

Madera County Groundwater Sustainability Agencies



Governor's Executive Order N-4-23 Implementation

This executive order (EO) from the Governor of the State of California allows landowners to divert water from rivers or streams for groundwater recharge without the need to obtain an appropriative water right. This opportunity is valid when waterways are at risk of catastrophic flooding and a local agency has declared that flood flows can be taken to relieve flood risk.

The Madera County Flood Control and Water Conservation Agency and the Lower San Joaquin Levee District have made such a declaration on March 10, 2023 which would allow for diversions along waterways at risk of flooding.

The following requirements must be followed to be eligible for recharge under the Executive Order. Please also complete and return the form on the reverse side of this sheet to complete the reporting requirements for the County GSAs. A form must be completed for each diversion. These forms must be submitted when the diversion begins and again when the diversion has stopped.

Requirements:

1. Water may not be applied to dairy land application areas;
2. Water may not be applied to agricultural fields where pesticide or fertilizer application has occurred within the prior 30 days of the diversion beginning;
3. Diversions may not occur in areas where there could be a threat to critical levees, infrastructure, wastewater and drinking water systems, drinking water wells or drinking water supplies, or exacerbate a threat of flood or other health and safety concerns;
4. The application area of the diverted water must have been in active irrigated agricultural production within the past three years. Under the Governor's Executive Order grazing lands and grasslands are not eligible for recharge;
5. Must use existing infrastructure or temporary diversion infrastructure. No new construction is allowed;
6. There must be simple screens on temporary pump intakes;
7. The GSA will require that diversions are metered, if the grower has the intention of developing a potential recharge credit (pending Board approval of a permanent recharge policy);
8. Diversions must stop when the risk of flooding and inundation of land, roads, or structures downstream of the diversion has ceased, or by June 1, 2023, whichever is sooner;
9. The form on the reverse side must be submitted for each diversion, both at the beginning of the diversion and once the diversion has ended. This allows this GSA to complete necessary requirements.

Benefits of the EO

This Executive Order (EO) from the Governor of the State of California provides an opportunity to many growers who are capable of diverting and recharging floodwater.

1. This EO provides exemptions from Lake and Streambed Alteration Agreement requirements outlined in the Fish and Game Code (often called a 1602 permit).
2. This EO provides an exemption from CEQA, but does prohibit the construction of new permanent infrastructure.
3. This EO allows for this water to be diverted for groundwater recharge without the need to obtain an appropriative water right.
4. This EO gives more local control to local Agencies who are actively working to control flooding and provide relief to the flood control system.

You Must Complete the Form on the Back Side of this Sheet at Both the Beginning of the Diversion and Once the Diversion has Ended

Governor's Executive Order N-4-23 Grower Information Form

Complete and Return Form to etmeasurement@maderacounty.com both at the start of the diversion and once the diversion has stopped

Grower Name: _____

Name of Farm: _____

Mailing Address: _____

City, State, Zip: _____

Phone: _____

Email: _____



Assessor Parcel Number(s) (APN) of Recharge Area: _____

Type of Recharge Method (Flood-MAR* or Dedicated Recharge Basin): _____

GPS Coordinates of Diversion†: Latitude: _____ Longitude: _____

Amount of Water Diverted (From Flowmeter): _____

Date and Time Diversion Started: _____

Date and Time Diversion Stopped: _____

Acreage and Crop Type on Parcel Where Recharge is Occurring: _____

Required Attachments:

1. Photo documentation of diversion quantities from flowmeter (photo at time diversion started and time diversion stopped)
2. A map of the fields that will receive the diverted water and the appropriate APNs and location of the recharge activities

Additional Information:

*Flood-MAR: Flood Managed Aquifer Recharge, also known as on-farm recharge. These are recharge activities that occur on working agricultural lands

†Latitude and Longitude can be retrieved from Google Maps. (<https://www.google.com/maps>).

1. Turn on the satellite image layer in the bottom left corner of the screen
2. Navigate to the location where the diversion point is
3. Right click at the point where the diversion point is and click on "What's Here" or click on the GPS coordinates, which will copy to your clipboard
4. If you click "What's Here" a small box will appear at the bottom of the screen with the GPS coordinates with latitude and longitude.
5. Please enter the coordinates in Decimal Degrees (e.g. 36.961462, -120.064144)