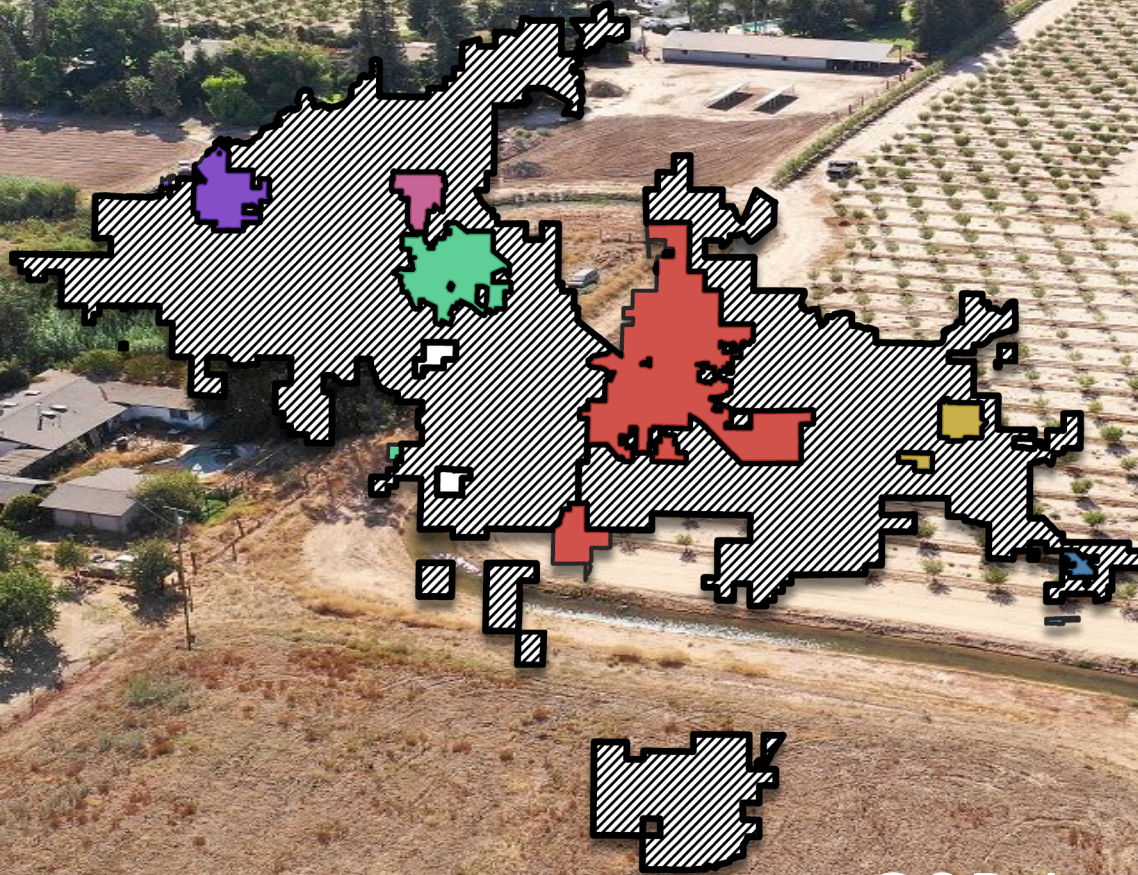


Merced Irrigation-Urban Groundwater Sustainability Agency



GSP Implementation Policies
May 4, 2022

Background

- Merced GSP submitted to DWR in January 2020.
 - GSAs to begin implementation upon submittal.
 - DWR identified deficiencies in January 2022 – *revised GSP to be submitted by GSAs by July 28, 2022
- Four MIUGSA-specific Stakeholder Guidance Committee Meetings held between August 2021 and March 2022.

Program Component	Policy Recommendation Based on SGC Feedback
Length of Allocation Period	Maximum allocation period of 3 years.
Borrow-ahead	Should not be allowed at this time.
Carry-over	Some amount of carry-over is acceptable. Limit to be set per allocation period.
Penalties	Penalties should be enforced.
Pooling	Separate parcels owned by a common irrigator can be pooled within specified geographic regions (zones).
Limited Allocation Year	MIUGSA Board should have the power to set allocation limits during exceptionally wet or dry periods.
Trading	Should not be allowed at this time.

Driver(s)

- Basin conditions and regulations are driving the need to adopt and implement policies immediately.
 - Governor's Executive Order N-7-22 (Well Permitting)
 - Well Consistency Determinations for Merced County's approval of well permits
 - Prepare MIUGSA constituents for the future
 - Achieve sustainability within the GSA
 - Drought

DRAFT - General Concepts

- Monitoring and Enforcement
 - Well and Acreage Registration
 - Measurement
 - Flow Meters
 - Evapotranspiration
 - Allocation
 - Board Establishment of Allocation, and Implementation
 - Pooling
 - Carryover
 - Limited Allocation Year
- Accounting and Reporting
 - Tracking evapotranspiration, precipitation, surface water, or other water use
 - Flow meter reading and reporting
 - Determination of official groundwater use amount to count against allocation

Monitoring and Enforcement

- Well Registration:

Well Type	Registration Date
All New	5/01/2022 or 30 days after built.
Agriculture	12/31/2022
Industrial	12/31/2022
Municipal/Public	12/31/2022
Domestic	12/31/2025

- Acreage Registration:

Land Use Type	Registration Date
Agriculture	12/31/2022
Urban (Public Water Agency)	12/31/2022
Urban (Private Water Supply)	12/31/2022

Monitoring and Enforcement

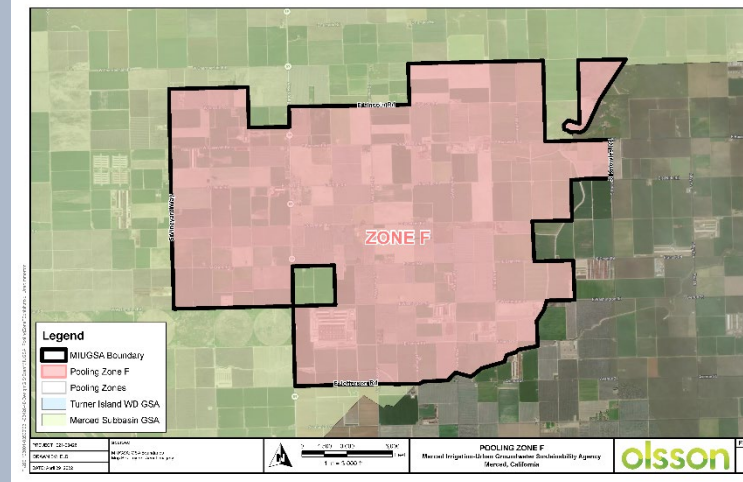
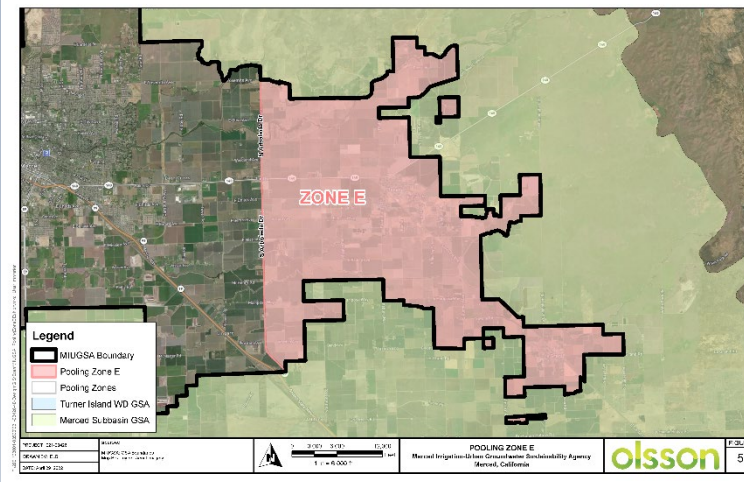
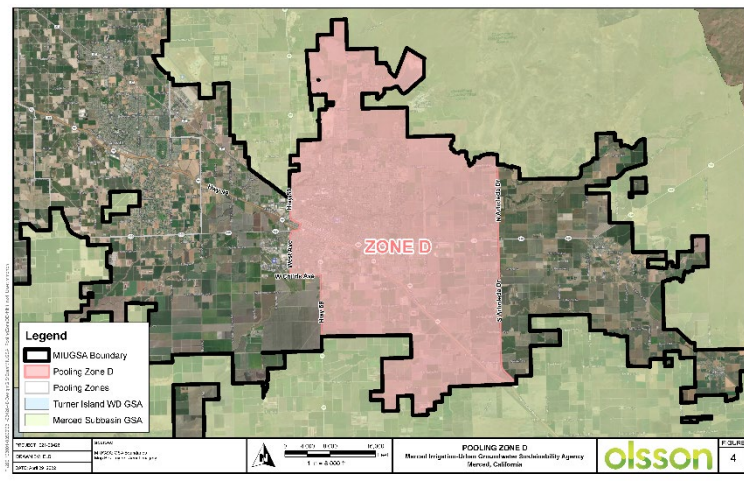
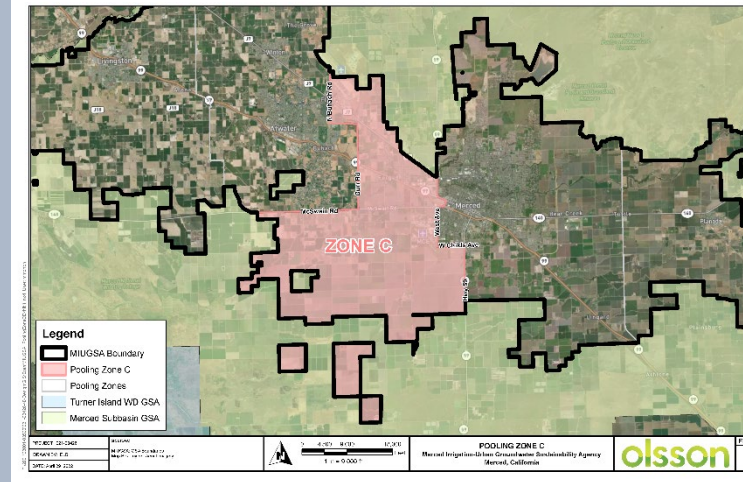
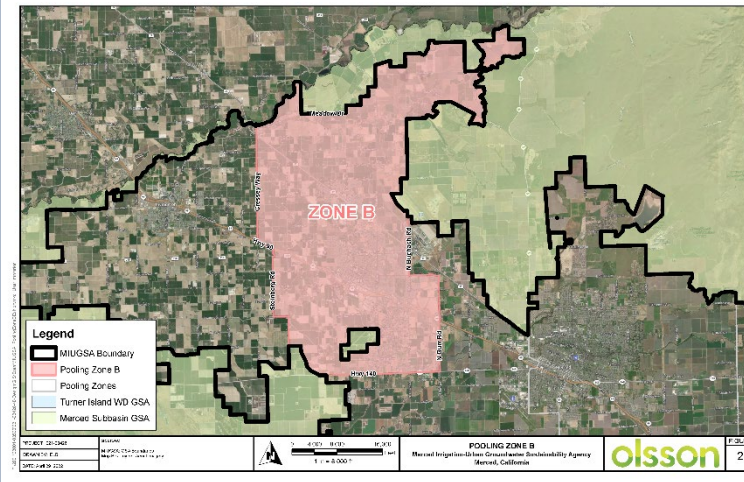
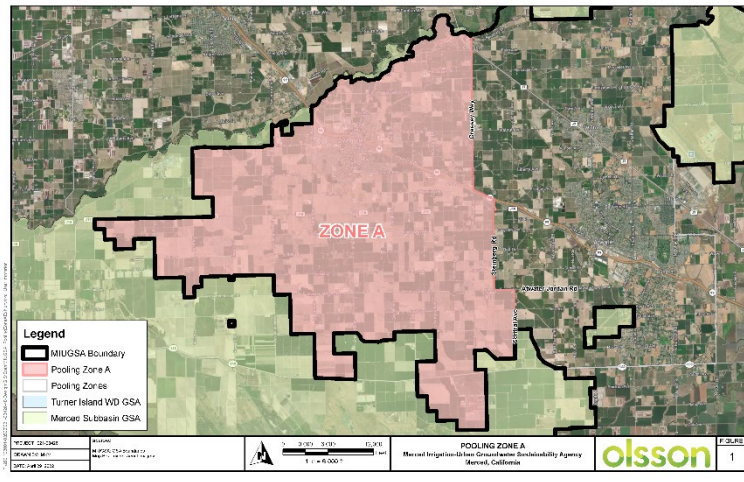
- Measurement
 - Flow Meters
 - Standards
 - Funding
 - Phased Implementation
 - New groundwater wells
 - Groundwater usage, acreage, ratio of groundwater vs surface water
 - New/altered irrigation systems
 - Special Activities (e.g. Pooling)
 - Evapotranspiration Potential Applications
 - Sensitivity Analysis
 - Data Gaps

Monitoring and Enforcement

- Allocations (to be reevaluated during each allocation period)
 - Start of Implementation
 - Example - start date of the 3 year, 3.3 acre-feet per acre allocation start date is April 2022 (to discuss further)
 - Pooling
 - Separate parcels owned by a common irrigator can be pooled within specific geographic regions (zones).
 - Allow tenants to pool (to discuss further).
 - Allow petitions to pool between zones.
- Carryover
 - Allocated groundwater (natural yield)
 - 6% annual loss, updated by Board for each 3-year allocation period. Could be accomplished through using surface water.
 - Developed/imported water
 - 6% annual loss, updated by Board for each 3-year allocation period. Could be accomplished through recharge, idling, etc. to be managed through separate policies
- Limited Allocation Year – To be established in the future

Allocation Period	Start (To Discuss)	End (To Discuss)
1	4/01/2023	12/31/2025
2		
3		

Pooling Zones



Monitoring and Enforcement

	Scenario 1			Scenario 2			Scenario 3		
Year	Added (Recharge, Idling)	Carryover %	Carryover Amount	Added (Recharge, Idling)	Carryover %	Carryover Amount	Added (Recharge, Idling)	Carryover %	Carryover Amount
1	100	94	94	300	94	282	0	94	0
2	100	94	182	0	94	265	0	94	0
3	100	94	265	0	94	249	300	94	282
Total	300		265	300		249	300		282

Monitoring and Enforcement

- Enforcement
 - Unauthorized use of groundwater
 - Warnings and “Red Tags”
 - Penalties
 - Over-extraction
 - Tampering
 - Interference
- Other
 - Water Waste
 - Others?

Infraction	Water Code (SGMA) Section	Description
Overextraction	10732(a)(1)	\$500/AF
Rule violation	10732(a)(2)	Up to \$1,000 plus, \$100 for each additional day after 30 day notice.

Monitoring and Enforcement - Penalties

- 10732. (b) (1) A groundwater sustainability agency may bring an action in the superior court to determine whether a violation occurred and to impose a civil penalty described in subdivision (a).
- (2) A groundwater sustainability agency may administratively impose a civil penalty described in subdivision (a) after providing notice and an opportunity for a hearing.
- (3) In determining the amount of the penalty, the superior court or the groundwater sustainability agency shall take into consideration all relevant circumstances, including, but not limited to, the nature and persistence of the violation, the extent of the harm caused by the violation, the length of time over which the violation occurs, and any corrective action taken by the violator.
- (c) A penalty imposed pursuant to this section shall be paid to the groundwater sustainability agency and shall be expended solely for purposes of this part.
- (d) Penalties imposed pursuant to this section are in addition to any civil penalty or criminal fine under any other law.

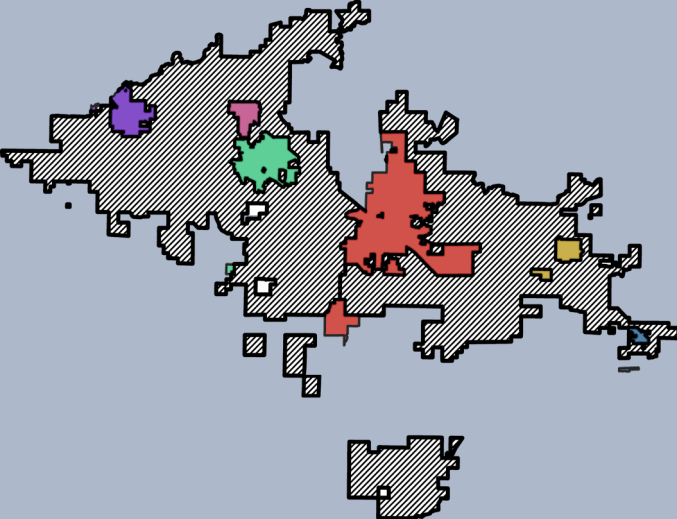
Accounting and Reporting

- Flow meter reading and reporting
 - Groundwater extraction should be tracked on a monthly basis.
 - Discussion:
 - Initial self-reporting?
 - GSA staff for reading?
 - Advanced Metering Infrastructure (AMI)/Telemetry
- Tracking evapotranspiration, precipitation, surface water, or other water use
- Determination of official groundwater use amount to count against allocation
- Water Budget Reconciliation (groundwater and surface water)

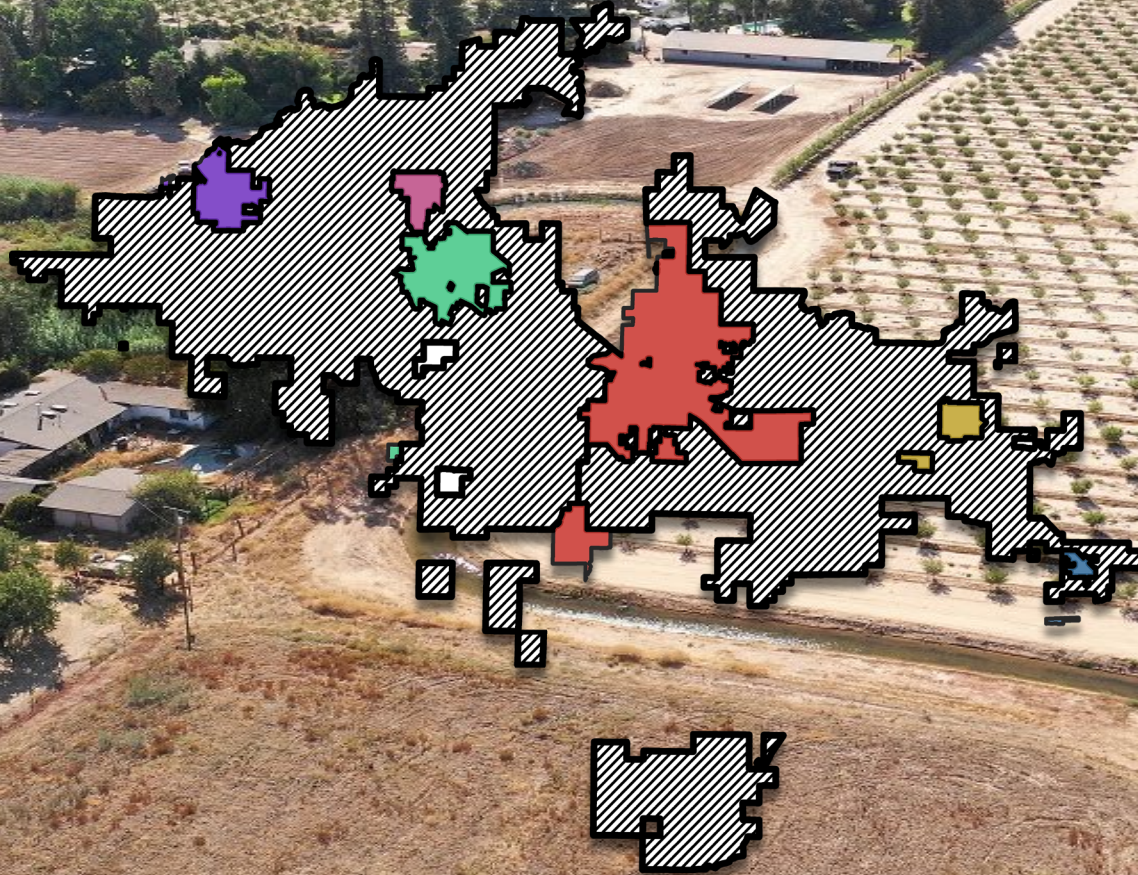
Next Steps

- Outreach/Messaging
- Present recommendations to MIUGSA Board
- Next SGC Meeting(s)
 - Potential interim meetings, if needed...
 - Water Accounting Platform (September/October?)
 - Potential Workshops
- Other potential items/issues to consider?

Questions?



Merced Irrigation-Urban Groundwater Sustainability Agency



Well Permitting
May 4, 2022

Changes to Well Permitting Processes

- Executive Order N-7-22 – Effective 03/28/2022
- Merced County Ordinance No. 2014 (Groundwater Ordinance) – Effective 05/01/2022

Governor's Executive Order N-7-22 (Temporary)

9. To protect health, safety, and the environment during this drought emergency, a **county, city, or other public agency** shall not:
 - a. Approve a permit for a new groundwater well or for alteration of an existing well in a basin subject to the Sustainable Groundwater Management Act and classified as medium-or high-priority **without first obtaining written verification from a Groundwater Sustainability Agency** managing the basin or area of the basin where the well is proposed to be located **that groundwater extraction by the proposed well would not be inconsistent with any sustainable groundwater management program established in any applicable Groundwater Sustainability Plan adopted by that Groundwater Sustainability Agency and would not decrease the likelihood of achieving a sustainability goal for the basin covered by such a plan; or**
 - b. Issue a permit for a new groundwater well or for alteration of an existing well without first determining that extraction of groundwater from the proposed well is (1) not likely to interfere with the production and functioning of existing nearby wells, and (2) not likely to cause subsidence that would adversely impact or damage nearby infrastructure. This paragraph shall not apply to permits for wells that will provide less than two acre-feet per year of groundwater for individual domestic users, or that will exclusively provide groundwater to public water supply systems as defined in section 116275 of the Health and Safety Code.

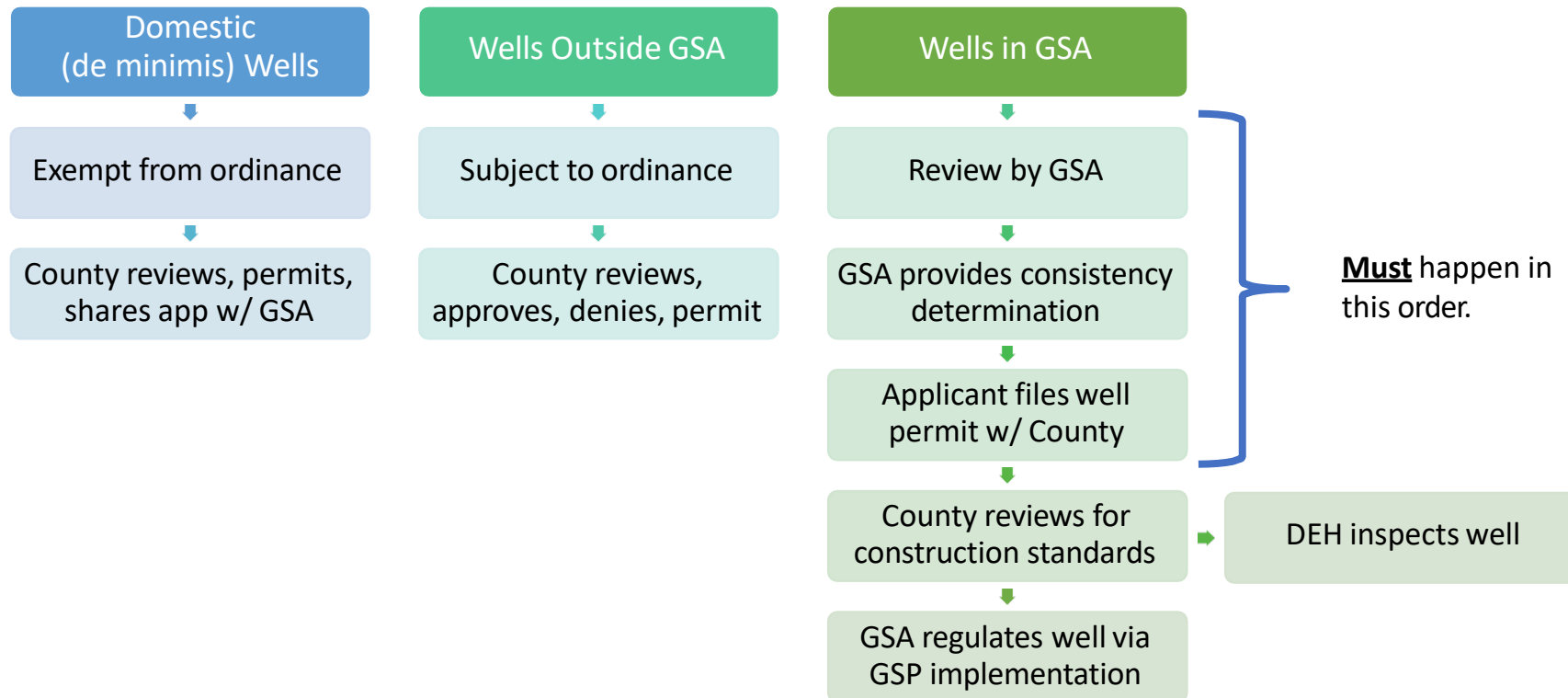
MIUGSA Actions to Address E.O. N-7-22

- Provide written verification that:
 - MIUGSA Board to allocate groundwater for 2023-2025; and
 - Will monitor basin conditions, particularly as they pertain to Sustainable Management Criteria, in order to not decrease the likelihood of achieving the basin's sustainability goal.
 - Well will need to comply with all metering, measurement, reporting, or other requirements in a sustainable groundwater management program developed by MIUGSA.
 - These requirements will be based off policies to be approved by the MIUGSA Board.

Merced County Groundwater Ordinance (Ord. No. 2014)

- Amendment to prior groundwater ordinance passed and adopted on 02/08/2022.
- Effective 05/01/2022.

Changes to Merced County Groundwater Ordinance



How it Works

- What if GSA does not find well project consistent?
 - Well prohibition in place, and County would be unable to permit well.
 - Function of discretionary decision and link to CEQA.
- GSAs will use implementation authority & actions
 - County will not enforce conditions.
- County remains responsible for well construction permitting, inspection, enforcement (incl. water quality).

Actions to Address Changes to Well Permitting Processes

- Provide to Merced County MIUGSAs contribution to a well permit:

Directive to County	Summary
Acknowledge Responsibility	MIUGSA is a Responsible Agency under CEQA. MIUGSA is responding to the Merced County Groundwater Ordinance, and state requirements, as applicable, but is not acting as a permitting agency. Merced County: E.O. N-7-22 Section 9.b.
Allocation	MIUGSA Board to allocate groundwater for 2023-2025.
Rules and Regulations	All wells within MIUGSA are subject to the rules, regulations, and policies, as may be amended (e.g. construction, access, measurement, reporting, etc.).
Consistency	Consistency with the Merced GSP through monitoring basin conditions, particularly as they pertain to Sustainable Management Criteria, in order to not decrease the likelihood of achieving the basin's sustainability goal.

Questions?

