

6 ATTACHMENT 3 - WORK PLANS

For the “AttachmentName” in the naming convention of BMS, use “WorkPlan” for this attachment. See Exhibit A for detailed guidance on preparing this attachment. There is no page limitation for Attachment 3; however, applicants are encouraged to be clear and concise.

The Work Plan contains summary descriptions of all the projects constituting the Proposal and tasks necessary to complete each project in the Proposal. The Work Plan must be sufficiently detailed to demonstrate that the Proposal is ready for implementation, and should include a brief discussion of the supporting studies, data, and resources for each project, to ensure implementation of the proposal is based on sound scientific and technical principles. Deliverables should be identified in the Work Plan. The Work Plan tasks should also be consistent with the major tasks and sub-tasks identified in the Budget (Attachment 4) and Schedule (Attachment 5). Refer to Exhibit A, attached to this PSP, for an outline of tasks that will also meet the major tasks listed in the Budget in Exhibit B.

6.1 Introduction

6.1.1 Goals and Objectives

A presentation of the Goals and Objectives of the Proposal.

6.1.1.1 Proposal Goals and Objectives

The goal of the Kaweah River Basin IRWM Plan proposal is to address defined critical Kaweah River Basin IRWM issues through the implementation of a flexible and technically sound project from the lead agency. Further, the Kaweah River Basin IRWM proposal puts forward a project that generates benefits specific to disadvantaged communities. The most important regional goals pursued within the Kaweah River Basin IRWM proposal are (1) the mitigation of groundwater overdraft through the development of a new water supply for groundwater recharge facilities, (2) restoration of sensitive habitats along the Kaweah River Corridor, (3) the development of new floodwater control facilities that benefit rural disadvantaged communities that experience significant flooding during floodwater events; and (4) augmentation of power production efforts.

Another goal of this proposal is to obtain funding for a project that fulfills the purposes of the Kaweah River Basin IRWM Plan and are also aligned with DWR’s IRWM goals. The Project presented in this application will improve the groundwater recharge capabilities in the region, increase the reliability of available groundwater supplies through the conservation of surplus wet year surface water supplies, increase the flood control

protection of rural communities, expand the historic Oak Savannah and avian river corridor habitat in the region and provide a mechanism for augmentation of production of power to assist in meeting demands during peak demand time frames.

The Project was submitted to the Kaweah River Basin IRWM Plan Stakeholders Group selection committee for review and was evaluated and internally scored in an effort to be transparent and allow projects that were supported by the group to move forward in the application process. The Project demonstrated that it had significant benefits to the region, had been developed by a local agency, had been identified in other planning documents as an important and necessary project and that same local agency was willing and able to commit to the necessary cost share associated with the Project, including ultimate operation and maintenance costs.

6.1.1.2 IRWM Goals and Objectives

The Kaweah River Basin IRWM group has a “functionally equivalent” IRWM Plan that is made up of several management documents that relate to aspects of the coordinated efforts that make-up the region’s working relationships and goals. These documents and related policies are currently being assembled into a DWR acceptable format. The Kaweah River Basin IRWM Plan goals are to offer efficient and effective water management in an effort to provide a sustainable, high quality supply of groundwater for agricultural, environmental and urban use for the future. The primary goal of the existing Kaweah River Basin IRWM Plan, however, is to maintain surface water imports into the region and to stabilize and then work to improve the then stabilized groundwater conditions.

6.1.1.3 Statewide IRWM Goals and Objectives

The Kaweah River Basin IRWM grant proposal is also consistent with many of the published Statewide Priorities for the IRWM Grant Program (i.e. Table 1, in the Proposition 84 and 1E IRWM Guidelines). As shown in the Table 10-1 below, nearly every category of priority is benefitted by the project presented in the Kaweah River Basin IRWM proposal.

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Table 60-1: Statewide Priorities for the IRWM Grant Program

Statewide Priorities:	Description:	Project Consistent with Statewide Priorities:
Drought Preparedness	Proposals that contain projects that effectively <u>address long-term drought preparedness</u> by contributing to <u>sustainable water supply and reliability during water shortages</u> . Drought preparedness projects do not include drought emergency response actions, such as trucking of water or lowering well intakes. Desirable proposals will achieve one or more of the following: <u>Promote water conservation, conjunctive use, reuse and recycling</u> ; <u>Improve landscape and agricultural irrigation efficiencies</u> ; <u>Achieve long term reduction of water use</u> ; <u>Efficient groundwater basin management</u> ; or <u>Establish system inerties</u> .	YES
Use and Reuse Water More Efficiently	Proposals that include projects that implement water use efficiency, <u>water conservation</u> , recycling and reuse to help meet future water demands, <u>increase water supply reliability and adapt to climate change</u> . Desirable proposals include those with projects that: Increase urban and agricultural water use efficiency measures such as <u>conservation</u> and recycling; <u>Capture, store, treat, and use urban storm water runoff (such as percolation to usable aquifers, underground storage beneath parks, small surface basins, domestic storm water capture systems, or the creation of catch basins or sumps downhill of development)</u> or projects outlined in PRC §30916 (SB 790); or Incorporate and implement low impact development (LID) design features, techniques, and practices to reduce or eliminate storm water runoff.	YES

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Statewide Priorities:	Description:	Project Consistent with Statewide Priorities:
Climate Change Response Actions	<p>Water Management actions that will address the key Climate Change issues of: Adaptation to Climate Change; Reduction of Greenhouse Gas (GHG) Emissions; and Reduce Energy Consumption. Proposals that contain projects that when implemented address adaptation to climate change effects in an IRWM region. Desirable proposals include those that: <u>Advance and expand conjunctive management of multiple water supply sources</u>; <u>Use and reuse water more efficiently</u>; Water management system modifications that address anticipated climate change impacts, such as rising sea-level, and which may include modifications or relocations of intakes or outfalls; or <u>Establish migration corridors, re-establish river-floodplain hydrologic continuity</u>, re-introduce anadromous fish populations to upper watersheds, and enhance and protect upper watershed forests and meadow systems. Proposals that contain projects that reduce GHG emissions compared to alternate projects that achieve similar water management contributions toward IRWM objectives. Desirable proposals include those that: <u>Reduce energy consumption of water systems</u> and uses; or Use cleaner energy sources to move and treat water. Proposals that contain projects that reduce not only water demand but wastewater loads as well, and can reduce energy demand and GHG emissions. Desirable proposals include: <u>Water use efficiency</u>, <u>Water recycling</u>, <u>Water system energy efficiency</u>, and Reuse runoff.</p>	YES
Expand Environmental Stewardship	<p>Proposals that contain projects that practice, promote, improve, and <u>expand environmental stewardship to protect and enhance the environment by improving watersheds, floodplains, and instream functions</u> and to sustain water and flood management ecosystems.</p>	YES
Practice Integrated Flood Management	<p>Proposals that contain projects that promote and practice <u>integrated flood management to provide multiple benefits</u> including: <u>Better emergency preparedness and response</u>; <u>Improved flood protection</u>; <u>More sustainable flood and water management systems</u>; <u>Enhanced floodplain ecosystems</u>; or LID techniques that store and infiltrate runoff while protecting groundwater.</p>	YES

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Statewide Priorities:	Description:	Project Consistent with Statewide Priorities:
Protect Surface Water and Groundwater Quality	Proposals that include: <u>Protecting and restoring surface water and groundwater quality to safeguard public and environmental health and secure water supplies for beneficial uses;</u> or Salt/nutrient management planning as a component of an IRWM Plan.	YES
Improve Tribal Water and Natural Resources	Proposals that include the development of Tribal consultation, collaboration, and access to funding for water programs and projects to better sustain Tribal water and natural resources.	N/A
Ensure Equitable Distribution of Benefits	Proposals that: <u>Increase the participation of small and disadvantaged communities in the IRWM process;</u> <u>Develop multi-benefit projects with consideration of affected disadvantaged communities and vulnerable populations;</u> Contain projects that address safe drinking water and wastewater treatment needs of DACs; or Address critical water supply or water quality needs of California Native American Tribes within the region.	YES

6.1.2 Purpose and Need

A description of the purpose and need of the Proposal and how it addresses the adopted IRWM Plan's goals and objectives.

The purpose of this proposal is to address the following regional needs:

1. The region has been estimated to be in a condition of approximately 25,000 AF per year in groundwater overdraft and, due to recent consecutive years of below normal rainfall, groundwater levels continue to decline;
2. The reliability of groundwater resources needs to be improved both for agricultural users and domestic users (including those in several rural disadvantaged communities) as agricultural users in this region depend on groundwater during times of reduced surface water runoff and, for domestic users, they depend entirely on groundwater;
3. While there are currently a substantial number of acres dedicated to developed water management facilities, additional opportunities exist to

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- optimize those facilities to effectively manage and conserve the available wet year surface water supplies;
4. There are insufficient flood control facilities within the region to adequately protect some rural disadvantaged communities and hamlets;
 5. The groundwater quality available to some disadvantaged communities within the region does not meet all current state standards for domestic drinking supplies and they either require treatment projects to address contaminants or development of alternative sources; and
 6. There are historic habitats in the region that have been eliminated or severely limited due to agricultural development and there is a need to restore defined benefit locations to a viable and sustainable state.

Table 60-2: Kaweah River Basin IRWM Needs, Plan Goals and How this Proposal will Address Them

Kaweah River Basin Regional Need:	Kaweah River Basin IRWM Plan Goal:	How the Proposal will address this Need/Plan Goal:
Estimated existing average groundwater overdraft condition of 25,000 acre-feet per year with likely increases due to lack of State Water Project deliveries to Tulare Lakebed farming interests	1 Stabilize and potentially reverse the long-term decline of groundwater levels. Accomplishing this will provide a balancing between groundwater demand and supply, ensuring a resource that will be available into the future.	Improved and augmented availability of high quality surface water which can be made available to the existing network of groundwater recharge channels and basins.
	2 Maintain and augment surface water supplies that directly affect groundwater levels. Accomplishing this will reduce expected impacts of demands on groundwater supplies, which is critical in improving the ability to stabilize long-term drawdown.	Capture additional wet year and operational release water supplies for groundwater recharge.

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Kaweah River Basin Regional Need:	Kaweah River Basin IRWM Plan Goal:	How the Proposal will address this Need/Plan Goal:
	3 Evaluate groundwater replenishment projects. Accomplishing this will focus efforts on providing enhanced recharge productivity, which will make the most efficient and effective use of developed facilities and resources.	The Hannah Ranch Project was evaluated and because it has been determined to be feasible, effective and productive, it is being pursued for implementation.
	4 Evaluate cooperative management projects. Accomplishing this will provide for greater recharge opportunities, which is important in attaining the stabilization of groundwater levels.	The Hannah Ranch Project was evaluated and because it was found to be feasible, effective and productive it is being pursued to implementation.
	5 Provide effective and efficient management of groundwater recharge projects, facilities and programs. Accomplishing this will increase recharge in the efforts to stabilize groundwater levels.	The interception, storage and regulated release of otherwise lost surface water flows addresses the goal and site restoration will address a management need at this Project site, that being the restoration of a historic habitat.
	6 Coordinate groundwater basin management with local agencies with groundwater authority within the Plan Area. Accomplishing this will promote a consistency in objectives between local agencies, providing a unified approach to meeting goals.	The Project which is the subject of this Proposal was shared with the Kaweah River Basin IRWM selection committee members and regularly reported on during normal IRWM meetings.
	7 Monitor inelastic land surface subsidence resulting from groundwater pumping. Accomplishing this will help in determining available groundwater storage and evaluating groundwater supplies and assessing potential impacts to the region's surface water delivery systems.	N/A
Maintain high quality groundwater resources as this supply is a vitally important supply for the region	8 Monitor groundwater quality. Accomplishing this will enable the Plan to assess possible impacts that might diminish the usability of the resource.	Introduction of high quality surface waters from either the Kaweah River or the Friant-Kern Canal into the groundwater reservoir is of benefit not only from the storage volume and reduction of pumping cost perspectives, but also acts as a

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Kaweah River Basin Regional Need:	Kaweah River Basin IRWM Plan Goal:	How the Proposal will address this Need/Plan Goal:
		dilution source in those areas where elevated levels of constituents adverse to human health exist.
	9 Monitor changes to surface water quality that directly affect groundwater quality. Accomplishing this will enable the Plan to assess possible impacts that might diminish the usability of the resource.	Routine water quality sampling and testing of surface waters of the Kaweah River currently takes place. The Project will not alter those procedures.
Management of River discharges resulting in flood risk reduction.	10 Implementation of projects resulting in attenuation of uncontrolled discharges from the Dry Creek watershed.	The Project which is the subject of this proposal is specifically designed to attenuate uncontrolled discharges from Dry Creek.
	11 Implementation of projects resulting in reduction of risk of loss of property/loss of life resulting from damaging flood flows.	The Project which is the subject of this proposal is designated to attenuate peak flows of the Kaweah River and thus result in the reduction of risk of loss of property/loss of life.
	12 Retention of non-storable flows of the Kaweah River and stream systems tributary to the Kaweah River Basin on the east side of the Basin for groundwater recharge purposes.	The Project which is the subject of this proposal offers the capability to divert and detain flows, which otherwise would flow to Tulare Lake, for later reintroduction into channels and basins on the east side of the Kaweah River Basin for groundwater recharge purposes.
	13 Implementation of projects designed to mitigate the effects of climate change resulting in an increase in runoff in the form of rainfall induced as compared to snow melt induced.	To the extent that flood release levels would increase over historic rates, the Project which is the subject of this proposal would have the capability to divert for later reregulation a volume up to the maximum storage capability of the developed cells. In the future, this would include the storage volumes developed as a result of the completion of the mining phase of the Kaweah South Mining Project.

6.1.3 Project List

A table of specific projects in the Proposal, including, an abstract of each project, the current status of each project in terms of percent completion of design, and implementing agencies.

Table 60-3: Project Submitted in the Kaweah River Basin IRWM Grant Proposal

Project Name:	Percent completion of Design:	Implementing Agency:
2013 Hannah Ranch Flood Control & Habitat Conservation Project	10	Kaweah Delta WCD

The 2013 Hannah Ranch Flood Control & Habitat Conservation Project is a project to develop a 1,500 AF reservoir with diversion capability from the Lower Kaweah River and the Friant-Kern Canal on to a 380 acre parcel owned by Kaweah Delta Water Conservation District (KDWCD) with a regulated discharge back to the Lower Kaweah River. The Project design includes the conservation and enhancement of native vegetation along the corridor between the Lower Kaweah River and the developed basins and, on the developed basin levees, the restoration of native vegetation consistent with the historic Oak Savannah nature of the Kaweah River delta.

The Project site is not suitable for groundwater recharge due to concerns over development of a localized elevated groundwater surface, but is suitable for diversion, temporary storage and then rediversion for beneficial use of waters which otherwise would be lost to the portion of the basin affording the highest groundwater recharge potential. The site is optimally located adjacent to the Lower Kaweah River and the Friant-Kern Canal, a principal water conveyance feature of the Friant Division of the federal Central Valley Project.

Specific Project elements would include excavation of the Project site to depths ranging from 10 feet below existing grade on the east side to a depth of 6 feet on the west side. The cells would be constructed such that water could be introduced by gravity from either the Lower Kaweah River or the Friant-Kern Canal. The cells would be constructed with irregular levee orientation such that a more natural landscape texture is presented. The levees are to have top widths of 12 to 18 feet with 6:1 side slopes. Plantings on these levees would be indicative of the historic Oak Savannah with valley oak trees

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interspersed with an understory of native grasses and wild rose. The corridor between the cells and the Lower Kaweah River would be in excess of 100 feet in width and populated with cottonwood, willow and sycamore trees. The existing understory of native grasses and wild berries will be maintained and extended.

Structures would be constructed between cells allowing for a transfer flow of at least 100 cfs, as would the outlet from the last cell back to the Lower Kaweah River. Prior completed work, to be discussed following, has determined that the site be isolated from adjacent farmlands by an impervious barrier curtain, extending from ground level to at least the pond bottom depth. Due to the potential impacts on the site from groundwater infiltration, particularly during the winter and spring months, an exterior interception and drain system will be constructed allowing for collection of said waters and the discharge of same to the Lower Kaweah River.

In order to accomplish introduction of waters from the Friant-Kern Canal into the Project site cells, a turnout is to be constructed within the canal right-of-way. This construction requires the removal and replacement of existing canal lining and must be accomplished during a canal shut-down period. Additional construction efforts would be directed at construction of a discharge pipeline leading to a westerly cell adjacent to the State highway with flow control features. The basis of the diversion right from the canal is multiple. First, KDWCD is a Class 1 and Class 2 Friant Division federal contractor and could divert contract supplies through the turnout. Second, quantities of water in excess of long-term contractor demands are first made available to long-term contractors to augment normal contract supplies. Oftentimes, this water takes the form of a Section 215 water supply. Such water could be diverted from the canal through the turnout for beneficial use. Third, subject to available Friant-Kern Canal capacity, flood flows on the San Joaquin River can be ordered and diverted into the canal for delivery for beneficial use through the subject turnout. Fourth, waters purchased from other contractors on an approved transfer basis could be delivered to KDWCD through this turnout. Last, from time-to-time, emergency conditions exist within the Friant Division based on requested deliveries being released into the Friant-Kern Canal from Millerton Reservoir, which are then unable to be diverted as ordered, resulting in a quantity of water which has to be vacated from the canal to avoid damage to facilities based on lack of a diversion point for said waters. The installation of the described turnout and the development of the cells allows for the creation of a relief delivery point which could be utilized to avoid a damaging event.

At northeast corner of the Project site, several Project features are proposed. A historic check structure, taking several forms over time, exists within the Lower Kaweah River

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which is identified as Hannah Dam. Typically in the form of a rubble dam, the facility acts as a check structure to allow for an increased head condition in the river, allowing for both gravity and pumped diversions to take place, resulting in beneficial use of the then diverted supply. The subject Project site is riparian to the Lower Kaweah River and has an established diversion right recognized by the Kaweah River Association and memorialized in the diversion schedule of the Kaweah and St. Johns Rivers Association. The Project proposes to replace the rubble dam with a reinforced concrete dam equipped with overshot gates for both backwater head control and flow passage. The structure elevation would be such that diversions from the river would be by gravity, eliminating any need for pumping with its resultant operation and maintenance costs. In addition to establishing conditions for gravity diversion to the Project site, the facility would also allow for gravity diversion to the property on the north side of the river, said property also owned by KDWCD. The County of Tulare has issued a Surface Mining and Reclamation Act permit for a sand and gravel mine which, in reclamation phase, will be constructed to operate as a dry facility. With gravity diversion capability, the site can be filled to its maximum capacity, with such waters to be released at a later point in time for either beneficial agricultural use or groundwater recharge in available facilities, similar to the Project facilities. Due to the current undefined length of time to full excavation of this permitted mine site, the associated flood damage reduction benefits have not been included in the benefits determination exercise associated with this application. They nonetheless will eventually materialize and be a positive factor based on the existence of the new Hannah Dam facility.

Leading from the elevated pool created by Hannah Dam, a 300 cfs controlled diversion inlet is proposed to be constructed allowing for the introduction, by gravity, of flows of the Lower Kaweah River to the Project site. Thus, based on the constructed cell configurations, flows can be introduced by gravity from the Friant-Kern Canal and the Lower Kaweah River to the Project site and then released, under control, by gravity back into the Lower Kaweah River for manipulation for beneficial use.

The flows thus diverted from the Lower Kaweah River are of several types, each with supplemental benefits resulting from the diversion and reintroduction capabilities generated by the Project. Flood flows resulting from low elevation foothill rainfall events currently must be directly managed into the distributary system which has been developed for the Kaweah River. No in-stream storage facilities exist to attenuate these flows, peaks of which are typically of short-term duration. The Project offers this capability as to the portion of such flows which accrue to the Lower Kaweah River and demonstration of the benefits of the Project in this regard are presented in this application. Supplemental to this flood impact reduction benefit, such waters stored on-

site during these events can be reregulated into groundwater recharge sites, thus capturing for groundwater recharge beneficial use, waters which otherwise would be lost to the Tulare Lakebed, where no such recharge opportunities exist.

A final major Project benefit developed as a result of Project implementation is related to the ability to manage discharges from Terminus Reservoir for irrigation demand purposes for enhanced power production. Currently, the majority of the power developed by the power plant located on a discharge from Terminus Reservoir is based on continuous production on a 24 hour basis. The ability to increase the discharge rate for the noon to 6:00 p.m. peak power use period, regulate the flows in excess of the demand rate into storage on the Project site and then reregulate same back into the river for the off peak 18 hour period is a supplemental capability made available by implementation of the Project.

The Project elements, when constructed, offer significant new water management capabilities with the supplemental benefit of creation of new habitat complimenting other parallel efforts to restore the Kaweah River riparian corridor from Terminus Reservoir downstream to the historic Tulare Lake.

6.1.4 Integrated Elements of Projects

A description of synergies or linkages between projects that result in added value, or require coordinated implementation or operation.

Not applicable. Only a single project is being applied for.

6.1.5 Regional Map

Detailed maps that show, at a minimum, the location of activities or facilities of the project(s), the water resources (groundwater or surface water) that will be affected; DACs within the region; and proposed monitoring locations.

The following maps show the Project site, surface water channels and facilities and location of DACs impacted by Project elements, including the City of Farmersville, Linnell Farm Labor Center, Cameron Creek Colony and Hypericum.

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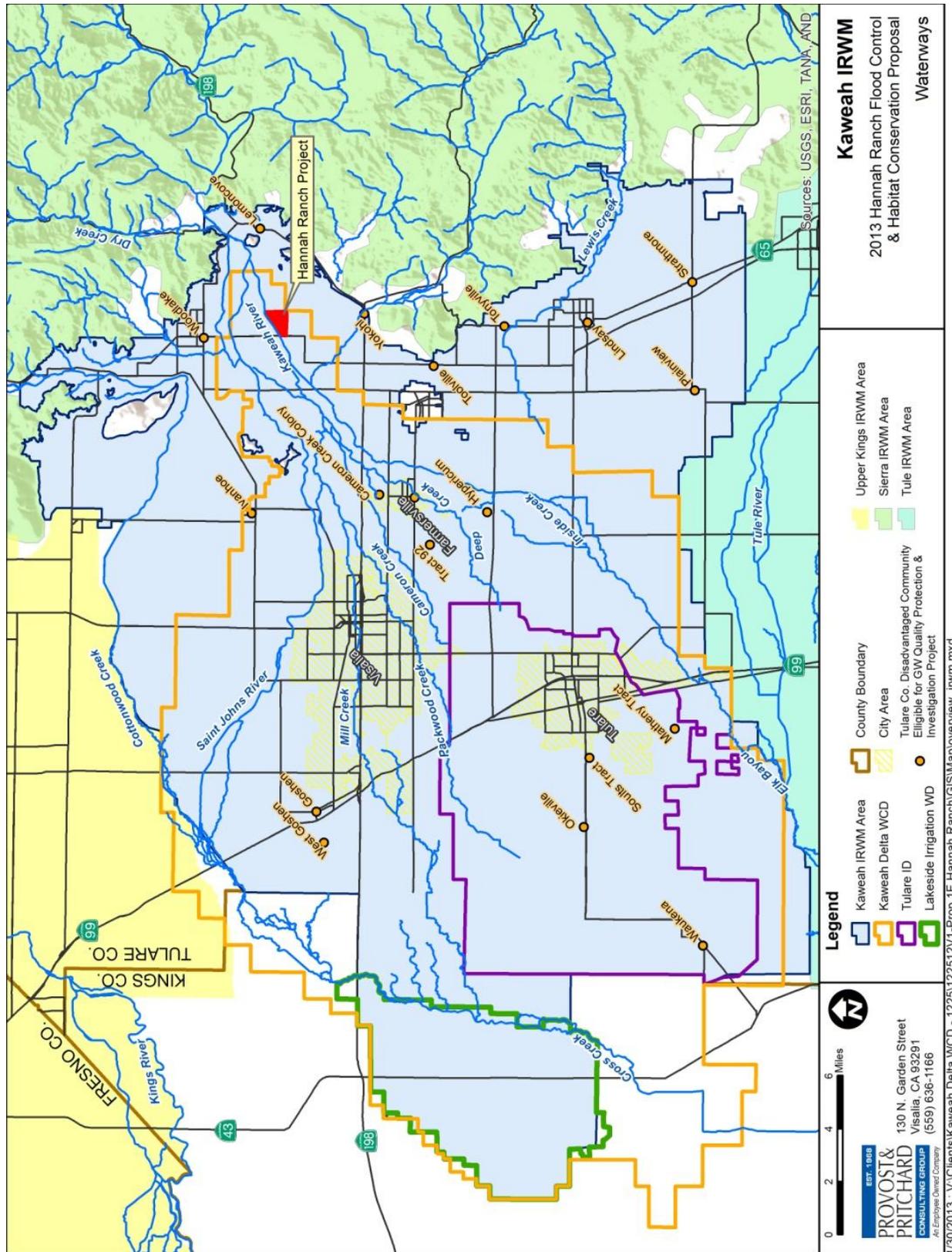


Figure 6-1 - Overview

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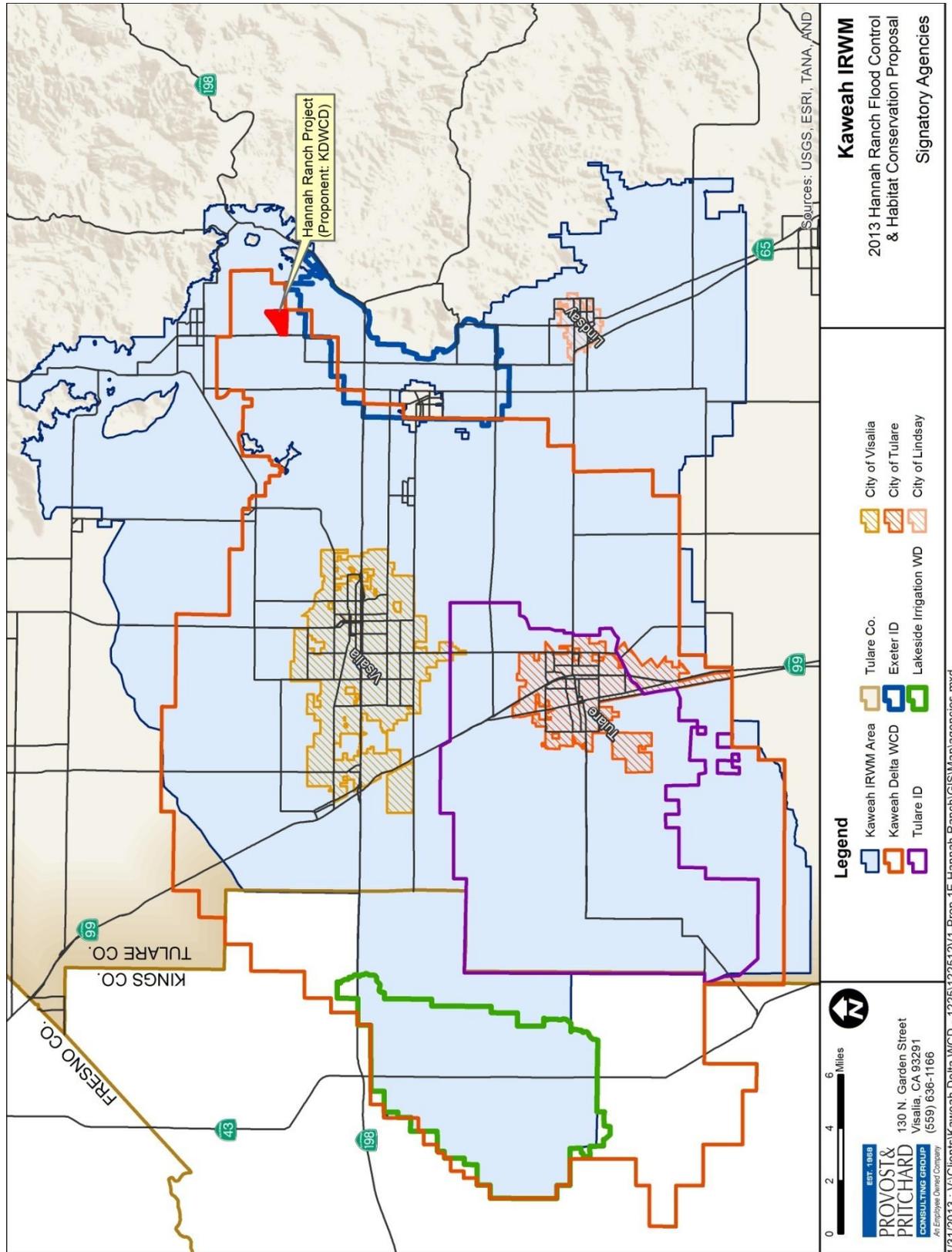


Figure 6-2 – Signatory Agencies

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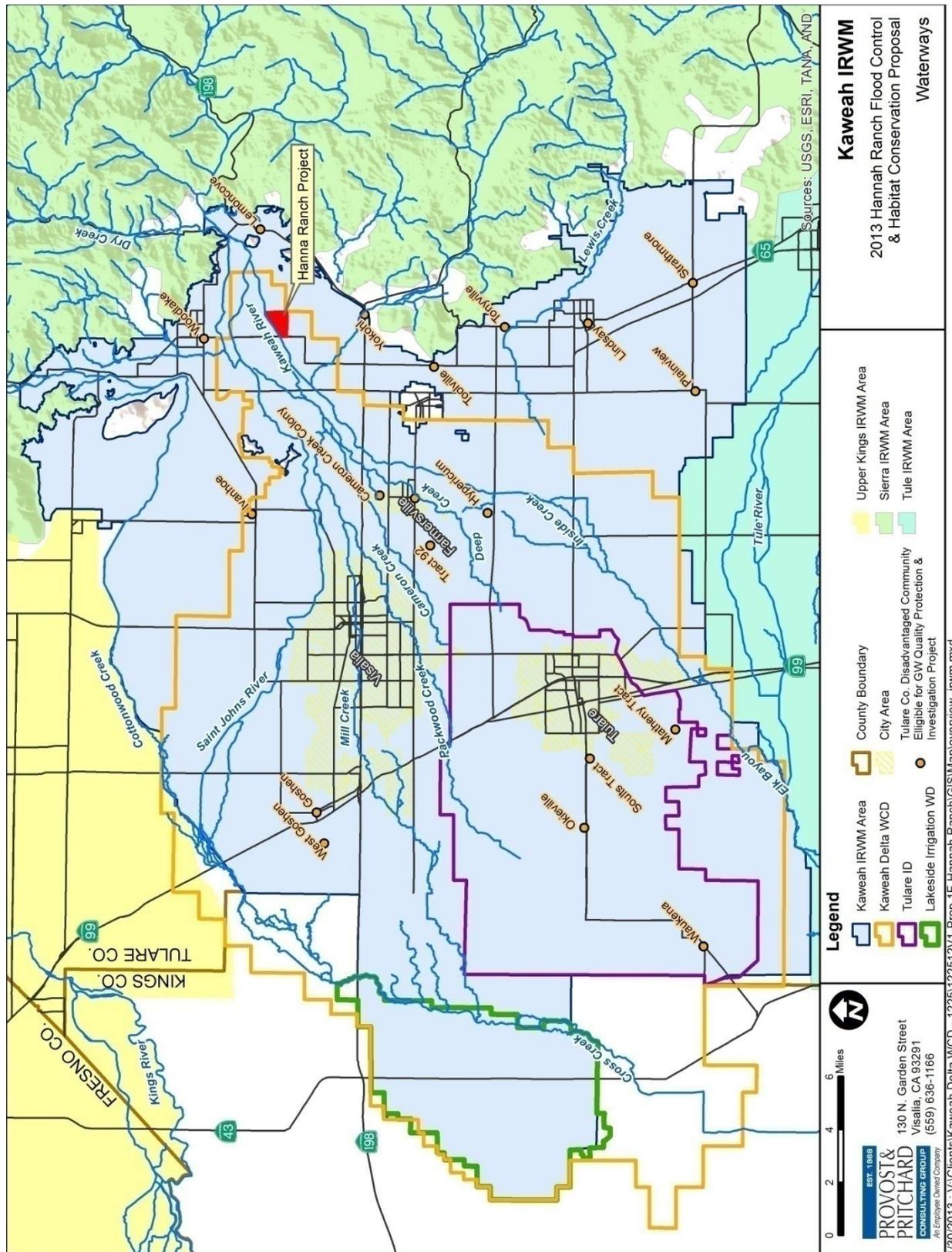


Figure 6-3 –Kaweah River Basin Waterways

6.1.6 Completed Work

A description of the work that has been completed or is expected to be completed prior to the grant award date. For example, if CEQA/NEPA and other environmental compliance efforts have been completed discuss the environmental determination made by the lead agency and the documents that were filed.

The Kaweah Delta Water Conservation District (KDWCD) is in the process of developing a Habitat Conservation Plan and a Natural Communities Conservation Plan. As a result of these efforts, a completed work plan for the development of both the HCP and the NCCP has been completed. In support of the preparation of these plans, a biological inventory has been completed for all of the KDWCD's 20 year construction projects list, plus all of the water routing channels over which the KDWCD has maintenance responsibility. This inventory work includes the Hannah Ranch South property (Project site) and the adjacent reach of the Lower Kaweah River.

In support of the application to obtain a mining permit for the Kaweah South Project, located immediately across the Lower Kaweah River from the Project site, an EIR was prepared to examine the impacts of the proposed project. The KDWCD, in a position of being a responding party, participated in the evaluation of the draft and final documents prepared in support of the application submitted pursuing a mining permit in compliance with the state Surface Mining and Reclamation Act and applicable portions of the Tulare County Ordinance Code. As KDWCD has a developed numeric groundwater model (MODFLOW), a site specific submodel was constructed for purposes of evaluation of the mining proposal. This now calibrated submodel is also available for use for evaluation purposes for the Project site. An augmented subgrid model, with 100 foot cell wall size, has recently been completed for use for evaluation of land development and zoning purposes. This subgrid model is also available to be employed for the subject Project, if needed.

KDWCD anticipates starting design efforts for the Project in the near future. The initial targets for design efforts will be for those Project elements requiring external agency approvals, such as the U.S. Bureau of Reclamation for the Friant-Kern Canal turnout structure and the Corps of Engineers, the Fish and Wildlife Service and the State Department of Fish and Wildlife relative to the construction elements in the channel of the Lower Kaweah River. CEQA efforts will be initiated by the District as soon as designs are developed to a stage allowing for identification of potential environmental impacts.

6.1.7 Existing Data and Studies

A brief discussion of the data that have been collected and studies that have been performed that support the project(s)' site location, feasibility, and technical methods. If necessary, include references to the page locations of the studies or reports that support the claims made in this discussion.

This Project site was purchased several years ago, the first of three (3) parcels which have been purchased in a north-south direction, this parcel being the most southerly. Typical of the Kaweah Delta Water Conservation District's purchases, efforts were initiated shortly following the purchase to characterize and define the nature of the site. Initially, CPT bore holes were accomplished for the site to determine the geologic characteristics. Based on depths at which groundwater was encountered, it was determined to drill and complete several monitor wells which could be utilized to determine both the depths to groundwater, as well as the direction of groundwater flow. Following a period of observation, tentative conclusions were reached from which a report was developed containing recommendations for site design considerations related to natural groundwater and site operations induced conditions.

In order to properly characterize site groundwater conditions, it was determined to install data loggers in selected monitor wells. Those installations were completed and have yielded several years of information which has been analyzed. A report was completed in 2004 which detailed design considerations for a cutoff wall recommended to be constructed on the east, south and west boundaries of the site. The purpose of this installation would be to prevent lateral flow from waters stored on the Project site from saturating the root zone of adjacent permanent plantings. In addition, a design for a drain system intercepting groundwater which would build up on the upslope side of the proposed cut off walls and drain same to the Kaweah River was developed.

In order to completed this application, sufficient preliminary design of the Hannah Dam was required to be accomplished to allow for an accurate preliminary cost estimate to be developed. This effort was assisted by actual costs recently experienced with the completion of the upstream control structure completed at McKays Point. Said construction involved a reinforced concrete structure being completed, with overshot gates, on both the Lower Kaweah River and the St. Johns River.

6.1.8 Project Maps

Provide a site map showing the project(s) geographical location and the surrounding work boundaries.

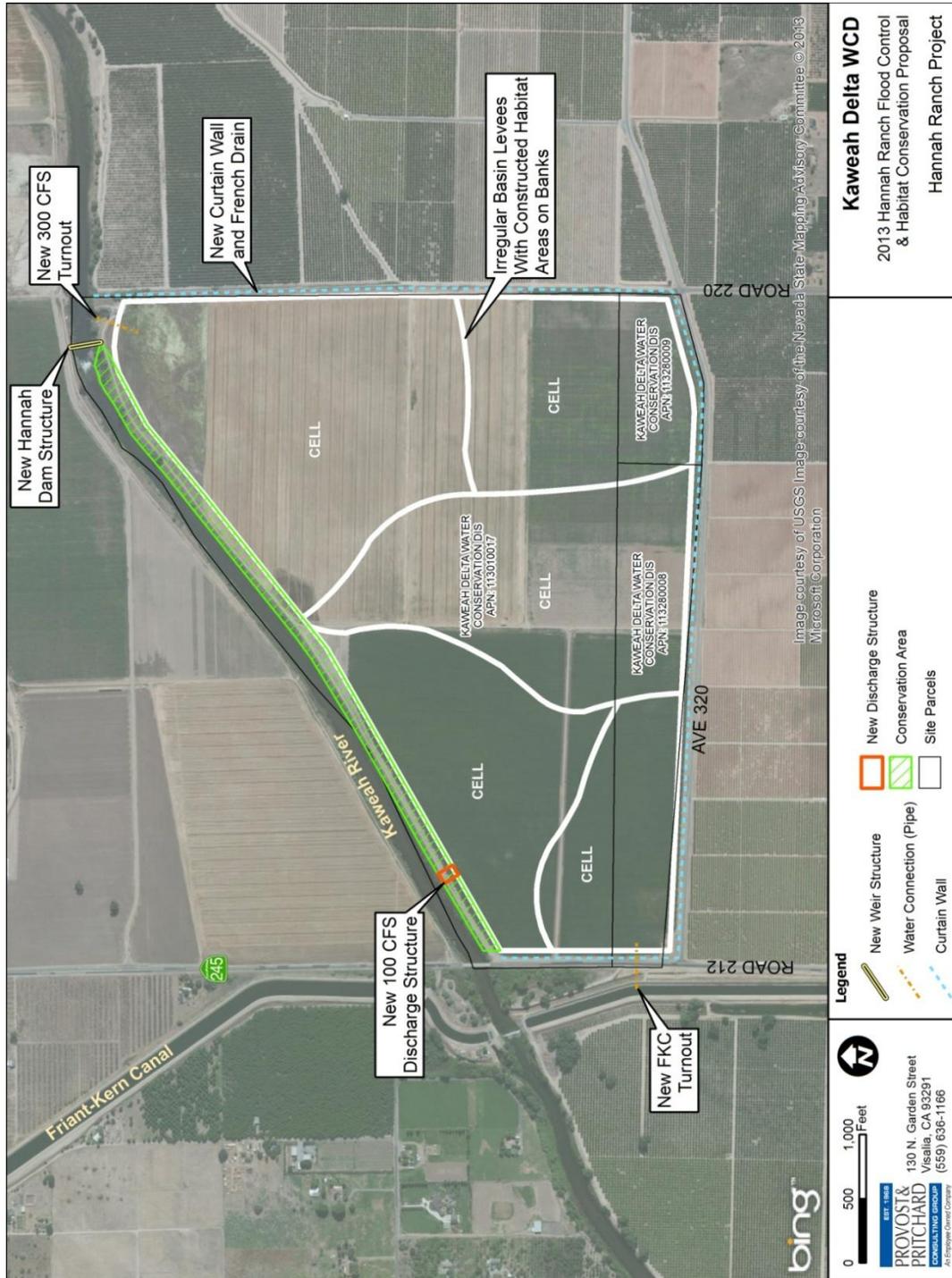


Figure 6-4 – Hannah Ranch Flood Control & Habitat Conservation Project

The location of the Project site is presented on the preceding Project map. The Project site is located adjacent to the south bank of the Lower Kaweah River with the westerly boundary of the Project site being the east right-of-way line of State Highway 245. The south boundary of the Project site is the north right-of-way line of Cottage P.O. Drive, an element of the rural road system of the County of Tulare. The Project will function in concert with the operation of the Lower Kaweah River during flood routing conditions. While within a controllable range, flood waters in and diverted into the Lower Kaweah River are directed by the Kaweah Delta Water Conservation District, the proponent of the subject Project. As a project designed to reduce the impact of flood waters, a portion or all of the potentially damaging flows will be diverted on to the Project site at a maximum rate of 300 cfs. This diversion rate will be able to be maintained until the Project site reaches capacity. Diversion of such waters will act to reduce the rate of flow and volume of water in the Lower Kaweah River during the period of diversion.

The Project is not part of the State Plan of Flood Control (SPFC), nor does the Project's operation and maintenance liability have any relationship to the Sacramento River and San Joaquin River Flood Control System.

6.1.9 Project Timing and Phasing

If the proposed project(s) is part of a multi-phased project complex, provide a description that demonstrates that the proposal can operate on a standalone basis, i.e., can be fully functional without implementation of the subsequent projects.

Where requested funding is for a component of a larger project, this section must describe all of the components of the larger project complex and identify project elements the IRWM Implementation grant is proposed to fund. Linkages to any other projects that must be completed first or that are essential to obtain the full benefits of the Proposal must be discussed.

The submitted 2013 Hannah Ranch Flood Control & Habitat Conservation Project (Project) is a new project which is to be constructed on land owned fee simple by the Kaweah Delta Water Conservation District or by permit in the adjacent channel of the Lower Kaweah River. Progress on the Project does not depend on any one element of the Project being completed before another. There are also no linkages to any other projects that are essential to obtain the full benefits described in this proposal.

6.2 2013 Hannah Ranch Flood Control & Habitat Conservation Project Tasks

6.2.1 Budget Category (a): Direct Project Administration Costs

6.2.1.1 Task 1 - Administration

KDWCD's Senior Engineer in conjunction with KDWCD's Consulting Engineer will conduct all administrative work related to the Project. Administrative work will include the supervision and approval of all aspects of the Project from design through construction. Monthly Project meetings will be held to discuss progress payment requests from the awarded contractors, approval of invoices from KDWCD's consultant engineering firms, materials testing firm and surveying firm. Upon review and approval from the Project Administration team and approval of payment to contracted parties by the KDWCD Board of Directors, invoices will be prepared as part of the Quarterly Reporting process with DWR.

Deliverables to DWR – Upon receipt from consultants and contractors, KDWCD will deliver monthly invoices as part of the quarterly invoice submittal which accompanies the quarterly reports.

6.2.1.2 Task 2 - Labor Compliance Program

A Department of Industrial Relations (DIR) approved labor compliance manual will be used to implement the labor compliance program for the Project in accordance with the requirements of California Labor Code §1771.5(b). The lead agency, KDWCD, will administer and implement said program, through their Labor Compliance Consultant.

The Labor Compliance Consultant will verify prevailing wage rates for applicable personnel. As part of the labor compliance program, KDWCD will require that all contractors, subcontractors and inspection firms submit weekly certified payrolls to KDWCD's Labor Compliance Consultant for review and certification. The Labor Compliance Consultant will certify all payrolls upon verification that said payrolls comply with the State of California prevailing wage rates and benefits tables.

Deliverables to DWR – Execution of DIR approved labor compliance program; documentation will be filed by KDWCD and furnished to the DWR as requested.

6.2.1.3 Task 3 - Reporting

KDWCD's Senior Engineer in conjunction with KDWCD's Consulting Engineer will prepare all reporting efforts identified in the Grant Agreement with DWR. Monthly progress reports will be written by the Construction Administrator(s) to inform the Project Administration team as to the accomplishments of the Project. This information will be used to develop all quarterly, final and post completion reports as specified in the Grant Agreement. All reports will include updated Project photos of construction activities and daily inspection reports in addition to the required literature by DWR.

Deliverables to DWR – KDWCD will submit all quarterly, final, and post completion reports as specified in the Grant Agreement.

6.2.2 Budget Category (b): Land Purchase/Easements

The Hannah Ranch property was purchased by KDWCD in November, 2000. The parcel includes ownership to the middle of the Kaweah River, where Project construction activities will occur. In addition, KDWCD also owns the property to north of the Kaweah River, thus insuring that all lands which will be included as part of the Project are owned by KDWCD. There will not be any additional purchases of land for the Project. An easement with the United States Bureau of Reclamation (Reclamation) for the Friant-Kern Canal Turnout and associated delivery pipeline will be obtained prior to construction activities related to said turnout.

Deliverables to DWR – KDWCD upon execution of; will provide a copy of the easement with the United States Bureau of Reclamation.

6.2.3 Budget Category (c): Planning/Design/Engineering/Environmental Documentation

6.2.3.1 Task 4 – Assessment and Evaluation

Task 4.1 – Hannah Ranch Site Groundwater Recharge Facilities Feasibility Study: The Hannah Ranch Site Groundwater Recharge Facilities Feasibility Study (Feasibility Study) has already been accomplished. In 2004, KDWCD instructed Keller/Wegley Consulting Engineers to develop the Feasibility Study which identified the Project's benefits to flood control and groundwater recharge. The Feasibility Study also included the development of design to a conceptual (10 percent) level.

Task 4.2 – Groundwater Flow and Elevation Monitoring: KDWCD, through their Groundwater Flow and Elevation Monitoring efforts, built several monitor wells on and around the Project site, which were equipped with continuous level recorders (dataloggers), which have and continue to provide depth to groundwater levels on a daily basis, in addition to information pertaining to the direction of flow of groundwater during wet, normal and dry conditions.

Deliverables to DWR – KDWCD will deliver both printed and electronic copies of the Hannah Ranch Site Groundwater Recharge Facilities Feasibility Study and obtained information from the monitor wells. These reports will be provided to DWR upon execution of the Grant Agreement.

6.2.3.2 Task 5 – Final Design

Final design of the entire Project constructible components has not been completed. The current Project design is a conceptual ten percent (10%) design. KDWCD has contracted with a local Civil Engineering consultant to complete the final design for all of

KAWEAH RIVER BASIN IRWM GROUP 2013 PROP 1E GRANT PROPOSAL

Kaweah Delta WCD

the Project constructible components beginning in March, 2013. Final Design work will include designing the Project constructible components through a 30% concept design, 60% design, 90% pre-final design and 100% design. Project Plans and Specifications will be developed in preparation for the public bidding processes. The final Project Plans and Specifications will include the following constructible components of the Project:

- Task 5.1 – Friant-Kern Canal Turnout Structure; and
- Task 5.2 – Hannah Dam Structure; and
- Task 5.3 – Hannah Ranch Basin Improvements; and
- Task 5.4 – Hannah Ranch Turnout Structure; and
- Task 5.5 – Water Return Structure to Kaweah River; and
- Task 5.6 – Curtain Wall and Drain System; and
- Task 5.7 – Kaweah River Crossing and Pipeline Connections.

The Project Specifications will be developed for the work included in the Project Plans and will include a description of work to be performed, will reference applicable product and industry standards applicable to the work, will specify who is responsible for applicable safety plans; will outline the process of submitting product information to the Project Engineer for acceptance, will outline quality assurance measures for work to be performed, will specify the acceptable procedures for installation of the specified work, will address plausible construction issues encountered during construction activities, will define acceptable tolerances for the accomplished work and will include all necessary public bid and draft contract documents.

Deliverables to DWR – KDWCD will deliver printed copies of the Final Project Plans and Specifications, signed by a registered Civil Engineer in the State of California. These documents will be provided to DWR within 30 days of completion and acceptance by KDWCD.

6.2.3.3 Task 6 – Environmental Documentation

Final design of the entire Project constructible components has not been completed. The current Project design is a conceptual ten percent (10%) design. KDWCD has contracted with a local Civil Engineering consultant to complete the final design for all of the Project constructible components beginning in March, 2013. Final Design work will include designing the Project constructible components through a 30% concept design, 60% design, 90% pre-final design and 100% design. Project Plans and Specifications will be developed in preparation for the public bidding processes. The final Project Plans and Specifications will include the following constructible components of the Project:

- Task 5.1 – Friant-Kern Canal Turnout Structure; and
- Task 5.2 – Hannah Dam Structure; and
- Task 5.3 – Hannah Ranch Basin Improvements; and
- Task 5.4 – Hannah Ranch Turnout Structure; and

- Task 5.5 – Water Return Structure to Kaweah River; and
- Task 5.6 – Curtain Wall and Drain System; and
- Task 5.7 – Kaweah River Crossing and Pipeline Connections.

The Project Specifications will be developed for the work included in the Project Plans and will include a description of work to be performed, will reference applicable product and industry standards applicable to the work, will specify who is responsible for applicable safety plans; will outline the process of submitting product information to the Project Engineer for acceptance, will outline quality assurance measures for work to be performed, will specify the acceptable procedures for installation of the specified work, will address plausible construction issues encountered during construction activities, will define acceptable tolerances for the accomplished work and will include all necessary public bid and draft contract documents.

Deliverables to DWR – KDWCD will deliver printed copies of the Final Project Plans and Specifications, signed by a registered Civil Engineer in the State of California. These documents will be provided to DWR within 30 days of completion and acceptance by KDWCD.

6.2.3.4 Task 7 – Construction Inspection/Testing

Task 7.1 – Construction Inspection: The Resident Inspector will preside over all Project construction activities under the direction of the Project Engineer and will be required to be onsite during all Project construction activities. The Resident Inspector will be required to complete a daily inspection report which details all construction activities accomplished, results of necessary material testing, verification of truck tags, and indication of compaction tests.

Task 7.2 – Construction Surveying: Construction Staking will be provided by a local consultant and will be under the direction of a Professional Land Surveyor and the Project Engineer. Construction Staking activities are envisioned to be on an as needed basis, throughout all Project construction activities.

Task 7.3 – Materials Testing – Materials testing for the Project is envisioned to include concrete cylinder testing and compaction testing. Compression test cylinders will be taken for each load of concrete used in the construction of the Project facilities and will require 3-day, 7-day, 21-day and 28-day tests. All concrete cylinders will be sampled by the Project Engineer or the Project Engineer's representative and will be delivered to a qualified testing laboratory for testing and certification by a qualified Geotechnical Engineer that insures that the concrete meets the compressive strength requirements detailed in the Project Specifications.

Compaction testing will be performed to test in-place density of compacted soils throughout all of the Project facilities. All compaction testing and associated lab work will be under the direction of a qualified Geotechnical Engineer and all testing will be completed by the Geotechnical Engineer or the Geotechnical Engineer's representative.

Deliverables to DWR – Copies of the Resident Inspector’s Daily Logs will be included in the quarterly reports submitted to DWR. Material test results can be made available upon request.

6.2.4 Budget Category (d): Construction/Implementation

6.2.4.1 Task 8 – Construction and Contracting

Task 8.1 – Public Bidding Process: KDWCD will conduct two public bid processes, the first for the construction of the Friant-Kern Canal Turnout and the second for all other remaining Project constructible components. The Public bidding process will be administered by the Project Engineer. KDWCD will publish a notice inviting bidders in a local newspaper publication on the same day of the week for two (2) successive weeks. This notice will provide the official title for the Project and briefly describe the work sought from bidding contractors. It will also present the location where bids shall be submitted and the date and time when bids will be publicly opened and read. The notice will describe the required conditions of the bid packet for acceptance and will describe the required mandatory pre-bid meeting’s date, time and place. The notice shall describe where bidding documents can be acquired. The notice shall also describe to bidders that prevailing wages will be required for the job, that a bidder’s bond in the amount of 10% of the base bid will be required and the required contractor’s license classification for the Project.

As part of the public bidding process, a mandatory pre-bid meeting with interested contractors will be conducted to review information in the Project Plans and Specifications and answer questions submitted by interested contractors. An attendance list will be generated for the meeting and detailed minutes will be taken of all discussions during the meeting. The attendance list from this meeting, the questions asked and responses to said questions will be summarized in one document and distributed as an addendum to all plan holders and contractors that were present at the mandatory pre-bid meeting.

The Project Engineer or his representative will conduct the public bid opening and will keep the official clock as to when the time for acceptable bid submittals has passed. Upon declaration that the public bid time has closed, all submitted bids will be collected, opened and publicly read announcing the submitting contractors name and total bid amount. Upon completion of the bid opening any questions will be answered to those who are present. Once all questions have been addressed, the meeting will be closed and the Project Engineer or his representative will begin evaluating the submitted bids. The contractor’s license, the bond amounts, the bond rating of the issuing company, the insurance and the contractor’s history of claims, the math involved in the bid proposal, the preliminary project schedule, the listed subconsultants, project experience, as well as all other required forms will be checked against the requirements of the contract document. A summary of the Bid evaluations will be generated for the KDWCD Board of Directors to consider.

Task 8.2 – Public Bid Award and Execution of Contract: Upon selection of the successful bidder for the Project by the KDWCD Board of Directors, the Project Engineer will prepare the Notice of Award for submittal to and signature from the selected contractor. The Project Engineer will work with the selected contractor to issue and have executed all contractual documentation. Upon completion of the contractual documents and following a biological site visit to verify that conditions have not changed, the Project Engineer will issue the Notice to Proceed, which officially begins the contractor's allowable timeframe for the construction of the facilities.

Deliverables to DWR – KDWCD will deliver to DWR a copy of the notices inviting bidders from the local newspaper publication; a copy of the agenda, minutes from the mandatory pre-bid meeting; a copy of the bid evaluation summary; and award and contract documents. These documents will be provided to DWR within 30 days of completion/execution.

6.2.4.2 Task 9 – Construction

Task 9.1 – General

Subtask 9.1.1 – Mobilization and Demobilization: This work task will include the mobilization and demobilization for all demolition, construction and site work authorized under the construction contract and all necessary equipment and materials to the Project site. Once mobilization has begun, the contractor will assume responsibility for Project site security. This work item also includes obtaining the required insurance and securing all necessary licenses, permits, preparation of plans, and paying any potential permit fees for the entire Project. This work task will also include contacting Underground Services Alert for a review and marking of the Project site for existing utilities.

Subtask 9.1.2 – Sheeting and Shoring: This work task includes the supply of all sheeting and shoring materials necessary to be in compliant with the Trench Safety Plan. Also included in this work task is the development of a Storm Water Pollution Prevention Plan and a Dust Control Plan.

Subtask 9.1.3 – Clearing and Grubbing: This work task includes work performed by the contractor to clear the Project site from all debris, existing irrigation systems and existing crop vegetation, if applicable at time of construction.

Subtask 9.1.4 – Trench Safety Plan: This work task includes provisions for protection of workers from any hazards that may occur during execution of the work at all times, including but not limited to weekends, holidays, and non-working hours. This work item will include detail of all necessary sheeting, shoring and bracing for trench and excavation stabilization and safety.

Subtask 9.1.5 – Site Work: This work task includes provisions for dewatering, maintaining drainage, traffic control, construction and removal of temporary security fencing, construction of staging areas, protection of existing facilities, general project clean up, and all costs for miscellaneous work shown and described in the Contract

documents that is not included in other work items. Also this work item includes provision of all necessary facilities for the contractors' employees to work on-site in compliance with State Labor Code, such as portable bathroom facilities.

Task 9.2 – Friant-Kern Canal Turnout Structure

Subtask 9.2.1 – Turnout Structure and Water Screen: This work task includes the installation of a 50 cubic yard reinforced concrete structure, 320 square feet of reinforced concrete canal lining, the installation of two (2) stainless steel traveling water screens, 600 linear feet of 72-inch diameter reinforced concrete pipe (160 linear feet is to be jack and bored under State Highway 245), and two (2) 72-inch diameter control gates. Additional work to be performed includes the excavation of 135 cubic yards of earthen material, the installation of solar powered gate controls and 100 linear feet of chain link fencing.

Subtask 9.2.2 – Hannah Basin Discharge Structure: This work task will include the construction of a 15 cubic yard, reinforced concrete, energy-dissipating structure. Additional work includes the excavation of ten (10) cubic yards of earthen material and the placement of 25 square yards of rip-rap.

Task 9.3 – Hannah Dam Structure: This work task includes the construction of a water control structure which totals 1,030 cubic yards of reinforced concrete. The structure will require the installation of nine (9) overshot gates, a 190 linear foot debris barrier, 335 square yards of rip-rap, and 5000 pounds of miscellaneous metal. In addition, 4,700 cubic yards of earthen material will need to be over-excavated and approximately 7,000 cubic yards of earthen material will need to be compacted.

Task 9.4 – Hannah Ranch Basin Improvements

Subtask 9.4.1 – Basin Improvements: This work task includes the excavation of approximately 3,900,000 cubic yards of earthen material and the placement of 36,800 cubic yards of earthen material. Additional work includes the placement of 9,200 linear feet of sand along the levee roads and 9,200 linear feet of finish grading.

Subtask 9.4.2 – Basin/Cell Intertie Structures: This work task includes the installation of six (6) intertie structures which have reinforced concrete structures totaling 60 cubic yards, the installation of 90 linear feet of 72-inch reinforced concrete pipe, the installation of six (6) 72-inch diameter control gates and 96 square yards of rip-rap.

Task 9.5 – Hannah Ranch Turnout Structure: This work task includes the installation of a 75 cubic yard reinforced concrete structure with three 72-inch control gates and three stainless steel traveling water screens. Additional work to be performed includes the excavation of 225 cubic yards of earthen material, the installation of solar powered gate controls and 400 linear feet of chain link fencing.

Task 9.6 – Water Return Structure to Kaweah River: This work task will include the installation of a 20 cubic yard reinforced concrete structure with three control gates. Additional work to be performed includes the excavation of 75 cubic yards of earthen material, the installation of solar powered gate controls and 200 linear feet of chain link fencing.

Task 9.7 – Curtain Wall and Drain System

Subtask 9.7.1 – Curtain Wall: This work task will include the excavation of a trench along three sides of the proposed Project Site totaling 11,000 linear feet. The excavation will require 5,000 cubic yards to be removed, and 5,000 cubic yards of clay material to be transported onto the Project site and compacted within the excavated trench. Additional work will include finish grading of the trenched area.

Subtask 9.7.2 – Drain System: This work task includes the installation of 11,000 linear feet of 4-inch diameter perforated pipe, 44,000 square feet of Geotextile material, the excavation of 2,050 cubic yards of earthen material and the placement of 1,650 cubic yards of earthen material and 400 cubic yards of gravel.

Task 9.8 – Kaweah River Pipeline Crossing and Connections: This work task includes the excavation and replacement of 200 cubic yards of earthen material and the installation of 300 linear feet of 24-inch diameter reinforced concrete pipe. This pipeline will have two (2) connections to existing pipes, installed thrust blocks and air release valves.

**6.2.5 Budget Category (e): Environmental Compliance/
Mitigation/Enhancement**

6.2.5.1 Task 10 – Environmental Compliance/Mitigation/ Enhancement

Task 10.1 – Biological Site Surveys

A Biological site survey will be conducted prior to the construction of all Project components and several site surveys will be performed during facilities construction and during the excavation of the basin cells. Results from the site surveys will be documented and recorded and any potential issues will be brought to the attention of KDWCD and will be added to the identified mitigation measures list.

Task 10.2 – Implementation of Identified Mitigation Measures

Implementation of identified mitigation measures will be accomplished throughout the constructible time period. It is envisioned that all Project mitigation measures will be identified prior to the construction of the Project facilities through the environmental documentation, although it is anticipated that the Project will not likely impact Federal or State protected species or natural communities.

6.2.6 Budget Category (f): Construction Administration

6.2.6.1 Task 11 – Construction Administration

Prior to construction, the Project Engineer will work with the contractor to verify that the material and equipment used in the construction of the Project is consistent with applicable contract document requirements and that material suppliers are identified

and approved. The Project Engineer and KDWCD's Senior Engineer will work with the selected contractor to verify that the contractor bills KDWCD appropriately for the work and that warranty of the work is established by date and honored until the agreed upon expiration date has passed. This work will be coordinated with the representative of KDWCD. If unforeseen circumstances are encountered by the contractor, KDWCD staff and the Project Engineer will expeditiously work to make a determination whether the circumstance is a material change to the work described in the contract. If this is determined, the contractor shall be compensated for this change as per KDWCD policy.

Construction Administration will also involve the administration of the excavation of the Project site by local rock and sand suppliers. .

6.2.7 Budget Category (g): Other Costs

6.2.7.1 Task 12 – Permitting

The Project currently has no permitting accomplished. An existing rubble dam facility is in place at the location where the Hannah Dam Structure will be constructed. It appears, however, that three (3) permits for the construction of the Project facilities will need to be obtained.

- California Department of Fish and Wildlife Streambed Alteration Permit (1602 Permit); and
- Army Corps of Engineers Clean Water Act Permit (404 Permit).
- Caltrans Encroachment Permit for HWY 245 crossing.

A California Dept of Fish and Game Streambed Alteration permit (1602) will need to be obtained, as the project will be the construction of a facility in what has been determined to be a streambed under the jurisdiction of the California Dept of Fish and Wildlife (Kaweah River). KDWCD will work with its Consulting Engineer and Legal Counsel to generate the permit application based on project information from the final design and the Initial Study developed during development of the environmental documentation. Then KDWCD staff and consultants will work with staff from the California Dept of Fish and Wildlife to work out any potential issues in the permitting so that a successful permit can be issued for the construction. It is understood that the California Dept of Fish and Wildlife will not issue the permit until CEQA documentation is formally adopted by KDWCD, as the issuance of the permit is a formal action by the California Dept of Fish and Wildlife that requires CEQA compliance. Requirements from this permit will be incorporated into the construction documents for the project.

An Army Corps of Engineers Permit for Section 404 of the Clean Water Act will need to be obtained as the project construction of a facility will involve earthwork within a channel that has been determined to be under the jurisdiction of the Army Corps of Engineers (Kaweah River), a Section 404 Permit will be required for the construction of the project. KDWCD will work with its Consulting Engineer and Legal Counsel to generate the permit application based on project information from the final design and

the Initial Study developed during development of the environmental documentation. Then KDWC staff and consultants will work with staff from the Army Corps of Engineers to work out any potential issues in the permitting so that a successful permit can be issued for the construction by the Army Corps of Engineers. KDWC will apply for a nationwide permit, which is a more readily available type of permit from the Army Corps of Engineers which does not require NEPA compliance prior to the Army Corps of Engineers issuing the permit. Requirements of this permit will be incorporated into the construction documents for the project.

An encroachment permit will need to be obtained from the California Department of Transportation for the Friant-Kern Canal distribution system pipeline crossing of California State Highway 245. KDWC will work with its Consulting Engineer and Legal Counsel to generate the permit application based on project information from the final design and the Initial Study developed during development of the environmental documentation. Then KDWC staff and consultants will work with staff from the California Department of Transportation to work out any potential issues in the permitting so that a successful permit can be issued for the construction by the California Department of Transportation

6.2.7.2 Task 13 – Legal Service

Legal services are anticipated during the contractual periods with the Department of Water Resources and awarded contractors and Project permitting.

ATTACHMENT 3 – WORK PLAN

APPENDIX A

Basin No. 109 License Agreement

**LICENSE AGREEMENT
(Basin No. 109)**

This Agreement is made this _____ day of _____, 2013, by and between KAWEAH DELTA WATER CONSERVATION DISTRICT (hereinafter referred to as "District") and the DUNN'S SAND, INC. (hereinafter referred to as "Licensee").

RECITALS

A. District is the owner of fee title to a groundwater recharge basin (hereinafter referred to as "Basin") located on the real property described on Exhibit A attached hereto;

B. Licensee desires to extract dirt from the Basin;

C. District desires to continue to put water in the Basin for groundwater recharge and also for floodwater management; and

D. District and Licensee have reached an agreement regarding Licensee extracting dirt from the Basin without disrupting the District's continued use of the Basin, which agreement the parties now desire to set forth in writing,

NOW, THEREFORE, in and for consideration of mutual covenants, conditions and promises hereinafter set forth, the parties hereto hereby agree as follows:

1. **Grant of License.** District grants to Licensee a license (hereinafter referred to as the "License") to remove dirt from the Basin. Licensee may not use the Basin for any other purpose without first obtaining the District's prior written consent.

2. **License Not Assignable.** The License is personal to Licensee and shall not be assigned. Any attempt to assign the License shall automatically terminate it. No legal title or leasehold interest in either the Basin or the parcel of property on which it is located is created or vested in Licensee by grant of this License.

3. **Revocation.** District may revoke the License at will, for any reason, whatsoever, by having a written revocation notice served on Licensee as hereinafter provided in section 12, at least thirty (30) days prior to the termination date specified in such notice.

4. **Payment.** Licensee shall pay District \$ 0.50 for each cubic yard of material that Licensee removes from the Basin. Licensee shall pay the District for material removed during the month following any such removal.

5. **Use of Basin.** The District will continue to use the Basin for groundwater recharge and, at times, floodwater management. Licensee, in exercising its rights under this License, will do nothing that will impair or impede District's continuing use of the Basin for its aforementioned purposes. Licensee will be responsible for the

development of any necessary plans and specifications for the removal of earth and reshaping on the Basin at Licensee 's expense. All such plans and specifications will be reviewed and approved by the District before being used for bidding or construction purposes. At the time Licensee use of the Basin ends, Licensee shall leave the Basin in at least as good condition as before such use. Licensee shall obtain a mining permit, if any is needed, do all environmental work in compliance with the California Environmental Quality Act, and do all other things required by applicable statutes, regulations and ordinances in connection with its exercise of its rights under this License Agreement to remove dirt from the Basin.

6. **Compliance with Law.** While exercising any of its rights under this License, Licensee shall comply with all applicable state and federal laws and regulations, together with any pertinent county ordinances, applicable to the use of the Basin by Licensee.

7. **Relationship of Parties.** In the exercise of their respective rights and obligations under this Agreement, the District and Licensee each act in an independent capacity, and neither is to be considered the officer, agent or employee of the other.

8. **Indemnification.** To the fullest extent permitted by law, Licensee shall indemnify and hold harmless and defend District, its directors, officers, employees, agents contractors, and authorized volunteers, and each of them, from and against:

a. Any and all claims, demands, causes of action, damages, costs, expenses, losses or liabilities, in law or in equity, of every kind or nature whatsoever for, but not limited to, injury to or death of any person and damages to or destruction of property, arising out of or in any manner directly or indirectly connected with use by Licensee of the License, however caused, regardless of any negligence or reckless conduct of District or its directors, officers, employees, agents, contractors and authorized volunteers, except for the willful misconduct of District or its directors, officers, employees, agents, contractors and authorized volunteers;

b. Any and all actions, proceedings, damages, costs, expenses, penalties or liabilities, in law or in equity, of every kind or nature whatsoever, arising out of, resulting from, or on account of the violation of any governmental law or regulation, compliance of which is the responsibility of Licensee;

Licensee shall defend, at Licensee 's own cost, expense and risk, any and all such above-described lawsuits, actions or other legal proceedings of every kind that may be brought or instituted against District or its directors, officers, employees, agents, contractors and authorized volunteers.

Licensee shall pay and satisfy any judgment, award or decree that may be rendered against District or its directors, officers, employees, agents, contractors and authorized volunteers, in any and all such above-described lawsuits, actions or other legal proceedings.

Licensee shall reimburse District or its directors, officers, employees, agents, contractors and authorized volunteers, for any and all legal expenses and Licensee incurred by each or any of them in connection with any and all such above-described lawsuits, actions or other legal proceedings or in enforcing any indemnity herein provided.

9. **Insurance.** Licensee shall maintain commercial general liability and automobile liability insurance, each in the amount of \$1 million per occurrence or accident, for bodily injury, personal injury and property damage. Both policies are to contain, or be endorsed to contain provisions giving the District, its directors, officers, employees and authorized volunteers insured status (via ISO endorsement CG 2026 or insurers' equivalent for general liability coverage). The insurance is to be placed with insurers having a current A.M. Best rating of no less than A-:VII or equivalent or as otherwise approved by the District. Licensee shall, upon demand of the District, deliver to the District such policy or policies of insurance, including renewal certificates, and the receipts for payment of premiums as may be required to prove compliance with the foregoing provisions. In the event that Licensee employs any contractors, sub-contractors or others to work on the Basin, it shall be the responsibility of Licensee to require and confirm that each such person or entity meets the above-referenced insurance requirements.

10. **Attorney Fees.** If any legal action or proceeding arising out of or relating to this Agreement is brought by either party to this Agreement, the prevailing party shall be entitled to receive from the other party, in addition to any other relief that may be granted, the reasonable attorney fees, court costs and other expenses incurred in the action or proceeding by the prevailing party.

11. **Entire Agreement.** This Agreement constitutes the entire agreement between Licensee and the District relating to the License. Any prior agreements, promises, negotiations or representations not expressly set forth in this Agreement are of no force and effect.

12. **Notices.** Any and all notices between the parties hereto provided for or permitted under this Agreement shall be in writing and shall be deemed duly served when personally delivered to a party hereto, or, in lieu of such service, when deposited in the United States mail, first-class postage prepaid, addressed as follows:

District:
KAWEAH DELTA WATER CONSERVATION DISTRICT
2975 N. Farmersville Blvd.
Farmersville, CA 93223

Licensee:
DUNN'S SAND, INC.
15602 Avenue 296
Visalia, CA 93292

13. **Amendment.** Any amendment to this Agreement shall be of no force and effect unless it is in writing and signed by both Licensee and the District.

14. **Severability.** In case any one or more of the provisions contained in this Agreement or any application thereof shall be invalid, illegal or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions contained herein and other applications thereof shall not in any way be affected or impaired thereby, and such invalidity shall be construed and limited as narrowly as practicable.

IN WITNESS WHEREOF, the parties hereto have executed this document to be effective on the date first above written.

Licensee:

District:

DUNN'S SAND, INC.

KAWEAH DELTA WATER
CONSERVATION DISTRICT

By  _____
Mark Dunn, Vice President

By _____
Don Mills, President

By _____
Mark Larsen, Secretary

EXHIBIT A

Real property situated in the County of Tulare, State of California, described as follows:

PARCEL 1:

APN 113-010-017

All of Section 7 lying South and East of the center line of the Long Cut Canal, Township 18 South, Range 27 East, Mount Diablo Base and Meridian, County of Tulare, State of California.

Together with that portion of the East half of Section 7 and the West half of Section 8, Township 18 South, Range 27 East, Mount Diablo Base and Meridian, County of Tulare, State of California, lying West of the following described line:

Beginning at the Southwest corner of said Section 8; thence North 0°59'30" East, 1742.04 feet to the meander corner; thence North 2°05'00" West 3745.06 feet to the Northwest corner of said Section 8, as said line is described in licensed survey, recorded May 31, 1962, Book 9, Page 99 of Licensed Surveys.

Excepting therefrom that portion of the East half of Section 7 and the West half of Section 8, Township 18 South, Range 27 East, Mount Diablo Base and Meridian, County of Tulare, State of California, lying East of the following described line:

Beginning at the Southwest corner of said Section 8; thence North 0°59'30" east 1742.04 feet to the meander corner; thence North 2°05'00" West 3745.06 feet to the Northwest corner of said Section 8, as said line is described in licensed survey, recorded May 31, 1962, in Book 9, Page 99 of Licensed Surveys.

And also excepting therefrom that portion lying North of the center line of the Kaweah River.

PARCEL 2:

APN 113-280-008 & 009

That portion of the North half of Section 18, lying North of the center line of the County Road, in Township 18 South, Range 27 East, Mount Diablo Base and Meridian. Except that portion of the West side of Section 18 previously deeded to the State of California for use as a State Highway.