

POLICY FOR THE CONSTRUCTION OF GROUNDWATER EXTRACTION WELLS WITHIN THE ALISO WATER DISTRICT

ADOPTED: May 19, 2023

Introduction

This Policy for the construction of groundwater extraction wells within the Aliso Water District (“Policy”) is adopted by the Aliso Water District (“AWD” or “District”) Board of Directors. The intent of this Policy is (i) to identify features of well construction that could affect the District’s ability to operate sustainably (ii) to gain valuable information of the aquifer system to understand and preserve groundwater extraction practices, and (iii) to provide a system for the District to issue a timely GSA verification letter to the applicant when seeking a permit from the County of Madera (“County”) for the construction of new groundwater extraction wells.

This policy will assist in assuring that wells approved and permitted by Madera County will not impact AWD’s ability to comply with the Sustainable Groundwater Management Act (SGMA) in the implementation of the District’s Groundwater Sustainability Plan (GSP).

Background

During the drought of 2022, State of California Governor Newsom issued Executive Order N-7-22. Among the many directives of the order, particular to this Policy is Item 9.a requiring a GSA to provide written verification to the County that extraction of water from a proposed well would not be inconsistent with the GSP. Specifically, the language reads:

- 9. To protect health, safety, and the environment during this drought emergency, a county, city, or other public agency shall not:
 - a. Approve a permit for a new groundwater well or for alteration of an existing well in a basin subject to the Sustainable Groundwater Management Act and classified as medium- or high-priority without first obtaining written verification from a Groundwater Sustainability Agency managing the basin or area of the basin where the well is proposed to be located that groundwater extraction by the proposed well would not be inconsistent with any sustainable groundwater management program established in any applicable Groundwater Sustainability Plan adopted by that Groundwater Sustainability Agency and would not decrease the**

likelihood of achieving a sustainability goal for the basin covered by such a plan.

In light of this directive, and likely other future state and county regulations, the District has developed this policy to provide clarity on how well construction could affect the District's ability to operate sustainably.

Applicability

The Policy applies to any new construction of groundwater extraction wells within AWD GSA.

Landowners interested in constructing new groundwater extraction wells must obtain a construction permit from Madera County. As part of this application process, the County will require the District to review and consider the new well's construction information in accordance with the District's adopted GSP. After review, the District will provide a verification letter verifying the well is consistent with the GSP and the District's agreement to its construction.

Consistency with the GSP

The extraction of groundwater from a well could cause undesirable results that would be inconsistent with the District's GSP.

Examples of undesirable results to the District include, but are not limited to, the following sustainability considerations:

- A. Could the well affect nearby wells?
- B. Could the well increase groundwater overdraft?
- C. Could the well cause subsidence to critical infrastructure?
- D. Could the water extracted by the well be exported from the GSA, or increase demand on the aquifer?

Therefore, the policy does not prohibit the construction of a well in the District, but instead will require varying degrees of monitoring and reporting depending on the aquifer designation from which groundwater will be extracted. Data gathered will be used to further understand the effects of groundwater pumping on the undesirable results.

Policy

1. **Application**: Landowners interested in constructing new groundwater extraction wells must first initiate a construction permit application with the County. Subsequently, the Landowner must submit the information requested in **Attachment A – Pre-Construction Required Submittal** to the District. The District reserves the right to request additional information.
2. **Indemnity Agreement and Verification**: The District's Board President, or designated staff, will review the submitted information. Once it is determined that the proposed well is in compliance with this policy, the District will provide the Landowner with an indemnity agreement in the form shown as **Attachment B**. Once the Landowner has delivered the signed indemnity agreement to the District, the District will provide the written verification required by Executive Order N-7-22.
3. **New Well Requirements**: All wells are required to be compliant with applicable Madera County Well Standards.
4. **Monitoring Requirements per Aquifer Designation**: At their sole expense (unless noted otherwise) the landowner must comply with the logging, equipment and monitoring requirements shown in **Attachment C**, applicable to the aquifer designation for the well. The well will be designated as: Shallow Aquifer; Upper Aquifer; Composite; or Lower Aquifer.
5. **Submittals**:
Submittal documents shall be emailed to the District at info@alisowdgsa.org, with the subject line: **New Well Request – 'Landowner Name'**. Required submittals include:
 - A. Pre-Construction Required Submittals (Attachment A)
 - B. Post-Construction Required Submittals (Attachment D)
6. **Inspection**: Landowner grants access to the District to inspect facilities and verify the accuracy of measurement equipment.
7. **Exceptions**: The following are exempt from this policy: (i) Existing wells are not subject to this policy, (ii) Domestic and De minimis wells not subject to executive order N-7-22.

8. Costs, Fees, and Penalties:

- A. Costs: The landowner shall be responsible for all costs to comply with this policy.
- B. Deposit: A deposit of \$1,000 is required for all new well requests, payable at the time the request is made. The deposit will be fully refunded once Post-Construction Required Submittals are received and verified, or the Madera County Well Permit is cancelled. If the District does not receive Post-Construction Required Submittals, the deposit will be forfeited and the landowner will be responsible for all fees the District incurs to collect the missing information.
- C. Fees: All wells will be charged a one-time processing fee of \$500, payable at the time the request is made. Composite and Deep Aquifer wells will be charged an additional one-time fee of \$1,500 to compensate the District for the installation of a subsidence benchmark.
- D. Payment: All payments shall be made payable to Aliso Water District and remitted to the District Treasurer:
Treasurer
Aliso Water District
5588 Road 16
Madera, CA 93637
- E. Enforcement: Failure to comply with this policy may result in the landowner not being able to extract water from the well.

9. No Right to Pump: This policy is intended for the construction of the well and not the extraction of water from the well. Nothing in this policy should be construed as a right to pump groundwater. The District may utilize pumping allocations as a means to achieve sustainable operations.

Attachments:

- A. Pre-Construction Required Submittals
- B. Indemnity Agreement Sample
- C. Requirements per Aquifer Designation
- D. Post-Construction Required Submittals

ATTACHMENT A

Pre-Construction Required Submittals

- **Madera County Permit Application with Map**
- **Cross-sectional sketch illustrating proposed well design including sounding tube**
- **\$1,000 deposit** (refunded once Post-Construction Required Submittals are received and verified, or the Madera County Well Permit is cancelled)
- **\$500 processing fee**
- **\$1,500 additional fee** (applies to Composite and Deep Aquifer designated wells only)

ATTACHMENT B

INDEMNITY AGREEMENT SAMPLE

This Agreement is made effective as of _____, ____ **20**____, by and between the Aliso Water District GSA (“GSA”) and **LANDOWNER** (“Landowner”), with respect to the following facts and circumstances:

RECITALS:

- A. Landowner is applying to the County of Madera for a permit to drill a new well on its property identified at the proposed GPS coordinates of “**36.** _____, **-120.** _____”. Such well is designated as a _____ well as described in the District’s Policy for the Construction of Groundwater Extraction Wells, a copy of which has been provided to Landowner (the “Policy”).
- B. Section 9(a) of State of California Executive Order No. N-7-22 requires that a public agency shall not approve a permit for a new groundwater well without:

“first obtaining written verification from a Groundwater Sustainability Agency managing the basin or area of the basin where the well is proposed to be located that groundwater extraction by the proposed well would not be inconsistent with any sustainable groundwater management program established in any applicable Groundwater Sustainability Plan adopted by that Groundwater Sustainability Agency and would not decrease the likelihood of achieving a sustainability goal for the basin covered by such a plan;”
- C. The GSA is willing to provide such written verification to the County of Madera, provided that Landowner agrees to comply with the Policy’s requirements for the proposed well, and to indemnify the GSA.

NOW THEREFORE, for valuable consideration, the parties agree as follows:

1. The GSA agrees to provide the written verification to the County of Madera required by Section 9(a) of Executive Order No. N-7-22 for the well permit application described above in Recital A.
2. Landowner acknowledges that such verification does not constitute an approval as to any other matter within the GSA’s jurisdiction, and does not exempt such well from any regulation imposed by the GSA.
3. Landowner agrees to comply with the requirements of the District Policy for a well of this designation, including, but not limited to, requirements regarding equipment, monitoring, and information submittals.
4. Landowner agrees to defend, indemnify and hold the GSA harmless from and against any and all claims arising from the GSA’s providing such written verification.

IN WITNESS WHEREOF, the parties have executed this Agreement to be effective as of the date first written above.

ALISO WATER DISTRICT GSA

By:

President

LANDOWNER

By:

Its:

ATTACHMENT C

Requirements per Aquifer Designation

Designation	Description	Equipment			Monitoring		
		Electric Log (1)	Flowmeter (2)	Sounding Tube (3)	Subsidence Benchmark (4)	Water Quality (annual) (5)	Static Depth to Water (semi-annual) (6) (7)
Shallow Aquifer	Perforated above A-Clay	X	X	X		X	X
Upper Aquifer	Perforated above E-Clay	X	X	X		X	X
Composite	Perforated both above and below the E-Clay	X	X	X	X	X	X
Deep Aquifer	Perforated below the E-Clay	X	X	X	X	X	X

Notes:

- 1) An electric log (E-log) must be performed on the well borehole prior to installation of casing.
- 2) A flowmeter shall satisfy the requirements of Section 1 of the separate AWD Policy the *Policy for the Metering of Groundwater Extractions within the Aliso Water District*.
- 3) A sounding tube either internal or external to the well casing must be installed to a minimum depth of 5-feet above the pump bowl assembly to ensure submergence and clear access for water level measurement devices free from obstruction by downhole equipment (e.g. pump bowls, column pipe, electrical cables, etc).
- 4) A subsidence benchmark will be installed by the District in the ground adjacent to the well head. The benchmark will consist of a rod driven into the ground to the point of refusal then topped with a 3-inch brass disk and set in a 6-inch diameter concrete circle. Alternatively, the District may allow installation of the brass disk on a nearby mat foundation deemed suitable by District to provide representative subsidence information into the future.
- 5) An Irrigation Suitability Analysis shall be performed by a qualified water quality laboratory and submitted to the District when requested during annual district-wide monitoring events (typically July).
- 6) A static water level measurement shall be collected and submitted to the District when requested during semi-annual district-wide monitoring events (typically February and October).
- 7) As an alternative to manual static water level readings at the required intervals the landowner may opt to install a water level transducer.

ATTACHMENT D

Post-Construction Required Submittals

- Well Completion Report**
- Electric Log**
- Pump test results indicating:**
 - Static water level**
 - Specific capacity (flow rate/ drawdown)**
- Water Quality Results (irrigation suitability analysis)**
- Site Photos**
- Flowmeter information (make/model, type, diameter, calibration record)**
- Survey Data¹**
 - Subsidence Benchmark Elevation (by district)**
 - Water Level Reference Point Elevation (by district)**

¹ Landowner encouraged to satisfy Flood Elevation Certificate (if required) with concurrent visit by surveyor.