



# MEMORANDUM

TO: SLDMWA Board of Directors, Alternates

FROM: John Brodie, Water Resource Programs Manager  
Joe McGahan, Regional Drainage/Westside Watershed Coalition Coordinator

DATE: February 10, 2022

RE: Activity Agreements – Staff Report for January 2022

This memorandum serves as the Staff Report for January 2022 regarding specified<sup>1</sup> Water Authority activities not separately addressed on the Board meeting agenda.

**1. Integrated Regional Water Management (IRWM) Activity Summary**

*San Joaquin River Funding Area (SJRFA)*

Work continues on three projects in SJRFA from the Proposition 1 Round 1 funding, administered through SLDMWA. These projects include the West Stanislaus Irrigation District Pumping Plant Modernization Project, the Orestimba Creek Recharge and Recovery Project, and the Broadview Aquifer Storage and Recovery Project.

Approximately \$955,000 will be available to the Westside-San Joaquin (WSJ) IRWM Region within the SJRFA for the Proposition 1 Round 2 (P1R2) IRWM funding by prior agreement among the IRWM regions in the SJRFA. The Department of Water Resources (DWR) extended the deadline for public comments on the draft Guidelines and Proposal Solicitation Package to February 18, 2022.

*Tulare-Kern Funding Area (TKFA)*

The WSJ IRWM Region will also prepare an application for the P1R2 funding within the TKFA. There was no prior agreement between the IRWM regions in the TKFA on a funding split. Criteria are being developed for determining which projects in the TKFA will be submitted to DWR. A total of \$34 Million will be available across the TKFA in Round 2.

The original P1R2 application deadline of March 31, 2022 has been changed. DWR is proposing at least three different application deadline combinations in the draft documents. The earliest, as contained in the draft, would be August, 2022.

<sup>1</sup> For the sake of completeness, this includes those Activity Agreements that have been approved by the Board of Directors, but not yet signed by all interested members and/or participants (i.e., the Los Vaqueros Expansion Project Activity Agreement, the Exchange Contractors 2019-2023 Transfer Program Activity Agreement, and the Westside-San Joaquin Integrated Regional Water Management Activity Agreement).

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## **General Westside-San Joaquin Integrated Regional Water Management Plan (IRWMP)**

SLDMWA Staff is working with the WSJ IRWM Region's Project Proponents and Activity Agreement members to update the Opti database of projects. The Technical Advisory Committee will rank the projects once DWR establishes a list of priorities, eligible projects and expenses, and completion deadlines for the P1R2 funding opportunity.

Staff is working on an annual report for the WSJ IRWM Region. The report will highlight activities during the 2021 water year across the region. The updated release date for the report is February 15, 2022.

## **2. Sustainable Groundwater Management Activity (SGMA) Activity Summary**

### **Northern and Central Delta-Mendota Regions**

The Northern and Central Management Committees held their regular joint meeting in late January to adopt the fiscal year 2023 budget. The Committees also received an update on a proposed new well ordinance within Merced County that gives Groundwater Sustainability Agencies (GSAs) the right to deny permits for new wells that don't meet GSA sustainability standards.

### **General SGMA Activities**

On January 21, 2022, DWR issued its Determination Letter on the six coordinated Delta-Mendota Subbasin Groundwater Sustainability Plans (GSPs), designating them as incomplete. The six GSP Groups have six months from that date to correct deficiencies in the Plans. The four main themes identified by DWR in the staff report are:

- Use of different data and methodologies.
- Lack of a common definition for "Undesirable Results."
- Sustainable Management Criteria (SMCs) were not set according to SGMA regulations.
- Management areas contained within the GSPs don't sufficiently meet SGMA regulations.

A subcommittee of Subbasin representatives will meet with DWR SGMA program staff to review the Determination Letter and prepare a coordinated response during this six-month window.

SLDMWA staff and consultants are working with GSP Group representatives to submit projects and activities that will be funded by the SGMA Round 1 Implementation funding opportunity. The application deadline has been extended until February 28, 2022. Allowable activities include projects and preparing responses to DWR comments on the Subbasin's GSPs. The Spring/Seasonal High Water Level monitoring window opened February 1, 2022. All GSAs have until April 30, 2022 to monitor the water level of designated representative monitoring wells. DWR is asking GSAs to do the monitoring in mid-March to help interpret data that will be collected as a part of Aerial Electromagnetic (AEM) Surveys of the San Joaquin Valley. Collected data will help fill knowledge gaps and identify possible water recharge areas.

Work is underway on the Water Year 2021 Annual Report. This will be the third Annual Report submitted as part of the SGMA Program. It is due April 1, 2022.

**3. Drainage Activity Summary**

**Grassland Basin Drainage Management Steering Committee Activity Summary**

Prepare agenda and meeting materials and lead January 21, 2022 GBD Steering Committee meeting, including preparation of GBD Fund 23 Budget.

Participate with Water Authority staff and member districts on necessary maintenance requirements on the San Luis Drain.

Begin design for boron and molybdenum water quality study on the San Luis Drain.

Proceed development of installation of monitoring wells and other operational installation for Grassland Bypass Project.

Coordinate activities with the Grassland Basin Authority for operation of the SJRIP.

Other ongoing activities: Continue to review GBD invoices, prepare annual monitoring reports, support for ongoing litigation and data management and management of the Third Party Group for the Grassland Drainage Area Coalition to implement the Irrigated Lands Regulatory Program. Work includes participation in activities for groundwater protection values.

**San Joaquin Valley Drainage Authority Activity Summary**

Preparation of FY 22-23 budget.

Continue management of the Westside San Joaquin River Watershed Coalition to comply with the Irrigated Lands Regulatory Program. Begin assembling paperwork requirements for 2021 reporting year. Follow up calls and emails were answered to assist farmers in completing their paperwork requirements. Manage field monitoring program and provide update of the management plan to the Regional Board. Review invoices from consultants and prepare letters to admin staff. Continue to update membership database. Prepare for annual grower meetings. Enter farmer evaluation and nitrogen summary reports into coalition database.

Participate in quarterly Regional Board stakeholder meeting. Edit monitoring plan to provide update to the Regional Board.

Participate in group conference calls regarding surface and groundwater management plans, groundwater protection formulas and the CVSalts prioritization and optimization studies. Participate in Central Valley Groundwater Monitoring Collaborative conference calls. Participate in management practices effectiveness program conference call. Held meetings on Management Zone development. Manage ongoing monitoring. Revise the QAPP for the monitoring program. Prepare monitoring plan update and management plan.

Management continued for the Prop 84 Real Time Management Program Grant for compliance with the San Joaquin River Salt and Boron TMDL. Preparation of annual real time management program report. Direct in field monitoring station construction activities.

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**Westside San Joaquin River Watershed Coalition**  
**2020 Paperwork Status Update for Del Puerto WD & Oak Flat WD as of 2/14/2022**

<u>Survey Type</u>	<u>recvd</u>	<u>total</u>	<u>pct recvd</u>
Farm Evaluation	128	129	99%
INMPSR	125	127	98%
Overall compliance	132	133	99%

IDNo	Member Name	SurveyType	2020 FE/MWE	2020 INMPSR	paperwork
25073A	JKB Development, Inc.	Farm Evaluation	not recvd	not recvd	both forms missing
<del>25159A</del>	<del>Escobar Properties LLC et al</del>	<del>Farm Evaluation</del>	<del>recvd</del>	<del>not recvd</del>	<del>INMPSR-Missing</del>

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VIII. B.

## SUMMERS ENGINEERING

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### MEMORANDUM

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TO: San Joaquin Valley Drainage Authority  
FROM: Joseph C. McGahan  
DATE: January 27, 2022  
SUBJECT: Management Zone Planning

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The Westside/GDA will likely receive their compliance letter in November 2022 with the Management plan due in June 2023. So work to get started will be required in FY 2022-23.

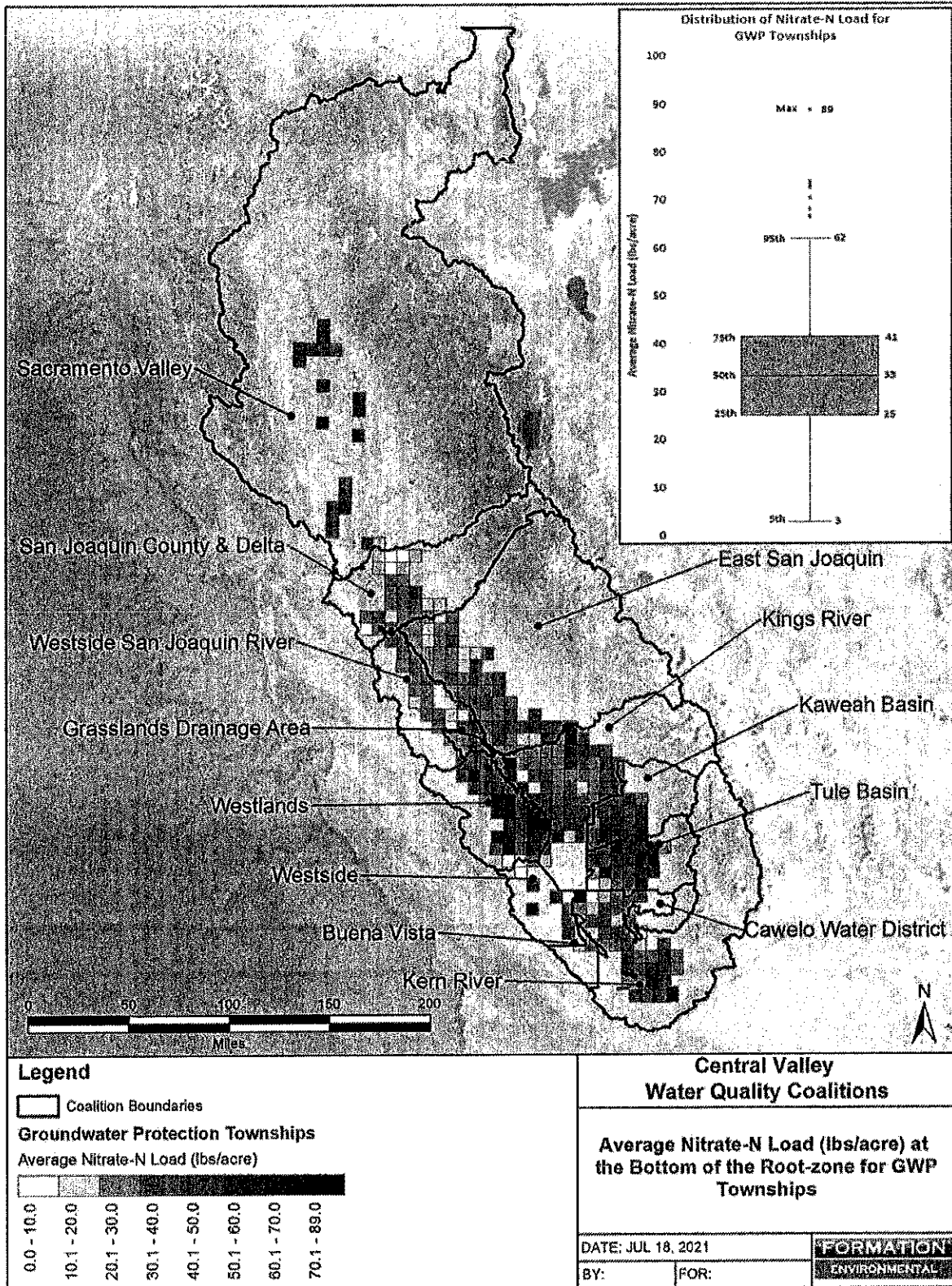
Tasks that need to be accomplished include:

- Organize an entity to manage the plan (could participate with VWC).
- Organize other discharger participants (may need our own subcommittee)
- Develop the plan (consultant).
  - Other permit holders, cities, processing plants, communities. These permit holders will also get a compliance letter and will have to decide how to comply.
  - Individual domestic well users (Printing & Mailings)
- Interim Replacement Water (Service/Delivery) after March 2023
  
- Targeted Outreach activities
  - Other permit holders, cities, processing plants, communities. These permit holders will also get a compliance letter and will have to decide how to comply.
  - Individual domestic well users (Printing & Mailings)

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FIGURE ES-1. DISTRIBUTION OF AVERAGE NITRATE-N LOAD





## 1 INTRODUCTION

This document provides the GWP Values for high-priority townships for the participating third-party Coalitions<sup>3</sup> that are assisting in the implementation of the Central Valley LTILRP. The Coalitions are required to deliver GWP Values on behalf of their members to the Executive Officer by July 19, 2021, which is six months from the Executive Officer's conditional approval of the GWP Formula. This document includes the following sections:

- Section 1, Introduction, describes the General Order requirements for the GWP Values, as well as the third-parties (i.e., water quality coalitions) participating in computing the GWP Values using the conditionally approved GWP Formula.
- Section 2, Implementation of the GWP Formula, summarizes the GWP Formula and describes implementation of the GWP Formula, including: Step 1) use of daily climatic, detailed soil, parcel, and INMP/NMP Summary Report data, Step 2) evaluation of those data using the robust, scientifically valid equations and methods encompassed in CV-SWAT to estimate percolation and nitrate leaching, and Step 3) aggregation of the results to the township scale to provide root-zone-based GWP Values for GWP Townships.
- Section 3, Groundwater Protection Values, describes root-zone-based GWP Values calculated for 323 townships representing over 3.5 million acres of irrigated agriculture.
- Section 4, Comparison of CV-SWAT and Reported Literature, provides comparisons of other sources of percolation and nitrate leaching estimates (i.e., HYDRUS) to the CV-SWAT model estimates.
- Section 5, Comparisons of CV-SWAT and Hydrus, provides comparison of CV-SWAT results to reported literature values for an annual crop (potato) and a perennial crop (almond).
- Section 6, Team Qualifications, provides the qualifications of the team.
- Section 7, References, includes the cited materials herein.

### 1.1 GENERAL ORDER REQUIREMENTS

The General Orders require the development of a GWP Formula, which is then to be used to calculate GWP Values for high-priority townships<sup>4</sup> (i.e., GWP Townships). The GWP Values are to be included in each Coalition's Groundwater Quality Management Plans (GQMPs). Once GWP Values are included in GQMPs, the Coalitions are then required to develop GWP Targets for each township for which a GWP

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<sup>3</sup> Reference to all Coalitions for this submittal does not include the California Rice Commission on behalf of rice growers in the Sacramento Valley. The GWP provisions are not in the California Rice Commission's Third-Party Order and thus are not applicable to rice growers in the Sacramento Valley.

<sup>4</sup> High-priority areas are those areas where the Executive Officer determines that irrigated agriculture may be causing or contributing to exceedances of water quality objectives or a trend of degradation that may threaten applicable beneficial uses (Order WQ 2018-0002, p. 66).

Value has been computed. The purpose of the GWP Targets is to set a desired target for achieving compliance with receiving water limitations.

The primary purpose of the GWP Formula is to generate GWP Values, expressed as either nitrate-N loading numbers or concentrations of nitrate in water (e.g., mg/L), reflecting the influence of total applied nitrogen, total removed nitrogen, recharge conditions, and other relevant and scientifically supported variables that influence the potential average concentration of nitrate in water expected to reach groundwater in a given township over a given time period. The Central Valley Coalitions submitted a proposed GWP Formula to the CVRWQCB on July 1, 2020 (Central Valley Coalitions 2020). The CVRWQCB's Executive Officer conditionally approved the GWP Formula on January 19, 2021, and requested that additional information be submitted to the CVRWQCB along with the GWP Values (Table 1).

The Central Valley Coalitions used the approved GWP Formula to compute root-zone-based GWP Values for each GWP Township (Figure 1). These GWP Values reflect discharge estimates from the bottom of the root-zone, and do not consider post-root-zone processes (e.g., groundwater recharge, vadose zone attenuation) that may affect the concentration of leachate that reaches groundwater. These additional processes will be considered during the development of GWP Targets. Coalitions are required to submit GWP Targets to the Executive Officer of the CVRWQCB for review and approval by July 19, 2022. Approved interim and final GWP Targets will be achieved through implementation of Coalition GQMPs, and may be phased in over time.

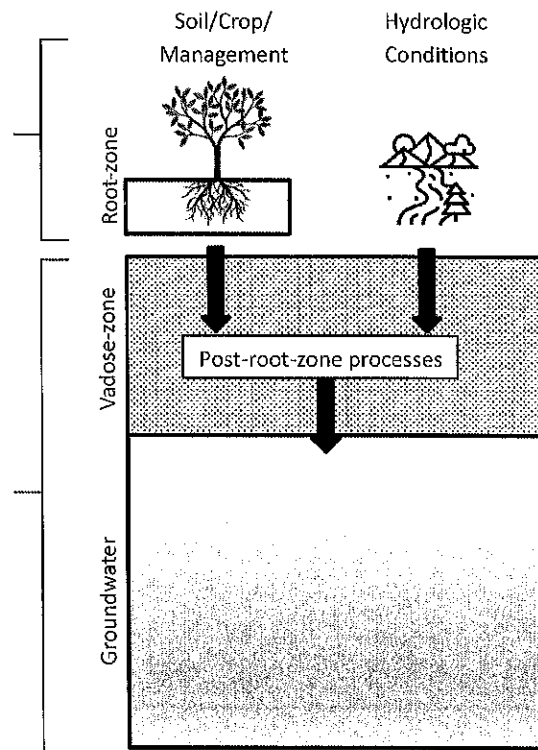
**TABLE 1. ADDITIONAL INFORMATION REQUESTED BY THE CVRWQCB TO BE SUBMITTED WITH THE GWP VALUES**

Item	Information Request	Document Section
1	Documentation of model inputs and results used to develop the Root-zone Library (crop growth parameter definitions and values, management parameters, irrigation method and volume by crop, crop coefficients, assumed irrigation efficiency, etc.).	Section 2.2.1, Section 2.2.2, Appendices 3, 4, 5
2	A sensitivity analysis that identifies the model parameters exhibiting the largest influence on N losses (e.g., volatilization, sequestration, runoff) for each of the top five crops by acreage.	Appendix 6
3	A summary for each of the three model domains describing the range of estimated N losses by crop. At a minimum, the summary should include each of the top five crops by acreage.	Section 3.3
4	Summaries of overall water budget (precipitation, runoff, ET by crop, irrigation, percolation) and N mass balance (applied, uptake, runoff, deposition, denitrification, volatilization, storage, leached) by township.	Section 3.2 and Appendix 2
5	Descriptions of the specific methods and criteria that will be used to account for post-root-zone processes (if any). Any proposal would be subject to public review and EO approval prior to use.	Will be developed as part of GWP Targets
6	Comparisons of other sources of percolation and nitrate leaching estimates (e.g., field studies, HYDRUS) to model estimates.	Sections 4 and 5
7	Comparisons, aggregated by township, of grower-reported data (N applied, N removed) to model estimates (N applied, N Removed, N Leached).	Section 3.2 and Appendix 2

FIGURE 1. SUMMARY OF GROUNDWATER PROTECTION FORMULA, VALUES, AND TARGET

**Root-zone-based GWP Values:** Calculated using the approved Root-zone GWP Formula for irrigated agriculture in GWP Townships.

**GWP Township Targets:** Account for other scientifically supported variables (post-root-zone processes) that influence the potential average concentration of nitrate in water expected to reach groundwater (e.g., vadose zone attenuation, regional recharge conditions).

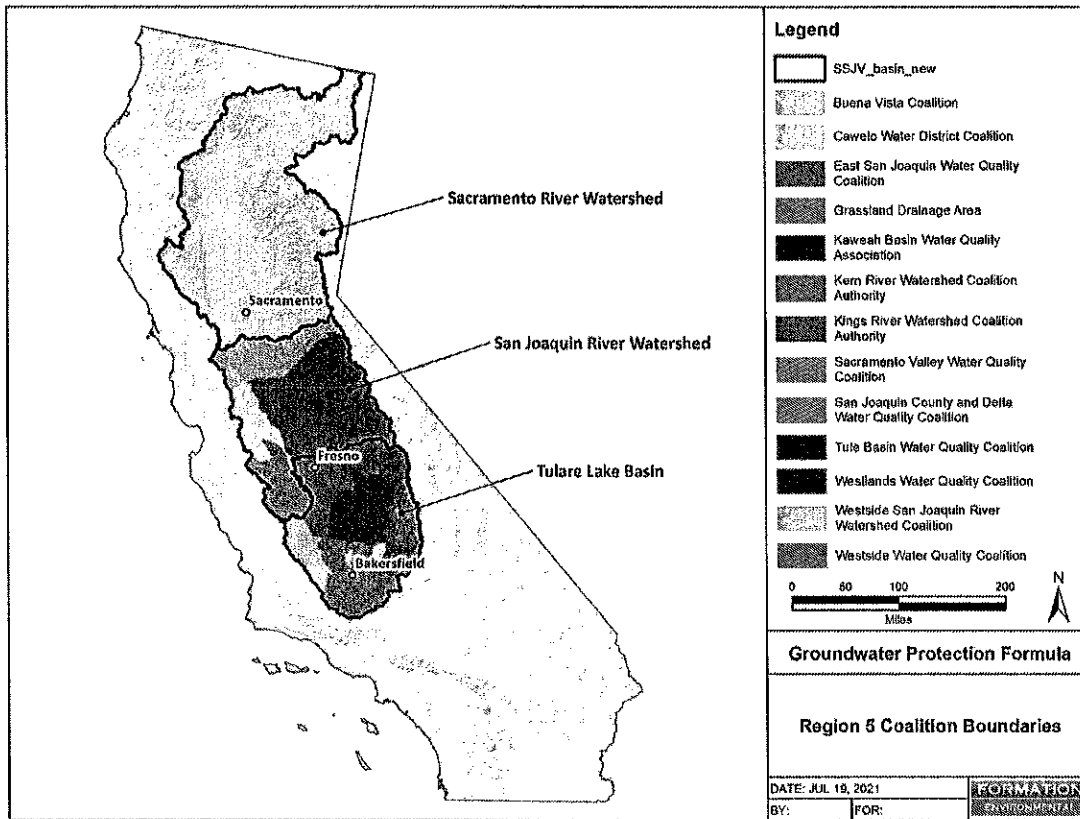


## 1.2 COALITIONS

Thirteen water quality Coalitions participated in developing and implementing the GWP Formula to compute GWP Values, which is all Coalitions but the California Rice Commission. The California Rice Commission is not subject to this requirement. Figure 2 shows the participating Coalitions, which are also listed below.

1. Buena Vista Coalition
2. Cawelo Water District Coalition
3. East San Joaquin Water Quality Coalition
4. Grassland Drainage Area Coalition
5. Kaweah Basin Water Quality Association
6. Kern River Watershed Coalition Authority
7. Kings River Watershed Coalition Authority
8. Sacramento Valley Water Quality Coalition
9. San Joaquin County and Delta Water Quality Coalition
10. Tule Basin Water Quality Coalition
11. Westlands Water Quality Coalition
12. Westside San Joaquin River Watershed Coalition
13. Westside Water Quality Coalition

FIGURE 2. MAP OF COALITIONS



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# Westside San Joaquin River Watershed Coalition

Water Quality Value Exceedances for the period of 9/13/2021 to 9/15/2021

## Blewett Drain at Highway 132

Analyte/Species	Event	Sample Date	Result	Units	Significant Toxicity	WQV Max	WQV Min
Hyaella azteca	180	9/13/2021	50	%	yes		

## Del Puerto Creek at Hwy 33

Analyte/Species	Event	Sample Date	Result	Units	Significant Toxicity	WQV Max	WQV Min
Bifenthrin	180	9/14/2021	0.0008	ug/L		0.00001	

## Del Puerto Creek near Cox Road

Analyte/Species	Event	Sample Date	Result	Units	Significant Toxicity	WQV Max	WQV Min
Bifenthrin	180	9/14/2021	0.002	ug/L		0.00001	
E. Coli	180	9/14/2021	2419.6	MPN/100 mL		235	

## Ingram Creek at River Road

Analyte/Species	Event	Sample Date	Result	Units	Significant Toxicity	WQV Max	WQV Min
Hyaella azteca	180	9/13/2021	0	%	yes		

## Mud Slough Upstream of San Luis Drain

Analyte/Species	Event	Sample Date	Result	Units	Significant Toxicity	WQV Max	WQV Min
Ammonia as N	180	9/14/2021	0.32	mg/L		0.18	
Boron	180	9/14/2021	1900	ug/L		800	
Molybdenum	180	9/14/2021	18	ug/L		10	

## Newman Wasteway near Hills Ferry Road

Analyte/Species	Event	Sample Date	Result	Units	Significant Toxicity	WQV Max	WQV Min
Ammonia as N	180	9/14/2021	0.19	mg/L		0.18	

## Poso Slough at Indiana Ave

Analyte/Species	Event	Sample Date	Result	Units	Significant Toxicity	WQV Max	WQV Min
Hyaella azteca	180	9/13/2021	17.5	%	yes		
Ammonia as N	180	9/14/2021	0.81	mg/L		0.18	
Arsenic	180	9/14/2021	11	ug/L		10	

## Salt Slough at Lander Ave

Analyte/Species	Event	Sample Date	Result	Units	Significant Toxicity	WQV Max	WQV Min
Ammonia as N	180	9/14/2021	0.67	mg/L		0.18	

## San Joaquin River at Lander Ave

Analyte/Species	Event	Sample Date	Result	Units	Significant Toxicity	WQV Max	WQV Min
Ammonia as N	180	9/14/2021	0.41	mg/L		0.18	
Arsenic	180	9/14/2021	12	ug/L		10	
Molybdenum	180	9/14/2021	29	ug/L		10	

WQV = Water Quality Value as established by the Central Valley Regional Water Quality Control Board

DNQ = Detected, Not Quantifiable

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## Westside San Joaquin River Watershed Coalition

Water Quality Value Exceedances for the period of 9/13/2021 to 9/15/2021

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### Westley Wasteway near Cox Road

Analyte/Species	Event	Sample Date	Result	Units	Significant Toxicity	WQV Max	WQV Min
Ammonia as N	180	9/14/2021	0.37	mg/L		0.18	

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## Westside San Joaquin River Watershed Coalition

Water Quality Value Exceedances for the period of 10/11/2021 to 10/14/2021

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### Blewett Drain at Highway 132

Analyte/Species	Event	Sample Date	Result	Units	Significant Toxicity	WQV Max	WQV Min
E. Coli	181	10/12/2021	260.3	MPN/100 mL		235	

### Hospital Creek at River Road

Analyte/Species	Event	Sample Date	Result	Units	Significant Toxicity	WQV Max	WQV Min
E. Coli	181	10/12/2021	1986.3	MPN/100 mL		235	

### Los Banos Creek at China Camp Road

Analyte/Species	Event	Sample Date	Result	Units	Significant Toxicity	WQV Max	WQV Min
Ammonia as N	181	10/12/2021	0.21	mg/L		0.18	
E. Coli	181	10/12/2021	1203.3	MPN/100 mL		235	

### Los Banos Creek at Hwy 140

Analyte/Species	Event	Sample Date	Result	Units	Significant Toxicity	WQV Max	WQV Min
Molybdenum	181	10/12/2021	13	ug/L		10	

### Marshall Road Drain near River Road

Analyte/Species	Event	Sample Date	Result	Units	Significant Toxicity	WQV Max	WQV Min
Ammonia as N	181	10/12/2021	0.19	mg/L		0.18	
Bifenthrin	181	10/12/2021	0.003	ug/L		0.00001	

### Mud Slough Upstream of San Luis Drain

Analyte/Species	Event	Sample Date	Result	Units	Significant Toxicity	WQV Max	WQV Min
Ammonia as N	181	10/12/2021	0.2	mg/L		0.18	
Bifenthrin	181	10/12/2021	0.0003 DNQ	ug/L		0.00001	
Boron	181	10/12/2021	1300	ug/L		800	
E. Coli	181	10/12/2021	547.5	MPN/100 mL		235	
Molybdenum	181	10/12/2021	11	ug/L		10	

### Newman Wasteway near Hills Ferry Road

Analyte/Species	Event	Sample Date	Result	Units	Significant Toxicity	WQV Max	WQV Min
E. Coli	181	10/12/2021	1732.9	MPN/100 mL		235	

### Poso Slough at Indiana Ave

Analyte/Species	Event	Sample Date	Result	Units	Significant Toxicity	WQV Max	WQV Min
Ammonia as N	181	10/12/2021	0.34	mg/L		0.18	

### Salt Slough at Lander Ave

Analyte/Species	Event	Sample Date	Result	Units	Significant Toxicity	WQV Max	WQV Min
Ammonia as N	181	10/12/2021	0.25	mg/L		0.18	
E. Coli	181	10/12/2021	770.1	MPN/100 mL		235	

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## Westside San Joaquin River Watershed Coalition

Water Quality Value Exceedances for the period of 10/11/2021 to 10/14/2021

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### San Joaquin River at Lander Ave

Analyte/Species	Event	Sample Date	Result	Units	Significant Toxicity	WQV Max	WQV Min
Ammonia as N	181	10/12/2021	0.23	mg/L		0.18	
Boron	181	10/12/2021	830	ug/L		800	
Molybdenum	181	10/12/2021	30	ug/L		10	

### Westley Wasteway near Cox Road

Analyte/Species	Event	Sample Date	Result	Units	Significant Toxicity	WQV Max	WQV Min
Ammonia as N	181	10/12/2021	0.59	mg/L		0.18	
Boron	181	10/12/2021	810	ug/L		800	
E. Coli	181	10/12/2021	648.8	MPN/100 mL		235	

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## Westside San Joaquin River Watershed Coalition

Water Quality Value Exceedances for the period of 10/25/2021 to 10/27/2021

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### Blewett Drain at Highway 132

Analyte/Species	Event	Sample Date	Result	Units	Significant Toxicity	WQV Max	WQV Min
Ammonia as N	R31	10/26/2021	0.19	mg/L		0.18	
E. Coli	R31	10/26/2021	275.5	MPN/100 mL		235	

### Del Puerto Creek near Cox Road

Analyte/Species	Event	Sample Date	Result	Units	Significant Toxicity	WQV Max	WQV Min
Ammonia as N	R31	10/26/2021	0.31	mg/L		0.18	
E. Coli	R31	10/26/2021	1046.2	MPN/100 mL		235	

### Hospital Creek at River Road

Analyte/Species	Event	Sample Date	Result	Units	Significant Toxicity	WQV Max	WQV Min
E. Coli	R31	10/26/2021	2419.6 >	MPN/100 mL		235	

### Ingram Creek at River Road

Analyte/Species	Event	Sample Date	Result	Units	Significant Toxicity	WQV Max	WQV Min
Ammonia as N	R31	10/26/2021	0.24	mg/L		0.18	

### Los Banos Creek at China Camp Road

Analyte/Species	Event	Sample Date	Result	Units	Significant Toxicity	WQV Max	WQV Min
E. Coli	R31	10/26/2021	2419.6 >	MPN/100 mL		235	

### Los Banos Creek at Hwy 140

Analyte/Species	Event	Sample Date	Result	Units	Significant Toxicity	WQV Max	WQV Min
Ammonia as N	R31	10/26/2021	0.28	mg/L		0.18	
E. Coli	R31	10/26/2021	2419.6 >	MPN/100 mL		235	

### Mud Slough Upstream of San Luis Drain

Analyte/Species	Event	Sample Date	Result	Units	Significant Toxicity	WQV Max	WQV Min
Ammonia as N	R31	10/26/2021	0.32	mg/L		0.18	
Bifenthrin	R31	10/26/2021	0.02	ug/L		0.00001	
Boron	R31	10/26/2021	1400	ug/L		800	
Cyfluthrin, total	R31	10/26/2021	0.006	ug/L		0.00024	
E. Coli	R31	10/26/2021	727	MPN/100 mL		235	
Molybdenum	R31	10/26/2021	19	ug/L		10	
Permethrin	R31	10/26/2021	0.006	ug/L		0.00001	

### Newman Wasteway near Hills Ferry Road

Analyte/Species	Event	Sample Date	Result	Units	Significant Toxicity	WQV Max	WQV Min
Boron	R31	10/26/2021	910	ug/L		800	
E. Coli	R31	10/26/2021	2419.6	MPN/100 mL		235	

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## Westside San Joaquin River Watershed Coalition

Water Quality Value Exceedances for the period of 10/25/2021 to 10/27/2021

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### Orestimba Creek at Farm Bridge

Analyte/Species	Event	Sample Date	Result	Units	Significant Toxicity	WQV Max	WQV Min
E. Coli	R31	10/26/2021	1203.3	MPN/100 mL		235	

### Salt Slough at Lander Ave

Analyte/Species	Event	Sample Date	Result	Units	Significant Toxicity	WQV Max	WQV Min
E. Coli	R31	10/26/2021	344.1	MPN/100 mL		235	

### Salt Slough at Sand Dam

Analyte/Species	Event	Sample Date	Result	Units	Significant Toxicity	WQV Max	WQV Min
Ammonia as N	R31	10/26/2021	0.22	mg/L		0.18	

### San Joaquin River at Lander Ave

Analyte/Species	Event	Sample Date	Result	Units	Significant Toxicity	WQV Max	WQV Min
Ammonia as N	R31	10/26/2021	0.22	mg/L		0.18	
Molybdenum	R31	10/26/2021	29	ug/L		10	

### San Joaquin River at PID Pumps

Analyte/Species	Event	Sample Date	Result	Units	Significant Toxicity	WQV Max	WQV Min
E. Coli	R31	10/26/2021	613.1	MPN/100 mL		235	

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Joint Telephonic Meeting of the Northern Delta-Mendota Region Management Committee, Central Delta-Mendota Region Management Committee, and Central Delta-Mendota GSA

Thursday, December 16<sup>th</sup>, 2021, 10:00 AM

Click here to join Zoom meeting  
Call-in Number: +1-669-900-6833  
Meeting ID: 886 6251 9199  
Passcode: 687993

SLDMWA Boardroom, 842 6<sup>th</sup> Street, Los Banos, CA

Management Committee and Central GSA Members and Alternates Present

Northern DM Region Management Committee

- Anthea Hansen, Member/Alternate – Del Puerto and Oak Flat Water Districts
- Adam Scheuber, Alternate – Del Puerto Water District
- Bobby Pierce, Member – West Stanislaus Irrigation District
- Vince Lucchesi, Member – Patterson Irrigation District
- Maria Encinas, Member – City of Patterson
- Walt Ward, Member – Stanislaus County
- Robert Kostlivi, Alternate – Stanislaus County
- Lacey McBride, Member – Merced County

Central DM Region Management Committee

- Randy Miles\*, Alternate – Eagle Field Water District
- Danny Wade\*, Member/Alternate – Fresno Slough Water District/Tranquillity Irrigation District
- Juan Cadena\*, Alternate – Mercy Springs Water District
- Aaron Barcellos\*, Member – Pacheco Water District
- Chase Hurley\*, Alternate – Pacheco Water District
- Michael Linneman\*, Alternate – Panoche Water District
- Steve Stadler\*, Alternate – San Luis Water District
- Amy Montgomery\*, Member – Santa Nella County Water District
- Augie Ramirez\*, Alternate – Fresno County
- Lacey McBride\*, Member – Merced County
- Damian Aragona, Member – Widren Water District

\*Indicates representative, alternate, or 2<sup>nd</sup> alternate of the Central Delta-Mendota GSA

San Luis & Delta-Mendota Water Authority Representatives Present

- John Brodie
- Joyce Machado
- Lauren Neves
- Scott Petersen
- Claire Howard – Provost & Pritchard

Others Present

- Mike Stearns – Panoche Water District
- Leslie Dumas – Woodard & Curran

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Anona Dutton – EKI Environment & Water, Inc.  
Joe Hopkins – Provost & Pritchard  
Gavin O’Leary – Provost & Pritchard  
Kait Palys Bautista – Provost & Pritchard  
Jessica Johnson – Baker Manock & Jensen

1. Call to Order/Roll Call

Aaron Barcellos/Pacheco called the meeting to order at 10:02 AM.

2. Committees to Consider Corrections or Additions to the Agenda of Items, as authorized by Government Code Section 54950 et seq.

No corrections or additions were made to the agenda of items.

3. Opportunity for Public Comment

No public comment was shared.

4. Committees to Review and Take Action on Consent Calendar, Barcellos

- a. Resolutions Extending Remote Teleconference Meetings Pursuant to AB 361 for Next 30 Days
- b. Minutes for the November 16<sup>th</sup>, 2021 Joint Telephonic Meeting of the Northern and Central Delta-Mendota Region Management Committees and Central Delta-Mendota GSA
- c. October 2021 Budget to Actual Report

The Committees considered approval of the consent calendar as presented. Anthea Hansen/DPWD&OFWD provided the motion for the Northern Management Committee and Vince Lucchesi/PID seconded. The Northern Management Committee voted by roll call; the motion was passed unanimously by those present. Steve Stadler/SLWD provided the motion for the Central Management Committee and Augie Ramirez/Fresno seconded. The Central Management Committee voted by roll call; the motion was passed unanimously by those present. Damian Aragona/Widren noted that he did not attend the November 16<sup>th</sup> meeting.

5. Committees to Consider Ratification of Delta-Mendota Subbasin Coordination Committee Decisions Regarding: (a) Selection of Del Puerto Water District as Grant Applicant, (b) Adopt Project Ranking for SGM Implementation Grant Funding, (c) Prioritization and Ranking of Delta-Mendota Subbasin Projects for Inclusion in the Grant Spending Plan, (d) Acceptable Criteria for Cost Share for Grant Application Preparation, and (e) Acceptable Criteria for Cost Share for Grant Administration, Brodie

John Brodie/SLDMWA reviewed items related to the Subbasin’s SGMA Round I funding opportunity that the Coordination Committee recently approved in their December 13<sup>th</sup> meeting. Each of these items will be considered by the Management Committees for ratification. The associated staff report summarizes each item in more detail. The Committees ratified the following recommendations from the Coordination Committee:

- a) Selecting DPWD as the Subbasin’s applicant

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- b) Designating the Coordination Committee as the project review committee and using criteria in the proposal solicitation package (PSP) for project evaluation
- c) Identifying the following projects for inclusion in the total \$10M funding request: \$4M for the projects included in the Subbasin's past Proposition 68 application, \$2M for development of monitoring sites, \$4M for to-be-determined projects that will be split between the six GSP Groups
- d) Sharing cost for the grant application equally between the six GSP Groups
- e) Sharing costs for administration between the project proponents proportional to the final awarded grant funds

Vince Lucchesi/PID provided the motion for the Northern Management Committee and Maria Encinas/Patterson seconded. The Northern Management Committee voted by roll call; the motion was passed unanimously by those present. Amy Montgomery/SNCWD provided the motion for the Central Management Committee and Michael Linneman/Panoche seconded. The Central Management Committee voted by roll call; the motion was passed unanimously by those present.

**6. Committees to Consider Directing Northern and Central Delta-Mendota Region Representatives to the Delta-Mendota Subbasin Coordination Committee to Approve the Woodard & Curran Task Order that Covers Additional Costs Related to the Subbasin Proposition 1/68 Grant Administration, Brodie**

The Committees discussed the Subbasin's Proposition 1/68 grant, and the budget overrun for the grant administration category. The Committees requested clarification on what caused the budget overruns, including detail for grant administration cost by each GSP Group. The Proposition 1/68 grant has three ongoing components: well census and inventory projects, subsidence characterization study, and technical assistance. The grant will conclude on April 30, 2022, so these components along with associated grant administration will be completed in advance of this date.

The Committees tabled this item until additional detail is received from the Woodard & Curran team on the cause of cost overruns and requested increase, including clarity on which GSP Group(s)/projects requested additional reports and which had required additional Woodard & Curran staff time to prepare invoices. The Coordination Committee will consider approval of the requested task order increase in their January meeting, so a special meeting of the Management Committees will be scheduled earlier in January for the Management Committees to provide direction to the Northern and Central Regions representatives to vote at the Coordination Committee meeting.

**7. GSP Group Representatives Report from Subbasin Coordination Committee Meeting on December 13th, 2021, Hurley/Lucchesi**

Vince Lucchesi/PID and Chase Hurley/Pacheco highlighted items from the recent Coordination Committee meeting, which focused on the Subbasin's SGM Round 1 grant application development, including discussion of project identification and cost share. The Coordination Committee also focused their discussion on the recent initial assessment letter released by DWR on the Subbasin's coordinated GSPs. The final assessment letter is anticipated by January 23<sup>rd</sup>.

**8. Committees to Discuss SLDMWA Budget Workshop on December 14th, 2021, Brodie**

John Brodie/SLDMWA provided a synopsis of the recent SLDMWA budget workshop. The SLDMWA Board of Directors approved a 5% cost of living adjustment for all staff salaries or Fiscal Year 2023. Budget categories within the "Other" section (including Conferences and

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Training, Travel, Telephone, etc.) will be reviewed and revised for Activity Agreement budgets for Fiscal Year 2023.

A revised Fiscal Year 2023 budget will be presented at the January Management Committees meeting for approval. The Committees also requested additional detail on the current Fiscal Year 2022 budget status.

9. **Committees to Discuss DWR Letter on Delta-Mendota Subbasin GSPs, Brodie**

John Brodie/SLDMWA explained that an initial assessment letter evaluating the Subbasin's GSPs was released by DWR on December 9<sup>th</sup>, which provides an "incomplete" evaluation. John shared this letter with the Subbasin representatives for their review. A final assessment will be released by January 23<sup>rd</sup>. John noted that he suggests a small group of Subbasin representatives be identified to meet with DWR SGMA program staff in early February to review the content of the assessment in detail and best prepare for the six-month window to respond to deficiencies identified by DWR.

10. **Committees to Discuss Potential Additional Funding Opportunities, Brodie**

John Brodie/SLDMWA noted that a summary of funding opportunities is available for review in the materials packet.

11. **Well Permit Review Process, Howard/County Representatives**

Claire Howard/P&P shared an update on behalf of Walt Ward/Stanslaus that Stanislaus County has no new updates, and the well permitting process in the county is in a transition period. Updates will be shared when available.

Lacey McBride/Merced shared that a recording of the Merced County well permitting review meeting held in November is available online, and will be shared with the Committees for review.

12. **Committees to Discuss 2021 GSP Implementation**

a. **Three-Month Look-Ahead Schedule, Dutton**

Anona Dutton/EKI provided an overview of upcoming activities and meetings in the three-month look-ahead schedule, noting that additional meetings will be scheduled in early 2022 to prepare the SGM Round I funding application and complete next steps for the Annual Report.

b. **GSP Implementation Tracking Tools, Dutton**

Anona shared that meetings with each GSA and/or member agency will be scheduled in January to complete individual Tracking Tools. These meetings will provide representatives the opportunity to share progress on monitoring and implementation activities that will be incorporated into the Annual Report.

c. **GSP Implementation Monitoring Activities and Status, Dumas**

Leslie Dumas/W&C shared that the fall water level data for the Northern and Central Regions' representative monitoring sites have been uploaded to the Subbasin's data management system and DWR's SGMA Portal. The other GSP Groups are completing similar data uploads in advance of DWR reporting deadline by January 1<sup>st</sup>.

d. **Interconnected Surface Water Monitoring Network Development, Dumas**

No updates on interconnected surface water were shared in this meeting. A memo summarizing approaches for ISW monitoring in the Northern and Central Regions was prepared and shared with the Management Committees for review. This summary will also be used for preparing the upcoming SGM Round I funding application.

**e. WY 2021 Annual Report, Dumas**

Leslie shared that draft groundwater contour maps will be shared with the Ken D. Schmidt & Associates (KDSA) team soon for their review. As a reminder, Leslie shared that change in storage for the upper aquifer will be calculated using hydrograph data for representative monitoring sites and additional water level sites. Lower aquifer change in storage will be calculated using subsidence as a proxy.

**13. Committees to Discuss Special Projects**

**a. Well Census and Inventory Project, Howard/O'Leary**

Gavin O'Leary/P&P noted that compiled maps and well construction detail will be shared with each GSA/member agency for final feedback by December 21<sup>st</sup>. Each GSP Group will share a final report to SLDMWA by January 10<sup>th</sup>.

**b. Subbasin Subsidence Characterization Study and Project Feasibility Determination, Brodie**

The GSI Environmental Inc. team will present a draft report on the subsidence characterization study progress during a mid-January Technical Working Group meeting. Well location data from the well census reports will be shared with the GSI team to support this analysis.

**14. Committees to Discuss Inter-basin Coordination Update, Brodie/Montgomery/Lucchesi**

John Brodie/SLDMWA shared that an inter-basin meeting will be scheduled with representatives from the Tracy Subbasin in January to discuss the recent comment letter shared by the Management Committees.

**15. Next Steps**

- The Committees ratified the following recommendations for the Subbasin's SGM Round I funding opportunity:
  - o Selecting DPWD as the Subbasin's applicant
  - o Designating the Coordination Committee as the project review committee and using criteria in the proposal solicitation package (PSP) for project evaluation
  - o Identifying the following projects for inclusion in the total \$10M funding request: \$4M for the projects included in the Subbasin's past Proposition 68 application, \$2M for development of monitoring sites, \$4M for to-be-determined projects that will be split between the six GSP Groups
  - o Sharing cost for the grant application equally between the six GSP Groups
  - o Sharing costs for administration between the project proponents proportional to the final awarded grant funds
- The Committees tabled approval of the Proposition 1/68 grant administration task order item until additional detail is received from Woodard & Curran. A special meeting will be held prior to the January Coordination Committee for the Management Committees to provide direction on this item.
- A revised Fiscal Year 2023 budget will be presented at the January Management Committees meeting for approval.

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The Subbasin received an initial assessment letter from DWR on the six coordinated GSPs that provides an "incomplete" evaluation. A final assessment letter will be received by January 23<sup>rd</sup>.

- Meetings will be scheduled in early 2022 to complete the next set of Tracking Tools for each GSA/member agency.
- Northern and Central Regions' fall groundwater level data has been uploaded to the DMS and SGMA Portal in advance of the January 1<sup>st</sup> deadline.
- GSAs/member agencies are requested to review well location and construction data compiled for the well census and provide final feedback to Gavin.
- A Technical Working Group meeting will be held in mid-January during which the GSI Environmental Inc. team will present progress on the Subbasin's subsidence characterization study.

16. Reports Pursuant to Government Code Section 54954.2(a)(3)

No topics were discussed under this item.

17. Future Meetings

- a. Thursday January 27<sup>th</sup>, 2022 at 10:00 AM
- b. Thursday February 24<sup>th</sup>, 2022 at 10:00 AM
- c. Thursday March 24<sup>th</sup>, 2022 at 10:00 AM

18. Conference with Legal Counsel – Existing Litigation

The Committees will meet in closed session to confer with legal counsel pursuant to Paragraph (1), Subdivision (d) of Government Code Section 54956.9.

*California Sportfishing Protection Alliance v. All Persons Interested in the Matter of the Validity of the Northern and Central Delta-Mendota Regions Groundwater Sustainability Plan, et al.*, Stanislaus County Superior Court, Case No. CV-20-001748 [Delta-Mendota Subbasin SGMA Challenge].

19. Report Out of Closed Session

No closed session was held.

20. Adjournment

Aaron Barcellos/Pacheco adjourned the meeting at 11:52 AM.

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Joint Special Telephonic Meeting of the Northern Delta-Mendota Region Management Committee,  
Central Delta-Mendota Region Management Committee, and  
Central Delta-Mendota GSA

Wednesday, January 12<sup>th</sup>, 2022, 11:00 AM

Click here to join Zoom meeting  
Call-in Number: +1-669-900-6833  
Meeting ID: 876 2564 6896  
Passcode: 175642

Management Committee and Central GSA Members and Alternates Present

Northern DM Region Management Committee

- Anthea Hansen, Member/Alternate – Del Puerto and Oak Flat Water Districts
- Vince Lucchesi, Member – Patterson Irrigation District
- Fernando Ulloa, Alternate – City of Patterson
- Christy McKinnon, Member – Stanislaus County
- Robert Kostlivi, Alternate – Stanislaus County
- Lacey McBride, Member – Merced County

Central DM Region Management Committee

- Randy Miles\*, Alternate – Eagle Field Water District
- Danny Wade\*, Member/Alternate – Fresno Slough Water District/Tranquillity Irrigation District
- Juan Cadena\*, Alternate – Mercy Springs Water District
- Chase Hurley\*, Alternate – Pacheco Water District
- Steve Stadler\*, Alternate – San Luis Water District
- Amy Montgomery\*, Member – Santa Nella County Water District
- Augie Ramirez\*, Alternate – Fresno County
- Lacey McBride\*, Member – Merced County
- Damian Aragona, Member – Widren Water District

\*Indicates representative, alternate, or 2<sup>nd</sup> alternate of the Central Delta-Mendota GSA

San Luis & Delta-Mendota Water Authority Representatives Present

- John Brodie
- Claire Howard – Provost & Pritchard

Others Present

- Lauren Layne – Baker Manock & Jensen
- Ian Jaffe – Woodard & Curran
- Leslie Dumas – Woodard & Curran
- Joe Hopkins – Provost & Pritchard
- Gavin O’Leary – Provost & Pritchard
- Kait Palys Bautista – Provost & Pritchard

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1. Call to Order/Roll Call

Steve Stadler SLWD called the meeting to order at 11:05 AM.

2. Committees to Consider Corrections to the Agenda of Items, as authorized by Government Code Section 54950 et seq.

Claire Howard/P&P noted that the meeting only has a Zoom option, no in-person option will be offered today.

3. Opportunity for Public Comment

No comment was shared.

4. Committees to Consider Directing Northern and Central Delta-Mendota Region Representatives to the Delta-Mendota Subbasin Coordination Committee to Approve the Woodard & Curran Task Order that Covers Additional Costs Related to the Subbasin Proposition 1/68 Grant Administration, Brodie

John Brodie/SLDMWA provided an overview of the Proposition 1/68 grant administration request, which will authorize expenditure of the contingency portion of the current task order for the remainder of Fiscal Year 2022 and Fiscal Year 2023, as well as an increase to the total task order budget to complete final grant administration and project close-out activities. John noted that the Coordination Committee is also considering approval of this item in their meeting on January 18<sup>th</sup>. John confirmed that adjusting this category can be covered by existing grant funds rather than dues collections, with no net impact to SLDMWA or WSID, which both support coordination activities for the grant.

The Committees considered approval of this recommendation. Anthea Hansen/DPWD&OFWD provided the motion for the Northern Management Committee and Vince Lucchesi/PID seconded. The Northern Management Committee voted by roll call; the motion was passed unanimously by those present. Augie Ramirez/Fresno provided the motion for the Central Management Committee and Amy Montgomery/SNCWD seconded. The Central Management Committee voted by roll call; the motion was passed unanimously by those present.

5. Committees to Consider Directing Northern and Central Delta-Mendota Region Representatives to the Delta-Mendota Subbasin Coordination Committee to Approve Reallocation of the Subbasin Proposition 1/68 Stakeholder Engagement Funding, Brodie

John Brodie/SLDMWA explained that the Subbasin's Proposition 1/68 grant has \$50,000 remaining in the Technical Assistance – Stakeholder Engagement component. This grant will conclude April 30, 2022, and all work that will be grant funded must be submitted to DWR by that date. In order to ensure full use of the Subbasin's grant, John explained that the recommendation is to request a grant agreement amendment with DWR to reallocate the remaining funding to the general Technical Assistance category. This funding can then be used to retroactively support additional GSP development costs. John explained that Woodard & Curran already anticipated needing a grant agreement amendment, so this effort has been accounted for in the budget.

The Committees considered approval of this recommendation. Anthea Hansen/DPWD&OFWD provided the motion for the Northern Management Committee and Vince Lucchesi/PID seconded. The Northern Management Committee voted by roll call; the motion was passed unanimously by those present. Chase Hurley/Pacheco provided the motion for the Central

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Management Committee and Amy Montgomery/SNCWD seconded. The Central Management Committee voted by roll call; the motion was passed unanimously by those present.

6. Committees to Consider Appointment of a Subcommittee to Compile Northern and Central Delta-Mendota Regions' Project Lists and Budget Estimates for SGMA Round 1 Funding, Brodie

John Brodie/SLDMWA summarized the Subbasin's progress on the upcoming SGMA Round 1 funding opportunity and the budget categories that were confirmed by the Management Committees and Coordination Committee: \$4M for the projects included in the past Proposition 68 application, \$2M for monitoring sites, and \$4M equally split between the GSP Groups for to-be-determined projects (\$665,000 for each GSP Group). To identify the Northern and Central Regions' projects for this final category, John suggested identifying a subcommittee of representatives to meet and review eligible projects. The Committees confirmed that this subcommittee should be authorized to provide a direct recommendation of projects to the Coordination Committee on behalf of the Northern and Central Regions. Chase Hurley/Pacheco, Anthea Hansen/DPWD&OFWD, Steve Stadler/SLWD, Mike Stearns/Panoche, and Vince Lucchesi/PID volunteered their time to participate in this subcommittee. John confirmed that SLDMWA staff will share project summaries received to date and will coordinate with the subcommittee representatives to schedule a meeting to identify projects.

The Committees considered approval of the subcommittee members and authorized the group to provide their recommendations to the Coordination Committee. Vince Lucchesi/PID provided the motion for the Northern Management Committee and Fernando Ulloa/Patterson seconded. The Northern Management Committee voted by roll call; the motion was passed unanimously by those present. Augie Ramirez/Fresno provided the motion for the Central Management Committee and Amy Montgomery/SNCWD seconded. The Central Management Committee voted by roll call; the motion was passed unanimously by those present. Lacey McBride/Merced was offline for this vote.

7. Committees to Review Option for Northern and Central Delta-Mendota Region Representatives to Meet with DWR to Discuss Pending Subbasin GSP Comment Letter, Brodie

John Brodie/SLDMWA shared that the Subbasin is scheduled to receive a final assessment letter on the Subbasin's six coordinated GSPs by January 23<sup>rd</sup>. John suggests scheduling a meeting with Subbasin representatives and DWR SGMA program team members to review details of the letter and prepare for the Subbasin's 180-day response period. With the intent of a frank conversation between Subbasin and DWR staff, John recommended that if multiple Management Committee representatives are interested in attending these meetings, that only one representative also be a Coordination Committee member. No final recommendation was provided; this item will be discussed further at the January 18<sup>th</sup> Coordination Committee meeting.

8. Next Steps

- The Committees recommended approval of the additional Proposition 1/68 grant administration costs
- The Committees recommended a grant agreement amendment to move stakeholder engagement funds to the general technical assistance category to support past GSP development costs
- The Committees identified a subcommittee to review projects for the Northern and Central Regions' \$665,000 portion of the SGMA Round 1 funding and authorized this group to

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provide a recommendation to the Coordination Committee on behalf of the Management Committees. The subcommittee members will be Chase Hurley Pacheco, Anthea Hansen DPWD&OFWD, Steve Stadler SLWD, Mike Stearns Panoche, and Vince Lucchesi PID

9. Reports Pursuant to Government Code Section 54954.2(a)(3)

No topics were discussed under this item.

10. Future Meetings

- a. Thursday January 27<sup>th</sup>, 2022 at 10:00 AM
- b. Thursday February 24<sup>th</sup>, 2022 at 10:00 AM
- c. Thursday March 24<sup>th</sup>, 2022 at 10:00 AM

11. Adjournment

Steve Stadler/SLWD adjourned the meeting at 12:02 PM.

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Delta-Mendota Subbasin Coordination Committee Meeting

Tuesday, January 18, 2022, 10:00 AM

Click here to join meeting  
Call-in Number: +1 699-900-6833  
Meeting ID: 868 9926 6988  
Passcode: 219096

SLDMWA Boardroom, 842 6th Street, Los Banos, CA

Coordination Committee Members and Alternates Present

- Vince Lucchesi – Patterson Irrigation District/Northern Delta-Mendota Region
- Chase Hurley – Pacheco Water District/Central Delta-Mendota Region
- Jarrett Martin – Central California Irrigation District/SJREC
- Alejandro Paolini – San Luis Canal Company/SJREC
- John Wiersma – San Luis Canal Company/SJREC (Alternate)
- Augie Ramirez – Fresno County
- Joe Hopkins – Aliso Water District

San Luis & Delta-Mendota Water Authority Members Present

- John Brodie
- Joyce Machado
- Lauren Neves
- Claire Howard – Provost & Pritchard

Others Present

- Ellen Wehr – Grassland Water District
- Kait Palys Bautista – Provost & Pritchard
- Rick Iger – Provost & Pritchard
- Anona Dutton – EKI Environment & Water, Inc.
- Leslie Dumas – Woodard & Curran
- Ian Jaffe – Woodard & Curran
- Will Halligan – Luhdorff & Scalmanini
- Jessi Johnson – Baker Manock & Jensen

1. Call to Order/Roll Call

Jarrett Martin/CCID called the meeting to order at 10:02 AM.

2. Committee to Consider Corrections or Additions to the Agenda of Items, as authorized by Government Code Section 54950 et seq.

No corrections or additions were made to the agenda of items.

3. Opportunity for Public Comment

No public comment was shared.

4. Committee to Review and Take Action on Consent Calendar

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- a. Resolution for Remote Teleconference Meetings Pursuant to AB 361 for Next 30 Days
- b. Minutes
  - i. December 13, 2021 Delta-Mendota Subbasin Coordination Committee Meeting
- c. Budget
  - i. November 2021 Budget to Actual Report

The Committee approved the consent calendar as presented. Chase Hurley/Pacheco provided the motion and Vince Lucchesi/PID seconded. The Committee voted by roll call; the motion was passed unanimously by those present.

5. **Committee to Consider Approval of Chair and Vice Chair Appointments for Calendar Year 2022, Brodie**

John Brodie/SLDMWA explained that the Committee will consider the appointment of the Chair and Vice Chair roles for calendar year 2022. With the upcoming DWR comments and response process starting at the end of the month, John highlighted the value in keeping the same Chair and Vice Chair appointments from 2021 in 2022. The current Chair is SJREC 1, represented by Jarrett Martin, and the current Vice Chair is SJREC 2, represented by Alejandro Paolini. Alejandro noted that the SJREC 2 representatives have requested to swap the primary and alternate members. Once confirmed, John Wiersma will become the primary representative and Alejandro will become the alternate for SJREC 2.

Jessi Johnson/BMJ noted that all other Committee members will need to waive their option as Chair or Vice Chair in order for the current appointments to be kept this year. All members present waived their role as Chair or Vice Chair for the upcoming calendar year, confirming SJREC 1 and SJREC 2 representatives will continue as the respective Chair and Vice Chair for 2022. Vince Lucchesi/PID provided the motion and Augie Ramirez/Fresno seconded. The Committee voted by roll call; the motion was passed unanimously by those present.

6. **Committee to Consider Approval of Woodard & Curran Task Order for Additional Costs Related to Subbasin Proposition 1/68 Grant Administration, Brodie**

John Brodie/SLDMWA explained that Woodard & Curran is providing grant administration for the Subbasin's ongoing Proposition 1/68 grant, and they have SLDMWA staff seek authorization for additional costs for grant administration. The requested increase includes 1) expending part of the Contingency Budget in the current Fiscal Year 2022, 2) expending the remainder of the Contingency Budget in Fiscal Year 2023, and 3) raising the total budget an additional \$27,278 to a total of \$84,684. John reminded the Committee that the grant will conclude April 30, 2022. This approval will ensure successful completion and reporting through the remainder of the grant period. Adjusting this category can be covered by existing grant funds rather than dues collections, with no net impact to SLDMWA or WSID, which both support coordination activities for the grant. John shared that the Northern and Central Management Committees provided approval on this request during their January 12<sup>th</sup> meeting.

The Committee considered approval of this item. Vince Lucchesi/PID provided the motion and Chase Hurley/Pacheco seconded. The Committee voted by roll call; the motion was passed unanimously by those present.

7. **Committee to Consider Approval of Reallocation of Subbasin Proposition 1/68 Stakeholder Engagement Funding, Brodie**

John Brodie/SLDMWA explained that the Subbasin's Proposition 1 68 grant has \$50,000 remaining in the Technical Assistance – Stakeholder Engagement component. A grant agreement amendment is suggested to shift these funds to the general Technical Assistance category; this funding can then be used to retroactively support additional GSP development costs. Since the grant term concludes April 30, 2022, John noted that a grant agreement amendment will need to be processed soon to maximize use of the remaining funds. The Woodard & Curran grant administration team previously anticipated the need for a grant agreement amendment, so this effort is already accounted for in the budget. John also noted that the Northern and Central Management Committees previously provided approval for this request.

The Committee considered approval of this item. Vince Lucchesi/PID provided the motion and Joe Hopkins/Aliso seconded. The Committee voted by roll call; the motion was passed unanimously by those present.

8. **Committee to Consider Approval of Next Steps for Sustainable Groundwater Management (SGM) Grant Program SGMA Implementation Round I Funding, Brodie**
  - a. Update to Eligible Projects List
  - b. Project Prioritization and Ranking for Inclusion in Spending Plan
  - c. Letters of Support/Resolutions from GSAs

John Brodie/SLDMWA shared that he recently attended a DWR workshop on the SGMA Round 1 funding opportunity. John noted that he still has outstanding questions on the application process, particularly focused on the project ranking process. He suggested that project ranking should wait until the next Coordination Committee meeting so that more feedback from DWR can be incorporated into the process.

John provided an overview of the projects identified for this funding opportunity to date. He also reminded the group that the Coordination Committee was identified as the project ranking committee in the December meeting. John recommended all GSP Groups provide project descriptions to him and that a special meeting be scheduled for the Committee to complete the project ranking process. John also noted that letters of support and resolutions are requested from GSAs as part of the application. Templates for each will be shared following this meeting.

9. **Committee to Review Internal GSP Evaluations, Brodie/Martin**

The Committee discussed individual GSP Groups' internal evaluations based on DWR's determination letters released to date for other subbasins. Will Halligan/LSCE explained that he is anticipating needing to provide additional clarifying language and minimum threshold effects on beneficial users for the Farmers WD and Fresno County GSPs. Kait Palys Bautista/P&P noted that the Grassland GSP analysis highlighted a need for additional detail in the interconnected surface water network. Jarrett Martin/CCID highlighted a need for additional coordination efforts between the six GSP Groups, especially for sustainable management criteria development. The Committee also discussed a need to clarify potential impacts to domestic wells.

10. **Committee to Discuss Anticipated DWR Comments on Delta-Mendota Subbasin GSPs and Process for Meeting with DWR SGMA Program Team, Brodie**

John Brodie/SLDMWA noted that the final DWR determination letter on the Subbasin's six coordinated GSPs is now anticipated to be released by January 21<sup>st</sup>. John noted that DWR is holding a meeting on January 20<sup>th</sup> with basin points of contact to discuss the comment process. Once the letter is released, John noted that the Subbasin can identify representatives to attend an

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initial meeting with DWR to better understand how the Subbasin will respond in the required 180 day timeframe.

John noted that in order to prioritize having a direct and detailed conversation with DWR, staff suggests that if more than four Coordination Committee members wish to participate, that GSP Groups identify additional staff or consultant team members to provide representation at this meeting. The following representatives were identified to attend this initial meeting: Will Halligan/LSCE for Farmers and Fresno County GSPs, Leslie Dumas/W&C for NCDM GSP, Joe Hopkins/Aliso for Aliso GSP, Jarrett Martin/CCID for SJREC GSP, Ellen Wehr/Grassland for Grassland GSP. Vince Lucchesi/PID and Adam Scheuber/DPWD noted that they might be able to participate. John will coordinate with DWR staff to identify a meeting date and time and update this group once scheduled.

**11. Committee to Review Draft Fiscal Year 2023 Budget, Brodie**

John Brodie/SLDMWA and Joyce Machado/SLDMWA provided an overview of the draft Fiscal Year 2023 budget. The Coordination Committee will consider approval of this budget next month, ahead of the SLDMWA Board of Directors' approval.

**12. Committee to Discuss Water Year 2021 Annual Report Development, Dumas**

Leslie Dumas/W&C provided an overview of the Water Year 2021 Annual Report development status. She noted that the Annual Report team is still missing water use data from some agencies. Final reminders for this data will be shared to keep progress on track.

**13. Discussion of Delta-Mendota Subbasin Special Projects, Brodie**

**a. Well Census and Inventory Efforts**

Most well census results have been provided by each GSP Group, and these will be shared with the GSI Environmental Inc. team to support their subsidence analysis.

**b. Subbasin Subsidence Characterization Study**

A joint Technical Working Group and Coordination Committee meeting has been scheduled for January 28<sup>th</sup>, during which the GSI Environmental Inc. team will present on the subsidence characterization study progress.

**14. Discussion of Delta-Mendota Subbasin Inter-basin Coordination Efforts, Brodie**

**a. Facilitation Support Services (FSS) Inter-basin Coordination Progress**

The Subbasin's FSS program with Madera, Merced, and Chowchilla Subbasins has been extended to June 30, 2022. No additional meetings are currently scheduled.

**b. Tracy Subbasin Inter-basin Coordination**

Subbasin representatives recently met with Tracy representatives to discuss inter-basin coordination efforts. Based on strong ongoing partnerships between neighboring agencies in the Delta-Mendota and Tracy Subbasins, the group decided to continue to meet as-needed and coordinate on an informal basis.

**15. Overview of Potential Funding Opportunities, Brodie**

John Brodie/SLDMWA referenced the memo in the meeting materials with details on funding opportunities, and requested Committee members to reach out with questions if needed.

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16. Next Steps

- The Committee approved additional costs for grant administration for the Subbasin's ongoing Proposition 1-68 grant.
- The Committee approved seeking a grant agreement amendment to move funds from Technical Assistance – Stakeholder Engagement to the general Technical Assistance category. Funds in this category can be used to retroactively support GSP development costs.
- Project ranking for the Subbasin's SGMA Round 1 funding opportunity was tabled until a future Coordination Committee meeting so that more clarification from DWR can be incorporated.
- Templates for letters of support and resolutions for the SGMA Round 1 opportunity will be shared with GSAs following the meeting.
- A subcommittee of Subbasin representatives was identified to attend an initial meeting with DWR to review the Subbasin's final determination letter, which is anticipated to be released by January 21<sup>st</sup>.
- The Committee will consider approval of the Fiscal Year 2023 budget in next month's meeting.
- Reminders for Annual Report data will be shared with agencies as needed.
- Inter-basin coordination will continue with Tracy Subbasin representatives as needed and on an informal basis.

17. Reports Pursuant to Government Code Section 54954.2(a)(3)

No topics were discussed under this item.

18. Future Meetings

- a. Friday, January 28<sup>th</sup>, 2022 at 10:30 AM – Joint TWG/CC Meeting (GSI Environmental Inc. Presentation on Subbasin Subsidence Characterization Study)
- b. Tuesday, February 8<sup>th</sup>, 2022 at 10:00 AM – Coordination Committee Meeting
- c. Tuesday, March 8<sup>th</sup>, 2022 at 10:00 AM – Coordination Committee Meeting

19. ADJOURNMENT

Jarrett Martin/CCID adjourned the meeting at 11:19 AM.

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**DELTA -  
MENDOTA  
SGMA**

**Delta-Mendota Subbasin Coordination Committee**

**Friday February 18, 2022, 10:00 AM**

Delta-Mendota & DWR SGMA Consultation Meeting #1

Proposed Agenda

- |          |   |
|----------|---|
| 10:00 am | Introductions (GSP Reps and DWR staff)  |
| 10:05    | DM Subbasin and GSP Development Background and History (Delta-Mendota Coordination Committee[DMCC]) |
| 10:25    | Review of Data and Methodologies (Deficiency #1-DMCC)   |
| 10:40    | D-M Use of Management Areas (Deficiency #4-DMCC)  |
| 10:45    | Input on Defining Undesirable Results (Deficiency #2-DWR Staff)                                     |
| 10:50    | Input on Subbasin SMCs (Deficiency #3-DWR Staff)  |
| 10:55    | Next Steps/Follow up (All)  |
| 11:00    | Adjournment   |

The next meeting is scheduled Monday March 7, 2022 at 9:00am

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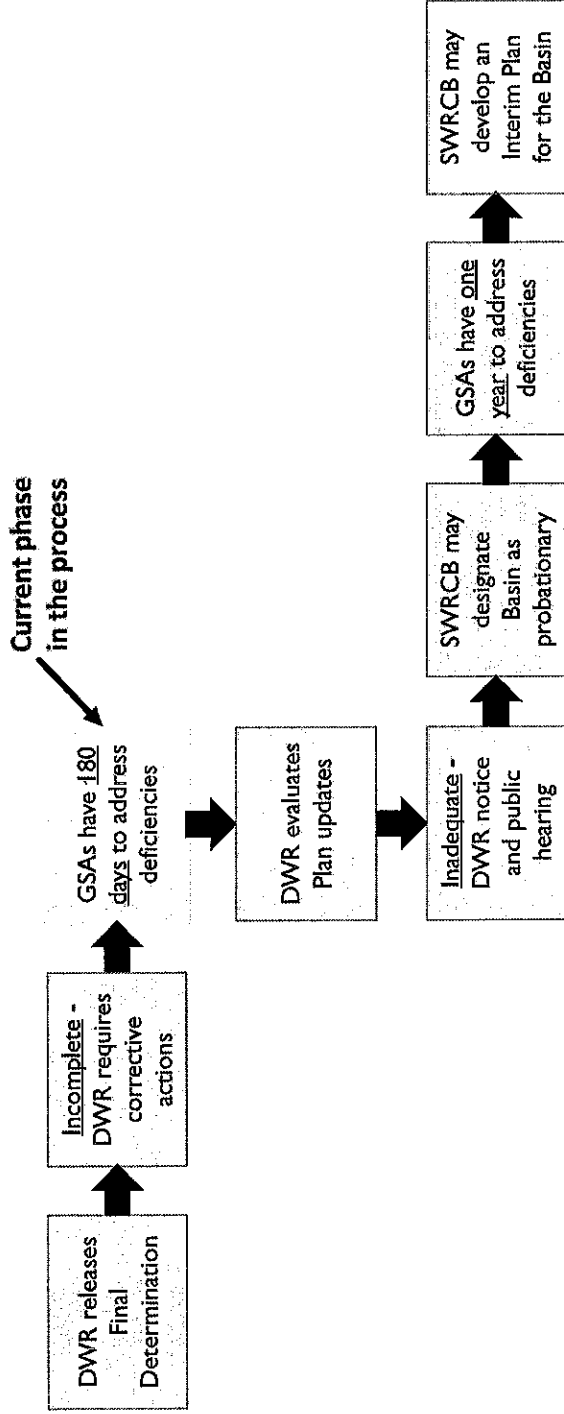
# SUMMARY OF DWR REVIEW

NORTHERN AND CENTRAL DELTA-MENDOTA REGION MANAGEMENT COMMITTEES

THURSDAY, 27 JANUARY 2022

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# DWR'S DETERMINATION - THE PLAN IS "INCOMPLETE"



- GSA's have 180 days (until July 20, 2022) to correct deficiencies.
- If DWR declares the revised Plan *inadequate*, after a notice and a public hearing, the State Water Resources Control Board (SWRCB) can designate the basin as *probationary*.
- If the deficiencies identified in the *probationary* designation are not remedied within one year, the SWRCB may develop and adopt its own *interim plan* to manage groundwater use in the basin.

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## **DWR IDENTIFIED FOUR MAIN DEFICIENCIES**

1. The GSPs do not use the same data and methodologies.
2. The GSPs have not established common definitions of Undesirable Results in the Subbasin.
3. The GSPs have not set Sustainable Management Criteria (SMCs) in Accordance with GSP Regulations.
4. The Management Areas in the Plan have not Sufficiently Addressed the GSP Regulations.

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## ADDITIONAL OVERARCHING THEMES

- **DWR takes exception to the overall context presented in the Plan.** As stated in the Staff Report (page 4) DWR disagrees “that the critically overdrafted Subbasin has been operating sustainably in the past, the six GSP areas are currently sustainable and are not experiencing undesirable results”.
- **DWR does not think Plan will achieve sustainability.** “[U]nder management presented in the Plan, groundwater overdraft in the critically overdrafted Subbasin does not appear to stop by 2040 or during SGMA’s 50-year planning and implementation horizon” (Staff Report, page 17 of 40).
- **DWR thinks the institutional structure is too complicated.** Having 23 GSAs, 6 GSPs and 17 Management Areas “significantly complicates the Subbasin’s implementation of SGMA” and there are Management Areas that “do not have monitoring points” and where “it is uncertain what sustainable management criteria apply” (Statement of Findings, pages 4 and 5).
- DWR’s approach to GSP review has not been consistent; to the significant detriment of the Subbasin (in terms of time, detailed input, leniency, etc.). This letter is really just the first layer of the onion.

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## KEY TAKEAWAYS

- Strong leadership and significantly increased coordination is needed among the 23 GSAs and 6 GSPs, as the greatest deficiencies in the Plans were found at the Subbasin-level.
- DWR did not indicate which, if any, of the GSPs used acceptable data and methodologies, but did identify some GSP- and Common Chapter-specific inconsistencies and deficiencies that can be addressed “relatively easily”.
- “Sum of the parts” methodology for the Subbasin is not an acceptable approach unless the Common Chapter provides a much more comprehensive description of how this approach meets the “intent of SGMA”.
- The crux of DWR’s findings/corrective actions (e.g., application of common data and methodologies, Management Area delineations) will be difficult to implement within the 180-day timeframe without strong commitment from all participants.
- DWR has established a very high (and some could say inconsistently high) bar to clear. Need legal input, as well as technical input to define strategy going forward.

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## **DEFICIENCY #1: THE GSPS DO NOT USE THE SAME DATA AND METHODOLOGIES**

- "[a] statement that the GSPs are coordinated without accompanying explanation is not sufficient coordination." (Staff Report, page 11 of 40).
- DWR inventoried the various methods used by each GSA/GSP to respond to the regulations and identified discrepancies between the GSPs and some clear GSP-specific deficiencies (e.g., the GSPs did not use the same approaches, data sources, and methodologies for the water budget, SMCs, sustainable yield, hydrogeologic conceptual model(s), and sustainability goal).
- **Options to address comments:** (1) revise the Common Chapter to better explain how all the various GSP approaches can and have been working to achieve sustainability, or (2) revise the respective GSPs to apply more consistent data and methodologies across the Subbasin.

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## **DEFICIENCY #2: THE GSPS HAVE NOT ESTABLISHED COMMON DEFINITIONS OF UNDESIRABLE RESULTS**

- “A broad, generic definition of undesirable results was developed for the entire Subbasin, but the various GSAs responsible for each GSP further defined what they considered ‘significant and unreasonable.’ This process has resulted in setting different thresholds with different metrics and establishing a wide range of [MOs]... this fragmented approach towards establishing separate criteria that define sustainable conditions in various parts of the Subbasin does not meet the intent of SGMA or the requirements of the GSP Regulations.” (Staff Report, page 21 of 40).
- **Standard we need to meet: 23 CCR § 354.26(a):** “Each Agency shall describe in its Plan the processes and criteria relied upon to define **undesirable results applicable to the basin**. Undesirable results occur when significant and unreasonable effects for any of the sustainability indicators are caused by **groundwater conditions occurring throughout the basin**.”

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## **DEFICIENCY #3: THE GSPS HAVENOT SET SMCs IN ACCORDANCE WITH THE REGULATIONS**

- “the Subbasin appears to have multiple definitions of its sustainability goal depending upon which GSP is referenced” (Staff Report, page 28 of 40).
- “The establishment of [MTs] and [MOs] in the Subbasin are not coordinated, nor are they supported by information that is sufficiently detailed” (Staff Report, page 29 of 40).
- “each GSP ... contains a wide variety of what are considered significant and unreasonable conditions, sets different interim goals, [MTs], and [MOs], often with different units of measurement, or determines that a particular sustainability indicator is not applicable to its GSP area without providing sufficient justification” (Staff Report, page 30 of 40).
- **Options to address comments:** (1) revise the Common Chapter to better explain how all the various SMC approaches can and have been working to achieve sustainability, or (2) the GSAs have to revise their respective SMCs to apply more consistent data and methodologies across the Subbasin.

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## **DEFICIENCY #4: MANAGEMENT AREAS NOT ESTABLISHED IN ACCORDANCE WITH THE REGULATIONS**

- “the use of management areas in a basin that is already managed under six separate GSPs significantly complicates the Subbasin’s implementation of SGMA. It also impedes the ability of [DWR] to determine if the sustainability goal established for the Subbasin is being met” (Staff Report, page 39 of 40).
- “additional information related to legal authority and financial resources [of a GSA] necessary to implement the respective GSPs should be explained. If details specific to the management areas are not available or the GSAs cannot justify... the use of management areas, then the GSAs in the Subbasin should reconsider the use of management areas in the Subbasin’s Plan” (Staff Report, page 40 of 40).
- **Standard we need to meet:** “The Common Chapter and coordination materials prepared for the Subbasin should describe all the management areas established in each of the six GSPs and clearly define the applicable [MTs] and [MOs] and indicate where the monitoring points are within each of the management areas for all applicable sustainability indicators.” (Staff Report, page 39-40 of 40).

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## PATH FORWARD



- Prepare for and meet with DWR.
- Improve technical coordination and consistency among the GSPs.
- Look at ways to improve and update the Common Chapter to clearly show and list methodologies, Management Areas, monitoring networks, and SMC/URs on a Subbasin-level.
  - Create uniform definitions of Undesirable Results for each Sustainability Indicator.
  - Create a coordinated, subbasin-wide Sustainability Goal.
  - Where applicable, include recently-obtained information from Subbasin Well Census and Subsidence projects.
- Push back on apparent DWR requirement to establish uniform MOs/MTs, as regulations allow, for differences if they tie back to uniform definition of URs.
- Improve consistency between Subbasin-wide and Individual Water Budget, Change in Groundwater Storage, and sustainable yield calculations.

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## RECOMMENDATIONS FOR THE NCDM GSP



- Recognize that there is a very heavy lift ahead of the Subbasin to avoid probationary status.
- Coordinate with Subbasin GSP partners across all key GSP aspects and in drafting a revised Common Chapter.
- Re-evaluate SMCs and other GSP elements based on more detailed responses on other GSPs for “acceptable” approaches (see EKI analysis dated December 2021), as well as to address DWR-specific criticisms of the NCDM-GSP (e.g., lack of coordination regarding subsidence SMCs, lack of SMCs for Inter-connected Surface Water).
- Address all specific deficiencies identified by DWR (i.e., lack of a GSP-specific sustainable yield value).
- Make a strong case if you do choose to push back on some of the comments.

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**Merced County  
Well Ordinance Update**

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**Board of Supervisors**

November, 2021

VIII.C.

# Glossary

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- GSA – Groundwater Sustainability Agency
- GSP – Groundwater Sustainability Plan
- SGMA – Sustainable Groundwater Management Act
- CEQA – California Environmental Quality Act
- CED – Community and Economic Development
- DEH – Merced County Division of Environmental Health



## Background

- Ordinance intended as a bridge to SGMA implementation.
- GSPs already being implemented.
- County role vs. GSA role.
- GSA implementation of sustainability policy vs. construction permitting.

"...require the county to take immediate action while  
Merced County transitions to implementation  
of the Sustainable Groundwater Management  
Act of 2014 (SGMA)." – Merced County Code §9.27.020

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## Well Permitting Under Existing Ordinance

- Well prohibition: intended to limit increase in extraction.
  - MCC §9.27.040(A): *The mining of groundwater within the unincorporated areas of the county, in excess of extraction patterns, established between 1995 and 2013, in place as of the date of adoption of the ordinance codified in this chapter. This provision shall prohibit the construction of wells.*
- Exemptions to well prohibition for certain well project types.
- Well construction permitting & CEQA review.
  - County as Lead Agency.

# Challenges with Existing Ordinance

- Diverse groundwater conditions and sustainability goals throughout the County.
  - Ordinance as a "one size fits all" approach.
- State has designated GSAs as responsible agencies for management of groundwater sustainability.
  - Liability associated with County regulating groundwater extraction vis-à-vis permitting.
    - Risk to property owners, GSAs, County.

# Addressing Challenges

1. Ordinance remains.
2. Repeal ordinance.
3. Amend ordinance.

# Ordinance Remains

- Risk, liability, and resulting consequences.
- Data management & reporting to GSAs.
- Coordination with GSAs.
  - How/when are GSAs informed about all well applications?
  - What happens when GSAs want to allow/deny a new well?
  - What happens when GSAs implement management actions (e.g. pumping restrictions, fallowing, extraction fees, etc.)

# Repeal Ordinance

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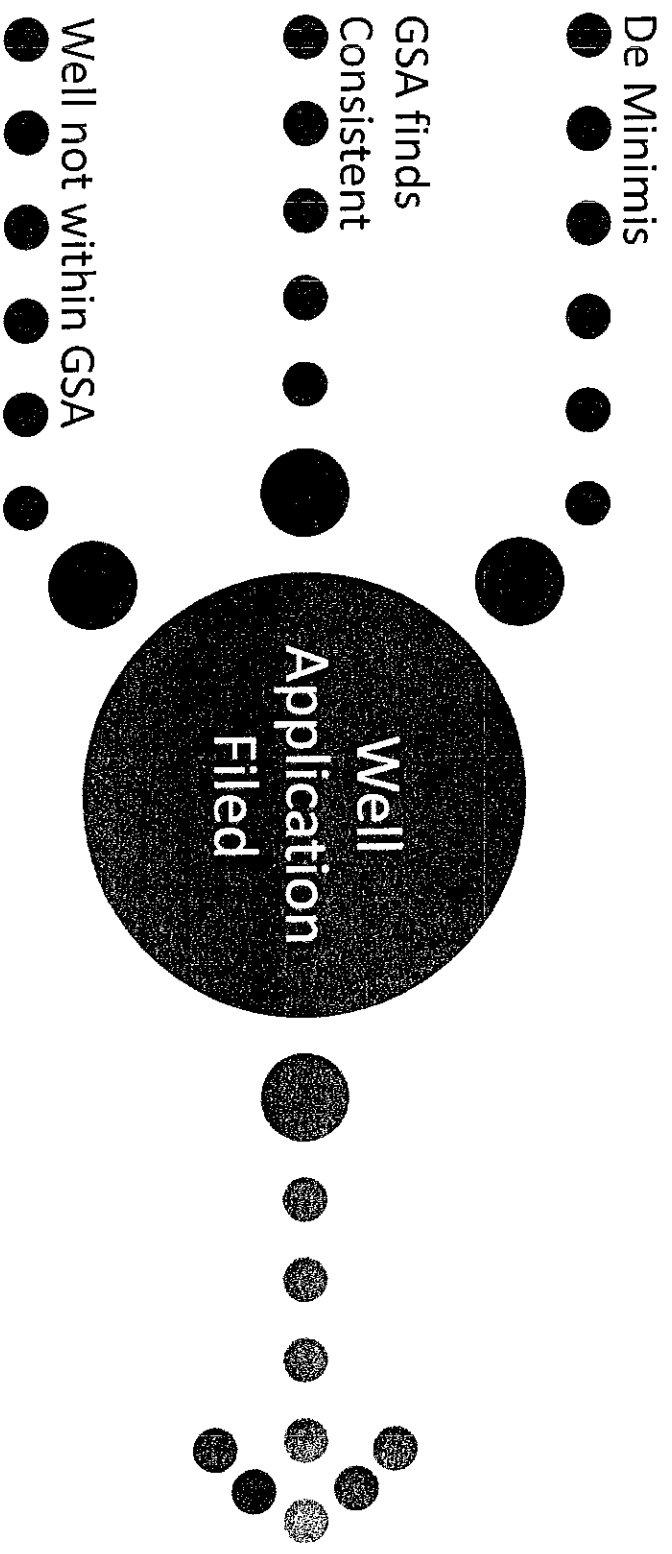
- New wells increase overdraft conditions.
  - Risk to County, GSAs.
  - Would necessitate GSAs expediting regulations to limit new pumping and new wells.
- Intent of ordinance = bridge to implementation of SGMA.
  - Currently in implementation stages.

# Amend Ordinance

- Reduces risk to County.
- Domestic de minimis wells: exempt from prohibition regardless of location.
- Wells within a GSA with an adopted GSP:
  - Exempt from the ordinance **if** GSA makes consistency determination.
- Wells outside of a GSA (or GSA with probationary status):
  - Subject to ordinance and “new well” prohibition.

# How It Works

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# How it Works

Domestic  
(de minimis) Wells

Exempt from ordinance

County reviews, permits,  
shares app w/ GSA

Wells Outside GSA

Subject to ordinance

County reviews,  
approves, denies, permit

Wells in GSA

Review by GSA

GSA provides consistency  
determination

Applicant files well  
permit w/ County

County reviews for  
construction standards

GSA regulates well via  
GSP implementation

DEH inspects well

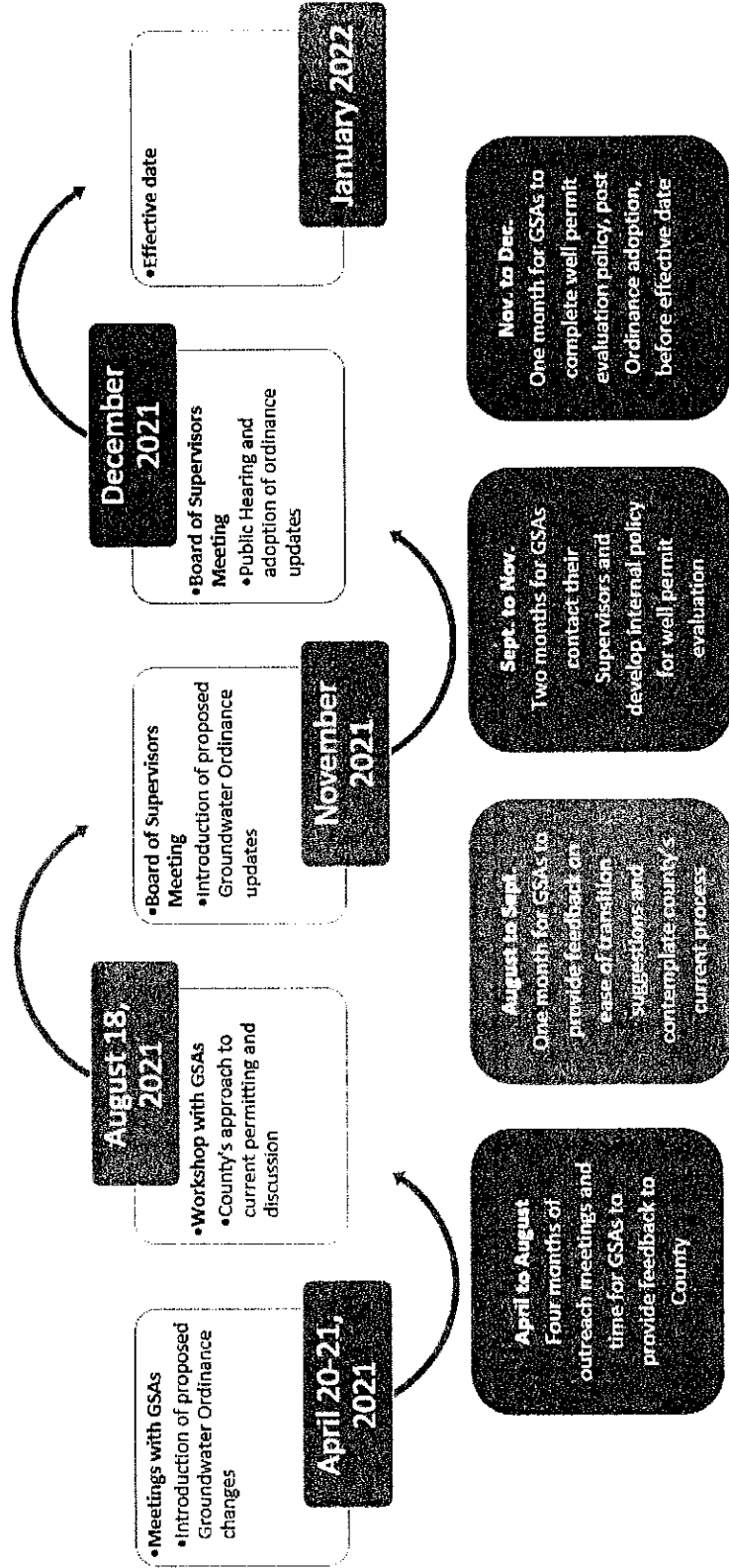
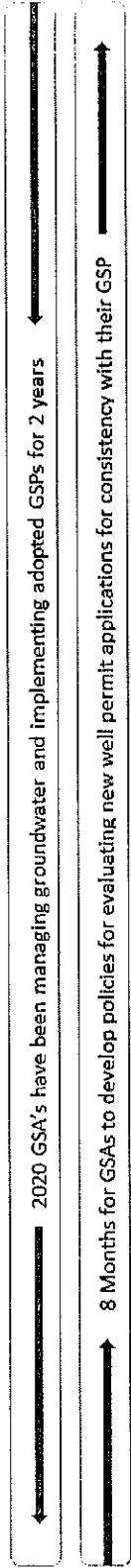
Must happen in  
this order.

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## 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).

# Outreach Efforts & Next Steps



## Outreach & Feedback

- Coordination with GSAs
  - Timeline, open dialogue, workshops.
  - Sharing application information, potential information needs.
- DEH has indicated willingness to help GSAs, drillers, property owners in early stages of transition.

## Wrapping Up

- Request board provide direction to staff:
- Move forward with additional outreach to GSAs as planned.
- Return to the Board in December with a draft ordinance for consideration and possible adoption.

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**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE RELATING TO GROUNDWATER MINING AND EXPORT.**  
(REPEALS and REPLACES Chapter 9.27, Title 9, of the MERCED COUNTY CODE)

**THE BOARD OF SUPERVISORS OF THE COUNTY OF MERCED, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:**

**SECTION 1:** Chapter 9.27, Title 9, of the Merced County Code is hereby repealed and replaced in its entirety as follows:

**Chapter 9.27**

**GROUNDWATER MINING AND EXPORT**

**Sections:**

- 9.27.010 Title.**
- 9.27.020 Findings and declarations.**
- 9.27.030 Definitions.**
- 9.27.040 Prohibition.**
- 9.27.050 Exemptions.**
- 9.27.060 Implementation.**
- 9.27.065 Groundwater monitoring and reporting.**
- 9.27.070 Authority.**
- 9.27.080 Penalty for violation.**
- 9.27.090 Severability and effect.**

**9.27.010 Title.**

The ordinance codified in this chapter may be cited as the "Groundwater Mining and Export Ordinance of Merced County."

**9.27.020 Findings and declarations.**

The Merced County board of supervisors makes the following findings in support of the enactment of the ordinance codified in this chapter:

1. The protection of the health, welfare, and safety of the residents of the county require that the groundwater resources of Merced County be protected from adverse impacts resulting from both the mining of groundwater resources and the export of those resources outside each respective County groundwater basin; and

2. Groundwater is an essential resource for continued agricultural production within the county which production includes, but is not limited to, field crops, nut and fruit crops,

vegetable crops, seed crops, poultry and livestock and products which significantly contribute to the gross value of the total agricultural production of the county, state, and nation; and

3. Groundwater is an essential resource for agricultural, municipal, industrial, and domestic uses within the county; and

4. The mining of groundwater resources from within the county and the export of groundwater from inside Merced County to outside of the respective groundwater basin in which it originates will each have adverse environmental impacts on the county, including, but not limited to, the following: increased groundwater overdraft, land subsidence, uncontrolled movement of inferior quality groundwater, the lowering of groundwater levels, increased groundwater degradation, streamflow depletion and depleted groundwater basins; and

5. The mining of groundwater resources from within the county and the export of groundwater from inside Merced County to outside of the respective groundwater basin in which it originates will each have adverse economic impacts on the county, including but not limited to the following: loss of arable land, a decline in property values, increased pumping costs due to the lowering of groundwater levels, increased groundwater quality treatment costs, replacement of wells due to declining groundwater levels, losses due to flooding and inundation, and replacement of damaged wells, conveyance infrastructure, roads, bridges and other appurtenances, structures or facilities due to land subsidence; and

6. The effects of the mining of groundwater resources from within the county and the export of county groundwater from inside Merced County to outside of the respective groundwater basin in which it originates, compounded by persistent drought conditions, presents urgent problems, including the following: subsidence of groundwater aquifer systems, weakening of proprietary groundwater rights, interruption of utility and transportation services provided by infrastructure, placing drinking water supplies at risk, decreasing the county's range land grasses for feed, reducing crop irrigation supplies to critical levels, increasing unemployment and economic hardship in the county because of a reduction of agricultural jobs, failing to conserve groundwater supplies for future years, and threatening harm to animals and plants that rely on Merced County's lakes, rivers, streams, and wetlands; and

7. Climate change has intensified the impacts of droughts in Merced County and the State of California. Unpredictable surface water availability, low moisture content in vegetation, and parched soils have magnified the impact of regularly occurring drought. The 2021 water year was the second driest in state history, and on October 19, 2021, the Governor of California issued a proclamation declaring a state of emergency due to statewide drought, which was sustained and worsened by extreme high temperatures; and

8. Based on the foregoing facts, continued action to address groundwater mining and extraction is necessary for the preservation of health, safety, and well-being of Merced

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County's citizens, economy, agricultural resources, and environmental resources. Excessive groundwater extraction threatens Merced County's drinking water supplies and has caused land subsidence that threatens Merced County's roads, bridges, water conveyance, and flood and inundation management infrastructure; and

9. California Constitution, Article X, Section 2, and Water Code Section 100 prohibit the waste, unreasonable use, unreasonable method of use, and unreasonable method of diversion of water. The county finds that, under current drought and aquifer conditions, the export of groundwater for use outside the respective groundwater basins within the county in which it originates is a presumptively unsustainable use of groundwater and not reasonable or beneficial within the meaning of the California Constitution and the California Water Code; and

10. The risks to health, safety and well-being in Merced County from the mining and export of groundwater require the county to take actions to support the implementation of the Sustainable Groundwater Management Act (SGMA), which recognizes and preserves the authority of cities and counties to manage groundwater pursuant to their police powers.

#### **9.27.030 Definitions.**

The following words and phrases shall have the following meanings when used in this chapter:

"Basin" means any one of the following sub-basins of the San Joaquin Valley Basin [5-22], as identified in Department of Water Resources Bulletin 118:

- Turlock [5-22.03]
- Merced [5-22.04]
- Chowchilla [5-22.05]
- Delta Mendota [5-22.07]

"Board" means the board of supervisors of Merced County.

"County" means the County of Merced.

"Export of groundwater" means the extraction of groundwater from any well for other than municipal use within the boundaries of Merced County and located on or under parcels subject to this chapter and conveyed to, or used directly or indirectly on parcels which are outside of the boundaries of the Merced County groundwater basin from which the groundwater is extracted. Export of groundwater includes activities by which groundwater may through one or more exchanges or transactions be directly or indirectly conveyed or transferred for use out of the same basin from which it is extracted.

"Groundwater" means water beneath the surface of the earth within the zone below the water table in which the soil is completely saturated with water, but does not include water that flows in known and definite channels.

“Groundwater Sustainability Agency” shall have the meaning given in Water Code section 10721, subdivision (j).

“Groundwater Sustainability Plan” shall have the meaning given in Water Code section 10721, subdivision (k).

“Mining” means the process, deliberate or inadvertent, of extracting groundwater from a source at a rate or amount in excess of the replenishment rate, such that the groundwater level declines persistently, threatening exhaustion of the supply, a decline of pumping levels to uneconomic depths, land subsidence, or significant water quality or other significant environmental damage.

“Person” means and includes natural persons, corporations, firms, partnerships, joint stock companies, associations and other organizations of persons, and public entities.

“Public water agency” means any local public agency, mutual water company, or nonprofit tax-exempt unincorporated association within, or partially within, Merced County that has authority to extract, deliver, store, or regulate water. (Ord. 1930 § 1, 2015).

#### **9.27.040 Prohibition.**

The following actions are prohibited unless allowed under an exemption or permit as set forth in this chapter:

A. Groundwater Mining, as defined in this chapter, within the unincorporated areas of the county. This provision shall prohibit the construction of wells.

B. The export of groundwater from inside Merced County outside of the respective groundwater basin in which it originates.

#### **9.27.050 Exemptions.**

A. Any person, entity, or public water agency claiming an exemption to the prohibitions in this chapter must submit an application to the Merced County Division of Environmental Health. An application for an exemption shall contain sufficient information and supporting documentation to establish that the exemption applies. The person, entity, or public water agency claiming an exemption under this section shall bear the burden of proof of demonstrating that the exemption applies.

B. The construction of wells in a location that is within the jurisdiction of a groundwater sustainability agency shall be exempt from the prohibition against the construction of wells contained in this chapter provided the following criteria are met:

1. The Groundwater Sustainability Agency has adopted and implemented a Groundwater Sustainability Plan that covers the location for the proposed well.

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2. The location for the proposed well is not in a basin or portion of a basin that the State Water Resources Control Board has designated as a probationary basin under Water Code, division 6, part 2.74.

3. The proposed construction and use of the proposed well are consistent with the Groundwater Sustainability Plan that covers the location for the proposed well.

4. The Groundwater Sustainability Agency whose jurisdiction overlies the location for the well provides the Merced County Division of Environmental Health with documentation confirming that each of the requirements in this subsection are satisfied with respect to the proposed well. The Groundwater Sustainability Agency's determination shall be provided with the application for exemption, and shall be in a format the Merced County Division of Environmental Health has approved.

C. Water wells in aggregate, on a single parcel delivering two acre-feet of groundwater per year or less for domestic use on property under the same ownership as the parcel on which the well is located shall be exempt from the prohibition against the construction of wells contained in this chapter.

D. The following water management practices, if proposed in a basin or portion of a basin that is not covered by a Groundwater Sustainability Plan adopted and implemented by a Groundwater Sustainability Agency, or proposed in a basin or portion of a basin that the State Water Resources Control Board has designated as probationary under Water Code division 6, part 2.74, are exempt from the prohibitions in this chapter:

1. Water resources management practices of public water agencies that have jurisdictional authority within the county, and that are in compliance with and included in groundwater management plans and policies adopted by that agency. This exemption shall not apply if the Merced County Division of Environmental Health determines that the public water agency's groundwater management plan and policies fail to prevent the increased Mining or Export of groundwater in areas within the public water agency's service area and that is subject to the county's jurisdiction.

2. The replacement of existing wells, as described in section 9.28.110 of the Merced County Code, that do not result in groundwater Mining as defined in this chapter.

3. Groundwater Mining, which may include well construction, in compliance with a discretionary permit issued by the Merced County Division of Environmental Health that may be issued only after completion of the applicable level of review under the California Environmental Quality Act.

E. The following groundwater management practices are exempt from the prohibition against the export of groundwater contained in this chapter:

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1. Reasonable use of groundwater resources to supplement or replace surface water released for other reasonable and beneficial purposes, including, but not limited to, fisheries, wildlife refuges, ecosystem habitat or downstream water quality or quantity needs, when required pursuant to federal and state law, regulations, licenses, or pursuant to conditions imposed by valid permits.

2. Conservation of groundwater in compliance with applicable state law that authorizes public water agencies to transfer water outside its usual place of use. Conservation investments include irrigation practices in agricultural areas where the crops grown use less groundwater, or communities that produce recycled water, fix leaks or promote other water saving devices and methods to conserve groundwater on a temporary or permanent basis.

3. Recharge of groundwater in locations in the county that are capable of improving groundwater conditions in order to meet total water demands of beneficial uses in the hydrologic and groundwater basin area, provided that the amount of recaptured groundwater transferred out of the area will not exceed the amount of water used to recharge the aquifer, less losses that occur during the recharge process such as losses to surface water courses, flows to surrounding groundwater basins, or other groundwater movement resulting in loss to recharge amounts.

4. Remediation of contaminated groundwater required by compliance orders issued by local, state or federal agencies, that is pumped and treated to remove contaminants that are in violation of standards for beneficial uses. The extracted and treated water may be released out of the county, resulting in a net loss to the groundwater basin, if the release complies with discharge permits issued by the local, state or federal resource agencies.

5. Export of groundwater that is reasonably necessary to support existing agricultural operations on immediately contiguous parcels outside the basin under common ownership where some parcels, or parts of some parcels, straddle the basin boundary. Claimants exporting groundwater under this exemption shall install a county-approved water flow metering device and report at least annually to Merced County Division of Environmental Health the amount of groundwater exported outside the basin.

6. Export of groundwater that is reasonably necessary to support federal, state, and county approved public works projects and maintenance activities.

7. De-watering of shallow water tables in accordance with applicable Orders, Codes and Regulations, where the net benefits of the removal of subsurface water substantially outweighs the loss of water, because of damage the high water table unreasonably may cause to agriculture, industry, commerce and other property uses.

8. The export of groundwater from inside Merced County outside of the respective groundwater basin in which it originates in compliance with a permit issued by the Merced County Division of Environmental Health under this chapter.

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F. The person, entity, or public water agency claiming an exemption under this section shall bear the burden of proof of demonstrating that the exemption applies.

#### **9.27.060 Implementation.**

A. The Merced County Division of Environmental Health shall be responsible for implementation of this chapter and regulations adopted by the board of supervisors.

B. The Merced County Division of Environmental Health shall establish a permitting system to authorize wells, groundwater exports, and other groundwater management practices that are consistent with this chapter. Permits issued by the Merced County Division of Environmental Health for groundwater exports or groundwater management practices shall ensure that the export or groundwater management practice is consistent with the statements of county policy set forth in Section 9.27.020. Merced County Division of Environmental Health shall coordinate with the Merced County Community and Economic Development Department for review and determination including any discretionary approval that is necessary under the California Environmental Quality Act or any other applicable statute. The issuance of the determination, discretionary approval, or other findings under the California Environmental Quality Act including public hearing or processing shall be administered through the Merced County Community and Economic Development Department.

C. The Merced County Division of Environmental Health shall have authority to investigate any activity subject to this chapter. Compliance with this chapter will be determined based on the submission of a technical report, and other documentation as requested, to the Merced County Division of Environmental Health. The Merced County Division of Environmental Health is authorized to enforce the prohibition of any activity that is determined to be in violation of this chapter or regulations adopted by the board of supervisors.

D. The applicant, permit holder or other interested person or entity may appeal an administrative determination made by the department under this chapter which: (1) finds that an application is complete or incomplete; (2) establishes or modifies operating conditions; (3) grants or denies a permit; (4) suspends or revokes a permit; or (5) results in the issuance of a stop order. Administrative appeals under this section must be made in writing, must clearly set forth the reasons why the appeal ought to be granted, and must be received by the clerk of the board within fifteen (15) calendar days of the postmark date on the envelope that transmits the administrative determination. Any appeal that is not timely filed will be deemed ineffective and the administrative determination that is being appealed will become final. The board of supervisors shall fix a reasonable time for the hearing of an appeal of an administrative determination at a regularly scheduled meeting of the board of supervisors. The board of supervisors shall provide written notice of the appeal hearing to the appellant and all interested parties and to all landowners within one-quarter mile of the parcel where operations will occur. The board of supervisors shall hear the appeal and issue a decision within thirty (30) days after the hearing. The board of supervisors may take any appropriate action upon the original administrative action that was appealed, including

granting or denying the appeal in whole or in part, or imposing, deleting or modifying operating conditions of the permit. The decision of the board of supervisors shall be final forthwith.

#### **9.27.065 Groundwater monitoring.**

All permits granted for wells or groundwater exports under the scope of this chapter shall be conditioned on the installation and proper maintenance of a water measuring device acceptable to the Division of Environmental Health. As an alternative to water measuring devices, other reasonable methods to determine groundwater extraction may be used if approved by the Division of Environmental Health. This requirement shall not apply to well construction done under the exemptions stated in subsections B and C of section 9.27.050 of this Chapter.

#### **9.27.070 Authority.**

A. General Authority. The director of the Merced County Division of Environmental Health, or authorized designee(s), is authorized to take all necessary action to enforce the provisions of this chapter and to carry out any other special enforcement programs initiated by order or resolution of the board of supervisors.

B. Right of Entry and Inspection. The director of the Merced County Division of Environmental Health, or authorized designee(s), may enter at any and all reasonable times any places, property, premises, or enclosure for the purpose of carrying out any activity required or authorized by the provisions of this chapter, including to make examinations and investigations to determine whether any provision of this chapter is being violated. Upon request, the county personnel entering and inspecting shall provide adequate identification. An inspection warrant shall be obtained if required by law.

C. Stop Orders. The director of the Merced County Division of Environmental Health, or authorized designee(s), is authorized to issue stop orders to prohibit further construction or use of wells or facilities that violate the provisions of this chapter. Such stop orders shall remain in effect until violations are corrected.

D. Citations. The director of the Merced County Division of Environmental Health, or authorized designee(s), is authorized to issue notices, citations and/or abatement orders to persons for violations of the provisions of this chapter.

E. Enforcement Costs. The director of the Merced County Division of Environmental Health, or authorized designee(s), is authorized to recover from the property owner or the person in control of the property, all administrative costs associated with the enforcement of the provisions of this chapter or the enforcement of any condition to the issuance or granting of any permit or entitlement provided for by this chapter.



F. No Entitlement for Wells and Export with Violations. No permits of any kind or other entitlement shall be accepted or processed for wells in violation of the provisions of this chapter unless such entitlement corrects the violation.

G. Revocation or Modification for Cause. A permit may be revoked or modified for cause as provided by the provisions of this section. For purposes of this section, such modification may include the modification of the terms of the permit itself or the waiver, alteration, and imposition of new conditions.

1. Grounds for Revocation or Modification. Revocations or modifications may be made upon a finding of any one or more of the following grounds:

- a. That such permit was obtained or extended by fraud;
- b. That one or more of the conditions upon which such permit was granted have been violated or is not followed;
- c. That the extraction or use for which the permit was granted is so conducted as to be a nuisance or detrimental to the public health, welfare, or safety; or unreasonable within the meaning of Article X, Section 2 of the California Constitution.

2. Initiation of Action. An administrative action to revoke or modify may be initiated by order of the board of supervisors, on its own motion or on the request of the director of the Merced County Division of Environmental Health, or authorized designee(s).

3. Notice, Review Hearing, and Decision. An action to revoke or modify shall be noticed, reviewed, heard, and decided in the same manner and by the same authority that originally granted the discretionary permit.

4. An action to revoke or modify may be appealed pursuant to the appeal procedure.

H. Any well or use which is established, operated, used, erected, moved, altered, enlarged, or maintained contrary to the provisions of this code, is declared to be unlawful and shall be subject to the remedies and penalties set forth in this chapter.

**9.27.080 Penalty for violation.**

A. Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished as set forth in Section 1.28.020 of Merced County Code. "Person" includes any individual or firm who directs, or engages in, the digging, boring, drilling, or expansion of wells. Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this chapter is committed, continued or allowed and shall be punishable accordingly.

B. In addition to or in lieu of the penalty provisions or remedies set forth in this chapter, any violation of any of the provisions of this chapter, and any condition caused or allowed to exist in violation of any of the provisions of this chapter, shall be deemed a public nuisance subject to chapter 9.70 of the Merced County Code, and also create a cause of action for injunctive relief.

**9.27.090 Severability and effect.**

A. The provisions of this chapter are hereby declared to be severable. If any provision, clause, word, sentence or paragraph of this chapter or the application thereof to any person, establishment or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this chapter.

B. The prohibitions of this chapter shall not be applicable to the extent that their application would result in a violation of the Constitution or other laws of the United States or the state of California. The Merced County Division of Environmental Health shall issue a permit to authorize conduct otherwise prohibited under this chapter if the applicant demonstrates that such permit is necessary to avoid such a violation of state or federal law.

**SECTION 2: EFFECTIVE DATE**

This ordinance shall become effective and be in full force on the later of May 1, 2022 or thirty (30) days of its passage and adoption, and prior to the expiration of fifteen (15) days from the passage and adoption thereof, shall be published in a newspaper of general circulation printed and published in the County of Merced, State of California, together with the names of the members of the Board of Supervisors of the County of Merced, voting for or against the same.

**SECTION 3: VALIDITY**

If any section, subsection, sentence, clause, word, or phrase of this ordinance is held to be unconstitutional or otherwise invalid for any reason, such decision shall not affect the validity of the remainder of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, word or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, words, or phrases be declared invalid or unconstitutional.

The foregoing ordinance was passed and adopted by the Board of Supervisors of the County of Merced, State of California at a regular meeting thereof held on the 8th day of February, 2022 by the following vote:

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SUPERVISORS

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Lloyd Pareira  
Chairman, Board of Supervisors

ATTEST:

JAMES L. BROWN  
Clerk of the Board of Supervisors

By: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM AND LEGAL EFFECT:  
Forrest W. Hansen  
MERCED COUNTY COUNSEL

By: \_\_\_\_\_

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