

President Marshall E. Ochylski

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Directors Charles L Cesena Matthew Fourcroy Troy C. Gatchell

General Manager Ron Munds

District Accountant Robert Stilts, CPA

Unit Chief John Owens

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www.losososcsd.org

June 6, 2023

- TO: LOCSD Board of Directors
- FROM: Ron Munds, General Manager
- SUBJECT: Agenda Item 8F 06/06/2024 Board of Directors Meeting Transfer of County of San Luis Obispo (County) Monitoring Wells to the District

# **STAFF RECOMMENDATION**

This item will be approved along with the Consent Calendar unless it is pulled by a Director for separate consideration. If so, Staff recommends that the Board adopt the following motion:

# Motion: I recommend the Board approve the transfer of the County well (LA 16) to the District and authorize the General Manager to sign the transfer agreement on the behalf of the District.

# DISCUSSION

## Background

The Basin Management Committee (BMC) continues to expand the seawater intrusion monitoring network so it can better understand the extent of the current seawater intrusion front location and determine if the programs and projects being implemented are working to slow or reverse its progression. To this end, the BMC, in 2023, provided funding for a new monitoring well project located at the east end of Skyline Drive. The expansion of the groundwater monitoring network is based on a Technical Memorandum (TM) (attached) produced by Cleath-Harris Geologist (CHG) which recommended other new and existing locations for monitoring wells.

One of the recommended locations in the TM is located the intersection of Los Osos Valley Road and Broderson which is currently owned by the County. The County has indicated that they want to divest their interest in the well and are willing to transfer the ownership to the District.

#### Next Steps

The County's transfer agreement is attached to this report. Basically, the District will be agreeing to accept all future responsibilities and liabilities for the well. The next step is for the Board to approve the transfers by authorizing the General Manager to sign the transfer agreement. Though the well will technically be owned by the District, the BMC will be responsible for any improvements and future maintenance.

Upon the successful transfer of the wells, the BMC will proceed with the modifications needed to LA 16 to make it a functional monitoring well.

#### Attachments

Cleath-Harris Geologists Technical Memorandum. County Transfer Agreement



Cleath-Harris Geologists, Inc. 75 Zaca Lane, Suite 110 San Luis Obispo, CA 93401 (805) 543-1413



# **Technical Memorandum**

Date: July 22, 2022

From: Spencer Harris, HG 633

**To:** Dan Heimel, PE, Executive Director Los Osos Basin Management Committee

# SUBJECT: Recommendations for Well Modifications and New Monitoring Well Locations for the Los Osos BMC Groundwater Monitoring Program.

This memorandum presents recommendations for modifying three existing monitoring wells and for adding monitoring well locations to the Los Osos Basin Plan (LOBP) monitoring network. The purpose of the modifications and new wells is to fill data gaps with respect to seawater intrusion monitoring in the Basin. These recommendations were developed as part of the adaptive management process.

#### Background

Seawater intrusion is a significant threat to the community water supply for Los Osos. Lower Aquifer Zone E is the deepest aquifer in the Basin and is the most susceptible to intrusion. The existing LOBP monitoring program includes 93 wells, however, only a few of these wells (such as LA12, LA18, and LA40) are dedicated Lower Aquifer Zone E monitoring wells that provide water quality information for tracking seawater intrusion<sup>1</sup>. Additional monitoring locations in Zone E are needed.

Four existing monitoring network wells (LA13, LA14, LA16, and LA17) were previously identified as wells that could potentially be modified to provide Zone E water quality monitoring locations in the western portion of the Basin<sup>2</sup>. These four wells were inspected in November 2021 and are the subject of this memorandum. In addition, new locations for Lower Aquifer Zone D and Zone E nested monitoring wells are recommended herein.

#### **Existing Well Modifications**

The locations of the wells evaluated for modification are shown in Figure 1 (attached). Currently, these wells have relatively large diameter casings (6-inch to 12-inch) which require large purge volumes to obtain representative samples. They are also mixed zone completions (D and E screened together) which preclude screening exclusively for Zone E, and the wells may also be

<sup>&</sup>lt;sup>1</sup> Aquifer zone and Basin area designations for monitoring network wells may be found in Appendix B of the 2021 Annual Report.

<sup>&</sup>lt;sup>2</sup> Figure D6 of Appendix D in the 2019 Annual Report.



affected by borehole leakage. The proposed modifications consist of setting casing liners, along with deep seals, that are intended to isolate specific permeable sediment intervals within Zone E while also mitigating borehole leakage and reducing the required purge volumes prior to sampling by an order of magnitude. Table 1 summarizes the individual modifications.

Well ID	Location	Elevation	Current screen depth	Current depth of fill	Modified screen depth		
	Location		(feet)				
LA13	Ferrell Avenue	104	425-620	537	510-530		
LA14	Palisades	80	355-375, 430-480,550-600	554*	550-590		
LA16	Los Osos Valley Rd.	109	330-355, 395-415, 465-505, 530-575	511	470-500		
LA17	Broderson	210	collapsed during construction	331	not feasible		

## **Table 1. Proposed Well Modifications**

\*requires clean-out prior to modification

Well LA13 is owned by the Los Osos CSD, while the remaining wells are owned by San Luis Obispo County. Conceptually, the modifications consist of placing a small diameter (2.5-inch Schedule 80 PVC) casing liner into the existing wells that would be screened opposite permeable sediments in Zone E. A high solids bentonite slurry would be used to seal the new liner, and would extend across shallower screened intervals in the existing casing that could provide some penetration into the original annular space and potentially mitigate any existing borehole leakage. The modified wells would target specific depth intervals in Zone E and would greatly reduce the purge volumes required to collect representative samples (from a few thousand gallons to a few hundred).

Well LA17, which had collapsed during construction in 1985, was determined to be filled in at least 100 feet above the reported collapse depth, and no modification is considered feasible. Details of the recommended modifications for LA13, LA14, and LA16 are included in Appendix A. Geologic cross-sections showing the locations and depths of the modifications with respect to the inferred location of seawater intrusion, are shown in the attached Figures 2 through 6. Estimated Contractor costs for each of the modifications are included in Appendix B.

The recommended priority for well modification work would be to perform modifications at LA16 first, followed by LA14, and lastly LA13 (proceeding from west to east). LA16, which is also a Water Level metric well, is the farthest west and the modification would help characterize the lateral (southerly) extent of Zone E intrusion that reached LA15 in 2013 (Figure 2). LA16 was sampled in 2005 but borehole leakage (Upper Aquifer influence) currently prevents obtaining a representative sample.



#### New Monitoring Well Locations

Up to four locations for new monitoring wells are proposed in the Basin. The wells would be nested designs, similar to the LA40/41 well pair, with one casing in Zone E and one in Zone D. Two of the wells are located on County land (Site A and Site B), one well (Site C) is tentatively located on private property (subject to property owner consent), and the fourth well (Site D) is tentatively on San Luis Coastal Unified School District property (subject to school district consent). Table 2 presents the depth and proposed screened intervals of the new monitoring wells.

Site ID	Location	Elevation	Borehole Depth	Zone D Screen	Zone E Screen	
	LUCATION	(feet)				
Site A	Skyline	50	500	300-340	440-490	
Site B	Broderson	220	800	370-410	700-780	
Site C	Ramona	50	500	330-370	450-490	
Site D	Sunnyside	150	800	390-440	700-780	

Table 2. Proposed New Monitoring Wells

The locations of the proposed new monitoring wells are shown in Figure 1, and the depths and monitored intervals within Zones D and E are shown with respect to the inferred seawater intrusion front in Figures 2 through 6. A brief summary of each well is provided below in the recommended order of construction (from highest to lowest priority):

#### <u>Site A – Skyline</u>

Site A is located in County right-of-way of Skyline Avenue (paved) at Broderson Avenue (unimproved). This well is recommended to replace key Chloride Metric well LA10, which is affected by borehole leakage and Upper Aquifer influence.

#### Site B - Broderson

Site B is located on County property at the Broderson recycled water disposal site, and will replace LA17, which was damaged during construction in 1985. A Lower Aquifer monitoring well at the Broderson site is recommended to evaluate the transmission of pressure from the Upper Aquifer groundwater mound into the Lower Aquifer.





#### <u>Site C – Ramona Avenue</u>

The Ramona Avenue site provides a second Lower Aquifer monitoring control point in the Baywood Park area (supplementing LA11). Site C would track potential Zone E intrusion moving inland of LA40, and help monitor conditions surrounding supply well LA12.

#### <u>Site D – Sunnyside</u>

The Sunnyside well is tentatively located at Sunnyside School and, along with Site B, would monitor some of the deepest portions of Zone E. Site D would fill a gap in monitoring the Lower Aquifer southwest of downtown Los Osos.

Site A is assigned the highest priority, being the replacement for Chloride Metric well LA10. A nested monitoring well at Site A would differentiate Zone D intrusion from Zone E intrusion, which LA10 is not able to do (Figure 4). The anticipated design would be similar to the Lupine Street monitoring well (LA40/41), which was constructed in 2019 at a contractor cost of \$90,000, with bids ranging from \$90,000 to \$126,500. Current estimated costs for a well at Site A would be between \$140,000 and \$160,000.





FIGURES





# Explanation

- Basin Boundary
- ---- Cross-section line
- Existing Lower Aquifer Well
- Existing Lower Aquifer Well Evaluated for Modification
- New Proposed Monitoring Well

Figure 1 Well Locations

Well Modification TM Los Osos BMC

Cleath-Harris Geologists









# Figure 4

Cross-Section E-E' Los Osos Groundwater Basin Well Modification TM

Cleath-Harris Geologsts







# APPENDIX A

Recommended Well Modification Details

# Preliminary Well Modification Design – LA13 (30S/11E-18F2)

Site:	Los Osos CSD Yard between Ferrell Avenue and 7 <sup>th</sup> Street, Los Osos, California
GPS Coordinates:	35.3159, -120.8358
Well Owner:	Los Osos Community Services District
Well Depth:	625 feet (currently sanded in at 536 feet)
Well Diameter:	12-inch steel with 8-inch steel liner beginning at 420 feet
	•

## **SCOPE OF WORK**

- 1) Submit well modification permit
- 2) Run camera to inspect existing construction.
- 3) Perform planned well modification as described below.

# **PLANNED MODIFICATION:**

Liner Completion:	: 2.5-inch diameter, Sch 80 PVC casing (0.020-inch perforations 510- feet depth)					
Annular Space inside e	xisting well (from surface)					
Seal #1:	Cement top seal (0-3 feet depth)					
Inert fill:	Clean sand up to ¼ inch (3-400 feet depth)					
Seal #2:	High solids bentonite slurry (400-490 feet depth)					
Seal #3:	Bentonite chips 490-500 feet depth					
Filter pack:	8 x 20 sand (500-532 feet depth)					
Seal #4:	Bentonite chips 532-537 feet depth					





DUPLICATE Retoin this copy

# THE RESOURCES AGENCY DEPARTMENT OF WATER RESOURCES WATER WELL DRILLERS REPORT

Nº 77270 State Well No. 305/11E - 18F Other Well No. #2 Febrel 3

305/11E-18FZ

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SKETCH LOCATION OF WELL ON REVERSE SIDE

# Preliminary Well Modification Design – LA14 (30S/11E-18L6)

Site:	County easement at north end of Palisades Ave, Los Osos, California
GPS Coordinates:	35.3149, -120.8381
Well Owner:	San Luis Obispo County
Well Depth:	600 feet (currently sanded in at 554 feet).
Well Diameter:	6-inch PVC

.

## **SCOPE OF WORK**

- 1) Submit well modification permit
- 2) Submit County encroachment permit (if needed).
- 3) Temporarily remove portion of traffic barricade to access well (optional).
- 4) Clean out well from 544 to 600 feet.
- 5) Run camera to inspect existing construction.
- 6) Perform planned well modification as described below.
- 7) Re-install traffic barricade as needed.

# **PLANNED MODIFICATION:**

Liner Completion:	2.5-inch diameter, Sch 80 PVC casing (0.020-inch perforations 550-590 feet depth)			
Annular Space inside ex	xisting well (from surface)			
Seal #1:	Cement top seal (0-3 feet depth)			
Inert fill:	Commercial sand up to 1/4 inch (3-340 feet depth)			
Seal #2:	High solids bentonite slurry (340-500 feet depth)			
Seal #3:	Bentonite chips 500-510 feet depth			
Filter pack:	8 x 20 sand (510-600 feet depth)			









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DITIONAL SPACE IS NEEDED. USE NEXT CONSECUTIVELY NUMBERED FORM

# Preliminary Well Modification Design – LA16 (30S/11E-18M1)

Site:	County easement at northeast corner of the Los Osos Valley Road and Broderson Ave, Los Osos, California				
GPS coordinates:	35.3128, -120.8430				
Well Owner:	San Luis Obispo County				
Well Depth:	577 feet (currently sanded in at 511 feet)				
Well Diameter:	10-inch steel				
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## **SCOPE OF WORK**

- 1) Submit well modification permit.
- 2) Submit County encroachment permit (if needed).
- 3) Expose and remove existing steel top plate to access well.
- 4) Run camera to inspect existing construction.
- 5) Perform planned well modification as described below.

# **PLANNED MODIFICATION:**

Liner Completion:	2.5-inch diameter, Sch 80 PVC casing (0.020-inch perforations 470-500
	feet depth)

Annular Space inside existing well (from surface)

Seal #1:	Cement top seal (0-3 feet depth)
Inert fill:	Commercial sand up to ¼ inch diameter (3-320 feet depth)
Seal #2:	High solids bentonite slurry (320-440 feet depth)
Seal #3:	Bentonite chips 440-450 feet depth
Filter pack:	8 x 20 sand (450 to 505 feet depth)
Seal #4:	Bentonite chips 505-511 feet depth
Wellhead:	Install traffic-rated well box with cement pad (ground surface is above existing wellhead)







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Log of well drilled for

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California Cities Water Co., Baywood Park

## Formation

From	495 to	o 525	feet
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п -	536	" 562	11
11	562	" 570	11
11	570	" 630	88

Black clay and blue clay with fine sand Brown sandy clay and fine sand Sand and gravel with small amount of clay Blue and brown sandy clay and gravel Brown sandy clay and gravel



# **APPENDIX B**

Estimated Well Modification Contractor Costs Filipponi & Thompson Drilling, Inc. Filipponi & Thompson Drilling, Inc. PO Box 845 Atascadero, CA 93423

TEL: (805)466-1271 FAX: (805)466-2388

#### NAME / ADDRESS

LOS OSOS CSD

VIDEO WELL

**C/O SPENCER HARRIS** WELL LA13 (30S/11E-18F2)

LOS OSOS C.S.D. 2122 9TH STREET, STE. 110 LOS OSOS, CA 93402

ESTIMATE FOR WELL MODIFICATIONS.

510' - 21/2" FLUSH WALL PVC SCH. 80

WELL MODIFICATION PERMIT

2 1/2" FLUSH WALL CAPS

3' (0-3') CEMENT TOP

Sales Tax

32' (500' - 532') 8 X 20 SAND

PERFORM WELL MODIFICATION

5' (532' - 537') BENTONITE CHIPS

10' (490' - 500') BENTONITE CHIPS

397' (3'-400') COMMERCIAL SAND

\*\*\* ESTIMATE INCLUDES LABOR COST \*\*\*

Filipponi & Thompson **Drilling Inc.** License No. CA57-432680 **Estimate** DATE ESTIMATE # 6/2/2022 1276 E-mail RMUNDS@losososcsd.org Project LA13 (30S/11E-18F2) TOTAL QTY COST 12" STEEL WELL WITH 8" STEEL LINER AT 420 FT. 1,200.00 1,200.00 1 2,250.00 2,250.00 1 1 6,000.00 6.000.00 13,700.00 13,700.00T 1 540.00 540.00T 20' - 21/2" FLUSH WALL PVC SCH. 80 0.020" PERFORATIONS 1 1 150.00 150.00T 150.00 150.00T 1 200.00 200.00T 1 200.00 200.00T 1 300.00 300.00T 1 90' (400' - 490') HIGH SOLIDS BENTONITE SLURRY 1,400.00 1,400.00T 1 100.00T 100.00 1 0.00 0.00 1,213.65 7.25%

TO ACCEPT THIS OFFER, PLEASE SIGN BELOW AND RETURN THIS

DESCRIPTION

TOTAL

\$27,403.65

CONTRACT TO OUR OFFICE.

THIS OFFER WILL EXPIRE AFTER 30 DAYS UNLESS ACCEPTED.

Operator

Signature

Date

I ACCEPT THE ABOVE OFFER

Filipponi & Thompson Drilling, Inc. PO Box 845 Atascadero, CA 93423

TEL: (805)466-1271 FAX: (805)466-2388

#### NAME / ADDRESS

LOS OSOS C.S.D. 2122 9TH STREET, STE. 110 LOS OSOS, CA 93402

ESTIMATE FOR WELL MODIFICATION. 6" PVC WELL

**REMOVE & INSTALL TRAFFIC BARRICADE (IF NEEDED)** 

40' - 2 1/2" FLUSH WALL PVC 0.020" PERFORATIONS

160' (340' - 500') HIGH SOLIDS BENTONITE SLURRY

DESCRIPTION



Sales Tax

LOS OSOS CSD

VIDEO WELL

**C/O SPENCER HARRIS** WELL LA14 (30S/11E-18L6)

WELL MODIFICATION PERMIT

CLEAN OUT WELL FROM 544' - 600'

10' (500' - 510') BENTONITE CHIPS

337' (3' - 340') COMMERCIAL SAND

ESTIMATE INCLUDES LABOR COST

560' - 21/2" FLUSH WALL PVC SCH. 80

PERFORM WELL MODIFICATION

2 1/2' FLUSH WALL CAPS

3' (0 - 3') CEMENT TOP

**TOOL FABRICATION** 

AIR COMPRESSOR

90' (510' - 600') 8 X 20 SAND

CONTRACT TO OUR OFFICE. THIS OFFER WILL EXPIRE AFTER 30 DAYS UNLESS ACCEPTED.

Operator

Signature

I ACCEPT THE ABOVE OFFER

Filipponi & Thompson Drilling, Inc. PO Box 845 Atascadero, CA 93423

TEL: (805)466-1271 FAX: (805)466-2388

#### NAME / ADDRESS

LOS OSOS CSD

**VIDEO WELL** 

**C/O SPENCER HARRIS** 

WELL LA16 (30S/11E-18M1)

WELL MODIFICATION PERMIT

PERFORM WELL MODIFICATION

6' (505' - 511') BENTONITE CHIPS

10' (440' - 450') BENTONITE CHIPS

317' (3' - 320') COMMERCIAL SAND

ESTIMATE INCLUDES LABOR COST

55' (450' - 505') 8 X 20 SAND

2 1/2' FLUSH WALL CAPS

3' (0 - 3') CEMENT TOP

Sales Tax

LOS OSOS C.S.D. 2122 9TH STREET, STE. 110 LOS OSOS, CA 93402

DESCRIPTION

Filipponi & Thompson **Drilling Inc.** License No. CA57-432680 **Estimate** ESTIMATE # DATE 6/2/2022 1277 E-mail RMUNDS@losososcsd.org Project LA16 (30S/11E-18MI) QTY COST TOTAL 1,200.00 1.200.00 1 2,400.00 2,400.00 1 1 2,000.00 2,000.00 6,000.00 6,000.00 1 12.690.00 12.690.00T 1 810.00 810.00T 1 1 150.00 150.00T 150.00 150.00T 1 1 300.00 300.00T 150.00T 1 150.00 1 500.00 500.00T 1,400.00T 1,400.00 1 100.00 100.00T 1 0.00 0.00 1 \*\*COUNTY ENCROACHMENT PERMIT TO BE OBTAINED BY OTHERS\*\* 1,178.13 7.25% TOTAL \$29,028.13

THIS OFFER WILL EXPIRE AFTER 30 DAYS UNLESS ACCEPTED.

Operator

Ci	an	at	ur	0
21	gп	au	uı	C

Date

I ACCEPT THE ABOVE OFFER

EXPOSE AND REMOVE STEEL PLATE TO ACCESS WELL 470' - 2 1/2" FLUSH WALL PVC SCH. 80 30' - 2 1/2" FLUSH WALL PVC SCH. 80 0.020" PERFORATIONS 120' (320' - 440') HIGH SOLIDS BENTONITE SLURRY

TO ACCEPT THIS OFFER, PLEASE SIGN BELOW AND RETURN THIS CONTRACT TO OUR OFFICE.

ESTIMATE FOR WELL MODIFICATION. 10" STEEL WELL

# MONITORING WELL TRANSFER AGREEMENT

This Monitoring Well Transfer Agreement ("Agreement") is entered into by and between the County of San Luis Obispo ("County") and the Los Osos Community Services District ("District") (each a "Party" and collectively, "Parties").

## RECITALS

WHEREAS, the County, by and through its various departments, owns several wells (collectively, "County Wells") that are part of the Groundwater Level Measuring Program ("Program") through which the County and the County Flood Control District measure water levels in wells throughout the County on a semi-annual basis; and

WHEREAS, one of the County Wells, specifically the well identified as Well No. 30S/11E-18M01 and depicted in Exhibit A to this Agreement, attached hereto and incorporated herein by this reference, is located within the District's service area but within the County right of way and within the area managed by the Los Osos Basin Management Committee ("BMC") pursuant to the Los Osos Basin Management Plan and Stipulated Judgment; and

**WHEREAS**, the BMC has designated Well No. 30S/11E-18M01 as Lower Aquifer 16 or LA 16, and the subject well will hereinafter be referred to as "LA 16;" and

WHEREAS, the BMC's hydrogeologist, Cleath-Harris Geologists, Inc. ("CHG"), has recommended certain modifications ("Modifications") to LA 16 in order that it can be used to expand the network of lower aquifer seawater intrusion monitoring wells and specifically provide valuable water quality monitoring data about that portion of the Los Osos Groundwater Basin ("Basin") known as Los Osos Lower Aquifer Zone E; and

**WHEREAS**, more specifically, the Modifications, the design of which has already been completed, include placing a casing liner into LA 16 that will be screened opposite permeable sediments in Zone E to eliminate existing borehole leakage and improve the LA 16's capacity to detect seawater intrusion in Zone E; and

**WHEREAS**, seawater intrusion is a significant threat to the community water supply for Los Osos, and studies have demonstrated that the Lower Aquifer Zone E is the deepest aquifer in the Basin and is the most susceptible to seawater intrusion; and

**WHEREAS**, the BMC is a body composed of representatives from the County and the District as well as Golden State Water Company and S&T Mutual Water Company (collectively, "BMC Parties"), but its powers are currently limited due to its structure; and

**WHEREAS**, as such, the individual BMC Parties often agree to take certain actions on behalf of the BMC (e.g. apply for grants, own and operate improvements) from time to time; and

**WHEREAS**, in this capacity and in order to effectuate the funding, permitting and construction of the Modifications (collectively, "Project") and the BMC's desire to proceed with the Project given the benefits discussed above, the District is requesting that the County transfer ownership of LA 16 to the District; and

WHEREAS, the District anticipates funding the majority of the Project costs (approximately

\$50,000) with a grant (\$37,500) from the Morro Bay Estuary Program, with the balance coming from the BMC consistent with the BMC's approved budget; and

**WHEREAS**, upon execution of this Agreement, the County will transfer ownership of LA 16 to the District and the District will accept ownership of LA 16 and carry out the Project and any future modifications to LA 16 in accordance with the terms and conditions set forth below.

# AGREEMENT

**NOW, THEREFORE**, in light of the foregoing Recitals and for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

- 1. **Intent to Transfer and Accept Monitoring Well.** Upon execution of this Agreement, the County agrees to transfer LA 16 to District at no cost pursuant to a Bill of Sale substantially similar to Exhibit B, attached hereto and incorporated herein by this reference, and District agrees to accept such transfer from County.
- 2. CEQA. Given that the Modifications are limited to alterations to an existing monitoring well and the nature of the County's Well Construction Ordinance (County Code Chapter 8.40), they are likely exempt from the California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 et seq.; see e.g. CEQA Guidelines Sections 15306 and / or 15268). Nonetheless and without limiting Paragraph 6 below, the District agrees to act as the lead agency for any environmental review that may be required in connection with the Modifications or any subsequent alterations to LA 16.
- 3. **Retention of Consultants.** District agrees that no consultant should be retained to design or construct the Modifications without the approval of said consultant by the BMC after presentation of the consultant's proposal and the proposed consultant contract to the BMC.
- 4. **Well Construction Permit.** Neither execution of this Agreement by County nor any of the actions contemplated herein to be taken by County shall in any way hinder the authority of the County Health Officer or her representatives in the processing of any well construction permit pursuant to Chapter 8.40 of the County Code necessary to construct the Project or any portion thereof or any future construction activities in connection with LA 16.
- 5. **Encroachment Permit.** Neither execution of this Agreement by County nor any of the actions contemplated herein to be taken by County shall in any way hinder the authority of the County Engineer or his representatives in the processing of any encroachment permit pursuant to Chapter 13.08 of the County Code necessary to complete the Project or any portion thereof or to undertake any future activities in connection with LA 16.
- 6. **Ongoing Responsibility.** Once ownership of LA 16 is transferred, all ongoing responsibility for and liability associated with LA 16 shall be borne by District.

# 7. Miscellaneous.

7.1 <u>Authority</u>. Each of the signatories hereto represents and warrants to the other Party that it is authorized to execute this Agreement.

7.2 <u>Integration</u>. This Agreement sets forth the entire understanding and Agreement of the Parties with respect to the matters set forth herein. Neither of the Parties has relied upon any oral or written representation or oral or written information given to it by any representative of the other Party.

7.3 <u>Severability</u>. Whenever possible, each provision of this Agreement will be interpreted in such manner as to be effective and valid under applicable law, but if any provision of this Agreement is held to be prohibited by or invalid under applicable law, such provision will be ineffective only to the extent of such prohibition or invalidity, without invalidating the remainder of such provision or the remaining provisions of this Agreement.

7.4 <u>Binding Effect</u>. This Agreement shall bind and inure to the benefit of the Parties' successors and permitted assigns.

7.5 <u>Construction of Agreement</u>. This Agreement will be liberally construed to effectuate the intention of the Parties with respect to the transaction described herein. In deter- mining the meaning of, or resolving any ambiguity with respect to, any word, phrase or provision of this Agreement, neither this Agreement nor any uncertainty or ambiguity herein will be construed or resolved against either Party (including the Party primarily responsible for drafting and preparation of this Agreement), under any rule of construction or otherwise, it beingexpressly understood and agreed that the Parties have participated equally or have had equal opportunity to participate in the drafting hereof.

7.6 <u>Amendment/Modification</u>. No change or modification of the terms or provisions of this Agreement shall be deemed valid unless in writing and signed by both Parties.

7.7 <u>Governing Law/Venue</u>. This Agreement shall be construed, interpreted and applied in accordance with the laws of the State of California. The Parties agree that any litigation regarding this Agreement will be brought in San Luis Obispo County Superior Court.

7.8 <u>Counterparts</u>. This Agreement may be executed in counterparts and when so executed by the Parties, shall become binding upon them and each such counterpart will be an original document.

**IN WITNESS WHEREOF,** the Parties hereto have executed this Monitoring Well Transfer Agreement as of the last date set forth below.

# [SIGNATURES TO FOLLOW ON NEXT PAGE]

**COUNTY OF SAN LUIS OBISPO** 

# LOS OSOS COMMUNITY SERVICES DISTRICT

Ву:	By:	_
Name:	Name:	
Title:	Title:	
Dated:	Dated:	
Approved as to Form and Legal Effect:	Approved as to Form and Legal Effect:	
RITA L. NEAL	D	
County Counsel	Ву:	
By	Name:	
Deputy County Counsel	Title:	

# EXHIBIT A

to

# Monitoring Well Transfer Agreement

Well Location Map

See Attached



# EXHIBIT B

to

Monitoring Well Transfer Agreement

**Bill of Sale** 

See Attached

#### **Bill of Sale**

The County of San Luis Obispo ("County") hereby transfers and delivers to the Los Osos Community Services District ("District") and the District hereby accepts all of County's right, title and interest in the well known as Well No. 30S/11E-18M01 and LA 16 as set forth in the Well Monitoring Transfer Agreement by and between the County and District, which is incorporated herein by reference.

COUNT I OF SAN LUIS ODISI O	LOS OSOS COMMUNITY SERVICES DISTRICT
By:	By:
Name:	Name:
Title:	Title:
Date	Date:
Approved as to Form and Legal Effect:	Approved as to Form and Legal Effect:
Approved as to Form and Legal Effect: RITA L. NEAL	Approved as to Form and Legal Effect:
Approved as to Form and Legal Effect: RITA L. NEAL County Counsel	Approved as to Form and Legal Effect: By:
Approved as to Form and Legal Effect: RITA L. NEAL County Counsel By:	Approved as to Form and Legal Effect: By: Name: