

7.a. **22-1299:**

Discussion for the Madera and Chowchilla regarding the establishment of a lower allocation amount per acre.



BOARD OF SUPERVISORS COUNTY OF MADERA

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**Board of Directors/Groundwater
Sustainability Agency**

**January 10, 2023
Chairman David Rogers**

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|--|---|---|----------------|--------|---------------|--|------------------|---|--------------|--|
| DEPARTMENT WATER & NATURAL RESOURCES DEPARTMENT | DEPARTMENT CONTACT Jenny Nunez-Rodriguez 559-975-5072 | AGENDA ITEM a DISCUSSION ITEMS | | | | | | | | |
| SUBJECT: Discussion of adjusting allocations downward in the Madera and Chowchilla Subbasins in light of lack of funding for projects | REQUIRED VOTE: 3/5 Vote Required | DOC. ID NUMBER 22-1299 | | | | | | | | |
| STRATEGIC FOCUS AREA(S): Infrastructure | | | | | | | | | | |
| <u>For Clerk of the Board's Office Use Only</u> | | | | | | | | | | |
| CLERK NOTES: | | | | | | | | | | |
| <table border="1" style="width: 100%;"> <tr> <td>RESULT:</td> <td>[TO]</td> </tr> <tr> <td>MOVER:</td> <td>{{motions.mover format="[[firstname]] [[lastname]], [[title]]"}}</td> </tr> <tr> <td>SECONDER:</td> <td>{{motions.seconder format="[[firstname]] [[lastname]], [[title]]"}}</td> </tr> <tr> <td>AYES:</td> <td>{{voting.for_names format="[[lastname]]"}}</td> </tr> </table> | | | RESULT: | [TO] | MOVER: | {{motions.mover format="[[firstname]] [[lastname]], [[title]]"}} | SECONDER: | {{motions.seconder format="[[firstname]] [[lastname]], [[title]]"}} | AYES: | {{voting.for_names format="[[lastname]]"}} |
| RESULT: | [TO] | | | | | | | | | |
| MOVER: | {{motions.mover format="[[firstname]] [[lastname]], [[title]]"}} | | | | | | | | | |
| SECONDER: | {{motions.seconder format="[[firstname]] [[lastname]], [[title]]"}} | | | | | | | | | |
| AYES: | {{voting.for_names format="[[lastname]]"}} | | | | | | | | | |
| Is this item Budgeted? No Will this item require additional personnel? No Previous Relevant Board Actions: N/A PowerPoint Presentation? No Supporting Documents: Resolution | DOCUMENT NO(S). | | | | | | | | | |

RECOMMENDED ACTIONS:

Discussion for the Madera and Chowchilla regarding the establishment of a lower allocation amount per acre.

DISCUSSION / FISCAL IMPACT / STRATEGIC FOCUS:

DISCUSSION: The Madera County Groundwater Sustainability Agency (County GSA) has allocations in place in the Madera, Chowchilla and Delta-Mendota subbasins. The allocations were developed with the understanding that there would be projects that increased water supply within the County GSA developed during the GSP implementation period.

A number of actions in the latter part of 2022 warrant the re-examination of the allocations:

Madera Subbasin: On December 6, 2022, the Madera Superior Court issued a preliminary injunction against collecting fees for projects (GSP fees). The GSP fee in the Madera Subbasin would have funded, among other needs, projects intended to



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offset a portion of GSP-defined demand reduction by obtaining new water supplies for the subbasin. The injunction created a substantial loss in funding, as there is no other consistent funding mechanism available to the County GSA to implement the GSP-identified projects.

It is important to look to the GSP in terms of the description of the allocation, which was developed to function concurrently with projects. On p. 4-41 of the adopted jointed GSP in the Madera Subbasin, "*The Madera County demand management program may impose groundwater pumping limits starting in 2020 (Table 4-37). At this time, based on the expected yield of the projects identified under Section 4.2.1 and 4.2.2, the Madera County demand management program will, by 2040, reduce average annual groundwater pumping by 90,000 acre-feet. However, if Madera County project yields are lower than initially estimated, Madera County will increase the level of demand management.*" The GSP estimated the County GSA projects in the Madera Subbasin would augment available groundwater supplies by approximately 21,000 acre-feet per year (averaged across all years after project implementation). Absent this 21,000 acre-feet, the groundwater pumping would need to be reduced by 111,000 acre-feet annually, as there would be no alternative supplies to offset a portion of the total required reduction in approximate annual overdraft.

The County GSA must consider lowering the 2023 per-acre allocation from approximately 28 inches to 25 inches, with similar reductions continuing into the future.

Chowchilla Subbasin: On June 21, 2022, there was a majority protest against a County GSA-imposed GSP fee rates to fund projects, among other needed actions, in the Chowchilla Subbasin. This created a substantial financial gap, as the projects within the Chowchilla Subbasin Groundwater Sustainability Plan (GSP) had no other consistent funding mechanism available to the County GSA to implement the GSP-identified projects.

Similar to the Madera Subbasin, it is important to look to the Chowchilla Subbasin GSP regarding the County GSA's proposed allocation, which was developed to function concurrently with projects. On p. 4-31 of the revised Chowchilla GSP, "*At this time, based on the expected yield of the projects identified under Section 4.2.1 and 4.2.2, The Madera County demand management program will reduce average annual groundwater pumping by 27,550 acre-feet (16,250 acre-feet in Madera County West and 11,300 acre-feet in Madera County East). However, if Madera County project yields are lower than initially estimated, Madera County will proportionally increase the level of demand management.*" These groundwater pumping reduction objectives reflected the average annual benefit to the subbasin from the additional augmented supplies available from the GSP-identified projects. Absent the projects, the GSP's predicted groundwater levels through the implementation period of 2020 to 2040, and the goal of sustainability by 2040 is not achievable, and it is highly likely that additional domestic wells will go dry.



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Discussions have continued with Chowchilla growers related to forming their agency that could serve as the groundwater sustainability agency in lieu of the County GSA. This agency could assess landowners for projects as well as complete the projects. However, in the interim, absent a funding mechanism for the projects that augment the subbasins groundwater supplies, the current allocation approach will likely be inadequate to achieve the GSP's planned sustainability. Revisions to the allocations may be required to reflect the lack of augmenting supplies.

The County GSA must consider lowering the 2023 per-acre allocation from approximately 26 inches to 17 inches, with similar reductions continuing into the future.

Delta-Mendota Subbasin: The adopted GSP fee in the Delta-Mendota Subbasin only pays for a land repurposing program. Because this program does not introduce additional water into the subbasin, the current allocation would not need adjustment absent the GSP fee.

FISCAL IMPACT: Decreasing the allocations in the Madera and Chowchilla Subbasins does not have a fiscal impact on the County GSA directly though certainly there are significant impacts to growers.

CONNECTION TO THE COUNTY OF MADERA STRATEGIC PLAN - MISSION 2023:

STRATEGIC FOCUS AREAS

- Focus Area 6: Infrastructure
- Focus Area 7: Government Relations

FISCAL IMPACT: Decreasing the allocations in the Madera and Chowchilla Subbasins does not have a fiscal impact on the County GSA directly.

CONNECTION TO THE COUNTY OF MADERA STRATEGIC PLAN - MISSION 2023:

STRATEGIC FOCUS AREAS

- Focus Area 6: Infrastructure
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ATTACHMENTS

1. none