

**MCMULLIN AREA GROUNDWATER SUSTAINABILITY AGENCY
GROUNDWATER WELL METERING, MEASUREMENT, MONITORING
AND CONSTRUCTION POLICY**

POLICY NO. 2021- 09

DATE ADOPTED: February 3, 2021

1.0 Background

The McMullin Area Groundwater Sustainability Agency (“MAGSA”), pursuant to the Sustainable Groundwater Management Act (“SGMA”), is responsible for cooperating with the other groundwater sustainability agencies (“GSAs”) within the Kings Subbasin in the development of a water budget for the basin that provides an accounting and assessment of the total annual volume of groundwater entering and exiting the system and/or Subbasin, current and projected water budget conditions, and the change in the volume of water stored. (23 CCR §354.18.) Due to the lack of availability of complete historical data on these subjects, the cooperating GSAs within the Subbasin determined that it was necessary to utilize reasonable estimates of this information when describing basin conditions. MAGSA utilized these estimates in developing the MAGSA Groundwater Sustainability Plan (“GSP”),¹ while acknowledging that additional well requirements will likely be required to more effectively manage and understand the dynamic groundwater conditions. (GSP at §6.3.2.1)

2.0 Purpose

The purpose of this Groundwater Well Metering, Measurement, Monitoring and Construction Policy (“Policy”) is to ensure that new groundwater wells within MAGSA are appropriately constructed to provide the critical data necessary for MAGSA to provide SGMA compliant groundwater management, to protect the existing groundwater quality of the Kings Subbasin and to allow for all existing groundwater wells to be sufficiently retrofitted and/or equipped for ongoing metering, measurement and monitoring to provide MAGSA access to reliable, accurate information from these wells for the development and continued management of its water budget. This information includes, but is not necessarily limited to, well location, well construction detail, surface elevation data, metered flow data, water elevation data and water quality data on any and all wells not otherwise exempted (i.e. de minimis pumpers) under SGMA.

3.0 Recitals

WHEREAS, MAGSA is a joint powers authority formed pursuant to the Joint Exercise of Powers Act (Gov’t Code section 6500 et seq.) and acts pursuant to that authority; and

WHEREAS, it is MAGSA’s mission to sustainably manage, protect and maintain the groundwater resources within the McMullin Area of the Kings Subbasin consistent with SGMA

¹ A copy of MAGSA’s GSP can be downloaded from the following web address:
<https://www.mcmullinarea.org/gspdownload/>

(Water Code section 10720, et seq.) for the benefit of its water users and to coordinate with other GSAs and their respective management activities within the subbasin; and

WHEREAS, the McMullin Area of the Kings Subbasin, Basin No. 5-22.08, has been identified in the Department of Water Resources' ("DWR") Bulletin 118 as subject to conditions of critical overdraft; and

WHEREAS, the sustainability goal of the Kings Subbasin and MAGSA is to "ensure that, by no later than 2040, the basin is being operated to maintain a reliable water supply for current and future beneficial uses without experiencing undesirable results"; and

WHEREAS, pursuant to Water Code section 10725.2, the MAGSA Board of Directors is authorized to adopt rules, regulations, ordinances and resolutions for the purpose of complying with SGMA; and

WHEREAS, the "best available data" were used to assess the current and historical groundwater conditions in the GSP, which did not always include the preferred method of direct measurement due to its unavailability; and

WHEREAS, the majority of the existing groundwater wells are not configured to be readily monitored; and

WHEREAS, the majority of the existing groundwater wells are not adequately equipped to be remotely monitored or to electronically transmit that information; and

WHEREAS, MAGSA is responsible for cooperating in the development of a water budget for the basin that provides an accurate accounting and assessment of the total annual volume of groundwater entering and exiting the system and/or Subbasin, current and projected water budget conditions, and the change in the volume of water stored; and

WHEREAS, a water budget will be used as a tool in assessing numerous aspects of sustainable groundwater management, including determination of sustainable yield, identification of overdraft, identification and clarification of beneficial uses, identification of data uncertainties and quantification of the effects of proposed projects and management actions; and

WHEREAS, SGMA established indicators for sustainable management that must be monitored throughout the planning and implementation period of the GSP, including groundwater levels, groundwater storage, water quality, land subsidence, and depletion of interconnected surface water; and

WHEREAS, MAGSA seeks accurate, physically measured data to assist with establishment of management criteria and the implementation of management actions; and

WHEREAS, Fresno County Department of Public Health, Environmental Health Division, ("Fresno County Health") has the permitting responsibility for new groundwater wells and any changes to existing groundwater wells; and

WHEREAS, DWR Bulletin 74 sets the minimum standards for water wells, with the purpose of protecting California's groundwater quality; and

WHEREAS, DWR Bulletin 74 is administered and enforced within MAGSA by Fresno County Health; and

WHEREAS, most of the permanent subsidence in the San Joaquin Valley has historically resulted from overdraft in the confined aquifer below the Corcoran Clay (GSP at §3.2.6); and

WHEREAS, groundwater wells that pump from the confined aquifer below the Corcoran Clay risk causing further land subsidence; and

WHEREAS, groundwater wells that are perforated across a confining layer (e.g. the Corcoran Clay) can act as a conduit for contaminants between the upper and lower aquifers; and

WHEREAS, MAGSA seeks to gather critical data related to these concerns in establishing management criteria and management actions for avoidance of these undesirable results; and

WHEREAS, accurate, clear and concise data of all aforementioned types is a minimum requirement for any and all implementing actions envisioned under the MAGSA GSP;

NOW, THEREFORE, BE IT RESOLVED THAT:

As part of MAGSA's overall statutory obligation to mitigate groundwater overdraft, provide protections for its groundwater supply, avoid undesirable results related to groundwater extraction and ensure that groundwater remains available to MAGSA landowners to the maximum extent possible for use within the GSA, consistent with MAGSA's GSP, it shall hereafter, in furtherance of those statutory obligations, be MAGSA policy:

1. To require, within a reasonable period of time, the identification and registration of all groundwater wells located within MAGSA. This registration shall include, but not be limited to, location, date of construction, well construction detail, and other such relevant information, as may, from time to time by appropriate regulation or ordinance, be determined to be necessary by MAGSA for implementation of the GSP and compliance with SGMA;

2. To require all property owners seeking to repair existing groundwater wells or construct new groundwater wells within MAGSA, utilizing reasonable regulations related thereto, to build, repair or rebuild those wells in such a manner as to be readily metered, measured, sampled and monitored;

3. To require all property owners seeking to repair existing groundwater wells or construct new groundwater wells within MAGSA, utilizing reasonable regulations related thereto, to equip or otherwise retrofit those wells to be remotely monitored for both groundwater levels and production, and to electronically transmit those data to a centralized collection entity;

4. To require that all new wells be constructed in a manner that will protect the integrity of the groundwater basin, protect water quality and preclude subsidence;

5. To work with Fresno County Health to develop an acceptable process that will reasonably notify and require all landowners seeking groundwater well-related permitting

authority from Fresno County Health within MAGSA, including new wells and all wells needing modification, to include as additional equipment, a qualified water metering device, a qualified elevation sensor, digital reporting telemetry and a water quality sampling spigot;

6. To work with Fresno County Health to develop a process that will notify and require all landowners with wells seeking groundwater well-related permitting authority from Fresno County Health within MAGSA, including new wells and all wells needing modification, to address all MAGSA well permitting requirements established by regulation or ordinance, as the same may be modified by MAGSA from time to time;

7. To require all existing groundwater extraction wells located within MAGSA to be retrofitted with a qualified meter and water elevation monitoring sensor and equipped to automatically transmit any collected data to a centralized collection entity within four years of the enactment of this Policy, or by the time of MAGSA’s first five-year GSP review pursuant to SGMA, whichever comes earlier, and to have that production data reasonably available to MAGSA;

8. To assure that any data provided to or collected by MAGSA pursuant to this Policy will only be accepted pursuant to the MAGSA Data Collection Policy; and

9. To provide that all groundwater well construction or monitoring requirements be implemented by MAGSA through a subsequent detailed, reviewed, and duly adopted regulation or ordinance.

4.0 Enactment.

This Policy shall become effective and be in full force on and after its passage and adoption. The foregoing Groundwater Export Policy was passed and adopted by the Board of Directors for the McMullin Area Groundwater Sustainability Agency, at a regular meeting thereof held on the third day of February, 2021, by the following vote:

Directors:

AYES: Abercrombie, Bath (by DeGroot), Cameron, Pacheco, Singh

NOES:

ABSENT:

Chairperson, Board of Directors
McMullin Area Groundwater Sustainability Agency

ATTEST:

Approved as to legal form and effect:

Matthew H. Hurley, Secretary

Legal Counsel