

RESOLUTION NO. 2022-192

**AN RESOLUTION OF THE BOARD OF DIRECTORS OF THE COUNTY OF MADERA  
GROUNDWATER SUSTAINABILITY AGENCY FOR THE MADERA, CHOWCHILLA,  
AND DELTA-MENDOTA SUBBASINS ADOPTING MEASUREMENT  
METHODS FOR GROUNDWATER ALLOCATIONS**

**RECITALS**

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

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

**WHEREAS**, the County of Madera ("County") is the exclusive GSA for the portions of the Madera Subbasin that are in unincorporated areas of Madera County, and not otherwise covered by another public agency (hereinafter referred to in the singular as the "County GSA"), and the Board of Supervisors is the ex officio Board of Directors (hereinafter "Board of Directors") for the County GSA.

**WHEREAS**, on December 17, 2019, the County GSA, along with the Madera Irrigation District GSA, the City of Madera GSA, and the Madera Water District GSA, adopted a GSP (the "Joint GSP") for the portions of the Madera Subbasin within the control of these GSAs that described a "sustainable yield" ("SY") of native groundwater (water that naturally exists in the Subbasin from seepage and percolation) of approximately 0.5 acre-feet per acre, identified land repurposing (changing land previously utilized for irrigated agriculture to a non-irrigated use) as an action that could be utilized help achieve SGMA's sustainability objective.

**WHEREAS**, a measurement approach was needed by the County to track the allocations, so Irriwatch, a satellite-based company that measures ET and calculates ETAW, has been utilized by the Madera County GSA to track groundwater allocations.

**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, allowing parcels meeting certain criteria (hereafter "eligible parcels") to have access to groundwater classified using two designations:

- a. The SY of native groundwater; and
- b. "Transitional water" (TW) that is continued overdraft of the Subbasins but will incrementally decrease during the GSP implementation period.

**WHEREAS**, the Allocation Approach includes the monitoring of evapotranspiration ("ET") and the ET of applied water ("ETAW") for designated "farm units" and the comparison of ETAW to assigned allocations, where such services will be provided through a contract between the County and third party experts with multiple parties performing quality assurance and quality control.

**WHEREAS**, in furtherance of the Allocation Approach, on June 8, 2021, the County GSA Board of Directors adopted Resolution 2021-069, providing for a per-acre allocations of SY and TW for enrolled eligible parcels within each County GSA based on best available data, to be limited to the use within the eligible parcel or within a County GSA approved farm unit, that represents a combination of eligible parcels (the "Allocations").

**WHEREAS**, pursuant to Resolution 2021-069, an eligible parcel includes

agricultural lands that are (1) currently irrigated as of June 8, 2021, (2) were last irrigated as recently as January 1, 2015, but now may otherwise be non-irrigated (e.g. fallowed or idle), (3) are part of active irrigated agricultural operations or permitted confined animal operations (e.g. equipment storage area or milking parlors), or (4) can demonstrate to the satisfaction of the County GSA that irrigation will occur in the following calendar year.

**WHEREAS**, on August 17, 2021, the County GSA Board of Directors adopted Resolution 2021-113, making refinements to the Allocations (the "Allocation Refinements"). The refinements included a provision (No. 12) whereby if a participant in the Allocation Approach intends to appeal the County GSA-determined ETAW, such appeal shall be based upon use of a flow meter, and the participant shall (1) demonstrate that the flow meter was installed and maintained per the manufacturer's specifications, (2) provide an engineer-certified calibration report where such calibration occurred within the last two calendar years of the appeal, (3) record the flow meter at least monthly, and (4) submit a photograph of each meter reading to the County GSA for verification purposes.

**WHEREAS**, on September 27, 2022, the Board of Directors adopted resolutions for all three Subbasins (Resolutions 2022-143, 2022-144, and 2022-145) establishing the authority for the imposition of penalties for those who extract groundwater in excess of an allocation. These resolutions provide that as an alternative to appealing the County GSA's determination of ETAW as defined in Resolution 2021-113, a grower may request to be pre-approved for use of a groundwater flow meter data for determining ETAW, and to be eligible for such approval a grower must have all irrigated parcels registered within IrriWatch. For all registered parcels that a grower intends to have ETAW determined

using a groundwater flow meter, the grower must provide the County GSA with the following, which will be reviewed by the County GSA and any County-designated third party as determined necessary by the County GSA:

- a. A map depicting the exact location of groundwater well(s) and parcel(s) and field(s) served by the well(s);
- b. Photographs and a meter installation report for the well(s) serving the parcel(s);
- c. A compliant meter calibration report or results of a field flow test conducted by a County GSA approved vendor for each well;
- d. An estimate of efficiency for the irrigation system on the field(s);
- e. An attestation that that the designated well(s) only serve the identified parcel(s) or field(s); and
- f. An attestation of the validity that all submitted information represents current conditions for the well(s).

**WHEREAS**, Land IQ is also a satellite-based company that measures ET, using weather stations installed within the area. The ET data is measured and shared with the County GSA monthly, and approximately 45 to 60 days after each month end a monthly report is sent to the enrolled acres.

**WHEREAS**, it is the desire of the Board of Directors to adopt a resolution that would govern the use of different measurement methods for groundwater allocations for enrolled acres.

**WHEREAS**, this Resolution is exempt from 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 GSA, as follows:

1. The recitals set forth above are found to be true and correct and are incorporated herein by reference.

2. For the measurement of ET and ETAW that is required for groundwater allocations pursuant to the Allocation Approach, including the possible imposition of penalties for exceeding an allocation, a landowner with enrolled acres has three choices for such measurement: (1) Irrigate; (2) Land IQ; (3) private groundwater flow meters pursuant to Resolution 2021-113 and Resolutions 2022-143, 2022-144, and 2022-145.

3. If a landowner with enrolled acres does not express a particular method of measurement, as set forth in Section 2, to the County GSA, Land IQ will be the default measurement method.

4. If a landowner with enrolled acres chooses to use a private groundwater flow meter for the measurement of an allocation, and the County GSA determines that the flow meter in question does not meet the standards of the County GSA as outlined in Resolution 2021-113 and Resolutions 2022-143, 2022-144, and 2022-145, Land IQ will then become the method of measurement for those enrolled acres.

5. The Director of the Department of Water and Natural Resources is hereby authorized and directed to take further actions as may be necessary to implement the

intent and purposes of this Resolution.

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The foregoing Resolution was adopted this 20 day of December, 2022, by the following vote.



Director Frazier voted: YES  
 Director Rogers voted: YES  
 Director Poythress voted: YES  
 Director Gonzalez voted: YES  
 Director Wheeler voted: YES

*Smallee*  
 Chairman, Board of Directors

ATTEST:

*Helen Scriver*  
 Clerk, Board of Directors

Approved as to Legal form:  
COUNTY COUNSEL

Michael R.

By Linden

Digitally signed by: Michael R. Linden  
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