



**A REGULAR MEETING OF THE BOARD OF DIRECTORS
UPPER SAN GABRIEL VALLEY MUNICIPAL WATER DISTRICT
248 E FOOTHILL BLVD. ROOM #103, MONROVIA, CA 91016
4:00 P.M. – SEPTEMBER 27, 2023**

SPECIAL NOTICE

The public may participate in the meeting by physical attendance at the meeting or by videoconference or teleconference. Instructions to participate in the teleconference are below:

Attendee Zoom Webinar Link
<https://us02web.zoom.us/j/86273024418>

Meeting ID: 862 7302 4418

Telephone Dial:
1 (669) 444-9171 US

Meeting ID: 862 7302 4418

Public comments may be made through teleconference when prompted by the President during the public comment period. Public comments may also be provided by emailing venessa@usqvmwd.org in advance of the meeting. Please indicate "PUBLIC COMMENT" in the subject line.

If you have difficulty connecting to the teleconference line, please call (626) 443-2297 or email venessa@usqvmwd.org. It may take a few minutes to join Zoom or connect via telephone so please join early.

AGENDA

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL OF BOARD OF DIRECTORS
3. ADOPTION OF AGENDA [1]
4. PUBLIC COMMENT
Anyone wishing to discuss items should do so now. The Board of Directors may allow additional input during the meeting. A three-minute time limit on remarks is requested.
5. COMMITTEE REPORTS [2] – None.
6. CONSENT CALENDAR [1]
 - (a) Minutes of a regular meeting of the Board of Directors held on September 13, 2023 at 4:00 p.m.
7. ACTION/DISCUSSION ITEMS [1]
 - (a) Pure Water Southern California Environmental Review (*Mr. John Bednarski, Chief Engineer and Group Manager of Engineering Services for the Metropolitan Water District of Southern California will provide a presentation.*)

Recommendation

This item is for information only. No action is anticipated.

(b) Approval of General Manager Contract Amendment. (*Draft contract amendment attached.*)

Recommendation

Staff recommends that the Board of Directors consider the matter and instruct staff accordingly on the following amendments to the General Manager's contract:

1. Compensation adjustment
 2. Term of the contract
-
8. INFORMATION ITEMS (These items are for the information of the Board of Directors and require no action) [2]
 - (a) Press Releases and News Articles.
 9. ATTORNEY'S REPORT [2]
 10. ENGINEER'S REPORT [2]
 11. GENERAL MANAGER'S REPORT [2]
 12. DIRECTOR'S COMMENTS [2]
 13. FUTURE AGENDA ITEMS [1]
 14. ADJOURN TO CLOSED SESSION
 - (a) Public Employee Performance Evaluation (Government Code section 54957); Position: General Manager
 15. RESUME REGULAR MEETING AND REPORT ON CLOSED SESSION
 16. ADJOURNMENT - To a regular meeting of the Board of Directors to be held on October 11, 2023 at 4:00 p.m. at 248 E. Foothill Blvd. Room #103, Monrovia, CA 91016.

LEGEND: [1] INDICATES ACTION ANTICIPATED BY BOARD OF DIRECTORS ON THIS ITEM
[2] INDICATES INFORMATION ITEM - NO BOARD ACTION NECESSARY

PRESIDENT JENNIFER SANTANA, PRESIDING



American Disabilities Act Compliance (*Government Code Section 54954.2(a)*)

To request special assistance to participate in this meeting, please contact the Upper District office at (626) 443-2297 or venessa@usgvmwd.org at least 24 hours prior to meeting.



**A REGULAR MEETING OF THE BOARD OF DIRECTORS
OF THE UPPER SAN GABRIEL VALLEY MUNICIPAL WATER DISTRICT
248 E. FOOTHILL BLVD, ROOM #103, MONROVIA, CALIFORNIA 91016
4:00 P.M. – September 13, 2023**

6. (a)
Minutes

A regular meeting of the Board of Directors was held in the office of the District, 248 E. Foothill Blvd, Rm. 103, City of Monrovia, County of Los Angeles, State of California, within said Water District, on September 13, 2023 at the hour of 4:00 p.m.

ROLL CALL	<p>DIRECTORS PRESENT: Treviño, Chavez, Garcia, Fellow, and Santana.</p> <p>DIRECTORS ABSENT: None.</p> <p>STAFF PRESENT: Tom Love, General Manager; Martin Koczanowicz, District Counsel; Steve Johnson, District Engineer; Patty Cortez, Assistant General Manager, External Affairs; Evelyn Rodriguez, Chief Financial Officer/Chief Administrative Officer; Venessa Navarrette, Executive Assistant; Jennifer Aguilar, Water Use Efficiency Analyst; Ruben Gallegos, Project Assistant; and Katherine Vazquez, Government and Community Affairs Assistant.</p>
OTHERS PRESENT	Kelly Gardner, Lynda Noriega, Che Venegas, David Muse, Dennis Azevedo, and Lenet Pacheco.
ADOPTION OF AGENDA	<p>On motion by Vice President Fellow, seconded by Director Treviño, the agenda was unanimously adopted as presented by the following vote:</p> <p>AYES: TREVIÑO, CHAVEZ, GARCIA, FELLOW, SANTANA NOES: NONE ABSTAIN: NONE ABSENT: NONE</p>
PUBLIC COMMENT	None.
ADJOURN TO CLOSED SESSION	A closed session was held pursuant to Government Code section 54957; Public Employee Performance Evaluation: General Manager.
REPORT ON CLOSED SESSION	The Board reconvened after closed session. District Counsel stated that a discussion was held by the Board and that no reportable actions were taken.
COMMITTEE REPORTS	<p>Next scheduled committee meeting dates are as follows:</p> <p>(a) Government Affairs and Community Outreach – October 2, 2023 at 4:00 p.m. (b) Administration and Finance – October 3, 2023 at 4:00 p.m. (c) Water Resources and Facility Management – October 4, 2023 at 4:30 p.m.</p>
CONSENT CALENDAR	<p>On motion by Treasurer Garcia, seconded by Vice President Fellow, the consent calendar was approved unanimously approved by the following vote:</p> <p>AYE: TREVIÑO, CHAVEZ, GARCIA, FELLOW, SANTANA NOES: NONE ABSTAIN: NONE ABSENT: NONE</p>

- (a) Minutes of a regular meeting of the Board of Directors held on July 12, 2023 at 4:00 p.m.
- (b) List of Demands
- (c) Financial Reports – July 2023
 - 1. Financial Statements
 - 2. Director’s Public Outreach
- (d) Amendments to Sections 3.2.6 (b)(3) and 3.2.6 (d)(1) of the Investment Policy
- (e) Execution of Negotiated Tax Exchange Resolution for the Annexation of Tract 65296 to County Lighting Maintenance District 1687

**ASSOCIATION OF CALIFORNIA
WATER AGENCIES BOARD
OFFICERS’ AND REGION 8 BOARD
ELECTIONS FOR THE 2024/25
TERM**

Patty Cortez, Assistant General Manager, reported that the General Manager, as the voting delegate for ACWA, requests direction from the Board on both the ACWA Board Officers election ballot and Region 8 Board election ballot. She explained that Cathy Green is running unopposed for the ACWA Board President and there are two candidates for ACWA Board Vice President: Ernesto Avila and Michael Saunders. She also shared that the Region 8 Board provided a nominating committee slate for voting purposes. The recommended slate includes Director Fellow as Chairman for Region 8. The Assistant General Manager requested that the Board provide direction on how the General Manager should complete both ballots for the ACWA elections.

On motion by Director Treviño, seconded by Vice President Fellow, the Board of Directors directed the General Manager to vote for the following candidates for the Association of California Water Agencies Board Officers; Cathy Green, President, and Ernesto Avila, Vice President for the 2024/2025 term, by the following vote:

AYE: TREVIÑO, CHAVEZ, GARCIA, FELLOW, SANTANA
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

On motion by Director Treviño, seconded by Treasurer Garcia, the Board of Directors directed the General Manager to vote for the nominating committee’s recommended slate for the ACWA Region 8 Board for the 2024/2025 term, by the following vote:

AYE: TREVIÑO, CHAVEZ, GARCIA, FELLOW, SANTANA
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

**STATE LEGISLATIVE SUMMARIES
AND BILL POSITIONS**

President Santana explained that while staff recommended support for both ACA 1 and ACA 13, she felt that ACA 1 might be problematic in the future. She stated that the bill is more related to housing than water. She then recommended that the Board move to a watch position on ACA 1 until more information becomes available on this legislation.

On motion by President Santana, seconded by Director Treviño, the Board of Directors approved a watch position for ACA 1 and support for ACA 13, consistent with Upper District’s 2023-24 Legislative Policy Principles adopted by the Board in January 2023 by the following vote:

AYE: TREVIÑO, CHAVEZ, GARCIA, FELLOW, SANTANA
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

INFORMATION ITEMS

The following items listed on the agenda for the information of the Board were read and ordered received and filed:

- (a) Press Releases and News Articles

ATTORNEY'S REPORT

District Counsel reported working with staff on the EV charging station contract, General Manager's performance evaluation, and various other agreements.

ENGINEER'S REPORT

The District Engineer reported on hydrologic conditions, basin deliveries, reservoir storage, canyon releases and rainfall averages. He stated that the Baldwin Park Key Well groundwater elevation was 227.1 feet as of September 8, 2023. He shared that the percolation rate is still slow in the spreading basins, but the key well is mounding appropriately.

He then reported that no notices of wells shutdown due to contamination were received during the months of July and August 2023.

Secretary Chavez asked the District Engineer about the algae that is visible on top of the water in the spreading basins right now. The District Engineer explained that it has been seen in the past and is related to the low percolation rates and lack of water flow through the spreading basins. Secretary Chavez asked if the algae would affect the percolation rate. The District Engineer clarified that the algae should not affect the percolation rate in the basin.

Vice President Fellow asked the District Engineer to clarify the rainfall percentages for the current fiscal year. The District Engineer reported that rainfall from July to August 2023 at Puddingstone Station is 3000% of long-term average and is 1800% of long-term average at the San Gabriel Station.

GENERAL MANAGER'S REPORT

The General Manager reported that he is working with Metropolitan and the County to achieve the maximum amount of water deliveries possible this calendar year. He shared that there is still quite a bit of local water in the way of deliveries, but expects deliveries to the MWD cyclic storage account to reach approximately 70 TAF before the end of the year.

The General Manager reported that due to an extended family medical leave, the office has been short-staffed this summer. He added that interviews for the new receptionist will begin next week.

The General Manager shared that the elevator upgrades will start in the second half of November and will be completed before the committee meetings in December. He explained that there will be no public meetings during that time.

Secretary Chavez asked if the elevator shut down would affect the tenants. The General Manager explained that they have been informed and that he suggested they not hold public meetings during that time as well.

The General Manager shared that the EV charging station reimbursement agreement with the City of Monrovia is still being prepared by the City Attorney. He added that he has been reevaluating the partnership with the City of Monrovia specifically their stipulations about the cost and aesthetics of a payment kiosk for the public-facing stations. He shared that there might be a less expensive option for the District without cost-sharing with the City.

The General Manager shared that at the September 27th Board Meeting, John Bednarski from Metropolitan will provide a presentation on the Pure Water Southern California project and Operation NEXT. He encouraged producers and all other stakeholders to attend.

President Santana left the meeting and turned over the proceedings to Vice President Fellow.

METROPOLITAN REPORT

Vice President Fellow reported on the numerous meetings at Metropolitan, the Colorado River shortage levels, recent votes and contracts approved by the committees, and a historic board meeting scheduled in December.

**WATER QUALITY AUTHORITY
REPORT**

A summary report was included in the packet.

WATERMASTER REPORT

A summary report was included in the packet.

AB 1234 COMPLIANCE REPORT

A summary report was included in the packet.

DIRECTORS COMMENTS

None.

FUTURE AGENDA ITEMS

None.

ADJOURNMENT

Vice President Fellow asked if there was any other business to come before the Board. There being none, the meeting was duly adjourned to a regular meeting of the Board of Directors to be held on September 27, 2023, at 4:00 p.m. at 248 E. Foothill Blvd., Room #103, Monrovia, CA 91016.

PRESIDENT

ATTEST

SECRETARY

SEAL

DRAFT

Demands numbered 22088 through 22123 and 22124 through 22162 on the General Fund Account of the Upper District at Citizens Business Bank, in the amount of \$680,846.18 and \$391,857.04, respectively, and demands numbered 1122 through 1127 and 1128 through 1133 on the Water Fund Account at the same bank in the amount of \$208,179.97 and \$807,396.55, respectively.

22088	VOID Check	Printer Error		\$0.00
22089	Upper District Payroll Fund	Inv. Jun 23, Reimbursement of Payroll and Payroll Taxes for Employees <i>(Previously Paid 07/20/23)</i>		291,390.86
22090	B and H Signs	Inv. 8084, Board Room Logo, 50% Deposit <i>(Previously Paid 07/20/23)</i>		1,785.71
22091	Aaron Read & Associates, LLC	Inv. 212888, State and Legislative Advocacy Services, July 2023 <i>(Board approved 10/12/22)</i>		10,000.00
22092	Accent Computer Solutions, Inc	Inv. 157486, IT Management Support, May 2023 Inv. 158443, IT Management Support, July 2023 Inv. 158719, Adobe Subscription Renewals <i>(Previously Paid 08/02/23) (Board approved 02/09/22)</i>	2,768.86 2,949.55 <u>611.76</u>	6,330.17
22093	ACI Consulting	Inv. IN-006017, Sage 100 Upgrade		1,250.00
22094	ACWA/JPIA	Inv. 0010417, Property Program FY 2023-24 <i>(Previously Paid 08/02/23)</i>		14,067.90
22095	ACWA/JPIA	Inv. INV014325, Cyber Liability Program FY 2023-24 <i>(Previously Paid 08/02/23)</i>		2,090.00
22096	ACWA/JPIA	Inv. 0699945, Health Insurance Premium - August 2023		26,098.45
22097	Aleshire & Wynder, LLP	Professional Services, June 2023 Inv. 76842, Transactional Fees Inv. 76843, Transactional Fees Inv. 76844, Retainer <i>(Board approved 04/13/22)</i>	2,883.60 39.40 <u>4,267.00</u>	7,190.00
22098	Best Best & Krieger, LLP	Inv. 968745, Federal Legislative Advocacy Services through 06/30/23 <i>(Board approved 10/12/22)</i>		7,500.00
22099	Boys & Girls Club of West Covina	Inv. 10/14/23UD, 56th District College & Career Fair Sponsorship		1,000.00
22100	Civic Publications	Inv. 1796, Civic Leadership 2023 Ad		5,000.00
22101	EcoTech Services	Inv. 2722, Landscaping Maintenance - August 2023		900.00
22102	Image Property Services, LLC	Inv. MCS-9050, Janitorial Services - June 2023 Inv. MCS-9336, Janitorial Services - July 2023	1,907.59 <u>1,907.59</u>	3,815.18
22103	It's The Pressure Boys, LLC	Inv. 1073, Exterior Window Cleaning <i>(Previously Paid 08/02/23)</i>		750.00
22104	Joey C. Soto	Inv. 2023-UD-GA-JUN-105, Grant Writing Services, June 2023 <i>(Board approved 06/08/22)</i>		1,190.00
22105	John Robinson Consulting, Inc.	Inv. UD202301-02, As-needed Engineering Support Services, June 2023		1,320.00
22106	Kelly Services, Inc.	Inv. 2500788223, Temporary Services Week Ending 06/25/23 Inv. 2600726623, Temporary Services Week Ending 07/02/23 Inv. 2700717423, Temporary Services Week Ending 07/09/23 Inv. 2800716423, Temporary Services Week Ending 07/16/23 Inv. 2900675323, Temporary Services Week Ending 07/23/23 <i>(Board approved 02/07/19)</i>	1,655.64 1,330.14 1,055.25 1,407.21 <u>1,706.46</u>	7,154.70
22107	Lands' End Business Outfitters	Inv. SIN11353046, UD Logo Items		79.36
22108	Sanitation Districts of Los Angeles County	Inv. 04/22/23UD, Earth Day 2023 Sponsorship <i>(Previously Paid 08/02/23)</i>		2,500.00
22109	San Gabriel River Watermaster	Inv. FY 2023-24, Tentative Watermaster Budget for Water Year 2023-24		98,500.00
22110	Spectrum Reach/Charter	Inv. 820026650, Public Information, June 2023 Inv. 820026651, Public Information, June 2023	1,688.20 <u>1,500.00</u>	3,188.20

22111	Sunny Slope Water	Inv. MAAEWCPMET126-061923, MAA Funding		4,494.00
22112	State Water Resources Control Board	Inv. 083123-120, Package 2 Annual State Revolving Fund Loan Repayment		101,498.85
22113	Upper District Payroll Fund	Inv. JUN 23D, Reimbursement of Payroll Taxes for Directors		8,547.15
22114	Upper District Revolving Fund	Inv. JUL 23, Revolving Fund Account Replenishment - July 2023		
		Office Supplies	1,055.88	
		Computer Systems/Equipment/Maintenance/Insurance/ Outside Service	1,352.12	
		Directors's Outreach	2,575.00	
		Telephone/Utilities/Building Maintenance	2,194.66	
		Meeting Expense	186.89	
		Workers Compensation	2,335.83	
		Water Conservation Program Expenses	1,382.11	
		WRP Operation & Maintenance/Permits/Water Purchases/PM/Public Info	37,892.88	
		Medical/ODA Reimbursement/Processing Fee/Retirement Plan/Overdeposit	<u>3,826.72</u>	52,802.09
22115	Via Promotionals	Inv. 21166, UD Logo Items		597.86
22116	Water Education Foundation	Inv. WEFMEM2023KS4497, 2023 Annual Membership Dues		4,400.00
22117	South Coast AQMD	Inv. 4173609, CA Air Toxics "Hot Spots" Fee	160.89	
		Inv. 4181153, Flat Fee for Last Fiscal Year Emissions	<u>168.37</u>	329.26
22118	U.S. Bank Corporate Payment System	CalCard Charges through 07/24/23		
		Meetings, Travel, Conferences	3,498.47	
		Computer Systems/Office Equipment/Supplies/Maintenance & Service/Utilities	1,514.32	
		Conservation Program Expenses, Education and Outreach	<u>2,265.92</u>	7,278.71
22119	Anthony Fellow	Director's Compensation, June 2023		
		10 Days District Business	2,550.00	
		8 MWD Business	2,040.00	
		Meeting/Travel Expenses/Allowance	516.87	
		Less Deferred Comp.	(500.00)	
		Less Taxes Withheld	<u>(1,444.42)</u>	3,162.45
22120	Katerina Garcia	Director's Compensation, June 2023		
		7 Days District Business	1,785.00	
		Meeting/Travel Expenses/Allowance	516.87	
		Less Deferred Comp.	(500.00)	
		Less Taxes Withheld	<u>(292.05)</u>	1,509.82
22121	Ed Chavez	Director's Compensation, July 2023		
		10 Days District Business	2,550.00	
		Meeting/Travel Expenses/Allowance	2,012.25	
		Less Deferred Comp.	(2,200.00)	
		Less Taxes Withheld	<u>(1,615.81)</u>	746.44
22122	Charles Treviño	Director's Compensation, July 2023		
		10 Days District Business	2,550.00	
		Meeting/Travel Expenses/Allowance	516.87	
		Less Deferred Comp.	(500.00)	
		Less Taxes Withheld	<u>(525.65)</u>	2,041.22
22123	Jennifer Santana	Director's Compensation, July 2023		
		8 Days District Business	2,040.00	
		Meeting/Travel Expenses/Allowance	516.87	
		Less Deferred Comp.	(1,900.00)	
		Less Taxes Withheld	<u>(319.07)</u>	337.80
			TOTAL	\$ 680,846.18
22124	It's The Pressure Boys, LLC	Inv. 1073REI, Exterior Window Cleaning <i>(Previously paid 09/01/23)</i>		\$ 750.00
22125	Joey C. Soto	Inv. 2023-UD-GA-APR-103RE, Grant Writing Services, April 2023 <i>(Previously paid 09/01/23) (Board approved 06/08/22)</i>		842.50
22126	La Opinion	Inv. 129490423REI, Earth Day 2023 Ad <i>(Previously paid 09/01/23)</i>		1,250.00
22127	Unisource Solutions, Inc.	Inv. 34301, Building Renovations <i>(Previously paid 09/01/23)</i>		150.00
22128	Total Compensation System, Inc.	Inv. 12322, GASB 75 Full Valuation - 1st Installment <i>(Previously paid 09/01/23)</i>		1,530.00
22129	789, Inc	Inv. USGV-325270, Marketing and Creative Services, Aug. 2023 Inv. USGV-325280, Marketing and Creative Services, Sept. 2023	5,575.00 <u>5,575.00</u>	11,150.00

22130	Aaron Read & Associates, LLC	Inv. 212944, State and Legislative Advocacy Services, August 2023 <i>(Board approved 10/12/22)</i>		10,000.00
22131	Accent Computer Solutions, Inc	Inv. 158806, IT Management Support, August 2023 <i>(Board approved 02/09/22)</i>		2,949.55
22132	ACI Consulting Corporation	Inv. IN-006119, Sage Support, August 2023 Inv. IN-006167, Sage Support, August 2023 Inv. IN-006239, Sage Installation and Migration	150.00 650.00 <u>1,700.00</u>	2,500.00
22133	ACWA/JPIA	Inv. 0700216, Health Insurance Premium - September 2023		26,098.45
22134	Aleshire & Wynder, LLP	Professional Services, July 2023 Inv. 78558, Transactional Fees Inv. 78559, Retainer Inv. 78560, Transactional Fees <i>(Board approved 04/13/22)</i>	121.80 4,404.00 <u>2,954.10</u>	7,479.90
22135	Center For Financial Empowerment	Inv. 11/19/23UD, Operation Gobble Turkey Giveaway Sponsorship		2,000.00
22136	City of Monrovia	Inv. 2301875, MAA Funding - Outdoor Irrigation Surveys		3,675.00
22137	EcoTech Services, Inc.	Inv. 2756, Landscaping Maintenance - September 2023		900.00
22138	G3LA, LLC	Inv. 1193, Hugelkultur Basics Workshop, Aug 2023		1,500.00
22139	Image Property Services, LLC	Inv. MCS-9679, Janitorial Services - August 2023		1,907.59
22140	Joey C. Soto	Inv. 2023-UD-GA-JUL-106, Grant Writing Services, July 2023 <i>(Board approved 06/08/22)</i>		1,262.50
22141	John Robinson Consulting, Inc.	Inv. UD202301-03, As-needed Engineering Support Services, July 2023		660.00
22142	Kelly Services, Inc.	Inv. 3000728423, Temporary Services Week Ending 07/30/23 Inv. 3100894823, Temporary Services Week Ending 08/06/23 Inv. 3201415123, Temporary Services Week Ending 08/13/23 Inv. 3302041023, Temporary Services Week Ending 08/20/23 <i>(Board approved 02/17/19)</i>	1,666.14 1,638.00 1,666.14 <u>1,487.64</u>	6,457.92
22143	Luis Aguilar	Inv. 309069, UD Logo Items		8.58
22144	Media Marketing Services, Inc.	Inv. USG W230813, Bottle Water Program, August 2023		3,297.00
22145	Newspapers in Education	Inv. 120893, Sponsorship / Monthly Recognition Ad		300.00
22146	SG Creative, LLC	Inv. 001, Graphic Design for Women in Water Logo		880.00
22147	SGV Public Affairs Network	Inv. 20230914-USGVMWD, MWD Update & Initiatives Luncheon Sponsorship		3,000.00
22148	Southern CA Water Coalition	Inv. 1791, SCWC Annual Patron Membership		5,000.00
22149	Spectrum Reach	Inv. 820023669, Public Information, April 2023 Inv. 820023669, Public Information, April 2023	1,500.00 <u>1,626.70</u>	3,126.70
22150	Stetson Engineers, Inc.	Inv. 2533-207, General Engineering Support Services, June 2023 Inv. 2533-208, General Engineering Support Services, July 2023	17,815.66 <u>11,418.91</u>	29,234.57
22151	Sunny Slope Water Co.	Inv. MAAEWCPMET126-072023, MAA Funding		2,610.00
22152	Upper District Payroll Fund	Inv. JUL 23, Reimbursement of Payroll and Payroll Taxes for Employees Inv. JUL 23D, Reimbursement of Payroll Taxes for Directors	135,872.82 <u>13,719.87</u>	149,592.69
22153	Upper District Revolving Fund	Inv. AUG 23, Revolving Fund Account Replenishment - August 2023 Office Supplies Computer Systems/Equipment/Maintenance/Insurance/ Outside Service Directors's Outreach Telephone/Utilities/Building Maintenance Meeting/Travel/Conferences/Dues/Assessments/Membership Water Conservation Program Expenses WRP Operation & Maintenance/Permits/Water Purchases/PM/Public Info Medical/ODA Reimbursement/Processing Fee/Retirement Plan/Overdeposit	555.29 629.73 885.00 7,474.37 22.33 1,879.47 74,249.90 <u>309.23</u>	86,005.32
22154	U.S. Bank Corporate Payment System	CalCard Changes through 08/22/23 Membership/Other Meetings, Travel, Conferences Computer Systems/Office Equipment/Supplies/Maintenance & Service/Utilities Conservation Program Expenses, Education and Outreach	970.00 3,988.72 2,887.42 <u>2,027.08</u>	9,873.22
22155	Willdan Financial Services	Inv. 010-55516, Standby Charge Administration Services through July 2023 <i>(Board approved 02/09/22)</i>		3,799.96

22156	Anthony Fellow	Director's Compensation, August 2023 8 Days District Business 8 MWD Business Meeting/Travel Expenses/Allowance Less Deferred Comp. Less Taxes Withheld	2,040.00 2,040.00 516.87 (500.00) <u>(1,328.95)</u>	2,767.92
22157	Ed Chavez	Director's Compensation, August 2023 10 Days District Business Meeting/Travel Expenses/Allowance Less Deferred Comp. Less Taxes Withheld	2,550.00 1,437.85 (1,000.00) <u>(1,776.74)</u>	1,211.11
22158	Charles Treviño	Director's Compensation, August 2023 10 Days District Business Meeting/Travel Expenses/Allowance Less Deferred Comp. Less Taxes Withheld	2,550.00 516.87 (500.00) <u>(525.65)</u>	2,041.22
22159	Jennifer Santana	Director's Compensation, August 2023 6 Days District Business Meeting/Travel Expenses/Allowance Less Deferred Comp. Less Taxes Withheld	1,530.00 516.87 (500.00) <u>(220.44)</u>	1,326.43
22160	Katerina Garcia	Director's Compensation, August 2023 3 Days District Business Meeting/Travel Expenses/Allowance Less Deferred Comp. Less Taxes Withheld	765.00 516.87 (500.00) <u>(136.32)</u>	645.55
22161	Anthony Fellow	Director's Compensation, July 2023 8 Days District Business 8 MWD Business Meeting/Travel Expenses/Allowance Less Deferred Comp. Less Taxes Withheld	2,040.00 2,040.00 516.87 (500.00) <u>(1,328.95)</u>	2,767.92
22162	Katerina Garcia	Director's Compensation, July 2023 6 Days District Business Meeting/Travel Expenses/Allowance Less Deferred Comp. Less Taxes Withheld	1,530.00 516.87 (500.00) <u>(241.43)</u>	1,305.44
			TOTAL	\$391,857.04
1122	Central Basin MWD	Invoice No. USGV-JUN23, Purchase of 3.5 AF of Recycled Water in May 2023 <i>(Previously paid 08/02/23)</i>	\$	2,508.21
1123	City of Industry City Hall	Invoice No. JUN-23, Purchase of 55.9 AF of Recycled Water in June 2023		19,285.50
1124	City of Industry City Hall	Invoice No. JUN-23CIP, CIP Charge for June 2023 @ \$98 per AF		5,478.20
1125	Metropolitan Water District	Invoice No. 11199, Purchase of 152.1 AF of Treated Water and 4015.7 AF of Untreated Water in June 2023		167,769.90
1126	San Gabriel Valley MWD	Invoice No. 554, 56.81 AF of Water Delivered through the Alhambra/MWD Exchange Agreement in June 2023 @ \$200 per AF		11,362.00
1127	Suburban Water System	Invoice No. 6724, Phase IIB Normal Operating Charge, July 2023		1,776.16
			TOTAL	\$ 208,179.97
1128	Central Basin MWD	Invoice No. USGV-JUL23, Purchase of 3.1 AF of Recycled Water in June 2023 <i>(Previously paid 09/01/23)</i>	\$	2,236.91
1129	City of Industry City Hall	Invoice No. July-23, Purchase of 94.3 AF of Recycled Water in July 2023		32,533.50
1130	City of Industry City Hall	Invoice No. July-23CIP, CIP Charge for July 2023 @ \$98 per AF		9,241.40
1131	Metropolitan Water District	Invoice No. 11219, Purchase of 282.8 AF of Treated Water in July 2023		743,960.18
1132	San Gabriel Valley MWD	Invoice No. 555, 80.22 AF of Water Delivered through the Alhambra/MWD Exchange Agreement in July 2023 @ \$220 per AF		17,648.40
1133	Suburban Water System	Invoice No. 6730, Phase IIB Normal Operating Charge, August 2023		1,776.16
			TOTAL	\$ 807,396.55

**AMENDMENT 3 TO EMPLOYMENT AGREEMENT
BETWEEN UPPER SAN GABRIEL VALLEY MUNICIPAL WATER
DISTRICT ("UPPER DISTRICT") AND
TOM LOVE ("LOVE")**

As of September 27, 2023, UPPER DISTRICT and LOVE agree as follows:

Section 1. Purpose

On November 18, 2020, UPPER DISTRICT and LOVE entered into Employment Agreement ("Agreement") for LOVE to serve as General Manager of UPPER DISTRICT. Most recently on November 9, 2022, the terms of the agreement were modified by amendment. UPPER DISTRICT and LOVE now desire to modify the terms of the Agreement to reflect an extension of the contract term, provide for certain salary increase.

Section 2. Extension of Contract Term

Article 1 of the Agreement shall be replaced in its entirety with the following language to reflect a one (1) year extension of LOVE's term of employment as General Manager:

1.10 Term. LOVE's term of employment as General Manager (hereinafter referred to by the capitalized word "Term") shall commence on the 1st day of July, 2020 and continue to the 30th day of June, 2026. In the event UPPER DISTRICT chooses not to terminate LOVE prior to the expiration of the Term or fails to give notice as provided in this section, this AGREEMENT shall automatically renew on an annual basis, subject to its same terms and conditions, until the UPPER DISTRICT issues written notice of its intent not to renew the Agreement. No later than the 1st day of January, 2026, and then January 1st of each year the contract is in effect, UPPER DISTRICT shall advise LOVE whether or not this Agreement will be extended, not extended, or revised as a result of negotiations. Nothing contained herein shall be construed to require UPPER DISTRICT or LOVE to extend the term or revise this Agreement.

Section 3. Salary Increase

Article 2 Section 2.1 of the Agreement shall be amended to increase LOVE's annual salary to \$330,000.00 effective as of July 1, 2023.

Section 5. Other

Except as provided herein, the Agreement identified in the Contract documents as "Employment Agreement for the Position of General Manager" is affirmed.

UPPER DISTRICT

By: _____
Jennifer Santana, President

GENERAL MANAGER

By: _____
TOM LOVE

APPROVED AS TO FORM:

By: _____
Steven P. O'Neill, General Counsel

ATTEST:

By: _____
UPPER DISTRICT Secretary

Los Angeles Times

Thousands of California wells are at risk of drying up despite landmark water law

BY [IAN JAMES](#) STAFF WRITER

SEPT. 20, 2023 3 AM PT

Even though California enacted sweeping legislation nearly a decade ago to curb excessive agricultural pumping of groundwater, new research predicts that thousands of drinking water wells could run dry in the Central Valley by the time the law's restrictions take full effect in 2040.

The study, published this month in the journal *Scientific Reports*, casts critical light on how the state is implementing the 2014 Sustainable Groundwater Management Act. The research reveals that plans prepared by local agencies would allow for heavy pumping to continue largely unabated, potentially drawing down aquifers to low levels that would leave many residents with dry wells.

The researchers warned that unless local agencies adopt more stringent measures or come up with backup plans, many people in the Central Valley could be left without access to drinking water, and low-income communities could be severely affected.

[Study](#) authors reviewed 60 local groundwater plans throughout the Central Valley and examined a key metric called minimum thresholds — the aquifer levels groundwater agencies have set as lower limits while they implement the groundwater act's rules and restrictions over the next 16 years.

They found that more than 5,000 domestic wells would be left completely dry, while an additional 4,000 household wells would be "partially dewatered," leading to problems such as low water pressure or damaged pumps.

In all, they said, more than 9,200 household wells and 1,000 public supply wells could fail if water levels are allowed to decline to the plans' minimum thresholds.

"The numbers are quite large and have the potential to impact many, many people," said Darcy Bostic, a researcher with the West Sacramento-based, nonprofit Rural Community Assistance Corp., who led the study.

Bostic and her colleagues found that plans submitted by local agencies would allow major declines in groundwater between now and 2040. They said the thresholds allow for aquifer levels to decline, on average, 80 feet below 2019 levels, while some agencies set their thresholds more than 200 feet below current levels.

Such large drops would closely resemble "status-quo, business-as-usual" declines driven by unrestricted pumping, the researchers said. They urged state and local water officials to strengthen protections for drinking water wells and take steps to mitigate the effects.

"If we are not careful or aware of this, impacts to drinking water access and even to agricultural economies may be severe," Bostic said. "I hope that there's a conversation around how we can support particularly rural and lower-income communities that will be impacted by declining groundwater levels."

The researchers said contingency plans could include securing funds to lower people's pumps, drill new wells or connect homes to other water sources.

Few Central Valley plans currently include an evaluation of how many wells could fail, authors said. They recommend that state officials require local agencies to analyze vulnerable wells, and study how stricter thresholds could reduce the number of failures.

Overall, researchers estimated that 32% of the 29,567 domestic wells analyzed are at risk under the plans that agencies submitted, as well as 21% of the 5,259 wells that supply public water systems — a burden that’s likely to fall disproportionately on rural disadvantaged communities.

The findings add to a body of research that has identified failings and weaknesses in implementation of the Sustainable Groundwater Management Act.

The legislation requires groundwater basins that are deemed to be in “critical overdraft” to halt overpumping and meet locally developed “sustainability” goals by 2040.

The law broadly defines sustainability as managing and using groundwater “in a manner that can be maintained during the planning and implementation horizon without causing undesirable results,” one of which is [chronic lowering of groundwater levels](#).

SGMA lets local groundwater agencies decide how to achieve sustainability — with input from state regulators — and researchers say many plans fail to say how they will address overpumping.

Rich Pauloo, a hydrogeologist and data scientist who co-wrote the study, questioned how business-as-usual groundwater extraction could continue until 2040 and then “just magically stop.”

Allowing groundwater pumping to continue at these rates “is like driving a car downhill towards a wall — you have to apply the brakes gradually as you descend,” Pauloo said. “If you charge downhill at full speed and expect to stop on a dime at the bottom, you’re likely to crash through the wall and keep going.”

As climate change intensifies California’s drought cycle, there is widespread agreement among scientists, government officials and water managers that halting chronic groundwater depletion is critically important.

Farms in the Central Valley have long [depended on heavy groundwater pumping](#) to produce crops such as almonds and grapes. [Increased pumping during droughts](#) has led to especially large drawdowns.

According to state data, about 1,500 dry household wells were reported last year. This year — despite an extremely wet winter — more than 400 dry wells have been reported.

Paul Gosselin, deputy director of the state Department of Water Resources’ sustainable groundwater management office, said the study provides valuable analysis.

“Obviously, having projections out with those number of wells projected to go dry is disturbing and is counter to what the promise of the Sustainable Groundwater Management Act was,” Gosselin said. “But I will say their analysis and report was at a point in time of when those plans were submitted.”

Gosselin said state officials raised similar concerns as they reviewed plans, and local officials have since made changes to many plans. He praised the study as “outstanding work” and said state officials are interested in collaborating with the researchers to do further analysis over time.

This year, the Department of Water Resources [declared local groundwater plans inadequate](#) in six areas of the San Joaquin Valley where excessive pumping has left many residents with dry wells.

That action triggered intervention by the State Water Resources Control Board, which plans to hold hearings on whether to put local agencies on probationary status. State regulators could eventually step in to require stronger measures.

The study also examined how many wells are at risk in different areas. It found that areas with large numbers of projected well failures included those where state officials have approved plans — such as Kings and Merced counties — as well as areas where officials deemed plans inadequate, such as Kaweah and Tule.

“We’re going to continue to work with these basins and do incremental improvements,” Gosselin said. “There’s going to be a lot of changes, even to these approved basins’ plans over time.”

The Department of Water Resources also [announced \\$187 million in state grants](#) this month to support groundwater management efforts, such as projects to capture stormwater, recharge aquifers and equip monitoring wells.

The researchers said that nearly 40% of the wells in disadvantaged communities are at risk, and that some of these communities lack nearby monitoring wells that track aquifer levels.

They said dry wells have [disproportionately affected](#) low-income and Latino communities, and prior [research](#) has found that 84% of California’s disadvantaged communities lack formal representation in groundwater sustainability agencies.

“From my perspective, this is a complete failure to really take care of all groundwater users, especially those who are the most vulnerable,” said Linda Estelí Méndez-Barrientos, a co-author and assistant professor at the University of Denver. “The state needs to figure out how to play a better role to actually protect communities.”

If the plans aren’t strengthened, Méndez-Barrientos said, they will in effect establish “sacrifice zones” where many people will be left to struggle with dry wells and find other sources of drinking water.

“Either protect the wells or create tangible alternatives. That also may take years to implement. So they need to come up with a plan,” Méndez-Barrientos said. “Where is the plan for a just transition that is going to make sure that these communities have drinking water?”

Researchers with the Public Policy Institute of California have estimated that by 2040, agricultural water supplies [could decrease by 20%](#), forcing growers to stop cultivating large portions of the valley’s farmlands.

But Méndez-Barrientos’ team found that many plans ignored solutions that limit water demand, such as switching to less water-intensive crops, restricting pumping or leaving some croplands fallow.

The researchers said that the findings point to a need to clarify ambiguities in the law, and that state agencies could provide clearer metrics to guide local efforts.

“I think there is a broader question about what we’re calling sustainable,” Bostic said. “Should the definition of sustainability be the status quo?”

In another recent [study](#), scientists examined groundwater sustainability plans statewide and found various failures. Their [analysis](#) showed that about 60% of wells — both agricultural wells and domestic wells — are either not covered or not protected by the plans.

They also found 91% of ecosystems that depend on groundwater in regulated areas aren’t protected from going dry.

“We’re already seeing ecosystems dry up across the state, and we’re seeing wells go dry,” said Melissa Rohde, a co-author of the study. “In order to really protect those users, the groundwater sustainability agencies need to incorporate their needs.”

Rohde and her colleagues found that many groups of stakeholders had little involvement in planning and decision-making, and that small farms and disadvantaged communities are “less integrated and protected.” They also found that when diverse stakeholders are integrated in planning and decision-making, they benefit by being better protected under the plans.

“There is a lot of opportunity to improve the plans so that we are achieving groundwater sustainability and also protecting those that are most vulnerable,” Rohde said.

“The main culprit of the problem is that we’re pumping too much groundwater,” Rohde said. “We need to address that if we’re going to achieve any sustainability.”

Meanwhile, state legislators have passed a bill, [AB 779](#), that aims to improve the legal process when disputes over groundwater land in court. The legislation would make various changes to the process, including adding a requirement that a court take into account the needs of disadvantaged communities and small farmers.

Among other provisions, the bill states that a court may refer questions to the State Water Resources Control Board and request officials to report back.

The bill, which is awaiting Gov. Gavin Newsom’s signature, was introduced by Assemblymember Lori Wilson (D-Suisun City), who called it “an effort to make the groundwater adjudication process more accessible, efficient and transparent for all water users.”

UCLA law students Adrienne Davies, Owen McAleer and Gabi Rosenfeld, who did research and [testified on the measure](#) in the Legislature, wrote in a recent [blog post](#) that the bill would “level the playing field for all groundwater users, particularly small farmers and farmers of color, and would align the adjudication process more closely with the goals of SGMA.”

Feds award \$1 billion to plant trees, combat extreme heat, including \$100 million for California

BY [HAYLEY SMITH](#), STAFF WRITER

SEPT. 18, 2023 3 AM PT

California is among the states that will share in more than [\\$1 billion in federal funding](#) to help plant trees in an effort to mitigate extreme heat and combat climate change, officials announced last week.

The Golden State will receive about \$103 million in grants from the U.S. Department of Agriculture's Forest Service, which will go toward 43 grant recipients across Los Angeles, San Francisco, San Diego and other California communities for tree planting and maintenance, urban canopy improvements and other green efforts.

The funding comes from President Biden's landmark [Inflation Reduction Act](#) and marks the act's largest investment to date in urban and community forests, officials said. In all, 385 grant proposals in all 50 states were selected to receive funds, according to Agriculture Secretary Tom Vilsack.

"Unfortunately, the difficulties and challenges we've seen with weather are not going to go away," Vilsack told reporters recently. "We're going to continue to be challenged by Mother Nature, so we want to make sure that our communities are more resilient and more capable of withstanding what Mother Nature may have in store."

The investment comes as the planet continues to swelter under record-breaking heat. June, July and August all set monthly temperature records, while the three-month period as a whole was deemed [Earth's warmest on record](#).

Research has found that areas with more pavement and fewer trees can be 10 degrees warmer because of the so-called "urban heat island effect." But even as experts warn that extreme heat is among the deadliest effects of climate change — [killing more people each year](#) than hurricanes, tornadoes and other weather hazards — poor neighborhoods and communities of color continue to bear the brunt of its effects.

That includes Los Angeles County, where tree canopy and extreme heat are unevenly distributed in such areas, including the eastern and southern parts of the county as well as the San Fernando Valley, a 2021 [Los Angeles Times investigation found](#).

"If we're going to have an impact on the landscape, we need to be planting trees in the most vulnerable areas," said Marcos Trinidad, senior director of forestry with [TreePeople](#), an environmental advocacy group in Los Angeles.

TreePeople is among the federal grant recipients and will receive \$8 million for tree planting and maintenance, community engagement and workforce development in Southern California.

"What we proposed was to be able to plant trees where they're needed the most, and that was from the northeast Valley all the way to the Inland Empire," Trinidad said. "So we've expanded our reach, just in being able to identify the areas that need trees the most, but also the communities that are suffering the impacts — not just from global warming, but everything that goes into creating a healthy community."

The largest amount awarded in California was \$12 million to the San Francisco Public Works Bureau of Urban Forestry, which seeks to plant and establish "thousands of street trees in low-canopy communities," according to

its project description. The city of San Diego will receive \$10 million to conduct community outreach, plant and preserve trees and promote tree equity, among other goals.

“This grant funding will help more cities and towns plant and maintain trees, which in turn will filter out pollution, reduce energy consumption, lower temperatures and provide more Californians access to green spaces in their communities,” read a statement from U.S. Sen. Dianne Feinstein (D-Calif.) about the program.

Other grantees include Cal State Northridge, which will put \$5 million toward tree planting in disadvantaged Los Angeles neighborhoods. The university will also collaborate with Indigenous organizations to establish community-based tribal nurseries and plant culturally significant native trees, according to its project description.

Los Angeles will also benefit from an \$8-million grant for L.A. County Public Works to “address the urban tree canopy deficit within disadvantaged communities in unincorporated L.A. County,” and a \$5-million grant to the Los Angeles Housing Authority to conduct a tree inventory, establish an urban food forest and mitigate the urban heat island effect as part of its [Greening Watts](#) program.

The city’s Bureau of Sanitation will receive \$3 million to plant 2,500 street trees, create 2,300 new tree wells and provide tree watering during the tree establishment period, according to its project description. (A full list of California grant recipients is [available here](#).)

Trinidad, of TreePeople, said the billion-dollar investment from the federal government speaks to a much-needed shift in “how we plan around our urban forest and how we look at that as infrastructure.” The funding comes at a crucial time when [millions of trees are being lost](#) to drought, wildfires, human development and lack of tree care, he said.

However, Los Angeles has a lackluster track record when it comes to planting and maintaining trees, and came under scrutiny earlier this year for a city proposal to [remove more than 12,000 mature trees](#) as part of a sidewalk revamp project. A Los Angeles County Superior Court judge blocked the plan after outcry from tree advocates.

Trinidad said that urban forestry is often among the first sectors to be affected by budget cuts and other challenges in cities, and that it can be an “uphill battle” for resources and other needs.

But he was optimistic that L.A. will meet its goals, and noted that planting trees can help provide jobs in addition to benefits such as shade, oxygen and heat relief. Putting trees in the right location, selecting drought-tolerant trees and ensuring ongoing tree care will also make a difference.

“There’s always room for improvement,” he said. “I feel that we need to prioritize urban forestry through a different lens — one that is of larger importance — and then we can start looking at this as if it is going to save our lives one day.”

The Forest Service received 842 applications requesting a total of \$6.4 billion in funding, the agency said — “an indication of the urgent nationwide need to plant and maintain more urban trees.”

Water district opens dual-use facility

Sep 17, 2023

Thursday, Sept. 7, Beaumont-Cherry Valley Water District (BCVWD) and the Riverside County Flood Control and Water Conservation District celebrated the completion of its dual-use Beaumont Line 16 [water](#) conservation and flood protection project with a ribbon-cutting attended by local [water](#) industry partners and elected officials.

The \$7.6 million project constructed a system of percolation ponds (stage 1, which was constructed beginning in 2005) at northeast corner of Brookside and Beaumont avenues in Beaumont and the recently completed flood control infrastructure that enables the facility to capture and recharge local stormwater (stage 2).

The second stage included the installation of 7,800 [feet](#) of underground pipes ranging from 4.5 to 7 [feet](#) in diameter, constructed by H and H General Contractors.

The system was designed to recharge groundwater stores with both State Water Project (SWP) [water](#) (imported from Northern California) and captured local stormwater. By capturing and redirecting stormwater, the project will have the added benefit of alleviating some of the reoccurring flooding issues in Cherry Valley, particularly in the areas of Grand and Bellflower avenues.

“We’re particularly excited about this project because it’s the first step in addressing some significant flood hazards that have affected the Cherry Valley area for a long, long time,” said Jason Uhley, general manager and chief engineer for county flood control. “This project isn’t going to solve that problem but it’s going to make it better. We’re going to cut off the flows from the north and the residents between Grand and Brookside are going to [see](#) less [water](#) and have a better life with less risk of flooding.”

Uhley added that the flood control district will continue its [work](#) in solving Cherry Valley’s flooding issues.

The facility was designed for a 10-year flood event and is capable of adding up to 500 acre-feet of [water](#) per year to local [water](#) system.

According to BCVWD General Manager Dan Jagers, the facility can, on wet years, provide the annual [water](#) supply for up to 900 families.

“This and the next will be the years that we test out how much [water](#) we can get in the ground because there is so much [water](#) in the system,” Jagers added, alluding to the record rain year experienced statewide, which will likely allow for generous SWP allocations.

By more efficiently recharging stormwater and SWP supplies during the wet years the new facility will help build up stores for use during the dry years.

According the Jagers, since Beaumont Line 16 is a passive system it does not require controllers constantly onsite to transition the facility from collecting and holding [water](#) to letting excess [water](#) to pass through the system and be released into Noble Creek.

During the ceremony County Supervisor Yxstian Gutierrez lauded the collaborative [work](#) that made completing the project possible as well as the project’s dual purpose of conserving [water](#) and protecting families from flooding.

“Collaboration is the key because for one agency to do this is just too much. It’s going to take getting our heads together and working in partnerships,” Gutierrez said. “A lot of people overlook that [water](#) brings development and [safety](#) to our communities.”

In addition to the planning and [design](#) of the project, funding was a collaborative effort as well. With the support of Department of Water Resources and the Santa Anna Watershed Project Authority, the project received a \$1.2 million grant through the Proposition 84 Integrated Regional Water Management Implementation Grant. The BCVWD and flood control district split the remaining funding.

Uhley shared that the project has won recognition from the American Society of Civil Engineers; it was named Project of the Year for the Los Angeles branch and is now being considered for the national award.



Will a pending water rights bill on Gov. Newsom's desk be a game changer in California water? It depends

SEPTEMBER 15, 2023 • by Jesse Vad, SJV Water

A water rights bill that made it through the Legislature this year is, arguably, a much weakened version of its original form, but the fact that it addresses senior rights at all is a significant step, according to experts.

Senate Bill 389, which clarifies the state Water Resources Control Board's ability to investigate senior water rights, passed both the Assembly and Senate as of September 12.

The bill, authored by Senator Ben Allen (D-Santa Monica,) originally faced an onslaught of opposition from the agriculture industry, with about 200 agencies and organizations that came out against the bill.

But after lawmakers worked with the opposition and committed to a significant reworking of the bill, SB 389 sailed through both houses and is expected to become law.

Senior water rights, or pre-1914 water rights, were claimed before 1914 when the state began regulating water ownership and use. Senior rights are seen as the golden water rights and are subject to far less regulation by the state.

SB 389 clarifies the Water Board's ability to investigate senior water rights which clears the path for the state to be able to declare a trespass if it finds something is wrong with a right and could ultimately lead to the board curtailing or changing the water right.

Making the sausage

Originally, the bill was much more aggressive.

There were three main sections of the bill that were eliminated or modified, easing concern among the ag industry.

The bill originally had a provision that allowed the Water Board to investigate a water rights claim and determine whether the claim had been forfeited, said Alex Biering, senior policy advocate for the California Farm Bureau Federation, one of the organizations which originally opposed the bill.

"That felt threatening," said Biering. "So they removed that piece out."

The original bill also added a new section to the California Water Code giving the board new investigative powers as opposed to clarifying the ones it already has, said Biering.

That section was nixed too.

"We said, 'okay, let's instead just use the existing sections, the Water Code, that gives them the ability to investigate a water right and explain more thoroughly what that means,'" said Biering. "Instead of adding a whole new section, it was clarifying and confirming what was already there."

The last change was shifting the burden of proof onto the Water Board, said Biering. In the original version, the board could send a letter about a claimed right and the receiving agency then needed to comply, she said.

In the updated version of the bill, the Water Board must request information from the water right holder, provide a written explanation as to why the board is investigating the right and provide any evidence that supports the board's request, Biering said.

"We wanted it to be a slightly higher bar just so that this couldn't be done capriciously," said Biering.

Up for interpretation

The bill will become law as long as the governor doesn't veto it. Biering said she'd be surprised if it was vetoed, considering the opposition has largely approved the current version.

There is still concern among some about the current version of the bill though.

"From a lot of people's standpoints, it's not really good enough," said Dean Ruiz, attorney for the South Delta Water Agency and other districts and landowners. "It's probably going to end up having to be further clarified one way or the other. But it does change things."

Despite the weakening of the bill, legal experts agree it is still a significant piece of legislation that could have sweeping implications for senior water rights holders. But the true impacts will depend on how the Water Board interprets its authority if the bill becomes law, according to water attorneys.

"If they abuse that authority, that's going to be bad, because there's going to be a lot of water rights holders that are going to have to go through the drill of accounting for their water rights," said Tom Berlinger, partner at Duane Morris law firm.

Proving a water right isn't as simple as it sounds, according to Berlinger. It's not like showing your driver's license, said Berlinger. It can take months, cost a lot of money and disrupt normal operations significantly.

Others don't see it as ominous.

The significance of the bill will depend on how it's used, said Dan Raytis, attorney at Belden Blaine Raytis LLP.

"If there's an area where there's a particular problem with people overusing water, then I could see how it could be an important tool," said Raytis. "If it's a solution in search of a problem, then it's just going to lead to endless litigation."

Still, Raytis said the bill is probably not as earth shattering as many are making it out to seem.

"I don't think it's as dramatic as people are making it sound," said Raytis. "How dramatic the impact of this supposed change is really depends on how it's invoked in the future."

Seeking control

The Water Board has been pursuing greater control over pre-1914 rights since the 2012-2016 drought when it issued a curtailment order limiting the amount of water that could be taken from several state rivers. Water agencies with pre-1914 rights [sued and won](#).

In September 2022, the Sixth District Court of Appeal upheld that decision but noted the Water Board still had other means to address water scarcity, including the authority to determine whether a pre-1914 right is valid or the right holder is exceeding its take.

It was widely believed the Sixth District's opinion would lead to legislative action.

Despite the legal challenges, [Water Board Chairman Joaquin Esquivel was clear](#) that the board intended to continue pursuing water rights.

At the May 2022 Water Association of Kern County water summit, Esquivel said: “We know we have to change the system. Water rights can be there as a tool to be able to manage supplies through not just a drought but when there is water again.”

He repeatedly stated that the state needed to “track the drops” to understand how much water truly is available in watersheds, who has rights to that water and exactly how much those rights holders can claim.