

IWVGA ADMINISTRATIVE OFFICE

STAFF REPORT

TO: IWVGA Board Members **DATE:** October 15, 2020
FROM: IWVGA Staff
**SUBJECT: AGENDA ITEM NO. 8 – CONSIDERATION AND ADOPTION OF
RESOLUTION 07-20 – ESTABLISHING A REPORTING POLICY FOR
ALL NEW GROUNDWATER EXTRACTION WELLS IN THE BASIN**

DISCUSSION

As this Board is aware current groundwater extractions in the Basin have been subject to reporting requirements for some time. The attached Resolution adopts a policy requiring new groundwater extractions from the Basin be reported to the GA so that the Water Resource Manager may adjust the importation program and GSP as needed for the new Basin demands.

The following Policy and Resolution were presented to the PAC earlier this year and it is not believed that the changes made since that review require any further review by the Committees.

RECOMMENDED BOARD ACTION(S)

Consider and adopt Resolution 07-20 – Establishing Requirements and a Reporting Policy for all New Groundwater Extraction Wells in the Basin.

**BEFORE THE BOARD OF DIRECTORS
INDIAN WELLS VALLEY GROUNDWATER AUTHORITY**

In the matter of:

Resolution No. 07-20

**ESTABLISHING REQUIREMENTS AND
A REPORTING POLICY FOR
ALL NEW GROUNDWATER EXTRACTION
WELLS IN THE BASIN.**

I, April Keigwin, Secretary of the Board of Directors for the Indian Wells Valley Groundwater Authority, do certify that the following resolution, on motion of Director Hayman, seconded by Director Kicinski, was duly passed and adopted by the Board of Directors at an official meeting this 15th day of October, 2020, by the following vote:

AYES:

NOES:

ABSENT:

Secretary of the Board of Directors
Indian Wells Valley Groundwater Authority



RESOLUTION

Section 1. WHEREAS:

(a) The Sustainable Groundwater Management Act requires the IWVGA to bring the Basin into sustainability by 2040 at the latest to make ongoing reports on extractions and progress; and,

(b) In order to meet those requirements the IWVGA must obtain accurate data on all current and future groundwater extractions.

Section 2. IT IS RESOLVED by the Board of Directors of the Indian Wells Valley Groundwater Authority, as follows:

1. This Board finds that the recited facts are true and that it has the jurisdiction to consider, approve, and adopt this Resolution.

2. This Board incorporates and makes all the findings recommended by staff, whether verbally or in their written reports.

3. This Board hereby adopts the attached "Requirements for All New Wells" effective immediately.

INDIAN WELLS VALLEY GROUNDWATER AUTHORITY
REQUIREMENTS FOR ALL NEW WELLS

As described in the Sustainable Groundwater Management Act (SGMA) and in California Water Code Section 10726.4, the Indian Wells Valley Groundwater Authority (Authority) possesses the authority to regulate groundwater extractions within its jurisdiction by regulating the construction of new groundwater extraction wells. New groundwater extraction wells are defined as construction of new wells, enlargement of existing wells and reactivation of abandoned wells.

Groundwater extraction wells proposed to be constructed within the jurisdiction of the Authority must be registered with Authority. The jurisdiction of the Authority includes all lands within the boundaries of the Indian Wells Valley Groundwater Basin (Basin), defined as Basin No. 6-054 in the California Department of Water Resources Bulletin 118 Interim Update 16.

Authority staff will coordinate with Kern, San Bernardino, and Inyo Counties to ensure that the Authority is notified of all new well permit requests/applications and that the counties inform applicants of the Authority's requirements for new wells. In addition, pursuant to Water Code Section 10726.4(b), Authority staff will request that the counties forward to the Authority, all well permit requests/applications for new groundwater extraction wells, before permit approval. Authority staff will also contact all known well drillers and request notification of all new wells planned for construction.

The Authority's intent and goal is to help coordinate all "proposed" groundwater extraction wells with the stakeholders and interested parties within the Basin. This Authority effort will be coordinated with the appropriate County and the new groundwater extraction well owner/applicant to resolve any concerns/issues prior to the commencement of actual work on the new groundwater extraction well. In the event the parties are unable to satisfactorily resolve any concerns/issues, the parties reserve the right to pursue any and all legal remedies available.

A "replacement well" is considered a new groundwater extraction well and required to comply with all Authority rules and requirements. The Authority will give due consideration to a replacement well that is equipped for the same production and to be located in close proximity to the old well. Current and historic pumping will also be considered.

The Authority will review the proposed construction of new groundwater extraction wells to determine whether it may cause "Material Injury". Material Injury is defined by the Authority as impacts to the Basin caused by the pumping of groundwater that causes material physical harm to the Basin, any Subarea, or any Producer/Party, including, but not limited to, overdraft, degradation of water quality by introduction of contaminants to the aquifer by a Party and/or transmission of those introduced contaminants through the

aquifer, liquefaction, land subsidence, and other material physical injury caused by elevated or lowered groundwater levels. Material physical harm does not include economic injury that results from other than direct physical causes, including any adverse effect on water rates, lease rates, or demand for water. If fully mitigated, Material Injury shall no longer be considered to be occurring.

The following outlines the step-by-step procedures for owners of new groundwater extraction wells to adhere to the Authority's current regulatory requirements for new groundwater extraction wells drilled within the Authority's jurisdiction. These procedures reflect the full scope of Authority regulatory requirements for new groundwater extraction wells at this time.

New groundwater extraction wells may not begin groundwater extractions until the requirements of these parts have been completed in full. Violations of these parts shall be subject to the provisions of all applicable laws including, but not limited to, the penalties and procedures set forth in California Water Code Section 10732.

PROCEDURAL STEPS FOR ALL NEW GROUNDWATER EXTRACTION WELLS

Step 1: Well Owner Submits County Well Application and/or Permit Request to the Authority

As described in California Water Code Section 10726.4, the Authority possesses the power to regulate groundwater extractions within its jurisdiction by regulating the construction of new groundwater extraction wells.

Well Owners/applicants proposing to construct a new groundwater extraction well shall provide the Authority with any and all County well applications and/or well permit requests before commencing work on the new groundwater extraction well. The Owner/applicant shall also provide the Authority with any information needed to determine the status of the new groundwater extraction well as either a de minimis well or non-de minimis well.

Step 2: Authority Determines Well Status as De Minimis or Non De Minimis and Material Injury

Authority staff shall review the new groundwater extraction well application and/or well permit request and determine the status of the new well(s) as either a de minimis well or a non-de minimis well. As defined in SGMA, a de minimis extractor refers to "a person who extracts, for domestic purposes, two acre-feet or less per year." Because de minimis extractors/wells are exempt from the monitoring and reporting requirements of SGMA, all new wells classified as de minimis by the Authority require no additional action after well registration and may begin groundwater extractions.

Authority staff shall also review the potential of the new groundwater extraction well(s) to cause Material Injury to the Basin and/or to other current Basin Producers. This review process shall be considered to be cooperative with the well owner/applicant, the Authority, the appropriate County and interested stakeholders and parties. At the conclusion of the review process, the Authority staff will make a recommendation to the Board and other interested regulators regarding the new groundwater extraction well application/well permit request.

The Authority shall inform owners of new groundwater extraction wells classified as non de minimis in writing of the status of the new groundwater extraction well(s) as non-de minimis, as well as any applicable rules, regulations and extraction fees (General Pumping Assessment, Mitigation Fee, and Replenishment Fee) that shall be paid by the new groundwater extraction well owner for each acre-foot of groundwater extracted.

Step 3: Well Owner Registers Well with the Authority

As described in California Water Code Section 10725.6, SGMA grants the Authority the power to establish regulations requiring that groundwater extraction wells within the Authority's jurisdiction be formally registered with the Authority.

All new groundwater extraction wells within the Authority's jurisdiction must be registered with the Authority through completion of the Authority's *Well Registration Form* (via either hard copy or online at <https://iwvga.org/online-form>). Submission of the *Well Registration Form* to Authority staff must occur no later than **30 days** after the well has been drilled.

New groundwater extraction well owners that fail to register their wells with the Authority within the 30-day period shall be contacted by phone or by mail and may be summoned for a Board Hearing before the Authority's Board of Directors.

Step 4: Well Owner Submits Meter Compliance Information

As described in California Water Code Section 10725.8, SGMA grants the Authority the power to establish regulations requiring that the use of groundwater extraction wells within the Authority's jurisdiction be measured by water-measuring devices satisfactory to the Authority.

In accordance with Authority Ordinance No. 01-20, owners of new wells classified as non de minimis by the Authority shall, at their own expense, install a water meter and an hour meter on each new well before groundwater extraction commences. A list of meters acceptable to the Authority is provided in the Authority's Groundwater Well Flowmeter Standards in Authority Resolution No. 02-20.

All metering equipment shall be installed and tested for accuracy by a person(s) qualified to test, repair, and install meters. A list of contractors qualified for meter installation and testing is provided in the Authority's Groundwater Well Flowmeter Standards in Authority Resolution No. 02-20.

No later than **30 days** after issuance of the Authority's written statement regarding the non de minimis status of the new well, new well owners shall submit to Authority staff a meter test report certifying the meter installation and accuracy. Meter tests shall be performed every two (2) years thereafter, and subsequently submitted to Authority staff for review. All meters shall be installed, tested, and repaired/replaced in adherence to the Authority's Groundwater Well Flowmeter Standards.

All Authority ordinances and resolutions, including Groundwater Well Flowmeter Standards, are available upon request or at the Authority's website: <https://iwvga.org/resolutions-ordinances>

Step 5: Well Owner Submits Monthly Reporting Form and Payment for Groundwater Extraction

The Authority's Groundwater Sustainability Plan establishes that groundwater extractors within the Authority's jurisdiction must comply with all Authority fees and assessments to contribute toward funding the development of supplemental water supplies and other projects and management actions that will achieve Basin sustainability by 2040, as required by SGMA.

All new wells classified as non de minimis shall be responsible for submitting monthly production reporting forms to Authority staff. To complete the monthly production reporting form, well owners shall take a first water meter reading on the first day of each month, then take a second water meter reading on the first day of the following month.

Completed monthly production reporting forms, along with monthly payment of all applicable extraction fees, shall be submitted to the Authority no later than the 10th of each month of the second water meter reading, and each month thereafter.

New well owners that fail to submit their monthly production reporting form and/or fail to pay their extraction fees shall be immediately contacted by phone or by mail, and may be summoned for a Board Hearing before the Authority's Board of Directors.