

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

In the Matter of

GROUNDWATER SUSTAINABILITY
AGENCY

Resolution No. 2026-041

RESOLUTION AMENDING
DOMESTIC WELL
MITIGATION PROGRAM FOR
THE MADERA SUBBASIN

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 Madera Subbasin from seepage and percolation) of approximately 0.5 acre-feet per acre for the Madera Subbasin;

WHEREAS, in the Joint GSP the GSAs agreed to implement a Domestic Well Mitigation Program;

WHEREAS, on December 15, 2020, the Board of Directors adopted Resolution No. 2020-166 adopting an approach to allocating groundwater (the "Allocation Approach") in the Madera Subbasin, allowing parcels meeting certain criteria (hereafter "eligible parcels") to have access to groundwater classified using two designations:

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

WHEREAS, in furtherance of the Allocation Approach, on June 8, 2021, the County GSA Board of Directors adopted Resolution No. 2021-069, providing for a per-acre allocation 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;

WHEREAS, the amount of groundwater available to properties under the Allocation Approach is calculated based on the overall acreage in the eligible enrolled parcel or approved farm unit;

WHEREAS, on August 17, 2021, the County GSA Board of Directors adopted Resolution No. 2021-113, establishing groundwater allocation refinements;

WHEREAS, on June 21, 2022, the Board of Directors adopted Resolution No. 2022-086, establishing a fixed fee (the "Project Fee") of \$246 per acre of land enrolled in the

Allocation Approach ("Enrolled Acre"), to provide funds sufficient for the County GSA to cover the costs of implementing GSP projects, including the Domestic Well Mitigation Program;

WHEREAS, in December 2022, the Madera County Superior Court enjoined collection of the Project Fee;

WHEREAS, following the Court's ruling, on December 20, 2022, the Board of Directors adopted Resolution No. 2022-198 removing the Madera Subbasin GSP Project Fee from the 2022-2023 tax year secured property tax bills, until such time as the Court's injunction was lifted;

WHEREAS, the Court dissolved the injunction on March 4, 2025, allowing the County GSA to resume collection of the Project Fee, but leaving the County GSA in a multi-year funding shortfall for the GSP projects;

WHEREAS, the County GSA, mindful of the hardship that would result from immediately collecting back-fees in excess of \$60 million to fill the funding shortfall created by the Court's injunction, proposed to repeal and replace Resolution No. 2022-198 and amend Resolution No. 2022-086 to revise the Project Fee downward to collect funds sufficient for the County GSA to cover the costs of implementing the Domestic Well Mitigation Program only;

WHEREAS, an updated study report ("Supplemental Report") to determine the amount of revenue required for the Domestic Well Mitigation Program was conducted by Raftelis, an independent consulting firm;

WHEREAS, on July 15, 2025, the County GSA Board of Directors adopted Resolution No. 2025-067—which repealed and replaced Resolution No. 2022-198 and

amended Resolution No. 2022-086—adopting a new five-year rate schedule designed to fund only the Domestic Well Mitigation Program;

WHEREAS, agriculture water use represents the vast majority of water use in the Madera Subbasin;

WHEREAS, the Domestic Well Mitigation Program will provide financial assistance to landowners impacted by declining groundwater levels in the Madera Subbasin;

WHEREAS, on December 9, 2025, the County GSA Board of Directors adopted Resolution No. 2025-141, which established the Domestic Well Mitigation Program including eligibility, funding, and procedures for domestic well mitigation in the Madera Subbasin;

WHEREAS, on February 10, 2026, the County GSA Board of Directors adopted Resolution No. 2026-017, which amended the Domestic Well Mitigation Program including eligibility, funding, and procedures for domestic well mitigation in the Madera Subbasin;

WHEREAS, the County GSA desires to further amend the Domestic Well Mitigation Program to revise procedures to improve implementation of the Domestic Well Mitigation Program as specified in Exhibit "A" attached hereto and incorporated herein by reference; and

WHEREAS, this Resolution is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines sections 15307 (action of 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 it 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. The amendment Madera Subbasin Domestic Well Mitigation Program for the Madera County GSA in the Madera Subbasin, attached hereto as Exhibit "A" is hereby approved and adopted.

3. That the Director of Water and Natural Resources is hereby authorized and directed to act on behalf of County GSA in connection with the County GSA's Madera Subbasin Domestic Well Mitigation Program, and to enter into, execute, and deliver any and all documents required or deemed necessary for the implementation of the Madera Subbasin Domestic Well Mitigation Program as amended herein including but not limited to execution of a grant agreement between the County GSA and the landowner in a form approved by County Counsel.

4. The Board of Directors directs that a Notice of Exemption be filed with the County Clerk in accordance with the CEQA Guideline.

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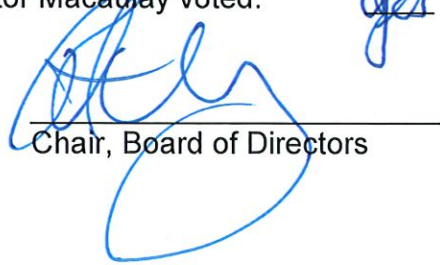
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The foregoing Resolution was adopted this 14TH day of APRIL,
2026, by the following vote.



Director Wamhoff voted:	<u>yes</u>
Director Rogers voted:	<u>yes</u>
Director Poythress voted:	<u>absent</u>
Director Gonzalez voted:	<u>yes</u>
Director Macaulay voted:	<u>yes</u>



Chair, Board of Directors

ATTEST:


Clerk, Board of Directors

Approved as to Legal Form:
COUNTY COUNSEL

Nick Clair

Digitally signed by: Nick Clair
DN: CN = Nick Clair email =
nclair@lozanosmith.com C =
US O = Lozano Smith
Date: 2026.03.20 16:38:21 -
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By _____

Exhibit A

MADERA COUNTY GSA Domestic Well Mitigation Program

Program Overview

The Domestic Well Mitigation Program provides financial assistance to landowners impacted by declining groundwater levels in the Madera Subbasin within the Madera County Groundwater Sustainability Agency. This program helps fund the drilling of new domestic wells or connecting to an existing community water system to replace domestic wells that have gone dry or been damaged by subsidence.

Program Rules

Eligibility

Must be a landowner with a domestic well located within the Madera Subbasin and within the Madera County GSA boundaries. The property must have a well that went dry after 1/1/2026 or is on the Self-Help Enterprises interim water assistance list (with a dry well due to declining groundwater levels that occurred after 1/1/2020 cutoff). The property owner must have owned the property for a minimum of one year. The dwelling unit must be considered "habitable."

Qualifications

The domestic well must have gone dry due to declining groundwater levels and have not exceeded 30 years of age. Domestic wells impacted by subsidence (collapsed casing) may also qualify. The residence must be considered "habitable." A qualified professional will conduct an assessment after application to confirm eligibility.

Funding

Program funding shall be managed to ensure that funds are used only for items directly related to restoring domestic water service to an eligible residence. Funding may be used for the installation of a new replacement domestic well or connection to a community water system. Funding shall be used for all reasonable components necessary to establish a new functioning domestic well system that delivers water to the residence for domestic use as approved by the County GSA.

Examples of Authorized and Unauthorized well components include but are not limited to:

Authorized

- Well drilling and installation of casing and sanitary seals
- Installation of a submersible pump (new or existing, if in good working order)
- Electrical wiring, conduit, and pump control components necessary to operate the domestic well
- Pitless adapter and wellhead fittings
- Pressure tank and pressure switch necessary to regulate household water pressure
- Trenching and installation of the water service line connecting the well to the residence
- Basic plumbing connections, valves, and appurtenances necessary to deliver water into the home
- Well completion activities, including system testing, startup, and disinfection
- Other reasonable and necessary components required to establish a functional domestic water supply system for the residence (e.g., minor fittings, connectors, or appurtenances integral to system operation)

Unauthorized

- Lowering pump, deepening, or modifying an existing well in lieu of replacement
- Installation of a well with capacity exceeding that necessary for domestic household use ("oversized well")

Exhibit A

- Storage tanks not necessary for basic domestic service
- Electrical upgrades beyond those required to operate the domestic well
- Water lines or plumbing systems serving non-residential structures (e.g., barns, shops, or agricultural uses)
- Backup, standby, or redundant water supply systems
- Irrigation, landscaping, or other non-domestic water system components (including sprinkler system connections)
- Landscaping, site improvements, or aesthetic enhancements (e.g. decorative enclosures, concrete pads beyond functional necessity, fencing for non-operational purposes) around the well site
- Any costs, components, or improvements that are not directly and solely necessary to restore basic domestic water service to the residence (e.g., system upgrades for increased capacity, convenience features, or non-essential improvements)

Funding will also be available for the destruction of the existing well. Existing well components will be reused when appropriate. Program funding shall not be used for any item that serves a purpose other than delivering water to the home for domestic use, or that is upgraded or equipped to serve a non-domestic use (i.e., a dual-purpose system).

All work performed under the Program shall be coordinated and completed by contractors authorized by the County GSA. Costs associated with work performed independently by the homeowner or by contractors or subcontractors not authorized by the County GSA shall not be eligible for Program funding.

The Program provides funding of up to \$35,000 per eligible property. Any costs exceeding this amount shall be the responsibility of the landowner.

If the home is sold within one year, 100% of Program costs up to \$35,000 must be repaid; if sold within one to two years, 50% of costs up to \$17,500 must be repaid.

Mitigation Frequency

Each property (by APN) may only receive one mitigation through the program. The use of the program will be recorded on the property deed.

Process

1. Apply: Complete and sign the application and submit a \$100 deposit that will be credited towards payment if qualified. The deposit is non-refundable for applicants that do not qualify.
2. Assessment: The Madera County GSA or its agents will conduct a well assessment.
3. Approval: If the well qualifies, the landowner will solicit and provide the GSA with three (3) bids from well drillers. Two (2) bids must be from the Madera County GSA qualified well driller list. The County GSA will approve one of the bids and authorize work to begin.
4. Payment: The GSA will advance the landowner up to \$35,000 in eligible costs on a schedule deemed appropriate by the GSA. At completion the landowner must provide sufficient documentation to support the amount advanced by the GSA.
5. Record: After completion, the mitigation record will be filed on the property deed with agreement terms.