (e) Water conservation activities.
- (f) Any other factors that the board reasonably determines it should consider in order to reach an equitable distribution within the entire district.

#### § 128-710. Legislative intent

**Sec. 710.** (a) The Legislature, in enacting this act, intends to establish and grant to overlying groundwater users and to district off-basin groundwater users a prior right to groundwater in the district and to thereby relegate exports from the district to a junior priority to the water users, irrespective of the time the export uses are commenced. By adopting district boundaries which contain the watershed of the groundwater basin within the district, the Legislature adopts the watershed and basin as the scope of the area granted prior right to groundwater.

(b) It is further the Legislature's intent to recognize that, in general, overlying users have a prior right to groundwater within the district, but to grant the board the authority to consider other factors and the reasonable needs of district off-basin users in allocating the available groundwater supply and to permit the district to make groundwater available to district off-basin users based on factors which indicate that the use is necessary for the equitable distribution of the groundwater resource.

#### § 128-711. New, enlarged or reactivated extraction facilities; permits

**Sec. 711.** If the board has imposed reductions on district users, no operator may extract groundwater from a new, enlarged, or reactivated extraction facility for use within the district until the operator has applied for and received a permit from the board.

#### § 128-712. New, enlarged or reactivated facilities; allocation of groundwater

**Sec. 712.** (a) The board shall grant the permit referred to in Section 711 upon determining the operator's share of the available supply from the groundwater basin or subbasin in the manner described in Section 709 and may limit the operator's right to extract groundwater to that share. To the extent necessary, the board shall adjust the authorized extractions by other district users.

(b) The board may postpone the effective date of any increase authorized in subdivision (a) to the start of the next water year. The board may also establish a date by which any application shall be submitted in order to be effective at the start of the next water year.

### § 128-713. Proceedings involving district; participation by board

**Sec. 713.** In order to preserve and manage the groundwater resources of the district, the board may participate, in any capacity, in proceedings involving the district, including, but not limited to, groundwater rights adjudications.

## **ARTICLE 8. ZONES OF BENEFIT AND ASSESSMENT DISTRICTS**

### § 128-801. Construction of facilities

**Sec. 801.** The board may use the Improvement Act of 1911 (Division 7 (commencing with [Section 5000 of the Streets and Highways Code](#)), the Municipal Improvement Act of 1913 (Division 12 (commencing with [Section 10000 of the Streets and Highways Code](#)), or the Revenue Bond Law of 1941 (Chapter 6 (commencing with [Section 54300 of Part 1 of Division 2 of Title 5 of the Government Code](#))) for the construction of any facilities authorized to be constructed by the district under this act.

### § 128-802. Zones of benefit

**SEC. 802.** (a) The board may establish zones of benefit within the district for the purpose of carrying out activities including, but not limited to, planning, studies, or any management program of the district or any joint powers agency of which it is a member. Resolution of the board shall describe the boundaries of the zones of benefit.

(b) The board may amend zone of benefit boundaries by annexing property to or by withdrawing property from a zone, or may divide a zone into two or more zones. Resolutions of the board shall describe the boundaries of the amended or divided zones. Zones of benefit created by annexation shall not include lands outside the boundaries of the district.

## **ARTICLE 9. ENFORCEMENT POWERS**

### § 128-901. Injunctions

**Sec. 901.** The right to proceed for injunctive relief is an additional right to those which may be provided elsewhere in this act or otherwise allowed by law. The board shall not be required to provide an undertaking or bond as a condition of a grant of injunctive relief.

### § 128-902. Burden of proof; injunctions or restraining orders

**Sec. 902.** In any action brought pursuant to this act in which a temporary restraining order, preliminary injunction, or permanent injunction is sought, it shall not be necessary to allege or prove at any stage of the proceeding that irreparable damage will occur should the temporary restraining order, preliminary injunction, or permanent injunction not be issued, or that the remedy at law is

inadequate, and the temporary restraining order, preliminary injunction, or permanent injunction shall issue without those allegations and without that proof.

### § 128-903. Recovery of sums; petitions

**Sec. 903.** The district may petition the superior court to recover any sums due to the district pursuant to this act. The board shall make that request only after a hearing with due notice of the hearing given to all affected persons.

### § 128-904. Additional remedies

**Sec. 904.** Remedies under this article are in addition to, and do not supersede or limit, any and all other remedies, civil or criminal.

### § 128-905. Collected moneys; placement and expenditure

**Sec. 905.** All moneys collected by the district pursuant to this act shall be placed in an account and shall be available without regard to fiscal year for expenditure by the board in carrying out district functions pursuant to this act.

### § 128-906. Legislative findings and declaration

**Sec. 906.** The Legislature finds and declares that this act, which is applicable only to the Mono County Tri-Valley Groundwater Management District is necessary because of the unique and special groundwater management problems in the area included in the district. It is, therefore, hereby declared that a general law cannot be made applicable to the district and that the enactment of this special law is necessary for the conservation, development, control, and use of that water for the public good and for the protection of life and property therein.

The Sheet  
P.O. Box 8088  
Mammoth Lakes, CA 93546

# Invoice

attachment item  
# 8A

<b>Bill To:</b>
Tri Valley Groundwater Mgmt. Dist. Attn. Geri Bassett 123-B Valley Rd. Chalfant, CA 93514

Date	Invoice No.	P.O. Number	Terms	Project
04/08/24	11607			

Item	Description	Quantity	Rate	Amount
Legal Notice	#2024-0038. Notice of Vacancy. Published in the March 30 & April 6 issues. Vol. 22, No. 13-14. 3.5 col. inches @ \$15/inch = \$52.50/issue.	2	52.50	105.00

**GERI M. BASSETT** 90-7162/3222 **404**  
P.O. BOX 811  
BISHOP, CA 93515-0811

DATE 4-14-24

PAY TO THE ORDER OF The Sheet \$ 105.00

One hundred + five + <sup>no</sup>/<sub>100</sub> DOLLARS

**CHASE**  
JPMorgan Chase Bank, N.A.  
www.Chase.com

MEMO Vacancy posting - west  
3/30 + 4/6/24

Geri Bassett MP

⑆ 3 2 2 2 7 1 6 2 7 ⑆

			<b>Total</b>	<b>\$105.00</b>
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# READER

P. O. Box 507  
Bishop, CA 93515  
(760) 873-4747

attachment item  
#8B Invoice

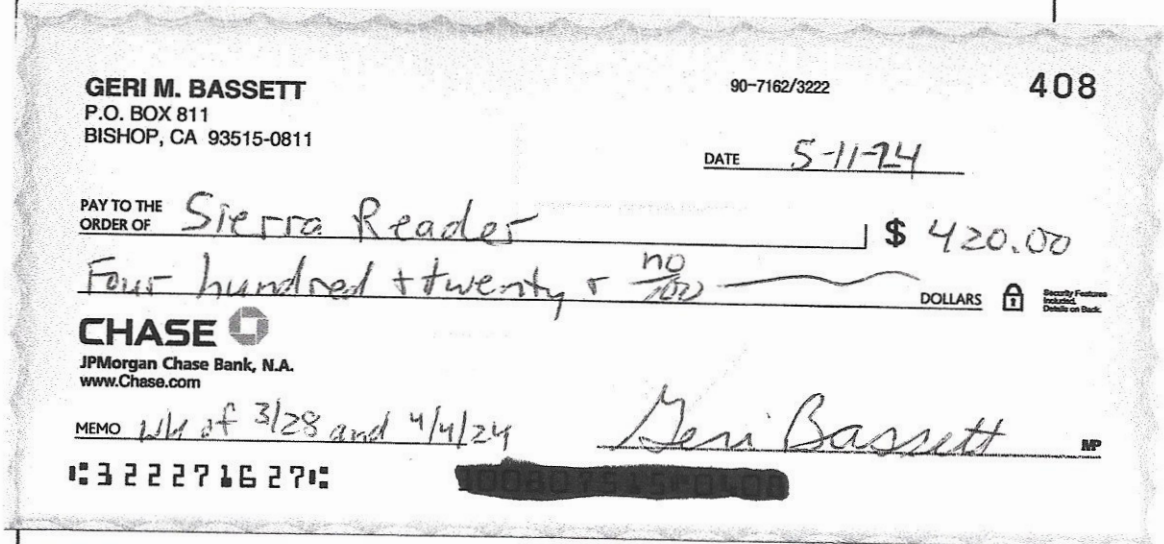
Bill To:

Tri-Valley Groundwater Management District  
123B Valley Road  
Chalfant, CA 93514

Invoice #: 00015613  
Date: 5/8/2024

Page: 1

DATE	DESCRIPTION	AMOUNT
3/28/2024	3X7 DISPLAY AD - Notice of Vacancy	\$210.00
4/4/2024	3X7 DISPLAY AD - Notice of Vacancy	\$210.00



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We appreciate your business.

Sales Tax:	\$0.00
Total Amount:	\$420.00
Amount Applied:	\$0.00
Balance Due:	\$420.00

Terms: C.O.D.