

Staff Report 52

APPLICANT:

Indian Wells Valley Groundwater Authority

PROPOSED ACTION:

Issuance of a General Lease – Public Agency Use

AREA, LAND TYPE, AND LOCATION:

0.23 acre, more or less, of State school land in a portion of Section 16, T24S, R38E, MDM, near Highway 395 and Pearsonville, Inyo County.

AUTHORIZED USE:

Rehabilitation, use, and maintenance of four existing groundwater monitoring wells.

TERM:

20 years, beginning October 25, 2022.

CONSIDERATION:

\$140 per year, with an annual Consumer Price Index adjustment, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

- Any discharge of water from the authorized improvements onto the Lease Premises will require notification to Lessor 5 days before scheduled activities. Notification will also include a copy of approvals or authorization from the Lahontan Regional Water Quality Control Board.
- Groundwater pumping tests are prohibited under the terms of the lease. Additional authorization from Lessor is required for any proposed groundwater pumping tests or modification to existing wells to allow groundwater pumping.
- Upon request from Lessor, Lessee will provide any groundwater monitoring data and reports.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code sections 6005, 6216, 6301, 6501.1, and 6503; California Code of Regulations, title 2, sections 2000 and 2003.

STATE'S BEST INTERESTS:

The Indian Wells Valley Groundwater Authority (Applicant) is a public agency, established as the exclusive Groundwater Sustainability Agency (GSA) for the Indian Wells Valley Groundwater Basin (IWVGB). The GSA was established to comply with California's 2014 Sustainable Groundwater Management Act. The Applicant is engaged in ongoing groundwater data collection activities to enhance understanding of groundwater flow and quality characteristics within the IWVGB, including evaluating existing well conditions and establishing groundwater monitoring locations.

The four existing groundwater wells were historically used in conjunction with an adjacent lumber mill and railroad. All surface facilities associated with those facilities have been removed, and the site has returned to a natural condition.

Well rehabilitation will begin with the installation of above grade locking monuments to secure each well, per State Well Standards. The Applicant will then conduct geophysical logging to determine lithologic characteristics surrounding the wells. This will involve deploying sensing equipment down the existing well casings. A sampling rig, consisting of a truck rig with cable mast, will secure the sensing equipment to the end of a cable and then lower it down the well to collect data.

After the initial well assessment (camera inspection), some or all of the wells may be re-developed. Redevelopment entails using a truck rig to deploy a pump down the wells to purge water and remove sediment from the wells. Purged water would be discharged onto the site pending Lahontan Regional Water Quality Control Board approval.

The Applicant may periodically monitor groundwater levels in some or all of the wells. Water from the wells may also be sampled periodically to determine groundwater quality. No new wells, borings, or other ground disturbing activities are proposed.

The existing groundwater monitoring wells do not significantly alter the land; the lease does not alienate the State's fee simple interest; and neither permanently impairs public rights. The lease is limited to a 20-year term and does not grant the

lessee exclusive rights to the lease premises. The lease requires the Applicant to indemnify the State for any liability incurred as a result of the lessee's activities on the lease premises and maintain the improvements at its sole expense. The lease also requires the payment of annual rent, generating revenue for the California State Teachers' Retirement System, consistent with Public Resources Code section 6217.5.

CLIMATE CHANGE:

As stated in *Safeguarding California Plan: 2018 Update* (California Natural Resources Agency 2018), climate change is projected to increase the frequency and severity of natural disasters related to flooding, drought, and storms. The lease area is open lands with low vegetation fuels and is vulnerable to the aforementioned events, including dust storms and flash flooding from thunderstorms, and, to a lesser extent, wildland fires. The leased lands and surrounding land may be vulnerable to these weather events; however, these projected climate change effects are not expected to affect the uses of the leased lands for the groundwater monitoring wells.

CONCLUSION:

For the reasons stated above, staff believes issuance of this lease is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. Approval or denial of the application is a discretionary action by the Commission. Each time the Commission approves or rejects a use of school land, it exercises legislatively delegated authority and responsibility as trustee of the State's school lands as authorized by law. If the Commission denies the application, the Applicant has no right to a lease. The lessee has no right to a new lease or to renewal of any previous lease.
2. This action is consistent with addressing the challenges and opportunities described in the Commission's 2021-25 Strategic Plan to "Embrace and safeguard multi-benefit School Lands and resource management stewardship that equitably balances responsible local and regional economic development, supports living wages, environmental protection, and revenue generation."
3. Staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a

categorically exempt project. The project is exempt under Class 6, Information Collection; California Code of Regulations, title 14, section 15306.

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15300.

APPROVAL REQUIRED:

Lahontan Regional Water Quality Control Board

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15061 as a categorically exempt project, Class 6, Information Collection; California Code of Regulations, title 14, section 15306.

STATE'S BEST INTERESTS:

Find that the proposed lease is in the best interests of the State.

AUTHORIZATION:

Authorize issuance of a General Lease – Public Agency Use to the Applicant, beginning October 25, 2022, for a term of 20 years, for rehabilitation, use, and maintenance of four existing groundwater monitoring wells, as described in Exhibit A and shown on Exhibit B (for reference purposes only), attached and by this reference made a part hereof; annual rent in the amount of \$140, with an annual Consumer Price Index adjustment.

EXHIBIT A

A 3615

LAND DESCRIPTION

Four parcels of State School Lands located in Section 16, Township 24 South, Range 38 East, Mount Diablo Meridian, Inyo County, State of California, more particularly described as follows:

Parcel 1 - The Area Encompassing Well 1:

Commencing at NGS Survey Control FT1453 (Lava), marked with a standard Geodetic Survey bronze disk, stamped "Lava 1950", welded atop a 3-inch diameter steel pipe;

thence South 49°24'43" East, 12,553.39 feet to the point of beginning;
thence South 00°00'00" West, 50.00 feet;
thence South 90°00'00" East, 50.00 feet;
thence North 00°00'00" East, 50.00 feet;
thence North 90°00'00" West, 50.00 feet, returning to the point of beginning.

Parcel 2 - The Area Encompassing Well 2:

Commencing at NGS Survey Control FT1453 (Lava), marked with a standard Geodetic Survey bronze disk, stamped "Lava 1950", welded atop a 3-inch diameter steel pipe;

thence South 50°23'36" East, 12,632.38 feet to the point of beginning;
thence South 00°00'00" West, 50.00 feet;
thence South 90°00'00" East, 50.00 feet;
thence North 00°00'00" East, 50.00 feet;
thence North 90°00'00" West, 50.00 feet, returning to the point of beginning.

Parcel 3 - The Area Encompassing Well 3:

Commencing at NGS Survey Control FT1453 (Lava), marked with a standard Geodetic Survey bronze disk, stamped "Lava 1950", welded atop a 3-inch diameter steel pipe;

thence South 45°13'23" East, 13,284.02 feet to the point of beginning;
thence South 00°00'00" West, 50.00 feet;
thence South 90°00'00" East, 50.00 feet;
thence North 00°00'00" East, 50.00 feet;
thence North 90°00'00" West, 50.00 feet, returning to the point of beginning.

Parcel 4 - The Area Encompassing Well 4:

Commencing at NGS Survey Control FT1453 (Lava), marked with a standard Geodetic Survey bronze disk, stamped "Lava 1950", welded atop a 3-inch diameter steel pipe;

Thence South $50^{\circ}44'56''$ East, 11,618.54 feet to the point of beginning;
Thence South $00^{\circ}00'00''$ West, 50.00 feet;
Thence South $90^{\circ}00'00''$ East, 50.00 feet;
Thence North $00^{\circ}00'00''$ East, 50.00 feet;
Thence North $90^{\circ}00'00''$ West, 50.00 feet, returning to the point of beginning.

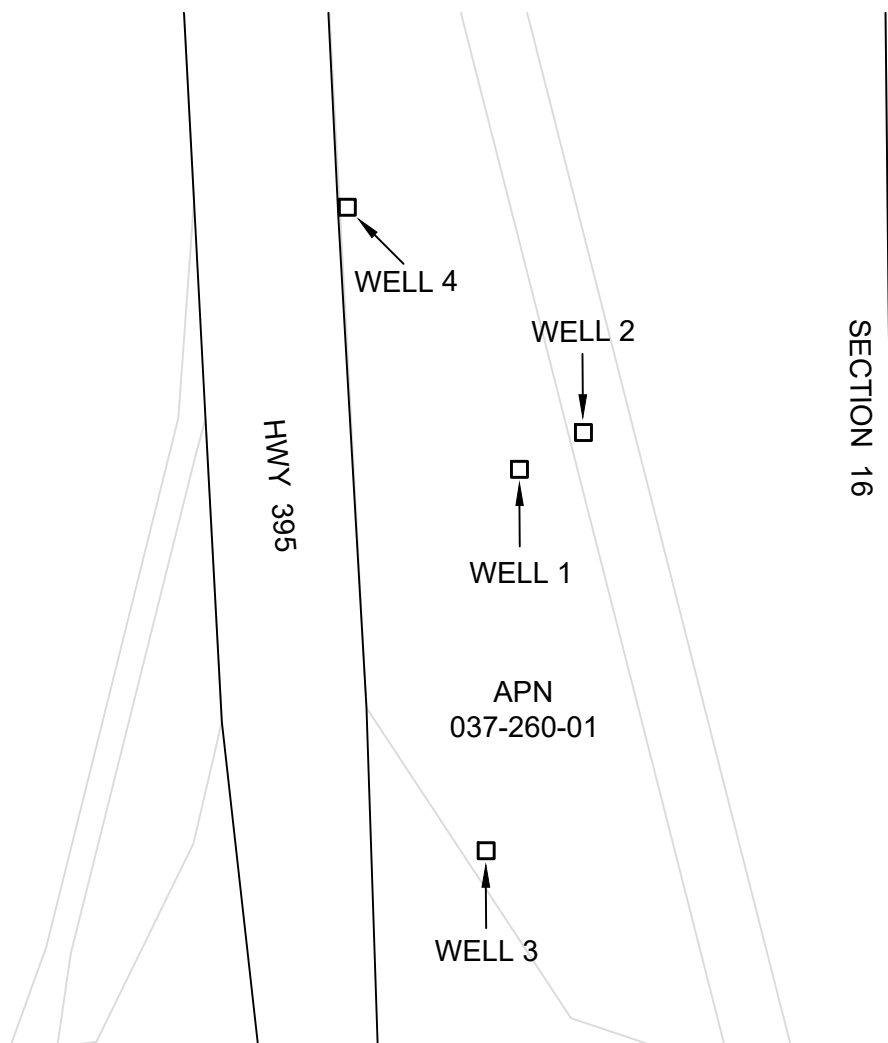
The Bearings used in this description are on the California Coordinate System, NAD83 (1992), Zone 4. The Coordinate values, in U.S. Survey Feet, of said NGS Survey Control FT1453 (Lava) are: Northing 1,838,250.84, Easting 6,886,150.94. All distance herein are grid distances in U.S. Survey Feet. To obtain ground surface distances, multiply the distances shown by 0.999888498.

END OF DESCRIPTION



NO SCALE

SITE



SECTION 16, T 24 S, R 38 E, MDM NEAR PEARSONVILLE

NO SCALE

LOCATION

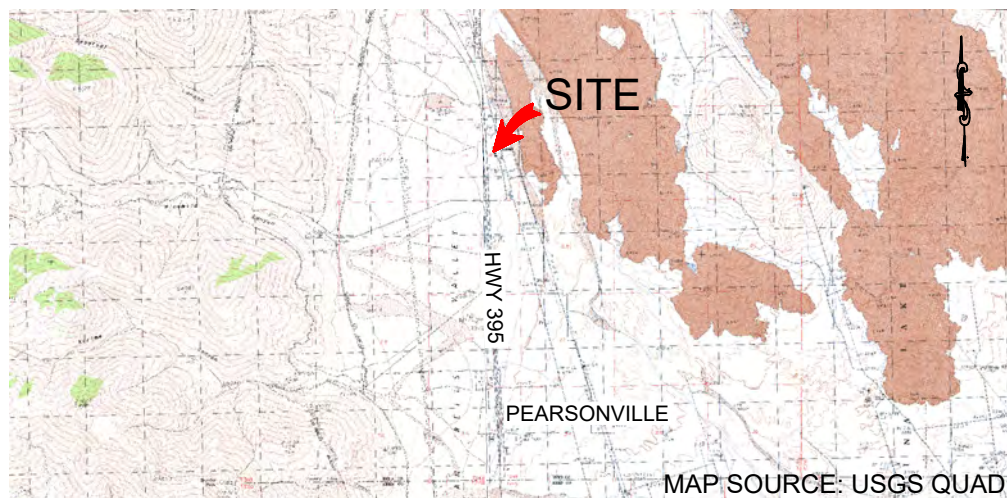


EXHIBIT B
 A 3615
 INDIAN WELLS VALLEY
 GROUNDWATER AUTHORITY
 APN 037-260-01
 GENERAL LEASE -
 PUBLIC AGENCY USE
 INYO COUNTY



THIS EXHIBIT IS SOLELY FOR PURPOSES OF GENERALLY DEFINING THE LEASE PREMISES, IS BASED ON UNVERIFIED INFORMATION PROVIDED BY THE LESSEE OR OTHER PARTIES AND IS NOT INTENDED TO BE, NOR SHALL IT BE CONSTRUED AS, A WAIVER OR LIMITATION OF ANY STATE INTEREST IN THE SUBJECT OR ANY OTHER PROPERTY.

DT 07/12/2022