

BEFORE
THE BOARD OF SUPERVISORS
OF THE COUNTY OF MADERA
STATE OF CALIFORNIA

In the Matter of) Resolution No.: 2024 - 030
)
DEPARTMENT OF WATER AND) A RESOLUTION OF THE MADERA
NATURAL RESOURCES) COUNTY BOARD OF SUPERVISORS
) ADOPTING POLICIES AS THE MADERA
) COUNTY GROUNDWATER
) SUSTAINABILITY AGENCY BOARD OF
) DIRECTORS RELATING TO RECHARGE
) CREDITS AND MAKING RELATED
) FINDINGS UNDER THE CALIFORNIA
) ENVIRONMENTAL QUALITY ACT
_____)

WHEREAS, Groundwater Sustainability Plans (“GSP’s”) have been previously adopted for the Madera, Chowchilla and Delta-Mendota Subbasins (“Subbasins,”) pursuant to the California Sustainable Groundwater Management Act (“SGMA”); and

WHEREAS, the Board discussed the possibility of a recharge policy to incentive landowners to use property for groundwater recharge derived from flood events and from a water right or contract; and

WHEREAS, County staff has sought feedback from property owners and other stakeholders in the Subbasins; and

WHEREAS, policies have since been developed which set forth the terms and conditions under which participating property owners may be entitled to a credit for recharge of the Subbasins derived from a surface water right or contract and also from a flood event; and

WHEREAS, the Board has considered the proposed policies at a meeting of the Board and has also considered whether the policies are consistent with and further implement the GSPs and SGMA; and

WHEREAS, County staff recommends that the recharge policies be adopted; and

WHEREAS, the Board has considered the environmental impacts of the new policies, has determined that the policies are categorically exempt from the California Environmental Quality Act, (California Public Resources Code § 21000, et seq. ("CEQA"), and has found there are no unusual circumstances.

NOW, THEREFORE, BE IT RESOLVED by the County of Madera Groundwater Sustainability Agency Board of Directors, State of California that:

1. The adoption of the policies attached to this Resolution titled — "Policy 1: Storing Surface Water Derived From a Water Right or Contract," and "Policy 2: Storing Water Derived From an Approved Diversion During a Flood Event" — implement the GSP's; will have a beneficial effect on the environment through increase in recharge to the Subbasins; and are exempt from environmental review under CEQA. Specifically, Policy 1 and Policy 2 are categorically exempt from CEQA under Sections 15307 (Protection of Natural Resources) and 15308 (Protection of the Environment) of the CEQA Guidelines (Cal. Code Regs. tit 14, §§ 15307, 15308). The Director of the Department of Water and Natural Resources is directed to file a Notice of Exemption.
2. The Board approves "Policy 1: Storing Surface Water Derived From a Water Right or Contract," as attached to this Resolution as Exhibit "A."
3. The Board approves "Policy 2: Storing Water Derived From an Approved Diversion During a Flood Event," as attached to this Resolution as Exhibit "B."
4. The Director of the Department of Water and Natural Resources is authorized to manage and implement the new policies.
5. The new policies shall be effective as of January 1, 2023.

* * * * *

The foregoing Resolution was adopted this 19th day of March,

2024, by the following vote:

Supervisor Wamhoff voted: YES

Supervisor Rogers voted: YES

Supervisor Poythress voted: YES

Supervisor Gonzalez voted: NO

Supervisor Macaulay voted: NO



Matt Poythress
Chairman, Board of Supervisors

ATTEST:

Alexa Serrano
Clerk, Board of Supervisors

Approved as to Legal Form:
COUNTY COUNSEL

By: Regina A. Garza
Regina A. Garza

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EXHIBIT "A"

**MADERA COUNTY GROUNDWATER SUSTAINABILITY AGENCY'S
RECHARGE CREDIT POLICY**

POLICY 1: STORING SURFACE WATER DERIVED FROM A WATER RIGHT OR CONTRACT

- 1) In furtherance of the goals of the Sustainable Groundwater Management Act (SGMA) and consistent with the adopted Groundwater Sustainability Plans (GSPs) for the Madera, Chowchilla, and Delta-Mendota Subbasins (Subbasin), the Madera County Groundwater Sustainability Agency (MCGSA) in each Subbasin adopt this policy establishing rules for deriving a groundwater recharge credit for recharge activities that store surface water underground.
- 2) This policy reflects the current position of the Madera County GSA Board of Directors (Board) and may be subject to further revision by the Board as new information becomes available and as recharge activities evolve.
- 3) This policy uses the term "Owner" when referring to individuals or entities responsible for land enrolled in the MCGSA's allocation approach.
- 4) This credit, as determined by the MCGSA per the above considerations, will hereafter be referred to as the "Recharge Credit" and will be applicable to the particular submitted recharge facility's operations beginning in January 2023 and into the future, unless such facility is modified or otherwise altered by the Owner.
- 5) Beginning January 1, 2025, extraction of a Recharge Credit shall be limited to the aquifer in which recharge water was percolated. As of January 1, 2025, any well that has been screened both above and below the defined Corcoran Clay layer shall be considered to be extracting from below the Corcoran Clay.
- 6) MCGSA reserves the right to review on-going data for each particular awarded Recharge Credit and adjust the percentage as may be warranted based on available data.
- 7) Recharge Credit:
 - a) Owners participating in the MCGSA's allocation approach may store legally acquired surface water underground within the MCGSA boundaries.
 - b) The amount of surface water diverted that results in recharge to the aquifer is highly variable due to factors such as time of year, soil type, method of recharge, and hydrogeologic characteristics of the Subbasins. For these reasons and to facilitate a manageable policy for the MCGSA, a baseline credit will be provided to the Owner, with opportunities to expand the credit based on site specific conditions.
 - i) The baseline Recharge Credit will be established as 75% of the measured quantity of surface water placed into the defined recharge area (field or basin) and will be credited to the Owner's Farm Unit associated with the recharge area.
 - ii) Owners may derive a greater Recharge Credit based on site specific conditions, up to 15% over the baseline percentage, for a total of 90% as follows:
 - (1) Soil suitability (up to +15%)

- (a) Using the **Modified Soil Agricultural Groundwater Banking Index (SAGBI)**[\(link here\)](#): Use the highest rating when at least 50% of the active recharge site (by area or individual parcel) is rated as:
 - (i) Excellent: +15%
 - (ii) Good: +10%
 - (iii) Moderately Good: +5%
- (b) Using soil boring and/or percolation test results corresponding to a depth of at least 20 feet: Owner will provide the MCGSA with the data and test results from a registered geotechnical engineer or certified agronomist corresponding to the active recharge site, whereby the MCGSA will make a determination for the following additional credit:
 - (i) Percolation greater than 1 inch per hour measured over 12 hours or equivalent measurement result: +15%
 - (ii) Percolation greater than 0.5 inch per hour measured over 12 hours or equivalent measurement result: +5%
- (2) Providing the MCGSA with a groundwater recharge/seepage study for the planned operation prepared by a certified professional, such as a professional engineer, geologist, or hydrogeologist, which documents that the active recharge site warrants an increase over the base percentage. The Recharge Credit will be set as determined by the study, not to exceed an additional 15%.
- c) No Owner will receive a Recharge Credit greater than 90% of the quantity diverted into the recharge site.
- d) Owners storing surface water pursuant to this policy may subsequently put the Recharge Credit to their own beneficial use within the Farm Unit Zone where the surface water storage occurred.
- e) Recharge Credits can be used at the Owner's discretion, except that any available Recharge Credits will be used to offset any exceedance of the Farm Unit allocation.
- f) An Owner may agree to conduct surface water storage activities on behalf of another Owner or group of Owners within the same Farm Unit Zone so that the Recharge Credits will be allocated to the Owner or group of Owners on whose behalf the surface water storage is being conducted. Any such agreement shall be provided to the MCGSA and must include the following information:
 - i) The information required in section h) and i) for each participating Owner;
 - ii) The Owner or group of Owners on whose behalf the surface water storage is being conducted and the portion of the total Recharge Credit to be allocated to each Owner.
- g) Owners who store surface water pursuant to this policy shall provide MCGSA accurate, verifiable records of the quantity and source of surface water diverted and placed into an active recharge site, confirmed by invoice from the district or entity that supplied the

surface water or by the copy of the Owner's required submittal(s) to the State Water Resources Control Board.

- h) In order to be eligible for Recharge Credit, Owners must provide the MCGSA with the following:
 - i) Owner contact information including Farm Unit receiving Surface Water Credit;
 - ii) Location of diversion identified by GPS coordinates;
 - iii) Method of diversion;
 - iv) Date and time of diversion start and stop;
 - v) Approximate soil infiltration rate at recharge site and estimated rate of diversion onto recharge site;
 - vi) If the recharge site is a constructed basin, provide estimated capacity of basin;
 - vii) Record of total amount of surface water placed into the active recharge site measured by a flowmeter, and consistent with the MCGSA flow meter policy, including photos of flowmeter at diversion start and stop;
 - viii) APN and map of surface water storage recharge site and layout;
 - ix) Description of the recharge site's use, including acreage and a crop type;
 - x) Method of applying surface water for underground storage (e.g., Flood-MAR, Recharge Basin);
 - xi) Extraction well(s) construction records or other documentation accurately defining any and all screened intervals;
 - xii) Owners that do not provide this information shall be ineligible for a Recharge Credit.
- i) Owner shall be solely responsible for locating, purchasing, diverting, conveying, accessing, or otherwise acquiring surface water for the purposes of storing surface water in accordance with this policy. Owner must provide MCGSA with documentation to demonstrate this condition.
- j) Owner is solely responsible for complying with the terms and conditions of any water right permit or license, with all rules promulgated by any district or entity supplying the surface water, and with applicable federal, state, and local laws, rules, and regulations.
- k) Owner must agree to indemnify and hold harmless the MCGSA for any activity not in compliance with law. Should any diversion or recharge used as a Recharge Credit in the future be determined invalid by any regulatory body other than MCGSA, any such credits recognized by the MCGSA will be rescinded and Owner will be required to make up any Recharge Credit utilized to date and to forfeit any associated unused Recharge Credits.
- l) Application of water pursuant to this section may not occur on any land where such application is restricted by Federal, State, or Local law.

- m) After coordination with the Owner, the MCGSA staff and/or other authorized agents may enter upon any land on which a recharge facility is located for the sole and exclusive purpose of conducting recharge inspections, including the collection and/or monitoring of groundwater levels.

EXHIBIT "B"

**MADERA COUNTY GROUNDWATER SUSTAINABILITY AGENCY'S
RECHARGE CREDIT POLICY**

**POLICY 2: STORING WATER DERIVED FROM AN APPROVED DIVERSION DURING A
FLOOD EVENT**

- 1) In furtherance of the goals of the Sustainable Groundwater Management Act (SGMA) and consistent with the adopted Groundwater Sustainability Plans (GSPs) for the Madera, Chowchilla and Delta-Mendota Subbasins (Subbasin), the Madera County Groundwater Sustainability Agency (MCGSA) in each Subbasin adopts this policy establishing rules for deriving a groundwater recharge credit for recharge activities that divert and store water underground during flood events.
- 2) This policy reflects the current position of the Madera County GSA Board of Directors (Board) and may be subject to further revision by the Board as new information becomes available and as recharge activities evolve.
- 3) This policy uses the term "Owner" when referring to individuals or entities responsible for land enrolled in the MCGSA's allocation approach.
- 4) This credit, as determined by the MCGSA per the above considerations, will hereafter be referred to as the "Recharge Credit" and will be applicable to the particular submitted recharge facility's operations beginning in January 2023 and into the future, unless such facility is modified or otherwise altered by the Owner.
- 5) Beginning January 1, 2025, extraction of a Recharge Credit shall be limited to the aquifer in which recharge water was percolated. As of January 1, 2025, any well that has been screened both above and below the defined Corcoran Clay layer shall be considered to be extracting from below the Corcoran Clay.
- 6) MCGSA reserves the right to review on-going data for each particular awarded Recharge Credit and adjust the percentage as may be warranted based on available data.
- 7) Recharge Credit:
 - a) When otherwise authorized by law, including but not limited to California Water Code Section 1242.1, the MCGSA encourages Owners to reduce flood risk and enhance aquifer replenishment by diverting flood water from streams and managing that water such that it recharges the Subbasin(s).
 - b) Owners must comply with any requirements of Federal, State, and Local authorities, including rules established by the MCGSA for a specific event, when conducting activities under this policy.
 - c) Flood water recharged in accordance with this policy will provide the Owner with a recognized Recharge Credit pursuant to the determinations detailed below.
 - d) Owners conducting recharge activities in accordance with this policy do not create a water right pursuant to State law.

- e) Owners with a surface water right or acquiring surface water from another entity for purposes of recharge should operate under the MCGSA Recharge Policy 1.
- f) The amount of surface water diverted that results in recharge to the aquifer is highly variable due to factors such as time of year, soil type, method of recharge, and hydrogeologic characteristics of the Subbasins. For these reasons and to facilitate a manageable policy for the MCGSA, a baseline credit will be provided to the Owner, with opportunities to expand the credit based on site specific conditions.
 - i) The baseline Recharge Credit will be established as 75% of the measured quantity of diverted flood water placed into the defined recharge area (field or basin) and will be credited to the Owner's Farm Unit associated with the recharge area.
 - ii) Owners may derive a greater Recharge Credit based on site specific conditions, up to 15% over the baseline percentage, for a total of 90% as follows:
 - (1) Soil suitability (up to +15%)
 - (a) Using the Modified Soil Agricultural Groundwater Banking Index (SAGBI)([link here](#)): Use the highest rating when at least 50% of the active recharge site (by area or individual parcel) is rated as:
 - (i) Excellent: +15%
 - (ii) Good: +10%
 - (iii) Moderately Good: +5%
 - (b) Using soil boring and/or percolation test results corresponding to a depth of at least 20 feet: Owner will provide the MCGSA with the data and test results from a registered geotechnical engineer or certified agronomist corresponding to the active recharge site, whereby the MCGSA will make a determination for the following additional credit:
 - (i) Percolation greater than 1 inch per hour measured over 12 hours or equivalent measurement result: +15%
 - (ii) Percolation greater than 0.5 inch per hour measured over 12 hours or equivalent measurement result: +5%
 - (2) Providing the MCGSA with a groundwater recharge/seepage study for the planned operation prepared by a certified professional, such as a professional engineer, geologist, or hydrogeologist, which documents that the active recharge site warrants an increase over the base percentage. The Recharge Credit will be set as determined by the study, not to exceed an additional 15%.
- g) No Owner will receive a Recharge Credit greater than 90% of the quantity diverted into the recharge site.
- h) Owners storing water pursuant to this policy may subsequently put the Recharge Credit to their own beneficial use within the Farm Unit Zone where the storage occurred.
- i) Recharge Credits can be used at the Owner's discretion, except that any available Recharge Credits will be used to offset any exceedance of the Farm Unit allocation.

- j) An Owner may agree to conduct recharge activities on behalf of another Owner or group of Owners within the same Farm Unit Zone so that the Recharge Credits will be allocated to the Owner or group of Owners on whose behalf the recharge is being conducted. Any such agreement shall be provided to the MCGSA and must include the following information:
 - i) The information required in section l);
 - ii) The information required in section m) for the Owner undertaking the recharge action;
 - iii) The Owner or group of Owners on whose behalf the surface water recharge is being conducted and the portion of the total recharge surface water to be allocated to each Owner.
- k) Owner who stores water pursuant to this policy shall provide MCGSA accurate, verifiable records of the quantity and source of water diverted and placed into an active recharge site and an attestation that water diverted percolated into the ground and did not run off the property or otherwise fail to recharge groundwater in the basin, consistent with submittals to the SWRCB as required per law for recharge activities considered under this policy.
- l) In order to be eligible for Recharge Credit, Owners must provide the MCGSA with the following:
 - i) Owner contact information including Farm Unit receiving Recharge Credit;
 - ii) Location of diversion identified by GPS coordinates;
 - iii) Method of diversion;
 - iv) Date and time of diversion start and stop;
 - v) Approximate soil infiltration rate at recharge site and estimated rate of diversion onto recharge site;
 - vi) If the recharge site is a constructed basin, provide estimated capacity of basin;
 - vii) Record of total amount of water placed into the active recharge site measured by a flowmeter, and consistent with the MCGSA flow meter policy, including photos of flowmeter at diversion start and stop;
 - viii) APN and map of surface water recharge site and layout;
 - ix) Description of the recharge site's use, including acreage and a crop type;
 - x) Method of applying water for underground storage (e.g., Flood-MAR, Recharge Basin);
 - xi) Extraction well(s) construction records or other documentation accurately defining any and all screened intervals;
 - xii) Beginning with any recharge activity undertaken subsequent to October 1, 2023, absent the above information, the Owner will be ineligible for a Recharge Credit.

- m) The Owner must provide the MCGSA with all reporting information submitted to the State Water Resources Control Board pursuant to requirement of California Water Code 1242.1(g).
- n) For any period in which flood risk reduction and recharge is authorized by law, MCGSA will develop a form that includes specific requirements for conducting recharge in accordance with that event and other information required by law and to be eligible to receive Recharge Credits pursuant to this policy. The Owner must complete this form.
- o) Owner is solely responsible for complying with the terms and conditions of any provisions authorized by California statute that permits surface diversions for recharge during flood events, and with all other applicable federal, state, and local laws, rules, and regulations.
- p) Owner must agree to indemnify and hold harmless the MCGSA for any activity not in compliance with law. Should any diversion or recharge used as a Recharge Credit in the future be determined invalid by any regulatory body other than MCGSA, any such credits recognized by the MCGSA will be rescinded and Owner will be required to make up any Recharge Credit utilized to date and to forfeit any associated unused Recharge Credits.
- q) Application of water pursuant to this section may not occur on any land on which recharge application is restricted by Federal, State, or Local law.
- r) After coordination with the Owner, the MCGSA staff and/or other authorized agents may enter upon any land on which a recharge facility is located for the sole and exclusive purpose of conducting MCGSA business including the collection and/or monitoring of groundwater levels.