

2 Eligible Applicant Documentation

2.1 Eligible Applicant Information

Eligible applicants are local agencies or non-profit organizations

1. *Is the applicant a local agency as defined in Appendix B of the Guidelines? Please explain.*

Yes, the Applicant – Semitropic Water Storage District (Semitropic) – is a Local Agency, defined as a special district.

2. *What is the statutory or other legal authority under which the applicant was formed and is authorized to operate?*

The statutory authority under which Semitropic was formed and is authorized to act is the California Water Storage District Law set forth at Division 14 (commencing at Section 39000) of the California Water Code.

3. *Does the applicant have legal authority to enter into a grant agreement with the State of California?*

Yes. The specific authority for the District entering into such funding contracts with the State of California is found at Water Code Sections 43151, 44000 and 44001, which sections provide as follows:

§ 43151. Contracts. The board may enter into any agreement with the United States or with any state, county, district, public corporation, or municipality of any kind, for a purpose appertaining to or beneficial to the project of the district, and it may do any acts necessary or proper for the performance of the agreement.

§ 44000. Authority to contract with the state, the department, other districts or the United States. Any district may cooperate and contract with the state, the department, any other district, or the United States under any laws of the state or the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto, or under any other act of Congress heretofore or hereafter enacted authorizing or permitting the cooperation or contract.

§ 44001. Authorized purposes. The cooperation and contract may be for any or all of the following purposes:

- (a) Construction, acquisition, purchase, extension, operation, or maintenance of works for irrigation, drainage, storage, flood control, generation and distribution of hydroelectric energy incidental thereto, or any of these.

- (b) A water supply.
- (c) Assumption as principal or guarantor of indebtedness to the state, the department, any other district, or the United States.
- (d) To carry out the terms of any contract between the district and the state, the department, any other district, or the United States.

Based on these authorities, clearly the District has the legal authority to enter into such funding contracts.

4. *Describe any legal agreements among partner agencies and/or organizations that ensure performance of the Proposal and tracking of funds.*

In 2010, the Poso Creek IRWM Regional Water Management Group (RWMG) signed a Memorandum of Understanding that formalized the RWMG's Governance. The MOU includes a process for formulating an annual budget, voting on budgeted expenses to be shared by the participants, tracking of budgets and expenses by a Treasurer, and distributing the expenses incurred for the RWMG through an equation. The MOU contains a provision that allows participants of the RWMG, stakeholders, and other entities to form agreements to cost share specific projects in addition to the general planning activities of the RWMG.

For this proposal, it is anticipated that one contract with the Applicant, Semitropic, will be preferred.

5. *For an interregional proposal, please include a short statement regarding the determination of the applicant as the submitting entity for multiple IRWM regions.*

This is not an interregional proposal.