

**BEFORE THE
BOARD OF DIRECTORS FOR THE
COUNTY OF MADERA GROUNDWATER
SUSTAINABILITY AGENCY**

In the Matter of)	Resolution No.: <u>2021 - 069</u>
)	
SUSTAINABLE GROUNDWATER)	RESOLUTION ESTABLISHING
MANAGEMENT ACT)	GROUNDWATER ALLOCATION
)	AMOUNTS FOR 2021 THROUGH 2025
)	AND FARM UNIT DOCUMENTATION
_____)	

WHEREAS, the Sustainable Groundwater Management Act of 2014, Water Code sections 10720-10737.8 (“SGMA”) was signed into law on September 16, 2014.

WHEREAS, SGMA requires that each California groundwater basin be managed by a Groundwater Sustainability Agency (“GSA”), or multiple GSAs, and that such management be implemented pursuant to an approved Groundwater Sustainability Plan (“GSP”), or multiple GSPs.

WHEREAS, SGMA provides GSAs with the authority and the technical and financial assistance necessary to sustainably manage groundwater, and a GSA has the powers conferred in SGMA to provide the maximum degree of local control and flexibility consistent with the sustainability goals of SGMA.

WHEREAS, Madera County encompasses the Madera Subbasin (Basin No. 5-22.06), the Chowchilla Subbasin (Basin No. 5-22.05), and, in part, the Delta-Mendota Subbasin (Basin No. 5-22.07) in the San Joaquin Valley Groundwater basin (collectively the “Subbasins”), all of which have been designated as high-priority basins by the California Department of Water Resources (“DWR”).

WHEREAS, on January 24, 2017, the Board of Supervisors for the County of Madera elected to have the County of Madera become the exclusive GSA for the portions of the Subbasins that are in unincorporated areas of Madera County, and not otherwise covered by another public agency (hereinafter “County GSAs”).

WHEREAS, on or about May 13, 2017, the County of Madera became the exclusive GSA for the relevant portions the Subbasins, and the County Board of Supervisors became the ex officio Board of Directors for the County GSAs.

WHEREAS, on December 17, 2019, the County GSAs adopted GSPs for the Subbasins that described a “sustainable yield” of native groundwater (water that naturally exists in the Subbasins from seepage and percolation) of approximately 0.5 acre-feet per acre for the Subbasins.

WHEREAS, consumptive use of groundwater within the County GSA boundaries exceeds the available sustainable yield, and the GSPs identified demand reduction as a critical management action to achieve to achieve SGMA’s sustainability goal in the Subbasins within 20 years of the implementation of the GSPs.

WHEREAS, under SGMA a GSA has the authority to limit extractions from groundwater wells, establish groundwater extraction allocations, authorize temporary and permanent transfers of groundwater extraction allocations, and a GSA may adopt rules, regulations, ordinances, and resolutions to further these ends.

WHEREAS, the County GSAs have analyzed groundwater use over historical periods to the present, and have noticed a significant increase in water demand caused by recent plantings of permanent crops into previously unplanted lands and the replacement of lower-

water using plants with higher-water using plants, thus further exacerbating the challenges the GSPs seek to address with respect to achieving sustainability within the Subbasins; and

WHEREAS, on December 15, 2020, the Board of Directors adopted a Resolution No: 2020-166 adopting an approach to allocating groundwater (the “Allocation Approach”) in the Subbasins.

WHEREAS, the Allocation Approach includes access to groundwater classified using two designations:

- a. A “sustainable yield” of native groundwater; and
- b. “Transitional water” that is continued overdraft of the Subbasins but will incrementally decrease during the GSP implementation period.

WHEREAS, the Allocation Approach is a process whereby sustainable yield access is offered to overlying groundwater rights users every five years, and whereby participation will include (a) the opportunity to pump a designated quantity of sustainable yield within each year, (b) the opportunity to pump a designated quantity of transitional water within each year, and (c) the requirement to pay for pumped quantities of sustainable yield and transitional water based upon a volumetric rate structure that is to be established at a future date.

WHEREAS, the Allocation Approach allows the County GSAs’ per-acre (parcel-based) allocations of sustainable yield and transitional water to be shared within designated “farm units” so as to allow flexibility and reflect real-world farming conditions in which resources are shared among commonly operated or managed lands.

WHEREAS, because a farm unit is for the purpose of allowing a landowner and/or land manager to group parcels together that are commonly operated or managed, it should be

demonstrated to the satisfaction of the County GSA an existing relationship of owning/managing for any parcels to be included in a farm unit.

WHEREAS, in furtherance of the Allocation Approach, the County GSA has calculated a per acre allocation of sustainable yield and transitional water for each County GSA based on best available data, and such calculations are contained in tables (“Tables”) that are attached hereto as **Exhibit A**.

WHEREAS, the allocation shall be limited to use within the parcel or within the designated farm unit.

WHEREAS, irrigated land includes agricultural lands that are currently irrigated as of June 8, 2021, or were last irrigated as recently as January 1, 2015, but now may otherwise be non-irrigated (e.g. fallowed or idle).

WHEREAS, in determining what constitutes an irrigated parcel, the County GSA may rely upon (1) Madera County Assessor records, (2) satellite or aerial imagery, (3) evapotranspiration analysis performed by a remote sensing service, (4) County GSA staff inspection, and (5) the submittal by parcel owner or representative of pertinent documentation when enrolling the parcel into to the GSA Allocation Approach and acceptance of associated requirements imposed therein, any and all of which would need to be to the satisfaction of the County GSA.

WHEREAS, the establishment of allocation amounts and farm unit documentation requirements is exempt from review under the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines sections 15307 (action of a regulatory agency to protect natural resources), 15308 (action of a regulatory agency to protect the environment), and 15061(b)(3) (the “common sense” exemption where a project is exempt if can be seen with certainty that

there is no possibility that the activity in question may have a significant effect on the environment).

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors for the County GSAs, as follows:

1. The above Recitals are hereby incorporated by reference and are made a substantive part of this Resolution.
2. In order to receive an allocation for a farm unit, a landowner must demonstrate to the satisfaction of the County GSA an existing relationship of owning/managing for any parcels to be included in a farm unit.
3. A true and correct copy of the Tables is attached hereto as **Exhibit A**, and the Tables are hereby approved and adopted.
4. Groundwater allocations shall be limited to use within the parcel or within the designated farm unit.
5. Transitional water will only be allocated to lands that are considered irrigated lands as of the date of the adoption of this Resolution.
6. The Director of the County Department of Water and Natural Resources (“Department Director”) is hereby authorized and directed to take all measures in furtherance of, and consistent with, this Resolution.

//
//
//
//
//

* * * * *

The foregoing Resolution was adopted this 8TH day of JUNE, 2021, by

the following vote:



Director Frazier voted:

yes

Director Rogers voted:

yes

Director Poythress voted:

yes

Director Gonzalez voted:

yes

Director Wheeler voted:

yes

Robert Poythress
Robert Poythress
Chairman, Board of Directors

ATTEST:

Karen [Signature]
Clerk, Board of Directors

Approved as to Legal Form:
COUNTY COUNSEL

Michael R.

Digitally signed by: Michael R. Linden

DN: CN = Michael R. Linden email = mlinden@lozanosmith.com C = US
O = LOZANO SMITH

By **Linden**

Date: 2021.06.08 17:17:04 -07'00'

Exhibit A

Allocations

Option C

Madera County GSA: Madera Subbasin							
Year	GSA Allocations (af/yr)		Per-Acre Allocation (inches/ac/yr)				
	SY	TW	B-SY	Re-SY	TW	Total for Irr.	Total Non-irr.
2020	90,000	113,000	6	7	16.0	28.7	0
2021		110,740			15.6	28.3	0
2022		108,480			15.3	28.0	0
2023		106,220			15.0	27.7	0
2024		103,960			14.7	27.4	0
2025		101,700			14.4	27.1	0
Irrigated Acres = 85,000					Can access B-SY, Re-SY and TW		
Non-Irr. Opt-in acres = 0			Can access only B-SY and Re-SY				
Total GSA acres = 185,000							
Per-Acre Allocation Terms:							
Base Sustainable Yield (B-SY) - the quantity of sustainable yield of native groundwater when shared equally over all GSA acres at 6 in/ac/yr.							
Re-allocated Sustainable Yield (Re-SY) - the amount of Base Sustainable Yield remaining when considering GSA parcels that have chosen to opt-out. The quantity is divided and shared equally among the remaining opt-in parcels and added to the Base Sustainable Yield, estimated at 3 in/ac/yr.							
Transition Water (TW) - the annual quantity available to irrigated or non-irrigated lands. This quantity will decrease annually until zero. "Never-irrigated" lands are not eligible for Transition Water.							

Madera County GSA: Chowchilla Subbasin							
	GSA Allocations (af/yr)		Per-Acre Allocation (inches/ac/yr)				
Year	SY	TW	B-SY	Re-SY	TW	Total for Irr.	Total Non-irr.
2020	22,500	63,400	6	1.1	20.0	27.1	0
2021		62,132			19.6	26.7	0
2022		60,864			19.2	26.3	0
2023		59,596			18.8	25.9	0
2024		58,328			18.4	25.5	0
2025		57,060			18.0	25.1	0
Irrigated Acres = 38,000			Can access B-SY, Re-SY and TW				
Non-Irr. Opt-in acres = 0			Can access only B-SY and Re-SY				
Total GSA acres = 45,000							
Per-Acre Allocation Terms:							
Base Sustainable Yield (B-SY) - the quantity of sustainable yield of native groundwater when shared equally over all GSA acres at 6 in/ac/yr.							
Re-allocated Sustainable Yield (Re-SY) - the amount of Base Sustainable Yield remaining when considering GSA parcels that have chosen to opt-out. The quantity is divided and shared equally among the remaining opt-in parcels and added to the Base Sustainable Yield, estimated at 0.5 in/ac/yr.							
Transition Water (TW) - the annual quantity available to irrigated or non-irrigated lands. This quantity will decrease annually until zero. "Never-irrigated" lands are not eligible for Transition Water.							

Madera County GSA: Delta Mendota Subbasin							
	GSA Allocations (af/yr)		Per-Acre Allocation (inches/ac/yr)				
Year	SY	TW	B-SY	Re-SY	TW	Total for Irr.	Total Non-irr.
2020	1,500	2,000	6	2.6	11.4	20.0	0
2021		1,960			11.2	19.8	0
2022		1,920			11.0	19.6	0
2023		1,880			10.7	19.3	0
2024		1,840			10.5	19.1	0
2025		1,800			10.3	18.9	0
Irrigated Acres = 2,100					Can access B-SY, Re-SY and TW		
Non-Irr. Opt-in acres = 0			Can access only B-SY and Re-SY				
Total GSA acres = 3,000							
Per-Acre Allocation Terms:							
Base Sustainable Yield (B-SY) - the quantity of sustainable yield of native groundwater when shared equally over all GSA acres at 6 in/ac/yr.							
Re-allocated Sustainable Yield (Re-SY) - the amount of Base Sustainable Yield remaining when considering GSA parcels that have chosen to opt-out. The quantity is divided and shared equally among the remaining opt-in parcels and added to the Base Sustainable Yield, estimated at 2.6 in/ac/yr.							
Transition Water (TW) - the annual quantity available to irrigated or non-irrigated lands. This quantity will decrease annually until zero. "Never-irrigated" lands are not eligible for Transition Water.							