

7.b. **22-1300:**

Discussion for the Madera, Chowchilla, and Delta-Mendota Subbasins establishing the imposition of higher penalties on those who extract groundwater in excess of an allocation.



# BOARD OF SUPERVISORS COUNTY OF MADERA

MADERA COUNTY GOVERNMENT CENTER  
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## Members of the Board

Tom Wheeler  
Brett Frazier  
David Rogers  
Robert L. Poythress  
Leticia Gonzalez

## Board of Directors/Groundwater Sustainability Agency

January 10, 2023  
Chairman David Rogers

<b>DEPARTMENT</b> WATER & NATURAL RESOURCES DEPARTMENT	<b>DEPARTMENT CONTACT</b> Jenny Nunez-Rodriguez 559-975-5072	<b>AGENDA ITEM</b> <b>b</b> <b>DISCUSSION ITEMS</b>
<b>SUBJECT:</b> <b>Discussion of Increasing Penalty Amount for Those Who Extract Groundwater in Excess of an Allocation.</b>	<b>REQUIRED VOTE:</b> 3/5 Vote Required	<b>DOC. ID NUMBER</b> 22-1300
<b>STRATEGIC FOCUS AREA(S):</b> Infrastructure		
<b>CLERK NOTES:</b>		
<div><b>RESULT:</b> [ TO ] <b>MOVER:</b> {{motions.mover format="[[firstname]] [[lastname]], [[title]]"}} <b>SECONDER:</b> {{motions.seconder format="[[firstname]] [[lastname]], [[title]]"}} <b>AYES:</b> {{voting.for_names format="[[lastname]]"}}  Is this item Budgeted? No Will this item require additional personnel? No Previous Relevant Board Actions: Chowchilla-2022-086/Delta-Mendota-2022-144/Madera-2022-145 PowerPoint Presentation? No Supporting Documents: Resolution</div>		
		<b>DOCUMENT NO(S).</b>

## RECOMMENDED ACTIONS:

Discussion for the Madera, Chowchilla, and Delta-Mendota Subbasins establishing the imposition of higher penalties on those who extract groundwater in excess of an allocation.

## DISCUSSION / FISCAL IMPACT / STRATEGIC FOCUS:

**DISCUSSION:** Allocations have been set with the understanding that growers will attempt to manage water use within the allocation. Penalties provide a financial incentive for enrolled participants to stay within their allocation, but if imposed they could provide revenue to help fund other temporary mitigating actions, including potential short-term water acquisitions and domestic well mitigation.

On September 27, 2022, the Board of Supervisors acting as the Board of Directors for the County Groundwater Sustainability Agency adopted a penalty for 2023 of \$100 per acre-foot in excess of an enrolled participant's available allocation. The penalty would



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increase by \$100 per year for every year afterwards, up to a maximum of \$500 per acre-foot in excess of an enrolled participants available allocation in 2027 and thereafter.

Approximately 40% of the farm units in the Chowchilla Subbasin, County GSA are over their allocation for 2022 and approximately 30% of the farm units in the Madera Subbasin, County GSA are over their allocation.

Due to other actions occurring within the subbasins managed by the County GSA's, especially the challenges to raise fees to fund GSP-identified projects, the County GSAs need to provide a greater disincentive for enrolled participants to pump groundwater beyond the allocation, as funding is currently not available for projects that would bring additional water into the subbasins and implement necessary mitigation actions, such as the domestic well mitigation program. The County GSA Board of Directors should consider raising the penalty fee for 2023 to as much as \$500 per acre-foot of overuse to help reduce the percent of enrolled participants exceeding their allocation and, if overpumping should occur, to generate revenue to help implement GSP-stipulated mitigation actions.

**FISCAL IMPACT:** The County GSA shall use penalties for SGMA-related purposes, including water supply purchases and/or domestic well mitigation.

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

#### STRATEGIC FOCUS AREAS

- Focus Area 6: Infrastructure
- Focus Area 7: Government Relations
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### **ATTACHMENTS**

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