

**CALENDAR ITEM
C81**

A 80
S 37

10/19/12
W 26593
C. Hudson

GENERAL LEASE – RIGHT-OF-WAY USE

APPLICANT:

Coachella Valley Water District
P.O. Box 1058
Coachella, CA 92236

AREA, LAND TYPE, AND LOCATION:

5.09 acres, more or less, of State indemnity land in a portion of Section 24, Township 3 South, Range 3 East, SBM, near the city of Palm Springs, Riverside County.

AUTHORIZED USE:

Construction, use, and maintenance of a 150-foot-wide by 1,100-foot-long diversion channel lined with a concrete bottom, wire fence, and appurtenant access roads not previously authorized by the Commission.

LEASE TERM:

25 years, beginning October 19, 2012.

CONSIDERATION:

\$160 per year, with the State reserving the right to fix a different rent periodically during the lease term as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance with coverage of no less than \$1,000,000. Applicant may satisfy all or part of the insurance requirements through maintenance of a staff approved self-insurance program as outlined in the Lease.

Surety:

Surety bond or other security in the amount of \$100,000.

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Other:

1. At all times during construction, Lessee agrees to install precautionary signage of the potential safety hazards associated with project construction.

BACKGROUND:

School Lands were granted to the State of California by the federal government under the Act of March 3, 1853 (10 Stat. 244), and consisted of the 16th and 36th sections of land in each township (with the exceptions of lands reserved for public use, lands taken by private land claims, and lands known to be mineral in character). In cases of preemption due to the exceptions described above), the State was given the opportunity to select replacement lands from the United States in lieu of a Section 16 or a Section 36. These replacement lands are now known as Indemnity School Lands or Lieu Lands.

OTHER PERTINENT INFORMATION:

1. Applicant has the right to use the lands adjoining the lease premises.
2. The Coachella Valley Water District (District) proposes to construct a new water intake structure and diversion channel from the Whitewater River to the existing Whitewater Groundwater Replenishment Facility. At present, seasonal stormwater runoff and water deliveries from the Metropolitan Water District (MWD) flow through an existing intake structure and diversion channel to the 19 recharge ponds that make up the Replenishment Facility. From the recharge ponds, the water percolates into the ground and recharges the Coachella Valley's aquifer. The existing intake and diversion channel, which are routed along the north side of the Replenishment Facility, are old and inefficient. The proposed new intake structure and diversion channel will approach the Replenishment Facility from the south side. The slide gates will be elevated four-feet above the river channel invert in order to leave the majority of the sediment within the river. A removable radial gate will be constructed downstream from the slide gates that will facilitate ponding of water and return of sediment to the river. During flooding events, the slide gates will be closed and the radial gate will be removed from the water to allow all flows to remain in the Whitewater River Channel.
3. That part of the project on State indemnity land consists of a 150-foot-wide by 1,100-foot-long diversion channel lined with a concrete bottom linking the intake structure to the south end of Recharge Pond No. 1. The diversion channel will connect at this point to a radial check gate structure, Diversion Structure No. 1. The Applicant also proposes to construct

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access roads for maintenance and a wire fence along the diversion channel. Warning signs of the potential safety hazards will be posted along the wire fence. The warning signs will be spaced approximately 300-feet from one another.

4. The Metropolitan Water District (MWD) has scheduled reduction of water flow from the Colorado River Aqueduct to the Whitewater River Replenishment Facility (Whitewater) between October 1, 2012, and December 31, 2012, for the proposed construction project.
5. It is anticipated that localized excavation and grading will be performed by use of small excavators and back-hoes, canal trenching/trimming machine concrete paving machine, concrete mixer trucks, tractors, loaders, haul trucks, and cleaning equipment will be used to support in-water work. The project on the Lease Premises does not include structures or other physical improvements.
6. The staff recommends that the Commission find that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 2, Replacement or Reconstruction; California Code of Regulations, Title 14, section 15302.

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

7. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq.; however, the Commission has declared that all lands are "significant" by nature of their public ownership (as opposed to "environmentally significant"). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code section 6370 et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by California Code of Regulations, Title 2, section 2954 is not applicable.

APPROVALS OBTAINED:

California Department of Fish and Game, Colorado River Basin Regional Water Quality Control Board, U.S. Fish and Wildlife Service, National Marine Fisheries Service and the U.S. Army Corps of Engineers

PERMIT STREAMLINING ACT DEADLINE:

February 11, 2013

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EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 2, Replacement or Reconstruction; California Code of Regulations, Title 14, section 15302.

AUTHORIZATION:

Authorize Issuance of a General Lease – Right-of-Way Use to Coachella Valley Water District beginning October 19, 2012, for a term of 25 years, for the construction, use, and maintenance of a 150-foot-wide by 1,100-foot-long diversion channel lined with a concrete bottom, wire fence, and appurtenant access roads as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$160, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; liability insurance in the amount of no less than \$1,000,000; Applicant may satisfy all or part of the insurance requirements through maintenance of a self-insurance program as outlined in the lease; and surety in the amount of \$100,000.

EXHIBIT "A"
LAND DESCRIPTION

IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, BEING A 150.00 FOOT WIDE STRIP OF STATE-OWNED IN-LIEU LANDS OVER AND ACROSS A PORTION OF GOVERNMENT LOT 13, LOCATED IN THE NORTHEAST QUARTER OF FRACTIONAL SECTION 24, TOWNSHIP 3 SOUTH, RANGE 3 EAST, SAN BERNARDINO MERIDIAN, AS SHOWN ON GENERAL LAND OFFICE PLAT DATED JULY 6, 1956, LYING 75.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 24, THENCE SOUTH $0^{\circ} 06' 06''$ EAST ALONG THE EAST LINE OF SAID SECTION 24, A DISTANCE OF 2203.59 FEET TO THE **POINT OF BEGINNING**;

THENCE LEAVING SAID EAST LINE NORTH $54^{\circ} 44' 35''$ WEST, A DISTANCE OF 744.47 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 500.00 FEET;

THENCE NORTHWESTERLY AND WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $33^{\circ} 36' 44''$, AN ARC LENGTH OF 293.32 FEET;

THENCE NORTH $88^{\circ} 21' 19''$ WEST, A DISTANCE OF 439.03 FEET TO A POINT IN THE EASTERLY LINE OF THAT PROPERTY AS DESCRIBED IN FINAL ORDER OF CONDEMNATION, RECORDED JUNE 24, 1976, AS INSTRUMENT NO. 90643, OFFICIAL RECORDS OF RIVERSIDE COUNTY, ALSO BEING IN THE WEST LINE OF GOVERNMENT LOT 13, SAID POINT BEING DISTANT NORTH $0^{\circ} 06' 23''$ WEST, A DISTANCE OF 429.72 FEET FROM THE MOST SOUTHERLY CORNER OF SAID PROPERTY, ALSO BEING THE **POINT OF TERMINATION**.

THE SIDELINES OF SAID STRIP SHALL BE LENGTHENED OR SHORTENED TO TERMINATE WESTERLY IN THE EAST LINE OF THAT PROPERTY AS DESCRIBED IN FINAL ORDER OF CONDEMNATION, RECORDED JUNE 24, 1976, AS INSTRUMENT NO. 90643, OFFICIAL RECORDS OF RIVERSIDE COUNTY, SAID LINE ALSO BEING THE WEST LINE OF GOVERNMENT LOT 13, AND EASTERLY IN THE EAST LINE OF SAID SECTION 24.

APN 522-180-008

CONTAINS 5.09 ACRES, MORE OR LESS.

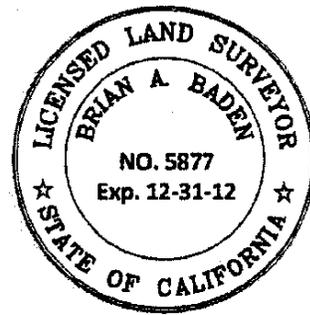
END OF DESCRIPTION

THIS DESCRIPTION WAS PREPARED BY ME AT THE REQUEST OF THE COACHELLA VALLEY WATER DISTRICT IN JUNE, 2012.



BRIAN BADEN

9/26/12
DATE



NO SCALE

SITE

Sec. 13

Sec. 18

NW 1/4

Sec. 19

Section 24

NE 14 of NE 1/4

E
3
R
4
R

Govt. Lot 13

LEASE
AREA

G.L. 18

G.L. 17

G.L. 16

G.L. 15

Hwy 777

SW 1/4

G.L. 6

G.L. 5

WHITEWATER DIVERSION CHANNEL

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

W 26593
 COACHELLA VALLEY
 WATER DISTRICT
 APN 0522-180-008
 GENERAL LEASE -
 RIGHT-OF-WAY USE
 RIVERSIDE COUNTY



SITE

EAP 09/26/12

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.