

Cosumnes Groundwater Authority
Ad Hoc Committee | New Well Permitting (EO N-7-22)
Meeting Agenda
Friday, August 5, 2022 | 10:00-11:30 AM

Location: Sacramento County Farm Bureau 8970 Elk Grove Blvd, Elk Grove, CA 95624	Join by Zoom: https://us02web.zoom.us/j/88154164422 Meeting ID: 881 5416 4422 One tap mobile: +16694449171,,88154164422# US Call in Number: +1 669 444 9171 US
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Context

On March 28, 2022 Governor Newsom issued [Drought Executive Order \(EO\) N-7-22](#) that included new well permitting requirements for local agencies to prepare for and lessen the effects of drought conditions (Action 9). *Note: These requirements do not apply to permits for wells that provide less than two acre-feet of water per year for domestic use (a typical home uses less than two acre-feet per year) or for wells that provide water to public water supply stems.*

Under the new EO, local well permitting agencies (e.g., counties' environmental health departments) must now consult with the Groundwater Sustainability Agency (GSA) and receive written verification from the GSA that the proposed well location is generally consistent (or not consistent) with the applicable Groundwater Sustainability Plan. For more helpful background materials: [EO Factsheet](#) | [FAQ Document](#)

The seven GSAs in the Cosumnes Subbasin are collaborating as the Cosumnes Groundwater Authority (CGA) to implement a single GSP for the Cosumnes Subbasin. A GSA retains the authority in how it engages the local well permitting agency. However, the GSAs and the CGA Board acknowledge potential benefits for a consistent framework for evaluating implications of new wells on the Cosumnes Subbasin GSP implementation (e.g., if a GSA approves a new well, how does the CGA know what the effect is on the basin?). Conversely, the evaluation process needs to be efficient to not impede essential and time-sensitive activities (e.g., well repairs). [Click here to view more information about well permits in the Cosumnes Subbasin.](#)

Ad Hoc Charge

In July 2022, the CGA Board of Directors decided to form an ad hoc committee to explore ***how the CGA's potential role in evaluating new well permit applications in accordance with the Drought EO N-7-22 Action 9.*** The ad hoc committee will report back recommendations and/or other issues for the CGA Board to consider.

Meeting Objectives | August 5, 2022

- Kick off the Well Permit Ad Hoc Committee process
 - Understand and confirm the ad hoc charge and objectives
 - Outline proposed approach and timeline for ad hoc meetings and discussions
- Understand the Cosumnes Subbasin's situation
- Review how other GSAs and well permitting agencies are approaching EO N-7-22 implementation

- Begin to generate potential criteria and options for further exploration specific to the Cosumnes Subbasin
- Identify information needs

Preparing for the Meeting

Please review the following in advance of the meeting:

- Background materials as needed: [EO N-7-22](#) | [EO Factsheet](#) | [FAQ Document](#) | [CGA Well Permit webpage](#)
- Examples: [Yolo GSA Resolution](#) | [N. San Joaquin Water Conservation District GSA Request Form](#)
- DRAFT CGA Documents: [CGA Resolution](#) | [CGA Request Form](#)

Agenda

#	Approx. Time	Agenda Item
1	10:00 (10 min)	<p>Welcome, Introductions, Meeting Overview</p> <ul style="list-style-type: none"> • Welcome and introductions • Tech check, agenda review, and discussion protocols
2	10:10 (10 min)	<p>New Well Permit Requirements and the Ad Hoc's Role</p> <ul style="list-style-type: none"> • What is the EO, what are we trying to solve, and why is the CGA Board involved in the EO? • What is the goal/charge for the ad hoc? • What are the expected outputs? <p><i>Desired Outcome(s):</i></p> <ul style="list-style-type: none"> - Revised description (if needed) of the Well Permit Ad Hoc Committee.
3	10:20 (5-10 min)	<p>Proposed Approach / Timeline for the Well Permit Ad Hoc Committee</p> <ul style="list-style-type: none"> • Discuss, revise, and confirm approach and timeline for the ad hoc's work <p><i>Desired Outcome(s):</i></p> <ul style="list-style-type: none"> - Draft pathway/work plan for the ad hoc.
4	10:30 (15 min)	<p>Understanding the Cosumnes Subbasin's Situation</p> <ul style="list-style-type: none"> • What's the decision-making process and who's involved? • How urgent and big of an issue is this? • What concerns or needs have we been hearing from stakeholders? • Initial Discussion: Brainstorm potential criteria for assessing potential options <p><i>Desired Outcome(s):</i></p> <ul style="list-style-type: none"> - Better understanding of the range of needs/concerns/unknowns specific to the Cosumnes Subbasin. - Begin developing criteria for the ad hoc/CGA to assess viable options

5	10:45 (10-15 min)	<p>Outside Examples</p> <ul style="list-style-type: none"> • How are other entities approaching EO N-7-22 implementation? • What aspects of these approaches resonate with Cosumnes' situation? • Discuss what we can take away from these examples and apply to our Cosumnes Subbasin <p><i>Desired Outcome(s):</i></p> <ul style="list-style-type: none"> - Identify approaches that might work in the Cosumnes and what may be challenging - Identify approaches that warrant further exploration in the near term.
6	11:00 (15-20 min)	<p>Discussion: Potential Options for Cosumnes Subbasin and Information Needs</p> <ul style="list-style-type: none"> • Building off from previous discussion – what other options might we explore? • How might we explore those? What information do we need to have thoughtful, well-informed discussions? How do we gather that information? <p><i>Desired Outcome(s):</i></p> <ul style="list-style-type: none"> - Begin to develop a draft list of potential options for the ad hoc and CGA Board to further explore - Begin identifying components to include in a resolution document outlining the framework/process for reviewing applications - Begin list of information needs and approaches for addressing info gaps - List of recommendations (if any) to present to the CGA Board for consideration.
7	11:20 (10 min)	<p>Next Steps and Wrap-Up</p> <ul style="list-style-type: none"> • Meeting outcomes and action items • Items for August CGA Board briefing and discussion • Agenda topics for additional ad hoc meeting(s)

Ad Hoc Membership

The CGA Well Permit Ad Hoc Committee consists of GSA-appointed members (a mix of CGA Board alternates and GSA Boards/staff) and a member of the public. The group is supported by CGA staff and consultants (e.g., facilitation by the Consensus Building Institute). The ad hoc committee meetings are not subject to the Brown Act. However, recommendations and key takeaways will be presented at CGA Board meetings.

Amador County Groundwater Management Authority ('Amador')	Rick Ferriera
Clay Water District (Clay WD)	Gary Silva
City of Galt	Mike Selling
Galt Irrigation District (Galt ID)	John Mulrooney
Omochumne-Hartnell Water District (OHWD)	Mike Wackman
Sloughhouse Resource Conservation District (SRCD)	Herb Garms
Sacramento County GSA ('Sac County')	Chris Hunley
Member-at-Large	Mark Beck

Support Staff:

- Austin Miller, CGA Administrator
- Stephen Julian, Watershed Coordinator
- Rebecca Smith, CGA Attorney (Downey Brand)
- Stephanie Horii, Facilitator (Consensus Building Institute)

RESOLUTION 2022.XX

A RESOLUTION OF THE COSUMNES GROUNDWATER AUTHORITY ESTABLISHING PROCEDURES TO COMPLY WITH EXECUTIVE ORDER N-7-22 PARAGRAPH 9(a) REGARDING GROUNDWATER WELL PERMITS IN THE COSUMNES SUBBASIN

WHEREAS, pursuant to the Sustainable Groundwater Management Act (“SGMA”), the seven Groundwater Sustainability Agencies (“GSAs”) of the Cosumnes Subbasin (“Subbasin”), as identified as Basin Number 5-2216 by the California Department of Water Resources (“DWR”) Bulletin 118, a medium priority subbasin, have submitted a Groundwater Sustainability Plan (“GSP”) in January 2022, and;

WHEREAS, the Cosumnes Groundwater Authority (“Agency”) is a public entity created by a Joint Exercise of Powers Agreement (“JPA”) executed by the seven exclusive GSAs within the Subbasin to implement SGMA and the GSP, and;

WHEREAS, Section X of the GSP defines the Subbasin’s sustainability criteria and associated sustainable yield estimates, undesirable results, minimum thresholds and measurable objectives, and associated interim milestones; and also includes Appendix X – C Vulnerable Well Analysis, and Appendix X – X Groundwater Dependent Ecosystems, and;

WHEREAS, on October 19, 2021, pursuant to Executive Order N-10-21, Governor Newsom proclaimed a State of Emergency to exist statewide due to the ongoing drought, and;

WHEREAS, on March 28, 2022, Governor Newsom issues Executive Order N-7-22, reaffirming the State of Emergency proclaimed in October 2021 and ordering that said proclamation and related proclamations “remain in full force and effect”, and;

WHEREAS, paragraph 9 of Executive Order N-7-22 provides:

“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 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; or
- b. Issue a permit for a new groundwater well or for alteration of an existing well without first determining that extraction of groundwater from the proposed well is (1) not likely to interfere with the production and functioning of existing nearby wells, and (2) not likely to cause subsidence that would adversely impact or damage nearby

infrastructure. This paragraph shall not apply to permits for wells that will provide less than two acre-feet per year of groundwater for individual domestic users, or that will exclusively provide groundwater to public water supply systems as defined in section 116275 of the Health and Safety Code.”, and;

WHEREAS, given the ongoing drought emergency declared and reaffirmed by Executive Orders N-10-21 and N-7-22, and the provisions of Executive Order N-7-22, the Board of Directors for the Agency finds and determines that it is necessary and appropriate to develop, adopt, and implement a procedure for compliance with paragraph 9(a) of Executive Order N-7-22, as set forth in this Resolution.

NOW, THEREFORE, the Board of Directors of the Cosumnes Groundwater Authority hereby resolves that:

1. The above findings are facts that are true and correct and incorporated by reference as though fully set forth herein.
2. The Administrator of the Agency is hereby delegated authority to implement and make minor modifications as necessary to the Well Application /Determination Form, attached hereto in compliance with Executive Order N-7-22 paragraph 9(a).
3. Should the proposed well be within the types of groundwater wells that this Resolution and the Well Application/Determination Form indicate are consistent with the GSP, the Administrator shall have authority to issue the required consistency determination.
4. Well applications covered by Executive Orders N-10-21 and N-7-22, but not falling within the categories deemed consistent with the GSP according to the Well Application/Determination Form, will be subject to review by the Agency in an individual process.
5. The Well Application/Determination Form and the delegation of authority contained in this Resolution shall remain in full force and effect until termination of the drought emergency described in Executive Orders N-10-21 and N-7-22 and the requirements of paragraph 9(a).
6. An application for a groundwater well consistency determination subject to the requirements of paragraph 9(a) of Executive Order N-7-22 and that are within the authority delegated to the Administrator, will be required to provide a \$XXX application fee. The fee for applications that fall outside of the Administrator’s delegated authority shall be subject to a fee to be determined by the Board that will offset the Agency’s processing costs.
7. Staff are directed to take all actions necessary and proper to implement the provisions of this Resolution, including but not limited to coordinating with the other GSAs and the County, as appropriate, to ensure that the compliance with Executive Order N-7-22 paragraph 9(a).

PASSED AND ADOPTED on this ____ day of _____, 2022 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

I, the undersigned, hereby certify that I am the duly appointed and acting Secretary of the Cosumnes Groundwater Authority, and that at a meeting of the Board of Directors of the Authority held on _____, 2022 that Resolution 2022.____ was adopted and has not been rescinded or amended since the date of its adaptation and that it is now in full force and effect.

Austin Miller, CGA Secretary

Date

Attachments:

- Well Application/Determination Form

DRAFT

COSUMNES GROUNDWATER AUTHORITY (CGA)
APPLICATION FOR DETERMINATION OF WELL PERMIT APPLICATION
CONSISTENCY WITH COSUMNES GSP FOR COMPLIANCE WITH CALIFORNIA
EXECUTIVE ORDER N-7-22 SECTION 9(a)

Applicant Information

Well Permit Applicant (landowner): _____

County Well Permit Application Date: _____

County Well Permit Number: _____

Attach a complete copy of your County Well Permit Application to this form

Date of Request to CGA for Written Verification: _____

Well Information

Well Location Address: _____

Well Location APN: _____

Well Location Coordinates: _____

Please select Yes or No for the following questions:

a. Would the well provide two acre-feet or more per year of groundwater for individual domestic users? [Individual domestic use wells providing less than two acre-feet per year are not subject to Executive Order N-7-22 section 9(a)] **YES** **NO**

b. Would the well provide two acre-feet or more per year of groundwater for a use other than agriculture? [If yes, this Application/Checklist does not apply. Please contact the Cosumnes Groundwater Authority for more information.] **YES** **NO**

c. Is this well replacing an existing well? **YES** **NO**

1. If yes: are there any changes in the size, location, use of well, or other significant changes before and after the planned replacement? **YES** **NO**

If yes, describe change (attach additional pages as needed):

2. If no: Please provide the following information:

Number of acres to be irrigated: _____ Acres

Estimated amount of water applied per acre: _____ Acre-Feet/Year

Estimated total groundwater to be extracted: _____ Acre-Feet/Year

Terms and Conditions

1. The Cosumnes Groundwater Authority (“CGA”) is a public entity created by a Joint Exercise of Powers Agreement (“JPA”) executed by the seven exclusive Groundwater Sustainability Agencies (“GSAs”) within the Cosumnes Subbasin (“Subbasin”), identified as Basin Number 5-2216 by the California Department of Water Resources (“DWR”) Bulletin 118, to implement the Sustainable Groundwater Management Act (“SGMA”) and the Cosumnes Groundwater Sustainability Plan (“GSP”). The land where the Applicant’s well is to be located is within the CGA’s authority and jurisdiction for purpose of the SGMA.
2. The Cosumnes Subbasin GSP includes specific groundwater requirements through minimum thresholds and measurable objectives.
3. The GSP does not currently include groundwater pumping restrictions or restrictions on drilling new wells but reserves to the GSAs/CGA authority to impose pumping restrictions in the future. The GSP may change in the future, and pumping restrictions may be imposed to comply with SGMA. Applicant acknowledges the CGA’s authority to impose pumping restrictions consistent with the authority provided in SGMA.
4. Water Code Section 10726.4(b) provides that GSAs are not authorized to issue permits for the construction, modification, or abandonment of groundwater wells, except as authorized by a county with authority to issue those permits. Neither the County of Sacramento or County of Amador has authorized the GSAs to issue those permits.
5. Water Code Section 10726.8(b) provides that GSAs do not have the authority to make a binding determination of the water rights of any person or entity.
6. The Applicant will make the new well available for inspection and monitoring by the GSAs/CGA upon reasonable notice.
7. For wells that include increased pumping capacity and/or are new, Applicant will provide an annual estimate to CGA of the groundwater use during the preceding water year (October 1 - September 30) by January 1st of each year.
8. CGA’s issuance of a written verification and the County’s issuance of a well permit to Applicant does not guarantee the extraction of any specific amount of water now or in the future or any defined water level or water quality.
9. CGA is not responsible for or otherwise liable for any costs, investments or payments related to any groundwater well permitted pursuant to this application, including pumping fees, extraction limits, costs related to well failure, well deepening, increased maintenance, replacement, or operational costs.
10. Applicant agrees to hold CGA and the GSAs harmless and indemnify CGA and the GSAs for any liability stemming from or related to the County issuing a well permit in response the Application or to the CGA issuing a written verification related to the well permit.

By signing below, Applicant agrees the above terms shall be incorporated into the terms and conditions of any well permit issued by County pursuant to the Application and shall be binding on the property owner and run with the land.

Applicant

Date

Frequently Asked Questions

Q: Do I need a GSP consistency determination if my well is being used for domestic use only?

A: No. Individual domestic use wells providing less than two acre-feet per year (typical single family indoor use and regular outdoor use) are not subject to Executive Order N-7-22 section 9(a).

Q: If I have questions regarding my application.

A: If you have questions regarding your application to receive a letter of determination from a Cosumnes Subbasin Groundwater Sustainability Agency, you can contact the Cosumnes Groundwater Authority at info@CosumnesGroundwater.org or 916-.

If you have questions regarding your well permit application in Sacramento County, you can contact the County of Sacramento's Department of Environmental Review at email or number.

If you have questions regarding your well permit application in Amador County, you can contact the County of Amador's Department of Environmental Health Water Well Program at email or number.

DRAFT

**WRITTEN VERIFICATION OF WELL PERMIT APPLICATION CONSISTENCY
WITH COSUMNES GROUNDWATER SUSTAINABILITY PLAN FOR COMPLIANCE
WITH CALIFORNIA EXECUTIVE ORDER N-7-22 SECTION 9(a):**

1. Based on the foregoing information and acknowledgements, the Cosumnes Groundwater Authority (“CGA”) issues a written consistency determination pursuant to Executive Order N-7-22 paragraph 9(a) for the subject well.
2. CGA finds that the subject groundwater well falls within the groundwater use assumed in the GSP, which also includes projects and management actions, continual monitoring and 5-year updates, as well as a commitment to implement projects, management actions or pumping restrictions (if needed) required to achieve sustainability:
 - a. Groundwater extraction by the proposed well would not be inconsistent with any sustainable groundwater management program established in the GSP; and
 - b. Groundwater extraction by the proposed well would not decrease the likelihood of achieving a sustainability goal for the Subbasin.
3. This verification shall not be read as interfering with the authority of _____ County to approve, disapprove, or condition any groundwater well permit project pursuant to its permitting authority.

CGA Administrator

Date

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