August 22, 2019

MEETING NOTICE
WATER STORAGE EXPLORATORY COMMITTEE

Board Members of the Water Storage Exploratory Committee
Director Gary Kremen, Committee Chair
Director Richard P. Santos
Director John L. Varela

Staff Support of the Water Storage Exploratory Committee
Norma J. Camacho, Chief Executive Officer
Nina Hawk, Chief Operating Officer, Water Utility
Rick Callender, Chief of External Affairs
Stanly Yamamoto, District Counsel
Brian Hopper, Senior Assistant District Counsel
Anthony Fulcher, Senior Assistant District Counsel
Garth Hall, Deputy Operating Officer, Water Supply Division
Katherine Oven, Deputy Operating Officer, Water Utility Capital Division
Christopher Hakes, Deputy Operating Officer, Dam Safety & Capital Delivery Division
Jerry de La Piedra, Assistant Officer, Water Supply Division Deputy’s Office
Cindy Kao, Imported Water Manager, Imported Water Unit
Medi Sinaki, Senior Engineer – Water Quality
Metra Richert, Unit Manager, Water Supply Planning & Conservation Unit

A regular meeting of the Santa Clara Valley Water District (SCVWD) Water Storage Exploratory Committee is to be held on Tuesday, August 27, 2019, at 11:00 a.m. in the Headquarters Building Boardroom located at the Santa Clara Valley Water District, 5700 Almaden Expressway, San Jose, California. Refreshments will be served.

Enclosed are the meeting agenda and corresponding materials. Please bring this packet with you to the meeting.

Enclosures
Santa Clara Valley Water District - Headquarters Building, 5700 Almaden Expressway, San Jose, CA 95118

From Oakland:
- Take 880 South to 85 South
- Take 85 South to Almaden Expressway exit
- Turn left on Almaden Plaza Way
- Turn right (south) on Almaden Expressway
- At Via Monte (third traffic light), make a U-turn
- Proceed north on Almaden Expressway approximately 1,000 feet
- Turn right (east) into the campus entrance

From Morgan Hill/Gilroy:
- Take 101 North to 85 North
- Take 85 North to Almaden Expressway exit
- Turn left on Almaden Expressway
- Cross Blossom Hill Road
- At Via Monte (third traffic light), make a U-turn
- Proceed north on Almaden Expressway approximately 1,000 feet
- Turn right (east) into the campus entrance

From Sunnyvale:
- Take Highway 87 South to 85 North
- Take Highway 85 North to Almaden Expressway exit
- Turn left on Almaden Expressway
- At Via Monte (third traffic light), make a U-turn
- Proceed north on Almaden Expressway approximately 1,000 feet
- Turn right (east) into the campus entrance

From San Francisco:
- Take 280 South to Highway 85 South
- Take Highway 85 South to Almaden Expressway exit
- Turn left on Almaden Plaza Way
- Turn right (south) on Almaden Expressway
- At Via Monte (third traffic light), make a U-turn
- Proceed north on Almaden Expressway approximately 1,000 feet
- Turn right (east) into the campus entrance

From Downtown San Jose:
- Take Highway 87 - Guadalupe Expressway South
- Exit on Santa Teresa Blvd.
- Turn right on Blossom Hill Road
- Turn left at Almaden Expressway
- At Via Monte (first traffic light), make a U-turn
- Proceed north on Almaden Expressway approximately 1,000 feet
- Turn right (east) into the campus entrance

From Walnut Creek, Concord and East Bay areas:
- Take 680 South to 280 North
- Exit Highway 87-Guadalupe Expressway South
- Exit on Santa Teresa Blvd.
- Turn right on Blossom Hill Road
- Turn left at Almaden Expressway
- At Via Monte (third traffic light), make a U-turn
- Proceed north on Almaden Expressway approximately 1,000 feet
- Turn right (east) into the campus entrance
Santa Clara Valley Water District
Water Storage Exploratory Committee Meeting

HQ Boardroom
5700 Almaden Expressway
San Jose  CA  95118

REGULAR MEETING
AGENDA

Tuesday, August 27, 2019
11:00 AM

Note: The finalized Board Agenda, exception items and supplemental items will be posted prior to the meeting in accordance with the Brown Act.
CALL TO ORDER:

1. Roll Call.

TIME OPEN FOR PUBLIC COMMENT ON ANY ITEM NOT ON THE AGENDA.

Notice to the public: This item is reserved for persons desiring to address the Committee on any matter not on this agenda. Members of the public who wish to address the Committee on any item not listed on the agenda should complete a Speaker Form and present it to the Committee Clerk. The Committee Chair will call individuals in turn. Speakers comments should be limited to two minutes or as set by the Chair. The law does not permit Committee action on, or extended discussion of, any item not on the agenda except under special circumstances. If Committee action is requested, the matter may be placed on a future agenda. All comments that require a response will be referred to staff for a reply in writing. The Committee may take action on any item of business appearing on the posted agenda.

APPROVAL OF MINUTES:

3. Approval of Minutes.

   3.1. Approve the May 20, 2019, Meeting Minutes.
   Recommendation: Approve the May 20, 2019, Meeting Minutes.
   Manager: Michele King, 408-630-2711
   Attachments: Attachment 1: 052019 WSEC DRAFT Mins
   Est. Staff Time: 5 Minutes

ACTION ITEMS:

4. Pacheco Reservoir Expansion Project - Cost Allocation

   4.1. This is an information only item and no action is required. However, the Committee may provide comments for Board consideration.
   Manager: Christopher Hakes, 408-630-3796
   Attachments: Attachment 1: PowerPoint
   Est. Staff Time: 15 Minutes
4.2. Pacheco Reservoir Expansion Project Update.  
Recommendation: This is an information only item and no action is required. However, the Committee may provide comments for Board consideration.
Manager: Christopher Hakes, 408-630-3796
Est. Staff Time: 15 Minutes

4.3. Semitropic Groundwater Bank Update
Recommendation: Receive and discuss information regarding status of Semitropic Groundwater Bank. This is an information-only item and no action is required.
Manager: Garth Hall, 408-630-2750
Est. Staff Time: 15 Minutes

4.4. Update on Los Vaqueros Reservoir Expansion Project (LVE Project).
Recommendation: Receive and discuss information on the Los Vaqueros Reservoir Expansion Project (LVE Project).
Manager: Jerry De La Piedra, 408-630-2257
Attachments: Attachment 1: Staff Presentation
Attachment 2: Project Map
Attachment 3: Special Counsel Selection
Est. Staff Time: 15 Minutes

4.5. Update on Proposed Lake Del Valle Modifications
Recommendation: Receive and discuss information regarding status of proposed Lake Del Valle modifications. This is an information-only item and no action is required.
Manager: Garth Hall, 408-630-2750
Attachments: Attachment 1: Map
Est. Staff Time: 20 Minutes

4.6. Review Water Storage Exploratory Committee Work Plan and the Committee’s Next Meeting Agenda.
Recommendation: Review the Committee’s Work Plan to guide the Committee’s discussions regarding policy alternatives and implications for Board deliberation.
Manager: Michele King, 408-630-2711
Attachments: Attachment 1: 2019 WSEC Work Plan
Est. Staff Time: 5 Minutes
5. **CLERK REVIEW AND CLARIFICATION OF COMMITTEE REQUESTS.**
   
   This is an opportunity for the Clerk to review and obtain clarification on any formally moved, seconded, and approved requests and recommendations made by the Committee during the meeting.

6. **ADJOURN:**

   6.1. Adjourn
COMMITTEE AGENDA MEMORANDUM

Water Storage Exploratory Committee

SUBJECT:
Approval of Minutes.

RECOMMENDATION:
Approve the May 20, 2019, Meeting Minutes.

SUMMARY:
A summary of Committee discussions, and details of all actions taken by the Committee, during all open and public Committee meetings, is transcribed and submitted for review and approval.

Upon Committee approval, minutes transcripts are finalized and entered into the District’s historical records archives and serve as historical records of the Committee’s meetings.

ATTACHMENTS:
Attachment 1: 052019 WSEC Draft Minutes

UNCLASSIFIED MANAGER:
Michele King, 408-630-2711
A regular meeting of the Water Storage Exploratory Committee (Committee) was held on May 20, 2019, in the Headquarters Building Boardroom at the Santa Clara Valley Water District, 5700 Almaden Expressway, San Jose, California.

1. CALL TO ORDER
A regular meeting of the Santa Clara Valley Water District Water Storage Exploratory Committee was called to order by Chair Director Gary Kremen at 12:01 p.m. on May 20, 2019.

1.1 ROLL CALL
Board Members in attendance were: Director Gary Kremen-District 7, Director Richard P. Santos-District 3, and Director John L. Varela-District 1.

Staff members in attendance were: Kurt Arends, Bradly Arnold, Glenna Brambill, Samantha Greene, Christopher Hakes, Garth Hall, Nina Hawk, Brian Hopper, Bassam Kassab, Bill Magleby, Metra Richert, Eli Serrano and Beckie Zisser.

Guests in attendance were: Katja Irvin and Steve Jordan.

Committee Chair Kremen confirmed that the Committee would adjourn to Closed Session for consideration of Item 2.

2. CLOSED SESSION:
2.1 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATION OF LITIGATION – Government Code Section 54956.9(d)(4) Two Potential Cases (Pacheco Reservoir Expansion Study)

2.2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION – Government Code Section 54956.9(d)(1) SCVWD v. Giovannotto Land & Cattle, LLC, Santa Clara Co. Superior Court, No. 18CV337188
2.3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION –
Government Code Section 54956.9(d)(1) SCVWD v. Moitozo, et al., Santa Clara Co. Superior Court, No. 19CV345563

Upon return to Open Session, the same Committee members and staff were present.

DISTRICT COUNSEL’S REPORT:
Mr. Brian Hopper, Senior Assistant District Counsel, reported on Agenda Item 2, that the Committee met in Closed Session with all members present, and direction was given to staff.

3. TIME OPEN FOR PUBLIC COMMENT ON ANY ITEM NOT ON AGENDA
Director John L. Varela spoke to the handout on the Sargent Ranch Conservation Opportunity for Valley Water.

4. APPROVAL OF MINUTES
4.1 APPROVAL OF MINUTES
It was moved by Director John L. Varela, seconded by Director Richard P. Santos and unanimously carried to approve the minutes of the February 22, 2019, meeting of the Santa Clara Valley Water District (Valley Water) Water Storage Exploratory Committee as presented.

5. ACTION ITEMS
5.1 PACHECO RESERVOIR EXPANSION PROJECT UPDATE
Mr. Christopher Hakes reviewed the materials as outlined in the agenda item.

The Committee discussed the following: funds for emergency water supply, Harder Bill HR2473 (Securing Access for the central Valley and Enhancing (SAVE) Water Resources Act), ongoing pursuit of project funding, partners touring project property, SGMA, water over-drafting and agricultural issues.

Ms. Beckie Zisser, Mr. Garth Hall and Ms. Nina Hawk were available to answer questions.

Mr. Steve Jordan had a question about Pacheco Pass Water District’s storage capacity.

The Committee took no action.

5.2 SEMITROPIC AND OUT-OF-COUNTY GROUNDWATER BANKING
Mr. Garth Hall reviewed the materials as outlined in the agenda item.

The Committee discussed the following: CA Aqueduct, Hetch Hetchy and possible viable water sources, interruptible water supply, Groundwater Sustainability Plan (GSP), Intertie, SGMA’s impact and the Kern County subbasin.

Mr. Steve Jordan advised the Committee that the Cities of San Jose and Santa Clara are having discussions about water supply concerns.
Ms. Nina Hawk and Mr. Bradly Arnold were available to answer questions.

The Committee took the following action:
It was moved by Director Gary Kremen, seconded by Director John L. Varela and unanimously carried to approve for Board consideration to have an in-depth discussion with the full Board regarding: storage, risks and benefits of semitropic and groundwater banking along with reviewing the Groundwater Sustainability Plan (GSP) when released.

5.3 UPDATE ON LOS VAQUEROS RESERVOIR EXPANSION PROJECT (LVE PROJECT
Ms. Metra Richert reviewed the materials as outlined in the agenda item.

The Committee discussed the following: Contra Costa Water District’s (CCWD) contributions, water rights, conveying water, project benefits, Purissima Hills Water District and California Water Service Company nexus and next steps.

Ms. Nina Hawk and Mr. Garth Hall were available to answer questions.

Mr. Steve Jordan advised the Committee that Purissima Hills Water District would like to be included in the discussions for this project.

The Committee took no action

5.4. THE WATER SUPPLY BENEFIT OF ANDERSON RESERVOIR
Mr. Garth Hall reviewed the materials as outlined in the agenda item.

The Committee discussed the following: benefits and costs (lifecycle), criteria and project names.

The Committee took no action

5.5. B.F. SISK DAM RAISE
Mr. Garth Hall reviewed the materials as outlined in the agenda item.

The Committee discussed the following: allocation costs (incremental), benefits and controlling factors.

Ms. Nina Hawk was available to answer questions.

The Committee took no action.
5.6 REVIEW OF 2018 WATER STORAGE EXPLORATORY COMMITTEE WORK PLAN AND THE COMMITTEE’S NEXT MEETING AGENDA
Ms. Glenna Brambill reviewed the materials as outlined in the agenda item.

The Committee confirmed adding a discussion on Sargent Ranch (recreational area) in conjunction with the Pajaro River and its potential nexus to the Pacheco Project to the Committee’s work plan.

6. CLERK REVIEW AND CLARIFICATION OF COMMITTEE ACTIONS
Ms. Glenna Brambill noted there was one action item for Board consideration.

Agenda Item 5.2
The Committee unanimously approved to have an in-depth discussion with the full Board regarding: storage, risks and benefits of semitropic and groundwater banking along with reviewing the Groundwater Sustainability Plan (GSP) when released.

7. ADJOURNMENT
Chair Director Gary Kremen adjourned the meeting at 1:52 p.m.

Glenna Brambill
Board Committee Liaison
Office of the Clerk of the Board

Approved:
COMMITTEE AGENDA MEMORANDUM

SUBJECT:  
Water Storage Exploratory Committee  
Pacheco Reservoir Expansion Project - Cost Allocation

RECOMMENDATION:  
This is an information only item and no action is required. However, the Committee may provide comments for Board consideration.

SUMMARY:  
The Pacheco Reservoir Expansion Project will expand the storage capacity of the existing Pacheco Reservoir up to 140,000 acre-feet through construction and operation of a new dam, conveyance facilities, and related appurtenant structures. Staff has been actively working with San Benito County Water District (SBCWD) to develop SBCWD’s participation approach to finance the project. Staff is also developing the framework to identify other potential project partners.

The attached PowerPoint presentation provides a preliminary financing projection and cost allocation to potential project partners, including SBCWD.

ATTACHMENTS:  
Attachment 1: PowerPoint

UNCLASSIFIED MANAGER:  
Christopher Hakes, 408-630-3796
FY 2020-2024 Capital Improvement Program Approved by Board in May 2019

PACHECO RESERVOIR TOTAL COST $1,345M

($MILLIONS)

- Valley Water, $438.6
- CWC Grant, $484.6
- WIIN Grant, $250.0
- Partners, $156.9
- SBCWD*, $15.3

* Assumes San Benito County Water District (SBCWD) participates at 2.5% of the capital cost net of grants
Key Terms for SBCWD Participation: 2.5% - 10%

1. Valley Water is the owner/operator/administrator of the project and future JPA.
2. Project costs are allocated net of all grants the project receives.
4. SBCWD may reserve up to 10% participation prior to construction start, at an option fee of 8% of the cumulative deferred annual payments.
5. Liability associated with the project is allocated proportionate to project participation percentage.
6. Other standard terms and conditions for water storage project and District payment terms apply.
Projected Financing Costs

Pacheco Reservoir Financing Projection
($millions)

Total Est. Financing Costs: $1.27B
• SBCWD @ 2.5%: $31.9M or avg $708K/yr.
• SBCWD @ 10%: $127.8M or avg $2.8M/yr.
• Partners pay additional 10%: $127.4M or avg $2.8M/yr.
• Valley Water @ 80%: $1.01B or avg $22.6M/yr.
### Key Financing Assumptions

<table>
<thead>
<tr>
<th>Key Assumptions</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Project Cost Estimate</td>
<td>$1.3B with 3% inflation</td>
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<tr>
<td>CWC Grant (Prop 1 Grant)</td>
<td>$484.5M</td>
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<tr>
<td>WIIN/Other Federal Grant</td>
<td>$250.0M</td>
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<tr>
<td>WIFIA Loan Amount</td>
<td>49%</td>
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<tr>
<td>WIFIA Interest Rate</td>
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<tr>
<td>Commercial Paper Interest Rate</td>
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<td>Debt Service Structure</td>
<td>Level; principal repayment starts after construction completion (~ 2028)</td>
</tr>
<tr>
<td>Debt Service Reserve Fund</td>
<td>1 x maximum annual debt service</td>
</tr>
<tr>
<td>Issuer</td>
<td>Santa Clara Valley Water District (or future JPA)</td>
</tr>
<tr>
<td>SBCWD Participation %</td>
<td>2.5% - 10% of total project costs</td>
</tr>
<tr>
<td>Option Pricing</td>
<td>(1) Non-refundable fee 8%/yr. of cumulative debt service allocated to optioned participation level; (2) option period ends at construction start date; and (3) upon exercise of option, deferred debt service during option period shall be amortized over 30-years.</td>
</tr>
</tbody>
</table>
COMMITTEE AGENDA MEMORANDUM

Water Storage Exploratory Committee

SUBJECT:
Pacheco Reservoir Expansion Project Update.

RECOMMENDATION:
This is an information only item and no action is required. However, the Committee may provide comments for Board consideration.

SUMMARY:

Background and Funding
On August 14, 2017, Santa Clara Valley Water District (Valley Water) submitted an application to the California Water Commission (CWC) for the California Proposition 1 Water Storage Investment Program (WSIP) funding for the Pacheco Reservoir Expansion Project (Project).

The CWC conditionally approved Valley Water’s full funding request of $484.55 million on July 24, 2018, which included an Early Funding award of $24.2 million. The Early Funding award was authorized by the CWC to reimburse Valley Water for funds expended starting August 14, 2017 for efforts related to the completion of the Environmental Documentation and Permitting for the Project.

Staff completed negotiations with the CWC regarding the requirements of the Early Funding Agreement (EFA) and it was fully executed on December 10, 2018. Staff has been providing quarterly reports to the CWC as required and submits quarterly invoices to the CWC against the EFA for cost reimbursement.

Financing
Valley Water continues to explore additional project funding and low cost financing through the Federal Water Infrastructure Improvements for the Nation (WIIN) Act, the Water Infrastructure Finance and Innovation Action (WIFIA), and other Federal and State funding and financing programs. The Project has been identified as the National Economic Development Plan within the San Luis Reservoir Low Point Improvement Project (SLLPIP) led by the United States Bureau of Reclamation (USBR). USBR released the public draft Environmental Impact Statement/Environmental Impact Report for the SLLPIP on July 26, 2019. Public meetings were conducted on August 12 in Gilroy and August 16 in Sacramento, which staff attended to support USBR. Valley Water participation in the SLLPIP provides a nexus for potential partial federal funding of the Project.

Valley Water is partnering with both Pacheco Pass Water District (Pacheco Pass) and San Benito County Water District (San Benito). A Memorandum of Understanding was signed by all three
agencies in June 2018. Currently staff is working with San Benito to develop both an Allocation Plan and an Operation Agreement that will identify San Benito’s participation level on the project. These agreements will recognize and support the continuation of the operational benefits currently enjoyed by Pacheco Pass.

**Project Implementation**
On November 20, 2018, the Board approved the two Consultant Services Agreements for this project. The first contract was for program management (PM) services and the second for planning, design, and environmental consultant services and permitting support (PDEC).

Efforts are underway by both consultants on various project management tasks and planning deliverables including, but not limited to: project schedule updates, tribal consultation, Problem Definition Report development, data needs memoranda; and operational modeling assumptions. Initial geotechnical and environmental investigations are underway. The data gathered from these investigations will be used to develop preliminary design alternatives and environmental documentation.

**Public Outreach**
On July 11, 2019, Valley Water provided the San Luis and Delta Mendota Water Authority Board members and members of their staff, a tour of the Pacheco Reservoir as part of their July board meeting. Additional tours for the CWC and other partnering agencies are being planned. A video production agency has been contracted to produce an online interactive tour with high resolution photos and aerial footage captured at the site. A communication plan is being developed that will incorporate Valley Water communication efforts and San Benito’s public outreach consultant.

Currently, interested community members are directed to the Pacheco Reservoir Expansion website and encouraged to sign up for proactive project communications updates. The website highlights project details and key benefits via expert testimony videos, related documentation, and customized animation elements. The project FAQ's are currently being refreshed. Communications material will continue to be updated as the project progresses.

**ATTACHMENTS:**
None.

**UNCLASSIFIED MANAGER:**
Christopher Hakes, 408-630-3796
Sustainable Groundwater Management Act

Semitropic lies within the Kern County Groundwater Sub-Basin B118 No. 5-22.14 (Kern Sub-Basin), classified by the Department of Water Resources (DWR) as “high priority” under SGMA. This classification generally indicates sub-basins with significant reliance on local groundwater supplies, many of which are among the most vulnerable to overdraft, land subsidence, and other undesirable and adverse impacts to groundwater quality. As such, Semitropic formed the Semitropic Groundwater Sustainability Agency (Semitropic GSA) to manage groundwater within Semitropic’s service area, and to plan for achieving SGMA guidelines of long-term groundwater resource sustainability.

A key component of SGMA is local coordination between stakeholders and groundwater sustainable agencies (GSAs) sharing a groundwater sub-basin. For the Kern Sub-Basin, the Kern Groundwater Authority (KGA) will coordinate GSA planning efforts and establish the framework for basin-wide
groundwater management. Semitropic executives have asserted that Semitropic Bank operations will not be affected by SGMA; however, given the DWR sub-basin classification and required coordination as part of the KGA with other agencies, this assertion will need to be verified. Planning and SGMA guidance documents are due to DWR for review by January 2020 for ‘high priority’ sub-basins, which for Semitropic and most of Kern County will be led by the KGA.

The Semitropic GSA will ultimately maintain authority over specific management and enforcement actions related to SGMA efforts within their service area, which includes Semitropic Bank facilities. No specific proposals for compliance with SGMA and other KGA efforts have been submitted to Valley Water or other groundwater banking partners. However, public Semitropic GSA documents and meeting minutes have indicated the following options under their consideration:

- Establishment of an ‘annual baseline’ capacity for landowner groundwater use, with credits and penalties for under-use and over-use, respectively.
- Creation of a water supply acquisition program to invest in water supply trading and local transfers/exchanges within the Kern Sub-Basin.
- Changes in policy for third-party banking programs (unclear which aspects).

Semitropic’s assurances rely upon explanation that the Semitropic Bank utilizes a confined aquifer zone to store surface water on behalf of third-party banking partners. Semitropic executives explain that this aquifer zone is separate and distinct from the zones relied on by local landowners that have experienced significant over-draft conditions. As such, Semitropic executives assert that SGMA regulations and guidelines aimed at native groundwater sustainability and curbing over-draft would not impact Semitropic Bank operations. Additional information is needed to assess these assertions in the context of Valley Water’s contractual rights in the Semitropic Bank.

Valley Water’s current groundwater banking contract with Semitropic ends in December 2035, meaning further use of the bank is subject to negotiations for extension and/or amendment to the existing contract. ‘High priority' basins must achieve sustainability by 2040 per SGMA guidelines, as defined by DWR-reviewed Groundwater Sustainability Plan (GSP) documents, meaning Valley Water may have adequate time to assess compliance and proposed changes to the Semitropic Bank if/when they are proposed.

**Kern Sub-Basin Groundwater Quality**

Kern Sub-Basin groundwater has elevated arsenic concentrations in some areas which require treatment in dry years prior to recovery via the California Aqueduct. To date, the cost of this effort has been reasonable, and banking withdrawals have not been constrained due to water quality issues.

There are separate concerns for 1,2,3- Trichloropropane (TCP) pesticide contaminants in the Kern Sub-Basin groundwater left over from pre-1940s agricultural operations. The State Water Resources Control Board has collected water quality samples from several wells in Northern Kern County which have indicated some potential for TCP within Semitropic. Additional analyses are needed to assess Semitropic TCP levels and general groundwater quality conditions, and other banking partners have
expressed concerns for recovering contaminated water from the Semitropic Bank.

Staff Considerations

Given the uncertainties surrounding future use and reliability of the Semitropic Bank, Valley Water staff has considered the following options for assessing program risks:

1. Monitor and verify Semitropic’s proposals for managing the groundwater banking program under SGMA. Investigate coordination and differences between Semitropic and KGA, Kern County landowners, and other stakeholders regarding SGMA planning and enforcement proposals.
   - Draft of KGA GSP is expected to be publicly available for review in August 2019. Staff intends to review Semitropic GSA-related sections as they pertain to the Semitropic Bank.

2. Assess risks to Valley Water’s water supplies stored in Semitropic bank, including contractual vulnerabilities and/or regulatory constraints. Verify that the current groundwater banking program will be protected so long as it does not conflict with basin efforts to achieve long-term sustainability and water quality objectives.

3. Investigate other opportunities for groundwater banking and storage programs. The Semitropic Bank has generally worked well for Valley Water, but other banking programs could complement or replace it to hedge risks to long-term Semitropic Bank involvement.

Additional information should become available with the release of SGMA-related documentation, including the anticipated GSP public review draft, and DWR reviews of submitted plans. Valley Water staff will continue to assess Semitropic Bank risks and vulnerabilities, and will provide updates to the Committee, as requested.

ATTACHMENTS:
None.

UNCLASSIFIED MANAGER:
Garth Hall, 408-630-2750
COMMITTEE AGENDA MEMORANDUM

Water Storage Exploratory Committee

SUBJECT:
Update on Los Vaqueros Reservoir Expansion Project (LVE Project).

RECOMMENDATION:
Receive and discuss information on the Los Vaqueros Reservoir Expansion Project (LVE Project).

SUMMARY:
Santa Clara Valley Water District (Valley Water) staff continues to engage in the LVE Project discussions. Recent participation has focused on the planned formation of a Joint Powers Authority (JPA), review of overall project costs (including Valley Water’s portion), and how best Valley Water may optimize its participation.

To assist the Local Agency Partners (LAPs) in developing a JPA agreement, the LAPs are in the process of hiring an independent special counsel to represent them in negotiations (Attachment 3). The hiring process for the special counsel is expected to be completed by the end of summer 2019, and the JPA to be formed by 2020. Once the JPA is in place, responsibilities such as project financing and executing agreements will transition from Contra Costa Water District (CCWD) to the JPA. In July 2019, staff submitted comments to CCWD on the preliminary working draft term-sheet which will serve as the initial foundation for the JPA.

Regarding LVE Project costs, CCWD recently released version 3.0 of the Pro-forma financial model. Staff is currently reviewing, and a webinar was held on August 15, 2019. Additionally, CCWD worked with LAPs partners to hire a consultant, the Bartle Wells firm, to perform a third-party review of CCWD’s and East Bay Municipal Utility District’s user fees. This review is expected to be completed by December 2019.

Finally, Valley Water staff continues to coordinate with CCWD staff and other LAPs to evaluate various modeling scenarios to optimize the water supply reliability benefit of the project. This includes analyzing the water right licenses associated with the project, evaluating the water supply yield under different scenarios, the timing of water delivery, and its relation to the current State Water Project (SWP) or Central Valley Project (CVP) operations.

Next Steps
Key near-term meetings and decision points on the LVE Project include:
- August 2019 - Version 3.0 Pro-forma webinar
Background

Los Vaqueros is an off-stream reservoir located in the foothills west of the Delta in Contra Costa County. Los Vaqueros was initially constructed by the CCWD in 1998 with a capacity of 100,000 acre-feet (AF) and then expanded to 160,000 AF in 2012. The original reservoir and first expansion were completed on time, within budget, and without opposition. The LVE Project would increase the reservoir capacity to 275,000 AF and build the Transfer-Bethany Pipeline, which would connect CCWD’s system to the California Aqueduct at Bethany Reservoir. Regardless of whether Valley Water stores water in the expanded Los Vaqueros Reservoir, imported water could be moved from CCWD’s intakes in the Delta to Valley Water’s system without relying on the South-of-Delta pumps. Water delivered through the Transfer-Bethany Pipeline would then continue through the South Bay Aqueduct (SBA) to Santa Clara County. Valley Water staff are evaluating the water supply benefit of the LVE Project and Transfer Bethany Pipeline and the conveyance capacity of the SBA and Valley Water facilities for conveying LVE Project water.

Project Participants

At an early stage of partnership development, CCWD identified 14 LAPs. Since then, Eastern Contra Costa Irrigation District has left the project and four members have consolidated under the San Luis & Delta Mendota Water Authority. Therefore, there are currently nine LAPs (not including CCWD):

1. Alameda County Water District
2. Bay Area Water Supply & Conservation Agency
3. City of Brentwood
4. East Bay Municipal Utility District
5. Grassland Water District
6. Santa Clara Valley Water District
7. San Francisco Public Utilities Commission
8. Zone 7 Water Agency
9. San Luis & Delta Mendota Water Authority
   9.1. Byron Bethany Irrigation District
   9.2. Del Puerto Water District
   9.3. Panoche Water District
   9.4. Westlands Water District

Total Project Cost

The total project implementation cost of the LVE Project based on assumptions made in the Proposition 1 Water Storage Investment Program (WSIP) application is approximately $980 million in 2015 constant dollars. LVE Project Cost in 2018 constant dollars is $864 million. The LVE Project costs have decreased due to the elimination of project elements no longer needed, such as the East Contra Costa Irrigation District interconnection pipeline and an improved alignment for the Transfer-
Bethany Pipeline. CCWD received the maximum eligibility award for WSIP funding of $459 million. In addition, California Water Commission (CWC) authorized $13.65 million in early funding for planning and design and CCWD received an eligibility award of $2.15 million in federal funding for planning and design through the Water Infrastructure Improvement for the Nation Act (WIIN Act).

In 2016, Valley Water Board of Directors authorized the CEO to execute an agreement to participate in the LVE Project and contribute $100,000 to support CCWD’s Proposition 1 WSIP application. In 2019, the Board authorized the CEO to execute an agreement to continue its participation in the LVE Project and contribute $315,000 to continue various planning, permitting and design efforts. Additionally, some of these funds will be used as matching local funds required by WSIP and the WIIN Act.

**Anticipated Valley Water Benefits**
The LVE Project water supply and operational benefits could be realized by diverting SWP, CVP, and/or surplus water without relying on the South-of-Delta pumps for direct delivery through Transfer Bethany Pipeline or pumped into an expanded Los Vaqueros Reservoir for later delivery. Pending further analysis, the LVE Project may provide the following benefits to Valley Water:

- An increase in water supply, primarily in dry years;
- Banking capacity of SWP and CVP contract supplies in an expanded Los Vaqueros Reservoir;
- Alternate points of diversion during periods when SWP and CVP exports are restricted by regulatory requirements that do not apply to CCWD diversions;
- Operational flexibility by conveying imported water from the California Aqueduct through the Transfer-Bethany Pipeline; and
- Improved operational flexibility of regional projects (e.g., desalination, refinery recycled water exchange, Bay Area Regional Reliability water market) by providing an additional conveyance path via Transfer-Bethany Pipeline.

The extent to which these benefits may be realized depends on several issues that have yet to be resolved, including the level of participation (i.e., with or without storage in Los Vaqueros), permit requirements, regulatory conditions, adequate conveyance capacity in the SBA and Valley Water infrastructure, integration of operations with SWP and CVP, and integration of operations with existing and proposed Valley Water operations and infrastructure.

**ATTACHMENTS:**
Attachment 1: Staff Presentation
Attachment 2: Project Map
Attachment 3: Special Counsel Selection

**UNCLASSIFIED MANAGER:**
Jerry De La Piedra, 408-630-2257
Los Vaqueros Expansion Project

Presented by: Metra Richert, Unit Manager – Water Supply Planning & Conservation
Project Description

• Water is pumped into the system from one of four existing intakes
• Water is sent to an upgraded Transfer Facility pump station
• From the Transfer Facility, water can be delivered directly to local agency partners and wildlife refuges or pumped into an expanded Los Vaqueros Reservoir for later delivery
• Water is delivered via the Transfer-Bethany Pipeline to the South Bay Aqueduct
Local Agency Partners (LAPs)

1. Alameda County Water District
2. Bay Area Water Supply & Conservation Agency
3. City of Brentwood
4. East Bay Municipal Utility District
5. Grassland Water District (Refuge)
6. Santa Clara Valley Water District
7. San Francisco Public Utilities Commission
8. Zone 7 Water Agency
9. San Luis & Delta-Mendota Water Authority
   9.1 Byron Bethany Irrigation District
   9.2 Del Puerto Water District
   9.3 San Luis Water District
   9.4 Westlands Water District
Project Governance

- Selection of special independent counsel to support development of JPA
- Special counsel scope of work
  - $225,000 budget through June 2020
  - Draft termsheet on structure of JPA
  - Feedback on bond counsel’s proposed terms
  - Draft and final JPA Agreement
- Responsibilities such as project financing and executing agreements will transition from CCWD to the JPA
- Submitted comments to CCWD on the preliminary working draft term-sheet.
Project Fees, Costs, & Cost Share

User Fees
• Coordinated with South Bay Aqueduct Contractors to submit user fees comments
• Version 3.0 of the Pro-forma financial model released and staff attended 8/15 webinar
• CCWD worked with LAPs to hire a consultant, Bartle Wells firm, to perform a third-party review of CCWD/EBMUD user fees

Project Costs
• Estimated total project cost: $980 million\(^1\)
• Awarded $459 million in Prop. 1 funding
  • Early funding: $13.65 million
• Awarded $2.15 million in WIIN Act funding

Valley Water’s Support
• In 2016: $100,000 to support CCWD’s Prop. 1 WSIP application
• In 2019: $315k to continue LVE Project participation
  • Cost-share planning, permitting, and design efforts
  • Formation of long-term governance structure (i.e., JPA)

\(^1\) From 2015 WISP Application
Optimizing Project Benefits

Coordinating with CCWD and other LAPs to evaluate various modeling scenarios to optimize project benefits, including:

• Analyzing water right licenses associated with the project
• Evaluating the water supply yield
• Timing of water delivery
• Coordination with State Water Project or Central Valley Project operations
Facility Capacity Analysis

Assessing infrastructure capacity to deliver LVE Project water:

• Water delivery to Valley Water and neighboring LAPs
• South Bay Aqueduct (SBA), water treatment plants (WTP), Milpitas Intertie
Next Steps

- August 2019 – GM/CEO briefing
- Summer 2019 – Committee to select outside counsel to form JPA
- Summer 2019 – Third party consultant review of user fees
- 2019/2020 – Conduct and review various financial model scenarios
- 2020 – JPA Formation
JOINT SELECTION OF SPECIAL COUNSEL

Overview: Joint selection and engagement of special counsel to support the Local Agency Partners (LAPs) and CCWD in governance formation

Key concepts:
1. Selection of special counsel to support “the development of a long-term governance structure (currently envisioned as a Joint Powers Authority (JPA))” included as a purpose and joint responsibility in the Multi-party Cost Share Agreement for LVE Project Planning executed in April 2019 by the LAPs and CCWD (reference paragraphs 1.d) and 2.8a)).

2. Each LAP, and CCWD, to designate an attorney (inside or outside counsel) or senior manager to serve on ad hoc legal work group to participate in the joint selection process. Each LAP and CCWD will have equal input on selection of special counsel (i.e. one vote per agency).

3. Current working budget for special counsel is $225,000 for work through June 2020 with funding provided by the Cost Share Agreement and the Early Funding Agreement executed in December 2018 between CCWD and the California Water Commission.

4. Bold, Polisner, Maddow, Nelson & Judson (BPMNJ), outside counsel to CCWD, will assist to facilitate selection process and administer contract with outside counsel on behalf of LAPs and CCWD. Invoices from outside counsel to be passed through to CCWD for reimbursement. CCWD to provide administrative support.

5. Proposed scope of work includes review of the Draft Termsheet describing the proposed commercial structure of the JPA developed by Clean Energy Capital (with input from LAPs and CCWD); initial feedback on proposed terms from bond counsel; and development of a draft and final Joint Powers Agreement with the review and input of the legal work group.
NEAR TERM MILESTONES

- **May 2019**
  - Each LAP designates attorney or senior manager to serve on ad hoc legal work group
  - Legal work group to develop draft Request for Proposals (RFP)
  - Legal work group provides suggested list of attorneys and legal firms to receive the RFP

- **June 2019**
  - Legal work group review and comment on draft RFP and proposed candidate legal firms
  - Finalize RFP and distribute to candidate legal firms
  - Post RFP on CCWD LVE procurement website

- **July 2019**
  - Legal work group reviews proposals and develops recommendations
  - Legal work group interviews short listed legal firms and selects preferred firm
  - Legal work group reviews the proposed disclosures, conflict waiver(s), common interest agreement, and joint representation agreement

- **August 2019**
  - All LAPs execute common interest agreement and joint representation agreement with appropriate waivers and disclosures
  - BPMNJ, contracting on behalf of the LAPs and CCWD, executes agreement with selected outside counsel with appropriate waivers and disclosures

- **September 2019**
  - Work begins with legal counsel review of latest draft of Termsheet
SUBJECT: Update on Proposed Lake Del Valle Modifications

RECOMMENDATION: Receive and discuss information regarding status of proposed Lake Del Valle modifications. This is an information-only item and no action is required.

SUMMARY:
Santa Clara Valley Water District (Valley Water), Alameda County Water District (ACWD), and Alameda County Flood Control and Water Conservation District (Zone 7), rely on State Water Project (SWP) water supply deliveries made from the South Bay Aqueduct (SBA) facilities. These agencies also rely on Lake Del Valle, a storage reservoir in Alameda County southeast of Livermore, owned by the State of California and operated by the California Department of Water Resources (DWR) as part of the SWP to augment water supply (in the case of ACWD and Zone 7) and to provide for off-line storage of SBA deliveries. A map of Lake Del Valle is provided as Attachment 1.

The East Bay Regional Park District (EBRPD) relies upon an agreement with the California State Parks and Recreation Commission (State Parks Commission) to provide public access to Lake Del Valle for recreation. EBRPD has constructed boat ramps and extensive camping/picnicking facilities on the west shore of Lake Del Valle and reports that visitor numbers typically exceed 400,000 per year, with especially high attendance during warmer summer weekends, extending through Labor Day weekend. The current agreement for recreational aspects of the lake between EBRPD and the State Parks Commission has been in place since 1970, in conjunction with the operational aspects led by DWR.

Valley Water, ACWD, and Zone 7 (the SBA agencies), with input from EBRPD, explored opportunities in 2017 to refine reservoir operations in a manner that could increase water storage in Lake Del Valle, while complying with Lake Del Valle flood management requirements and minimizing impacts to existing recreational facilities. The SBA agencies identified three potential options for increasing water supply availability, as follows:

- **Forecast-informed reservoir operations (FIRO):** modeled use of forecasted inflow data to reallocate Del Valle operational decisions.
- **Permanent re-allocation of flood management capacity to the water conservation pool:** decrease flood management capacity to increase reservoir storage.
- **Structural changes to increase reservoir capacity**: structural changes, such as dam and spillway raises, to add physical capacity to the reservoir.

The SBA agencies determined all three options had the potential to enhance water supply availability and meet flood management objectives. However, combining FIRO with either reallocation or structural changes appeared to result in more frequent inundation of Lake Del Valle recreational facilities. Implementing any re-allocation option would likely require changes to U.S. Army Corps of Engineers reservoir water control manuals (WCM) and operations, while implementing larger structural changes would require an extensive feasibility study, a design for dam modifications, a review by various state/federal agencies, and a WCM update.

The SBA agencies’ analysis in 2017 indicated a potential water supply yield increase of around 35 to 160 acre-feet per year (AF/Y) and a potential storage increase of 5,000 to 22,000 AF/Y. However, given the relatively modest changes to yield and the anticipated recreation impacts of modifying storage, the SBA agencies have not pursued any modifications to Lake Del Valle facilities or operations.

**ATTACHMENTS:**
Attachment 1: Lake Del Valle Map

**UNCLASSIFIED MANAGER:**
Garth Hall, 408-630-2750
COMMITTEE AGENDA MEMORANDUM

Water Storage Exploratory Committee

SUBJECT:
Review Water Storage Exploratory Committee Work Plan and the Committee’s Next Meeting Agenda.

RECOMMENDATION:
Review the Committee’s Work Plan to guide the Committee’s discussions regarding policy alternatives and implications for Board deliberation.

SUMMARY:
The Committee’s Work Plan outlines the Board-approved topics for discussion to be able to prepare policy alternatives and implications for Board deliberation. The work plan is agendized at each meeting as accomplishments are updated and to review additional work plan assignments by the Board.

BACKGROUND:

Governance Process Policy-8:

The District Act provides for the creation of advisory boards, committees, or committees by resolution to serve at the pleasure of the Board.

Accordingly, the Board has established Advisory Committees, which bring respective expertise and community interest, to advise the Board, when requested, in a capacity as defined: prepare Board policy alternatives and provide comment on activities in the implementation of the District’s mission for Board consideration. In keeping with the Board’s broader focus, Advisory Committees will not direct the implementation of District programs and projects, other than to receive information and provide comment.

Further, in accordance with Governance Process Policy-3, when requested by the Board, the Advisory Committees may help the Board produce the link between the District and the public through information sharing to the communities they represent.

ATTACHMENTS:
Attachment 1: WSEC 2019 Work Plan
UNCLASSIFIED MANAGER:
Michele King, 408-630-2711
The annual work plan establishes a framework for committee discussion and action during the annual meeting schedule. The committee work plan is a dynamic document, subject to change as external and internal issues impacting the District occur and are recommended for committee discussion. Subsequently, an annual committee accomplishments report is developed based on the work plan and presented to the District Board of Directors.

<table>
<thead>
<tr>
<th>ITEM</th>
<th>WORK PLAN ITEM</th>
<th>MEETING</th>
<th>INTENDED OUTCOME(S)</th>
<th>ACCOMPLISHMENT DATE AND OUTCOME</th>
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| 1    | Pacheco Reservoir Expansion Project Update          | 2-22-19  | Review, discuss, and provide input regarding the status of the Pacheco Reservoir Expansion Project. | Accomplished February 22, 2019: The Committee reviewed, discussed, and provided input regarding the status of the Pacheco Reservoir Expansion Project and took no action.  
Accomplished May 20, 2019: The Committee reviewed, discussed, and provided input regarding the status of the Pacheco Reservoir Expansion Project and took no action. |
|      |                                                     | 5-20-19  |                                                                                   |                                                                                                |
Accomplished May 20, 2019: The Committee receive an update on the Los Vaqueros Expansion Project and took no action. |
|      |                                                     | 5-20-19  |                                                                                   |                                                                                                |
### 2019 Work Plan: Water Storage Exploratory Committee Update: August 2019

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<tr>
<td>3</td>
<td>Sites Project Authority 2019 Reservoir Project Agreement for Continued District Participation in the Sites Reservoir Project</td>
<td>2-22-19</td>
<td>• Receive information on the Sites Project Authority 2019 Reservoir Project Agreement for Continued District Participation in the Sites Reservoir Project.</td>
<td><strong>Accomplished February 22, 2019:</strong> The Committee received information on the Sites Project Authority 2019 Reservoir Project Agreement for continued District participation in the Sites Reservoir Project and took the following action: The Committee approved for Board consideration staff’s recommendation with a slight modification with 2 members agreeing to $960,000 and 1 member agreeing to $720,000.</td>
</tr>
<tr>
<td>4</td>
<td>Semitropic and other potential groundwater banking programs</td>
<td>2-22-19</td>
<td>• Receive information on the Semitropic and other potential groundwater banking programs.</td>
<td><strong>Accomplished February 22, 2019:</strong> The Committee received information on the Semitropic and other potential groundwater banking programs and took no action.</td>
</tr>
<tr>
<td>5</td>
<td>Review of 2018 Water Storage Exploratory Committee Work Plan</td>
<td>2-22-19</td>
<td>• Review the Committee’s 2019 Work Plan.</td>
<td><strong>Accomplished February 22, 2019:</strong> The Committee reviewed the Committee’s 2019 Work Plan and took no action.</td>
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<tr>
<td></td>
<td></td>
<td>5-20-19</td>
<td></td>
<td><strong>Accomplished May 20, 2019:</strong> The Committee reviewed the Committee’s 2019 Work Plan and took no action, but the Committee confirmed adding a discussion on Sargent Ranch (recreational area) in conjunction with the Pajaro River and its potential nexus to the Pacheco Project to the Committee’s work plan</td>
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# 2019 Work Plan: Water Storage Exploratory Committee

Update: August 2019

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<tr>
<td>6</td>
<td>Semitropic and out-of-County Groundwater Banking</td>
<td>5-20-19</td>
<td>• Discuss Semitropic and out-of-County Groundwater Banking</td>
<td><strong>Accomplished May 20, 2019:</strong> The Committee discussed Semitropic and out-of-County Groundwater Banking and took the following action: The Committee approved for Board consideration to have an in-depth discussion with the full Board regarding: storage, risks and benefits of semitropic and groundwater banking along with reviewing the Groundwater Sustainability Plan (GSP) when released.</td>
</tr>
<tr>
<td>7</td>
<td>The Water Supply Benefit of Anderson Reservoir</td>
<td>5-20-19</td>
<td>• Discuss the Water Supply Benefit of Anderson Reservoir</td>
<td><strong>Accomplished May 20, 2019:</strong> The Committee discussed the Water Supply Benefit of Anderson Reservoir and took no action.</td>
</tr>
<tr>
<td>8</td>
<td>B.F. Sisk Dam Raise</td>
<td>5-20-19</td>
<td>• Receive an update on the B. F. Sisk Dam Raise</td>
<td><strong>Accomplished May 20, 2019:</strong> The Committee received an update on the B. F. Sisk Dam Raise and took no action.</td>
</tr>
<tr>
<td>9</td>
<td>Update on the Proposed Sites Reservoir Project</td>
<td>TBD</td>
<td>• Receive an update on the Proposed Sites Reservoir Project.</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Update on San Luis Reservoir Expansion</td>
<td>TBD</td>
<td>• Receive an overview of the San Luis Reservoir Expansion.</td>
<td></td>
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<tr>
<td>11</td>
<td>Update on San Luis Low Point Improvement Project</td>
<td>TBD</td>
<td>• Receive an update on the San Luis Low Point Improvement Project</td>
<td></td>
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<tr>
<td>12</td>
<td>Update on Shasta Reservoir Expansion</td>
<td>TBD</td>
<td>• Receive an update on Shasta Reservoir Expansion</td>
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