

MCMULLIN AREA GROUNDWATER SUSTAINABILITY AGENCY DOMESTIC WELL MITIGATION POLICY

POLICY NO. 2024 - 10

DATE ADOPTED: April 3, 2024

1.0 Background

Pursuant to the Sustainable Groundwater Management Act of 2014 (Water Code §§ 10720 et seq.) (“SGMA”), the McMullin Area Groundwater Sustainability Agency (“MAGSA”) is one of seven groundwater sustainability agencies (“GSAs”) that each manage groundwater within their respective portions of the Kings Subbasin (Basin No. 5-22.08). MAGSA is responsible for implementing projects and management actions to cooperatively reach sustainability objectives and address sustainable yield and overdraft conditions within the Kings Subbasin and MAGSA. To that end, MAGSA, along with each of the other Kings Subbasin GSAs, worked collaboratively to prepare and timely submit a Groundwater Sustainability Plan (“GSP”) for their respective portion of the Kings Subbasin. On August 4, 2023, the Department of Water Resources (“Department” or “DWR”) approved the Kings Subbasin GSPs.¹ In its approval, the Department “recommended certain corrective actions that the Department believes will enhance the GSP and facilitate future evaluation by the Department.” Among those is a recommendation that the GSAs should develop Domestic Well Mitigation Programs to address domestic wells going dry as a direct result of decreasing groundwater levels within the Kings Subbasin.

2.0 Purpose

The purpose of this Domestic Well Mitigation Policy (“Policy”) is to provide direction for the establishment of a subsequent set of implementing rules and regulations pursuant to which MAGSA will meet the needs of landowners within its boundaries whose domestic wells go dry or fall within ten (10) feet of going dry due to lowering groundwater levels within the Kings Subbasin.

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 the SGMA for the benefit of water users within the McMullin Area of the Kings Subbasin, and to coordinate in that pursuit with other GSAs within the Kings Subbasin; 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

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

WHEREAS, Kings Subbasin has been in overdraft for many years resulting in a significant lowering of the regional and local groundwater elevations, and a significant reduction in the amount of useable groundwater in storage. The Kings Subbasin GSAs plan to correct the overdraft by 2040 as required by SGMA, however there may be a continued decline through 2040 until water levels have stabilized; and

WHEREAS, as a result of the continued decline of water levels until they are stabilized, some wells may go dry during the SGMA implementation period. This is generally limited to shallow domestic wells and some small water system wells. Irrigation wells and agency-owned wells are typically deeper and have often been designed to account for declining water levels; and

WHEREAS, as groundwater levels decline, pumps may need to be lowered, wells deepened, or wells replaced, and while a pump can be lowered in some situations, under this Policy a well shall be considered “dry” when there is less than ten (10) feet of water above the bottom of the well perforations, or the bottom of the well when perforation levels are not known; and

WHEREAS, based on analysis of information maintained on DWR’s Online System of Well Completion Reports database for submitted well records, the estimated number of domestic wells that could go dry within MAGSA’s boundaries as a result of groundwater levels reaching the maximum anticipated lowered water levels across the Kings Subbasin is nominal, but potentially not able to otherwise be mitigated by those so affected; and

WHEREAS, MAGSA seeks to establish a policy to provide assistance to those landowners within its boundaries whose domestic wells do go dry as a result of lowering groundwater levels across the Kings Subbasin by lowering well pumps and deepening or replacing wells, as appropriate.

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 coordinate with MAGSA domestic well owners to encourage them to report, consistent with MAGSA’s Well Metering, Measurement, Monitoring and Construction Policy, the identification and registration of all domestic groundwater wells located within MAGSA. This registration, to the extent the information is known, may include, but not be limited to, location, date of construction, well construction detail, including depth, 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 domestic well owners seeking mitigation assistance to provide MAGSA with measuring and monitoring data they may possess indicating the nature of their concern as well as access to any wells for which mitigation is sought.

3. To restrict those wells that may be deemed eligible for mitigation only to those domestic wells used solely for domestic purposes and have failed or are in danger of imminent failure as a result of measured declining groundwater levels within the Kings Subbasin. This includes only private domestic wells that are no more than fifty (50) years old and eligible State Small Water System wells. Wells shall not be eligible due to failed pumps, collapsed casing, poor water quality or other reasons not directly related to Kings Subbasin groundwater level decline.

4. To establish implementing Rules and Regulations to detail a claims process, as well as interim and mitigation measures, which may include: bottled water delivery for drinking water and/or water tanks and trucked water deliveries for interim sanitation and other household purposes, excluding outdoor usage; lowering the pump in the well; deepening the existing well; or drilling and installing a new deeper replacement well.

4.0 Enactment.

This Policy shall become effective and be in full force on and after its passage and adoption. The foregoing Domestic Well Mitigation 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 3rd day of April, 2024, by the following vote:

AYES: Abercrombie, Cameron, DeGroot, Namvar, Pacheco

NOES:

ABSENT:

Chairperson, Board of Directors
McMullin Area Groundwater Sustainability Agency

ATTEST:

MATTHEW H. HURLEY
