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8 INDIAN WELLS VALLEY GROUNDWATER
AUTHORITY and BOARD OF DIRECTORS OF THE
9 INDIAN WELLS VALLEY GROUNDWATER
AUTHORITY

10
11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **COUNTY OF ORANGE, CIVIL COMPLEX CENTER**
13

14 MOJAVE PISTACHIOS, LLC, et al.,
15 Plaintiff and Petitioner,
16 v.

17 INDIAN WELLS VALLEY
GROUNDWATER AUTHORITY, et al.,
18 Defendants and Respondents.

19
20 _____
21 SEARLES MINERALS INC.,
22 Plaintiff and Petitioner,
23 v.

24 INDIAN WELLS VALLEY
GROUNDWATER AUTHORITY, et al.,
25 Defendants and Respondents.

Case No. 30-2021-01187589-CU-WM-CXC
(Consolidated with Case No. 30-2021-
011880890-CU-WM-CXC; Related Case Nos.
30-2021-01187275-CU-OR-CJC)

**DECLARATION OF KEITH LEMIEUX IN
SUPPORT OF INDIAN WELLS VALLEY
GROUNDWATER AUTHORITY'S
OPPOSITION TO INDIAN WELLS
VALLEY WATER DISTRICT'S MOTION
FOR ORDER RE "INTERESTED PARTY"
STATUS, OR, IN THE ALTERNATIVE,
LEAVE TO AMEND ANSWER**

Reservation No.: 1000570777

Date: November 21, 2025
Time: 9:00 a.m.
Dept.: CX101

Complaint Filed: September 30, 2020
Writ Hearing: February 4, 2026

Hon. William D. Cluster

[Exempt from filing fees pursuant to Govt. Code § 6103]

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INDIAN WELLS VALLEY GROUNDWATER
8 AUTHORITY and BOARD OF DIRECTORS OF THE
INDIAN WELLS VALLEY GROUNDWATER
9 AUTHORITY

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DECLARATION OF W. KEITH LEMIEUX

I, W. Keith Lemieux, declare as follows:

1. I am an attorney at law duly licensed to practice before all of the courts in the State of California. I am general counsel to the Indian Wells Valley Groundwater Authority (“Authority”). As general counsel my responsibilities include providing general legal services to the Authority including the attendance of public and closed session meetings. I have reviewed the resolutions and ordinances adopted by the Authority and I am familiar with their actions. I make this declaration in support of the Authority’s Opposition to Defendant and Respondent Indian Wells Valley Water District (“District”) motion to be deemed an “interested party,” or, alternatively, for leave to file an amended answer (“Motion”). I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently to such facts under oath.

2. The Authority is a joint powers authority created under the Sustainable Groundwater Management Act (“SGMA”) (Wat. Code, § 10720 *et seq.*) to serve as the groundwater sustainability agency (“GSA”) managing the Indian Wells Valley Groundwater Basin (“Basin”). The Authority is comprised of five general members—City of Ridgecrest, County of Inyo, County of Kern, County of San Bernardino, and the District—who make up its Board of Directors.

3. The District’s legal counsel is Jim Worth. On September 21, 2017, the Authority entered into an agreement for Mr. Worth to provide the Authority with legal advice on contractual, statutory, regulatory, and any other legal matters, including “without limitations, reviewing contracts, meeting agendas and notices, providing legal opinions and resolutions, reviewing policies and procedures, generally supervising and coordinating litigation, or specialized legal advice, involving [the Authority] and special counsel retained to represent [the Authority] on a specific case or issue.” Attached as **Exhibit A** is a true and correct copy of the retainer agreement between the Authority and Mr. Worth, which remains in effect.

4. Mr. Worth advised the Authority during the preparation and adoption of the Authority’s Groundwater Sustainability Plan (“GSP”), which the District now seeks to challenge. Mr. Worth participated in closed session Board of Directors meetings regarding challenges to the

1 GSP. After the filing of the related comprehensive groundwater adjudication, *Mojave Pistachios,*
2 *LLC, et al v. Indian Wells Valley Water District* (Orange County Superior Court Case No. 30-2021-
3 01187275), the District’s representative and Mr. Worth did not participate in closed session Board
4 of Directors meetings.

5 5. On December 19, 2019, the District’s representative, Ron Kicinski, and its legal
6 counsel, James Worth, participated in closed and open sessions of the Board of Directors to discuss
7 the adoption of the Authority’s GSP, scheduled to be held on January 16, 2020. Attached as
8 **Exhibit B** is a true and correct copy of the December 19, 2019 Board of Directors Meeting
9 Minutes.

10 6. On January 16, 2020, the District’s representative, Ron Kicinski, participated in
11 closed and open session of the Board of Directors to adopt the Authority’s GSP. Attached as
12 **Exhibit C** is a true and correct copy of the January 16, 2020 Board of Directors Meeting Minutes.

13 7. On January 16, 2020, the District’s representative, Ron Kicinski, voted to approve
14 Resolution 01-20 to adopt the Authority’s GSP at the Board of Directors meeting. Attached as
15 **Exhibit D** is a true and correct copy of Resolution 01-20, adopted at the January 16, 2020 Board of
16 Directors meeting.

17 8. On July 16, 2020, the District’s representative, Ron Kicinski, voted to approve
18 Resolution 06-20 to adopt the Authority’s Sustainable Yield Report that determined the Basin’s
19 sustainable yield is 7,650 acre-feet. Attached as **Exhibit E** is a true and correct copy of Resolution
20 06-20, adopted at the July 16, 2020 Board of Directors meeting.

21 I declare under penalty of perjury are the laws of the state of California that the
22 foregoing is true and correct to the best of my knowledge.

23 Executed on this 10th day of November, 2025, at Westlake Village, California.

24 

25 _____
26 W. Keith Lemieux

EXHIBIT A

**ATTORNEY RETAINER AGREEMENT
FOR AND BETWEEN MCMURTREY, HARTSOCK & WORTH AND
THE INDIAN WELLS VALLEY GROUNDWATER AUTHORITY**

This Agreement ("Agreement") is made and entered into effective this _____ day of September, 2017, ("Effective Date") by and between McMurtrey, Hartsock & Worth, ("Attorney"), and the Indian Wells Valley Groundwater Authority ("Client"). In this agreement, Attorney and Client are referred to individually as a "Party" and collectively as the "Parties."

AGREEMENT

1. Services to be Rendered. Attorney shall provide legal advice on contractual, statutory, regulatory, and any other legal matters. This advice will include, without limitation, reviewing contracts, meeting agendas and notices, providing legal opinions and resolutions, reviewing policies and procedures, generally supervising and coordinating litigation, or specialized legal advice, involving Client and special counsel retained to represent Client on a specific case or issue. If called upon, Attorney may advise the Client Board of Directors and its Chief Executive Officer and staff on matters as requested, and represent Client, its officers and its employees in litigation in any of the courts of this state or federal court. Attorney will also attend Client board meetings and closed sessions as legal advisor to Client.

2. Client Duties. Client shall provide such assistance, information, cooperation, and access to books, records, and other information as is necessary for Attorney to effectively and efficiently render its services under this Agreement to Client. Client shall comply with this Agreement.

3. Compensation to Attorney.

Attorney services are provided as "in kind" services from the Indian Wells Valley Water District.

4. Term. This Agreement shall be deemed in full force and effect as of the Effective Date and shall remain in effect until terminated as hereinafter provided, with the exception that the Conflict of Interest Waiver provision in Section 6 of this Agreement and the Indemnity provision in Section 8 of this Agreement shall indefinitely survive the termination of this Agreement.

5. **Attorney Representations.** Attorney makes the following representations which are agreed to be material to and form a part of the inducement for this Agreement:

(a) Attorney has the expertise, support staff, and facilities necessary to provide the services described in this Agreement.

(b) Attorney shall diligently provide such legal services as are necessary and assigned by Client in a timely and professional manner in accordance with the terms and conditions stated in this Agreement, will comply with all ethical duties, and will maintain the integrity of the attorney-client relationship. Attorney shall have the sole discretion to assign or reassign individual attorneys to represent Client.

6. **Conflict of Interest Waiver** The Client has requested that Attorney provide legal services as set forth in Section 1, including advice related to the Sustainable Groundwater Management Act (“SGMA”), on behalf of the Client. Attorney has potential interests adverse to Client by reason of its joint representation of the Indian Wells Valley Water District. The Attorney is governed by specific rules relating to its representation of clients where it has a relationship with both parties and therefore a potential conflict of interest. Rules 3-310(A), (B), (C), and (E) of the Rules of the Professional Conduct of the State Bar of California (CPRC) govern conflicts of interest. This Agreement advises Client of a potential conflict of interest in Attorney’s proposed representation of the Client as described herein and, by its signature to this Agreement as set forth below, to request Client’s informed written consent to waive such a potential conflict of interest and to the representation of the Client as described herein.

As counsel working on groundwater and general public agency governance matters, the services of the Attorney have and will include attending meetings and reviewing and drafting agreements and other documentation related to groundwater within the subject basin and SGMA. Part of these services may require meetings and discussions with local agency members of the Client, including the Indian Wells Valley Water District.

At this time, Attorney believes that it may competently represent the Client on such matters as specified in Section 1, including but not limited to, groundwater and SGMA matters and still maintain a duty of loyalty to the Indian Wells Valley Water District arising from its work for the Indian Wells Valley Water District on unrelated matters. Attorney does not believe that it has obtained any confidential information from the Indian Wells Valley Water District which is material to its representation of the Client as specified herein. However, if an actual

conflict should arise related to the same issue in which Attorney has represented the Indian Wells Valley Water District in which (i) Attorney could not maintain its duty of loyalty to the Indian Wells Valley Water District and to the Client, (ii) the issue of dispute is substantially related to the same issue in which Attorney has represented the Client, or (iii) Attorney has obtained any confidential information from Client which is material in its representation of the Indian Wells Valley Water District, Attorney would require the additional written consent of Client.

In the event of a conflict of interest, or for any other reason Attorney deems appropriate, Attorney reserves the right to discontinue some, or all, of the legal services provided to and for Client after notice to and consultation with Client.

7. **Negation of Partnership.** In the performance of legal services under this Agreement, Attorney shall be, and acknowledges that Attorney is, in fact and law, an independent contractor and not an agent or employee of Client. Attorney has and retains the right to exercise full supervision and control of the manner and methods of providing services to Client under this Agreement.

Attorney retains full supervision and control over the employment, direction, compensation, and discharge of all persons assisting Attorney in the provision of services under this Agreement. With respect to Attorney's employees, Attorney shall be solely responsible for payment of wages, benefits and other compensation, compliance with all occupational safety, welfare and civil rights laws, tax withholding and payment of employee taxes (whether federal, state or local), and compliance with any and all other laws regulating employment.

8. **Indemnification and Insurance.**

(a) Client agrees that Attorney shall be treated as an "employee" for purposes of Government Code sections 995 - 996.6, and shall provide a defense and indemnity of Attorney pursuant to the provisions of the Government Code.

(b) Attorney represents it is insured for Professional Liability, General Liability, Automobile Liability and Workers' Compensation.

9. **Termination.** Either Party may at its election terminate this Agreement by providing the other party with written notice of said election. A Notice of Termination will be deemed effective thirty (30) days after personal delivery, or thirty-five (35) days after mailing by regular U.S. Mail, postage prepaid. In the event this Agreement is terminated by either Party,

Attorney shall submit to Client a final status report on any pending matters and shall deliver to Client all files, memoranda, documents, evidence, exhibits, correspondence and other items generated in the course of performing this Agreement, within twenty-one (21) days after the effective date of any written Notice of Termination. Client may, upon making a good faith determination and if the best interests of Client so require, terminate this Agreement and suspend all further work by Attorney effective immediately upon personal delivery of a Notice of Termination to Attorney, at which time Attorney's obligations upon termination as above stated shall be performed by Attorney.

10. Ownership and Inspection of Files. All files, pleadings, reports, exhibits, evidence, and other items generated or gathered in the course of providing services to Client under this Agreement are and shall remain the property of Client, and shall be returned to Client upon termination of this Agreement, except that Client shall have no right to obtain Attorney work product from Attorney except as otherwise provided by law. The provisions of this paragraph shall continue to survive after termination of this Agreement.

11. Notices. All notices required or provided for in this Agreement shall be provided to the Parties at the following addresses, by personal delivery or deposit in the U.S. Mail, postage prepaid, registered or certified mail, addressed as follows:

To Attorney: James A. Worth, Esq.
McMurtrey, Hartsock & Worth
2001 22nd St., Suite 100
Bakersfield, CA 93301

To Client: Mick Gleason, Chairman of the Board
Indian Wells Valley Groundwater Authority
500 W. Ridgecrest Blvd.
Ridgecrest, CA

The Parties may, if necessary, amend this Agreement to indicate a change of address by ten (10) days written notice to the other Party, said notice to be given in the manner above described. Nothing in this Agreement shall be construed to prevent or render ineffective delivery of notices required or permitted under this Agreement by leaving such notice with the receptionist or other person of like capacity employed by either Party.

12. **Entire Agreement.** This document contains the entire agreement of the Parties relating to the services, rights, obligations and covenants contained herein and assumed by the Parties respectively. No inducements, representations, or promises have been made, other than those recited in this Agreement. No oral promise, modification, change, or inducement shall be effective or given any force or effect, and all changes or modifications to this Agreement shall be made in and reduced to writing, duly signed and agreed to by both Parties.


13. **Modification.** This Agreement may be amended at any time by formal written agreement of the Parties.

14. **Partial Invalidity.** Should any part, term, portion, or provision of this Agreement be finally decided to be in conflict with any law of the United States or the State of California, or otherwise be unenforceable or ineffectual, the validity of the remaining parts, terms, portions, or provisions shall be deemed severable and shall not be affected thereby, provided such remaining portions or provisions can be construed in substance to constitute the agreement which the Parties intended to enter into in the first place.

15. **Waiver.** No waiver of a breach or provision of this Agreement shall constitute a waiver of any other breach or provision. The Parties' failure to enforce at any time, or from time to time, any provision of this Agreement shall not be construed as a waiver thereof. The remedies herein reserved shall be cumulative and additional to any other remedies in law or equity.

The Parties have executed this Agreement as of the Effective Date.

**MCMURTREY, HARTSOCK
AND WORTH**



By: James A. Worth
Its: Partner

**INDIAN WELLS VALLEY
GROUNDWATER AUTHORITY**



By: Mike Gleason
Its: Chairman, Board of Directors

APPROVED AS TO FORM AND CONTENT:

OFFICE OF COUNTY COUNSEL



By: Phill Hall
Its: Counsel

EXHIBIT B

INDIAN WELLS VALLEY GROUNDWATER AUTHORITY

City of Ridgecrest, Indian Wells Valley Water District, Inyo County, Kern County, San Bernardino County

BOARD OF DIRECTORS MEETING MINUTES Thursday, December 19; 10:00 a.m.

IWVGA Members Present:

Chairman Ron Kicinski, IWVWD	Don Zdeba, IWVGA General Manager
John Vallejo, Inyo County	James Worth, Legal Counsel
Mick Gleason, Kern County	Steve Johnson, Stetson Engineers
Scott Hayman, City of Ridgecrest	Commander Peter Benson, US Navy, DoD Liaison
Thomas Bickauskas, Bureau of Land Management	Lauren Duffy, Clerk of the Board
Bob Page, San Bernardino County	

Meeting recording and public comment letters submitted are made available at:

<https://iwvga.org/iwvga-meetings/>

1. CALL TO ORDER:

The meeting is called to order by Chairman Kicinski at 10:02 a.m.

2. PUBLIC COMMENTS ON CLOSED SESSION:

None.

Chairman Kicinski calls the meeting into Closed Session at 10:02 a.m.

3. CLOSED SESSION:

- CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION (Government Code Section 54956.9(d)(2)(e)(1)) Number of cases: One (1) Significant exposure to litigation in the opinion of the Board of Directors on the advice of legal counsel, based on: Facts and circumstances that might result in litigation against the IWVGA but which are not yet known to a potential plaintiff or plaintiffs, which facts and circumstances need not be disclosed.

4. OPEN SESSION:

Meeting was reconvened into Open Session at 11:05 a.m.

a. Report on Closed Session:

Jim Worth reported that no action was taken which would require disclosure under the Brown Act.

b. The Pledge of Allegiance is led by Vice Chair Gleason.

c. Ron Kicinski asks for a moment of silence to recognize the passing of TAC Member Earl Wilson.

d. April Nordenstrom calls the following roll call:

Director Vallejo	Present
Director Hayman	Present
Chairman Kicinski	Present
Director Page	Present
Vice Chair Gleason	Present

5. PUBLIC COMMENTS:

The Board hears public comments from Sophia Merk and John Kinnect.

6. CONSENT AGENDA:

- a. Approve Minutes of Board Meeting November 21, 2019
- b. 2020 Meeting Dates – 3rd Thursday of every month
- c. Appointment of April Nordenstrom as Clerk of the Board
- d. Approval of Resolution No. 09-19 Appointing Jade Zimmerman as TAC representative for U.S Navy, DoD Liaison
- e. Approve Expenditures
 - i. \$13,226.22 - RWG LAW
 - ii. \$33,064.02 - DRI
 - iii. \$183,634.49 – Stetson Engineers
 - iv. \$80.36 – The Daily Independent

Motion made by Scott Hayman and seconded by Mick Gleason to approve Minutes of Board Meeting November 21, 2019, 2020 meeting dates, appointment of April Nordenstrom as Clerk of the Board, approval of Resolution 09-19, and the following expenditures in the amount of \$13,226.22 to RWG Law, \$33,064.02 to DRI, \$183,634.49 to Stetson Engineers, \$80.36 to The Daily Independent. Motion unanimously carries by the following vote: (Ayes: Gleason, Hayman, Kicinski, Page, Vallejo. Nays: None. Abstain: None.)

Chairman Kicinski notes there will be an edit made to Resolution 09-19, changing section 2.2 to reflect Technical Advisory not Policy Advisory.

Motion made by Scott Hayman and seconded by Mick Gleason to adopt Resolution 09-19. Motion unanimously carries by the following roll call vote.

Director Vallejo	Aye
Director Hayman	Aye
Chairman Kicinski	Aye
Director Page	Aye
Vice Chair Gleason	Aye

7. UPDATE ON IWVGA FINANCES:**a. Monthly Financial Report**

Don Zdeba provides a report on the IWVGA finances (made available on the IWVGA website). The current account balance is \$48,170.00, which will be used to pay the invoices listed under the consent agenda, not including Stetson (combined with deferred August invoice, amount owed is now \$286,289.03). Once payments are made, the balance remaining will be \$1,799.40. Reimbursement for the 3rd invoice submittal should be received within the next 30 days.

Steve Johnson explains the Stetson invoice submitted was high due to the extensive fieldwork that has been done. Any costs associated with that fieldwork will be covered under Prop 1. He further states any receipts in question will be removed from the invoice packet.

8. BOARD TO RECEIVE AND FILE IWVGA GSP DEVELOPMENT AND 2020 POST GSP IMPLEMENTATION PRO-FORMAS:

Don Zdeba reports on the 2020 Pro-formas (made available on the IWVGA website). The 2020 GSP Development Pro-forma still reflects the \$30/acre ft. and certain administrative costs have been removed. Zdeba points out the footnote at the bottom of the page, which explains there may be expense adjustments for work done in 2019 based on further classification as Pre or Post GSP Development costs. As well, Zdeba brings attention to the top three lines under expenses, reflecting the reimbursements to Kern County (\$500,000), City of Ridgecrest (\$210,466), and the advance from

Indian Wells Valley Water District (\$500,000). The GSP Development Pro-forma reflects a positive balance of \$80,245 by the end of 2020. Zdeba states there is no revenue shown in the 2020 Post-GSP Implementation Budget due to the uncertainty regarding increase of the current extraction fee, or new fees going forward. Staff recommends the Board receive and file the current Pro-formas with the understanding that as fees are approved and implemented, updated versions of the Pro-formas will be brought to the Board.

Chairman Kicinski expresses concerns with the ability to finance the Severely Disadvantaged Communities (SDAC) Program. He further questions the timeframe allowed by the state to start working on these projects. Jim Worth responds, a letter requesting an extension will be filed by the end of the week with Department of Water Resources (DWR), however it is uncertain of how long it may take to hear back from them. Steve Johnson adds that DWR has informally approved an extension for longer than the IWVGA has requested. DWR will send a formal approval once the letter of extension has been received.

Director Page clarifies thoughts of the existing extraction fee including both GSP development and administrative costs. Jim Worth answers that the existing extraction fee does include general administrative costs that supported GSP development. Page further questions if the beginning balances shown assume all administrative costs up until the end of the year. Zdeba responds that all administrative costs up until GSP adoption will be covered by the current extraction fee. Page further notes that the Pro-forma does not include water marketing. Zdeba confirms that it does not.

Dave Janiec, Policy Advisory Committee (PAC) Chair, states that at the previous month's meeting the possibility of having a PAC meeting regarding increase to the existing pumping fee was mentioned, however, the Pro-formas do not supply enough detail to make a recommendation. Kicinski agrees and pushes PAC to February.

The Board hears public comment from Sophia Merk

9. WATER RESOURCES MANAGER REPORT:

Steve Johnson provides updates on the following grants/programs; (presentations made available on the IWVGA website)

- a. Report on Proposition 1 Grant Status:
Invoice #3 was submitted November 21, and there have been no further comments received from Department of Water Resources (DWR). Johnson states the PowerPoint presentation reflects invoice #4 covering April 2019 – June 2019, however that is a typo and should have reflected coverage for the months of July 2019 – September 2019.
- b. Severely Disadvantaged Communities (SDAC) Program:
Tentatively approved for a one-year extension and consultants may be retained after Grant Agreement is both modified and approved. Johnson shares concern with cashflow; however, he urges this is an important project for the GSP implementation and once approved it is 100% funded through state grants. Johnson states they will update the Board once they hear back from the state.
- c. Groundwater Sustainability Plan (GSP) Update:
Johnson states that all public comment/review is due no later than January 8, 2020. Public Hearing and Adoption of the GSP will be held on January 16, 2020 with a final submission to DWR on January 24, 2020.
- d. Proposition 68 Grant Status:
Submitted November 14, 2019 with a predicted payout in March 2020. Grant funding request was \$753,900 and will cover various projects going forward, as well as some past costs.

The Board hears public comment from Renee Westa-lusk.

10. UPDATE ON OUTREACH EFFORTS:

Don Zdeba shares that both he and Chairman Kicinski have been invited to address the Democratic Club on Saturday, December 21.

The Board hears public comment from Judie Decker.

11. GENERAL MANAGER'S REPORT:

a. Report on IWVGA's Water Marketer (Capitol Core Group)

Don Zdeba provides a summary of CCG's Technical Memorandum. Most of their efforts have been set towards the Defense Community Infrastructure Program (DCIP). Dave Janiec explains the House of Representatives recently approved a \$50,000,000 Defense Appropriations Budget, that is now in the process of being approved by the Senate. Janiec further expresses that the level of competition for this grant funding will be challenging as it is nationwide. Zdeba states that he will discuss with staff how best to approach DCIP work for CCG going forward.

b. Well Registration Update

Non de minimis – 4

De minimis – 81

The board hears public comment from Mallory Boyd

12. CLOSING COMMENTS :

Chairman Kicinski recognizes Lauren Duffy, for all her hard work during her time as Clerk of the Board for the IWVGA and welcomes April Nordenstrom as the new Clerk. Kicinski thanks Staff, PAC, and TAC, for all their efforts and time committed to the IWVGA. Kicinski thanks the public for comments received on the draft GSP and assures them they are going to solve this problem the best way possible.

Vice Chair Gleason suggests the Board revisit a past decision to keep Don Zdeba as the IWVGA General Manager, due to recent legal proceedings that have been filed against the IWVWD. Gleason expresses concerns with conflict of interest and feels Board and Staff need to look further into an independent general manager.

Director Vallejo concurs with Vice Chair Gleason and suggests Board discussion on what an independent administration looks like going forward.

13. DATE AND TIME OF NEXT MEETING – January 16, 2020; 10:00 a.m.

With no further Board or Public comment, the meeting is reconvened into Closed Session at 11:57 a.m.

14. CLOSED SESSION:

The meeting is called back into open session.

No action is taken which would require disclosure under the Brown Act.

15. ADJOURN:

Vice Chair Gleason adjourned the meeting at 1:30 p.m.

Respectfully submitted,

April Nordenstrom



Clerk of the Board

Indian Wells Valley Groundwater Authority

EXHIBIT C

INDIAN WELLS VALLEY GROUNDWATER AUTHORITY

City of Ridgecrest, Indian Wells Valley Water District, Inyo County, Kern County, San Bernardino County

BOARD OF DIRECTORS MEETING MINUTES

Thursday, January 16, 2020; 10:00 a.m.

IWVGA Members Present:

Chairman Mick Gleason, Kern County	Don Zdeba, IWVGA General Manager
John Vallejo, Inyo County	Phillip Hall, Legal Counsel
Ron Kicinski, IWVWD	Steve Johnson, Stetson Engineers
Scott Hayman, City of Ridgecrest	Commander Peter Benson, US Navy, DoD Liaison
Thomas Bickauskas, Bureau of Land Management	April Nordenstrom, Clerk of the Board
Bob Page, San Bernardino County	

Meeting recording and public comment letters submitted are made available at:

<https://iwvga.org/iwvga-meetings/>

1. CALL TO ORDER:

The meeting is called to order by Chairman Gleason at 10:02 a.m.

2. PUBLIC COMMENTS ON CLOSED SESSION:

None.

Chairman Gleason calls the meeting into Closed Session at 10:02 a.m.

3. CLOSED SESSION:

- CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION (Government Code Section 54956.9(d)(2)(e)(1)) Number of cases: One (1) Significant exposure to litigation in the opinion of the Board of Directors on the advice of legal counsel, based on: Facts and circumstances that might result in litigation against the IWVGA but which are not yet known to a potential plaintiff or plaintiffs, which facts and circumstances need not be disclosed.

4. OPEN SESSION:

Meeting was reconvened into Open Session at 11:00 a.m.

a. Report on Closed Session:

Phillip Hall reported that no action was taken which would require disclosure under the Brown Act.

b. The Pledge of Allegiance is led by Peggy Breeden.

c. April Nordenstrom calls the following roll call:

Director Vallejo	Present
Director Kicinski	Present
Chairman Gleason	Present
Director Page	Present
Vice Chair Hayman	Present

5. PUBLIC COMMENTS:

The Board hears public comments from Judie Decker and Camille Anderson.

6. CONSENT AGENDA:

- a. Approve Minutes of Board Meeting December 19, 2019
- b. Approve Expenditures
 - i. \$65,929.11 - Stetson Engineers
 - ii. \$216.00 - Annual IWVGA Website Renewal and \$60.00 Domain name renewal (iwvga.net, iwvga.org, iwvga.com) – Squarespace, Reimbursable to IWVWD

Motion made by Ron Kicinski and seconded by Scott Hayman to approve Minutes of Board Meeting December 19, 2019, and the following expenditures in the amount of \$65,929.11 to Stetson Engineers, \$216.00 to Squarespace. Motion unanimously carries by the following vote: (Ayes: Gleason, Hayman, Kicinski, Page, Vallejo. Nays: None. Abstain: None.)

7. PUBLIC HEARING PURSUANT TO WATER CODE SECTION 10728.4 TO CONSIDER ADOPTION OF THE INDIAN WELLS VALLEY GROUNDWATER BASIN GROUNDWATER SUSTAINABILITY PLAN (GSP):

Jeff Helsley provides a PowerPoint Presentation to give a framework of the timeline, comments, received and changes made to the final GSP (presentation made available on the IWVGA website).

Jim Markman, Special Counsel, reads a legal statement in response to public comments received (statement made available on the IWVGA Website). Markman further comments on the observation of the IWVGA seeking state funding for any costs associated with the GSP, due to this being a mandated process. Markman rebuts this idea by stating the Joint Powers Agreement (JPA) was formed by the local agencies as an exercise of their own rights to solve our water challenges internally. Without the JPA, responsibility for compliance with SGMA legislation would have been ceded to the Department of Water Resources.

The Board hears public comment from Gene Schneider, Shirley Kirkpatrick, Elisabeth Esposito, Sophia Merk, Tom Mulvihill, Don Decker, West Katzenstein, Pat Ferris, Derek Hoffman, Camille Anderson, Chuck Griffin, Judie Decker, Mike Neel, Renee Westa-Lusk, and Mallory Boyd.

Chairman Gleason calls for a recess at 12:29.

Meeting is reconvened at 12:45.

Director Kicinski thanks the public for their comments and expresses the importance of reaching sustainability in the valley. He further explains that this GSP is a framework and will be amended when necessary, given results of new studies and projects performed during the implementation process. Kicinski shares his appreciation for all the work that has been done and will be done in the future.

Director Page thanks Board, staff and public. He states the importance of adopting the GSP and acknowledges there is a difficult road still ahead. Page further encourages those who have been participating in this process to continue doing so. Page emphasizes that reaching a sustainable yield for a basin in our degree of overdraft, is a great accomplishment. He acknowledges costs will increase, but by having a number to live within we are ensuring water for our future.

Director Vallejo shares the same sentiments of gratitude for all involved during this process. Vallejo further reads a statement on behalf of Inyo County to express the reason for the intended “no” vote on adopting the GSP (statement made available on the IWVGA website).

Thomas Bickauskas conveys the Bureau of Land Management’s desire to support decisions made by the Board in any way they can and assist with permits as needed.

Commander Peter Benson expresses gratitude for having the opportunity to be involved with this process and is eager to continue participating in the future.

Vice Chair Hayman thanks all who have been involved. Hayman states that providing quality water to the constituents of this valley is of the utmost importance. He further expresses his optimistic viewpoint that this Basin will accomplish the hard work that lies ahead in order to achieve sustainability.

Chairman Gleason states he has created a list of priorities that he would like achieved this year, such as GSP approval, redefining the organization to adapt to future changes, augmentation fees, administrative fees, enforcement, and independence. Gleason states he looks forward to continued participation from Board, staff and public.

Motion made by Bob Page and seconded by Ron Kicinski to approve Resolution 01-20 to adopt the Groundwater Sustainability Plan. In addition, a finding was made to indicate the preparation and adoption of the Plan as being statutorily exempt from further CEQA review pursuant to water code §10728.6.

Motion carried by the following roll call vote:

Director Vallejo	Nay
Director Kicinski	Aye
Chairman Gleason	Aye
Vice Chair Hayman	Aye
Director Page	Aye

8. PRESENTATION ON READINESS AND ENVIRONMENTAL PROTECTION INTEGRATION (REPI) PROGRAM:

Don Zdeba provides a staff report suggesting the Board receive and file, as this may be a potential source of funding for future programs. John Kersey, Community Planning Liaison Officer, provides a presentation on the following program (presentation made available on the IWVGA website).

Dave Janiec states this is a no risk, no cost opportunity to team with others facing the same difficulties. He states this a flexible option that may provide a long-term method to address additional funding sources.

Director Kicinski questions what it takes to become a partner, and whether it's better to be involved with a larger group. Kersey states a letter will be sent to the existing affiliates to gain approval of the new addition, which could take up to six months. From there the region office will draft an amendment to the current Environmental Protection Agreement (EPA), which will then be sent out to the existing partners for signature. Kicinski confirms with Kersey that there is no expense to join and projects that mutually benefit multiple partners may result in cost sharing.

The Board hears public comment from Derek Hoffman.

9. WATER RESOURCES MANAGER REPORT:

Steve Johnson provides updates on the following grants/programs; (presentations made available on the IWVGA website)

a. **Report on Proposition 1 Grant Status:**

Invoice #3 was submitted November 21, and the progress report is currently being finalized. Johnson states invoice #4 is still in the drafting process and will cover July 2019 – September 2019.

b. **Severely Disadvantaged Communities (SDAC) Program:**

Tentatively approved for a one-year extension and consultants may be retained after Grant Agreement is both modified and approved. Johnson states they will update the Board once they hear back from the state.

c. **Proposition 68 Grant Status:**

Submitted November 14, 2019 with a predicted payout in March 2020. Grant funding request was \$753,900 and will cover various projects going forward, as well as some past costs.

10. GROUNDWATER SUSTAINABILITY REPORT – WATER RESILIENCY AND REQUEST FOR FUNDING CONSIDERATION NAVAL AIR WEAPONS STATION CHINA LAKE, CALIFORNIA:

Don Zdeba provides a staff report explaining Capitol Core Group's (CCG) purposes in drafting this Groundwater Sustainability Report. CCG has been in contact with the Assistant Secretary of the Navy discussing the need for a water infrastructure within the basin. CCG has requested a \$15M grant through the Defense Community Infrastructure Program (DCIP). Staff recommends the Board support CCG to continue advocating on behalf of the IWVGA to secure funding through the DCIP, with the understanding that payments for these services will be deferred until such time as the Authority has fees in place to cover these expenses.

Director Page questions why CCG has only requested \$15M for a project that will cost substantially more and asks if we should include what our true costs will be for obtaining supplemental water within the basin. Zdeba responds that we are applying with the given number to reserve our place in the queue. He further explains that this in an undefined project and as more knowledge of costs and funding programs become available, we can add to the grant amount requested.

Director Kicinski verifies that by pursuing this grant we would be forming a coalition of mutual support for water infrastructure. Kicinski expresses the importance of getting in line.

Vice Chair Hayman questions if there is a time restraint upon approval of the grant funding. Dave Janiec confirms that funding would come with a required completion date.

Director Vallejo requests that CCG submit the report upon removal of all references to projects involving Los Angeles Department of Water and Power (LADWP). Vallejo notes that under the last paragraph of the discussion section there is a statement claiming a previous \$15M request to the Governor and State Legislature should the IWVGA choose the LADWP Project, which he feels is misleading due to this not being a viable project to begin with. He further notes a technical issue regarding mention of SGMA being an unfunded mandate.

Thomas Bickauskas notes the considerable difference in pipeline length between the Antelope Valley East Kern (AVEK) and LADWP project, as well as the federal land affected. He shares support and optimism for the two funding sources brought to the Board during this meeting.

Motion made by John Vallejo and seconded by Bob Page to approve CCG's letter submission with the stipulation that any mention of potential partners for imported water be removed. Should an identified project be required, this will return to the Board for further discussion. Motion unanimously carries by the following vote: (Ayes: Gleason, Hayman, Kicinski, Page, Vallejo. Nays: None. Abstain: None.)

The Board hears public comment from Judie Decker.

11. GENERAL MANAGER'S REPORT:

a. **Monthly Financial Report**

Don Zdeba provides a report on IWVGA finances (made available on the IWVGA website). The current account balance of \$83,900 will be used to pay the invoices listed under the Consent Agenda. The previously deferred Stetson invoice will again be held off. Zdeba clarifies a mix up that was made between grant money received for the Brackish Water Group that was deposited into the IWVGA account and used to pay previous invoices. Once the grant money meant for the IWVGA is received, a refund check will be given to the Brackish Water Group in the amount of \$163,784.56.

b. **Well Registration Update**

Non de minimis – 4
De minimis – 85

The Board hears public comment from Mike Neel and Renee Westa-Lusk.

12. CLOSING COMMENTS :

Director Kicinski once again thanks everyone for their continuous involvement during this process. Kicinski states this is a momentous day, we have a plan, but plenty of work still lies ahead.

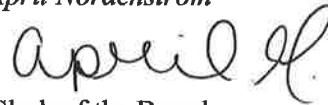
13. DATE AND TIME OF NEXT MEETING – February 20, 2020; 10:00 a.m.

14. ADJOURN:

Chairman Gleason adjourned the meeting at 2:17 p.m.

Respectfully submitted,

April Nordenstrom



Clerk of the Board
Indian Wells Valley Groundwater Authority

EXHIBIT D

IWVGA ADMINISTRATIVE OFFICE

STAFF REPORT

TO: IWVGA Board Members **DATE:** January 16, 2020
FROM: IWVGA Staff
SUBJECT: Agenda Item No. 7 – Public Hearing to Consider Adoption of the Indian Wells Valley Groundwater Sustainability Plan

DISCUSSION

The Agenda Item before your Board is a public hearing on the proposed adoption of the SGMA required Groundwater Sustainability Plan (the “Plan”) for the Indian Wells Valley Groundwater Basin.

The procedural notice and comment requirements of Water Code section 10728.4 have been met and, as a courtesy, this hearing has been noticed in the local paper. The preparation and adoption of the Plan is statutorily exempt from further CEQA review pursuant to Water Code section 10728.6.

Given the significance of the Plan, Staff is requesting that your Board take a small recess immediately after the close the public hearing and prior to Board consideration so that staff may consider any comments submitted during the hearing and if, and where, appropriate prepare any responses to said comments prior to Board consideration.

RECOMMENDED BOARD ACTION(S)

- 1) Open public hearing and take public comment,
- 2) Close public hearing and call for a brief recess,
- 3) Reconvene meeting and begin Board consideration,
- 4) Make finding that adoption of the Plan is statutorily exempt from further CEQA review pursuant to Water Code section 10728.6.
- 5) Adopt the Plan via Resolution 01-20

**BEFORE THE BOARD OF DIRECTORS
INDIAN WELLS VALLEY GROUNDWATER AUTHORITY**

In the matter of:

Resolution No. 01-20

**ADOPTION OF THE GROUNDWATER
SUSTAINABILITY PLAN FOR THE INDIAN
WELLS VALLEY GROUNDWATER BASIN**

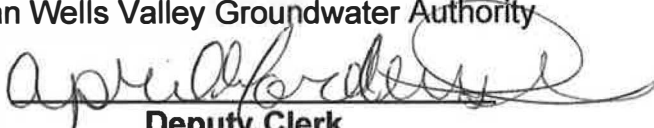
I, April Nordenstrom, Clerk of the Board of Directors for the Indian Wells Valley Groundwater Authority, do certify that the following resolution, on motion of Director Page, seconded by Director Kicinski, was duly passed and adopted by the Board of Directors at an official meeting this 16th day of January, 2016, by the following vote:

AYES: Page, Kicinski, Gleason, Hayman

NOES: Vallejo

ABSENT: 0

Clerk of the Board of Directors
Indian Wells Valley Groundwater Authority


Deputy Clerk

RESOLUTION

Section 1. WHEREAS:

(a) The comprehensive groundwater legislation referred to as the "Sustainable Groundwater Management Act" (SGMA) was signed into law on September 16, 2014 with an effective date of January 1, 2015, and codified at California Water Code sections 10720 *et seq.*; and

(b) The stated purpose of SGMA, as set forth in California Water Code Section 10720.1, is to provide for the sustainable management of groundwater basins at a local level; and

(c) SGMA further provides that "high priority" basins such as the Indian Wells Valley

Groundwater Basin, designated in DWR Bulletin 118 as Basin No. 6-54, must adopt a Groundwater Sustainability Plan by no later than January 31, 2020; and

(d) The Groundwater Authority was formed by its members for the express purpose of forming a Groundwater Sustainability Agency (GSA) and adopting a Groundwater Sustainability Plan for the entirety of the unadjudicated groundwater basin known as Indian Wells Valley Groundwater Basin; and

(e) After considerable input and review from the public, staff has prepared the attached Groundwater Sustainability Plan for the Indian Wells Valley Groundwater Basin; and

(f) Staff has reviewed this matter and determined that the adoption of the Groundwater Sustainability Plan is expressly exempt from further CEQA review pursuant Water Code section 10728.6; and

(g) Staff has ensured that the notice and comment requirements of Water Code section 10728.4 have been met and/or exceeded.

Section 2. IT IS RESOLVED by the Board of Directors of the Indian Wells Valley Groundwater Authority, as follows:

1. This Board finds that the recited facts are true and that it has the jurisdiction to consider, approve, and adopt this Resolution.

2. This Board incorporates and makes all the findings recommended by staff, whether verbally or in their written reports.

3. This Board finds and determines that the provisions of Water Code section 10728.4 have been met and/or exceeded.

4. This Board finds and determines that the adoption of the attached Groundwater Sustainability Plan is expressly exempt from further CEQA review pursuant Water Code section 10728.

5. After careful consideration and deliberation, this Board adopts the attached Groundwater Sustainability Plan for the Indian Wells Valley Groundwater Basin.

6. In accordance with said adoption and plan, this Board hereby directs staff to prepare for, and take any actions necessary, to begin the process of proving up the groundwater pumping by entities in the Basin.

7. The Clerk of this Board shall cause a Notice of Exemption to be filed with the County Clerks in Kern County, San Bernardino County and Inyo County.

EXHIBIT E

**BEFORE THE BOARD OF DIRECTORS
INDIAN WELLS VALLEY GROUNDWATER AUTHORITY**

In the matter of:

Resolution No. 06-20

**ADOPTING A REPORT ON THE INDIAN
WELLS VALLEY GROUNDWATER BASIN'S
SUSTAINABLE YIELD OF 7,650 ACRE-FEET**

I, April Nordenstrom, Clerk of the Board of Directors for the Indian Wells Valley Groundwater Authority, do certify that the following resolution, on motion of Director Page, seconded by Director Vallejo, was duly passed and adopted by the Board of Directors at an official meeting this 16th day of July, 2020, by the following vote:

AYES: Kicinski, Page, Vallejo, Gleason, Hayman

NOES:

ABSENT:

Clerk of the Board of Directors
Indian Wells Valley Groundwater Authority



RESOLUTION

Section 1. WHEREAS:

(a) The Sustainable Groundwater Management Act requires the IWVGA to bring the Basin into sustainability by 2040 at the latest to make ongoing reports on extractions and progress; and,

(b) In order to meet those requirements the IWVGA must obtain accurate data on all

current and future groundwater extractions and the needs for import supplies.

(c) The attached and incorporated "Report on the Indian Wells Valley Groundwater Basin's Sustainable Yield of 7,650 Acre-Feet" provides an analysis of the legal conditions and limitations and, in particular, the Board's inability to regulate and/or require data from the Federal Groundwater Extractors.

Section 2. IT IS RESOLVED by the Board of Directors of the Indian Wells Valley Groundwater Authority, as follows:

1. This Board finds that the recited facts are true and that it has the jurisdiction to consider, approve, and adopt this Resolution.

2. This Board incorporates and makes all the findings recommended by staff, whether verbally or in their written reports.

3. This Board finds that this action is exempt from further CEQA review because the action is ministerial, does not include a discretionary act, is mandated by law and is provided statutorily and categorical exemptions, and will not have a significant effect on the environment.

4 This Board hereby adopts the attached "Report on the Indian Wells Valley Groundwater Basin's Sustainable Yield of 7,650 Acre-Feet" effective immediately.

PROOF OF SERVICE

Mojave Pistachios, LLC; et al. v. Indian Wells Valley Groundwater Authority; et al.
Searles Valley Minerals Inc. v. Indian Wells Valley Groundwater Authority; et al.
Court of Appeal, Fourth Appellate District, Division 3, Case No. G062327
Orange County Superior Court - Civil Complex Center
Lead Case No. 30-2021-01187589-CU-WM-CXC
Consolidated with Case No. 30-2021-01188089-CU-WM-CXC
Related to Case No. 30-2021-01187275-CU-OR-CJC
The Honorable William Claster, Dept. CX104

I, Marcella Correa, declare:

I am a resident of the State of California and over the age of eighteen years and not a party to the within action. My business address is 1 Civic Center Circle, P.O. Box 1059, Brea, California 92822. My email address is mcorrae@rwglaw.com. On November 10, 2025, I served the within document(s) described as:

DECLARATION OF KEITH LEMIEUX IN SUPPORT OF INDIAN WELLS VALLEY GROUNDWATER AUTHORITY’S OPPOSITION TO INDIAN WELLS VALLEY WATER DISTRICT’S MOTION FOR ORDER RE “INTERESTED PARTY” STATUS, OR, IN THE ALTERNATIVE, LEAVE TO AMEND ANSWER

on the interested parties in this action as stated on the attached service list.

(BY E-MAIL) By transmitting a true copy of the foregoing document(s) to the e-mail addresses set forth above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on November 10, 2025, at San Dimas, California.



Marcella Correa

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