TULELAKE SUBBASIN GROUNDWATER CORE TEAM

CORE TEAM MEMBERS
Gary Wright, Tulelake Irrigation District
Kraig Beasly, Tulelake Irrigation District
Henry Ebinger, City of Tulelake
Matt Parker, Siskiyou County
Tiffany Martinez, Modoc County

Kraig Beasly
Chairperson

Tiffany Martinez
Clerk of the Core Team

Tulelake Irrigation District
2717 Havlina Road, Tulelake, CA 96134
(530) 667-2249

AGENDA FOR FRIDAY, MARCH 24, 2023
1:00 PM
Alternate Meeting Locations:
204 South Court Street, Alturas, CA 96101
1312 Fairlane Road, Suite 1, Yreka, CA 96097

The Sustainable Groundwater Management Act (SGMA) established a new structure for managing California's groundwater resources at a local level by local agencies. SGMA requires, by June 30, 2017, the formation of locally controlled groundwater sustainability agencies (GSAs) in the State's high- and medium-priority groundwater basins and subbasins (basins). A GSA is responsible for developing and implementing a groundwater sustainability plan (GSP) to meet the sustainability goal of the basin to ensure that it is operated within its sustainable yield, without causing undesirable results.

1:00 PM Call to Order

Pledge of Allegiance

Public Comment - *This is the time set aside for citizens to address the Core Team on matters on the consent agenda and matters not otherwise on the agenda. Comments should be limited to matters within the jurisdiction of the Core Team. If your comment concerns an item shown on the agenda please address the Core Team after that item is open for public comment. By law, the Core Team cannot take action on matters that are not on the agenda. The chair reserves the right to limit the duration of each speaker to three minutes. Speaker may not cede their time.*

Agenda items with times listed will be considered at that time all other items will be considered as listed on the agenda or as deemed necessary by the Chair.

Approval or Additions/Deletions to Agenda

Correspondence

Consideration / Action

1. CONSIDER: Draft Groundwater Sustainability Plan (GSP) Annual Report for Water Year 2022.
2. ACTION: Approve Draft Groundwater Sustainability Plan (GSP) Annual Report for Water Year 2022.
3. DISCUSSION: Siskiyou Well Permitting Process.

Core Team Members Comments

ADJOURNMENT

Parties with a disability as provided by the American Disabilities Act who require special accommodations or aides in order to participate in the public meeting should make the request to the Clerk at clerkoftheboard@co.modoc.ca.us at least 48 hours prior to the meeting. POSTED AT CITY HALL, TULELAKE IRRIGATION DISTRICT, ONLINE, AND AT TULELAKE POST OFFICE ON March 22, 2023.

Agenda Item 1 & 2

Tule Lake Subbasin

Groundwater Sustainability Plan

Annual Report Water Year 2022

MBK ENGINEERS
455 UNIVERSITY AVE. SUITE 100
SACRAMENTO, CA 95825

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APPENDICES

List of Acronyms and Abbreviations

AEM	Airborne Electromagnetic	MCL	Maximum Containment Level
BGS	Below Ground Surface	MT	Minimum Threshold
CASGEM	California Statewide Groundwater Elevation Monitoring	Reclamation	U.S. Bureau of Reclamation
DWR	California Department of Water Resources	SGMA	Sustainable Groundwater Management Act
FT	Feet	TDS	Total Dissolved Solids
GDE	Groundwater Dependent Ecosystems	TID	Tulelake Irrigation District
GSA	Groundwater Sustainability Agency	TSS	Technical Support Services
GSP or Plan	Groundwater Sustainability Plan	UKL	Upper Klamath Lake
IM	Interim Milestone	WY	Water Year

Executive Summary

Introduction

The Tule Lake Subbasin (Subbasin) Groundwater Sustainability Plan (GSP or Plan) was adopted on December 14, 2020, by the four Groundwater Sustainability Agencies (GSAs): the City of Tulelake GSA, Modoc County GSA, Siskiyou County GSA, and the Tulelake Irrigation District GSA. The GSAs were formed in accordance with the Sustainable Groundwater Management Act (SGMA) to prepare and implement the GSP for the Subbasin. The GSP was submitted to the California Department of Water Resources (DWR) on January 31, 2022, consistent with the January 31, 2022, deadline for submission of GSPs by medium priority basins.

SGMA Regulation § 356.2(c) requires GSAs to submit an Annual Report to DWR by April 1 of each year following the submission of the GSP, except for those years when 5-Year Plan updates are submitted. This Annual Report provides Subbasin information for water year (WY) 2022. This Annual Report was prepared and submitted to DWR under the guidance of the GSAs and Plan Manager, and is consistent with DWR's Annual Report Elements Guide.

The WY type[1] for the year addressed in this Annual Report was very dry (VD) in 2022. The drought conditions and lack of project supply has resulted in increased coordination between TID, the Klamath Water User's Association, other Klamath Project water districts, Reclamation, and other local agencies.

Basin Conditions

The drought conditions experienced in the Subbasin over the last year have resulted in reduced surface water supply from the Klamath Project. The lack of surface water has impacted groundwater conditions.

Groundwater Levels and Storage

This Annual Report identifies the minimum threshold (MT), measurable objective (MO), interim milestone (IM), and most recent fall measurement for each representative groundwater monitoring well in the Tule Lake Subbasin. No MTs were exceeded during WY 2022. However, due to the dry hydrologic conditions, groundwater levels within the Subbasin declined during WY 2022 as compared to WY 2021.

Change in groundwater storage was estimated using ArcGIS desktop software and Subbasin characteristics. Change in groundwater storage presented in this Annual Report are based on an evaluation of spring groundwater levels. It is estimated that groundwater storage in the Subbasin decreased by about 14,400 acre-feet (AF) when comparing spring 2022 to spring 2021.

Water Quality

The GSAs established a minimum threshold of 900 milligrams per liter (mg/L) of Total Dissolved Solids and a minimum threshold of 9 mg/L of Nitrate at all representative monitoring sites for the water quality sustainability indicator within the Subbasin. The MTs were not exceeded during WY 2022.

[1] WY types provide an indication of hydrology and are described in the technical memorandum provided in Appendix F of the Tulelake Subbasin GSP.

Water Use by Sector

SGMA Regulations require that the Annual Report include groundwater extraction, water supply, and total water use information for each water use sector. This Annual Report provides a summary of this information within the Subbasin during WY 2022. The primary water use sectors in the Subbasin are urban and agriculture. The total annual water use within the subbasin was approximately 79,200 acre-feet (AF). The low total water use for WY 2022 (as compared to the average water use of 113,200 AF during WY2019-2021) is a result of continued drought conditions and minimal surface water supplies delivered from the Klamath Project to the Tulelake Irrigation District.

GSP Implementation Progress

The GSP identified that the Tule Lake Subbasin is currently being sustainably managed. Therefore, no projects or management actions are required to achieve sustainability; however, the Tule Lake Subbasin GSAs have identified projects and management actions that can improve their understanding of the groundwater Subbasin. Due to the standing of the Subbasin, the projects and management actions identified in the GSP are intended to help reduce or eliminate data gaps, and will be implemented based on the availability of resources and funding. Similarly, interim milestones are intended to be set to guide conditions during implementation of the GSP in order to define a pathway to reach sustainability within 20 years.

Implementation of Projects and Management Actions

Projects and management actions identified in the GSP include development of a well inventory, construction of dedicated groundwater monitoring wells, expansion of the water quality monitoring network to include additional wells, potential groundwater dependent ecosystems field investigations, groundwater recharge, domestic well assistance program, and an adaptive management strategy. This Annual Report provides a project and management action update summary.

1 Introduction

The Tule Lake Subbasin (Subbasin) Groundwater Sustainability Plan (GSP or Plan) was adopted on December 14, 2020, by the four Groundwater Sustainability Agencies (GSAs). The four GSAs are the City of Tulelake GSA, Modoc County GSA, Siskiyou County GSA, and the Tulelake Irrigation District GSA, which were formed in accordance with the Sustainable Groundwater Management Act (SGMA) to prepare and implement the GSP for the Subbasin. Collectively, these four GSAs will be referred to as "GSAs". The GSP was submitted to the California Department of Water Resources (DWR) on January 31, 2022, consistent with the January 31, 2022, deadline for submission of GSPs by medium priority basins. Figure 1-1 shows the location of the Tulelake Subbasin and the GSAs.

SGMA Regulation § 356.2(c) requires GSAs to submit an Annual Report to DWR by April 1 of each year following the submission of the GSP, except for those years when 5-Year Plan updates are submitted. This Annual Report provides Subbasin information for WY 2022. The SGMA Regulation requires the Annual Report to cover groundwater elevations and change in groundwater storage, groundwater extractions, surface water supply, and a description of GSP implementation progress. An Annual Report providing information for water years 2019 through 2021 was submitted April 1, 2022. This Annual Report was prepared and submitted to DWR under the guidance of the GSAs and Plan Manager and is consistent with DWR's Annual Report Elements Guide. A completed elements guide checklist is provided as Appendix A.

The WY type[2] for 2022 was very dry (VD). As per the 2015 Klamath Project Operations Plan by the United States Bureau of Reclamation (Reclamation), the project water demand from Upper Klamath Lake (UKL) for a full supply is 390,000 acre-feet (AF) during the irrigation season. During the 2022 irrigation season, the Project Supply allocation (which is the surface water supply to irrigation districts), including the Tulelake Irrigation District (TID), for the Klamath Project was 62,000 AF. From 2011 through 2018 the Project Supply ranged from 239,000 AF to 390,000 AF, with an average of approximately 314,000 AF. The drought conditions and lack of project supply has resulted in increased coordination between TID, the Klamath Water User's Association, other Klamath Project water districts, Reclamation, and other local agencies.

[2] WY types provide an indication of hydrology and are described in the technical memorandum provided in Appendix F of the Tulelake Subbasin GSP.

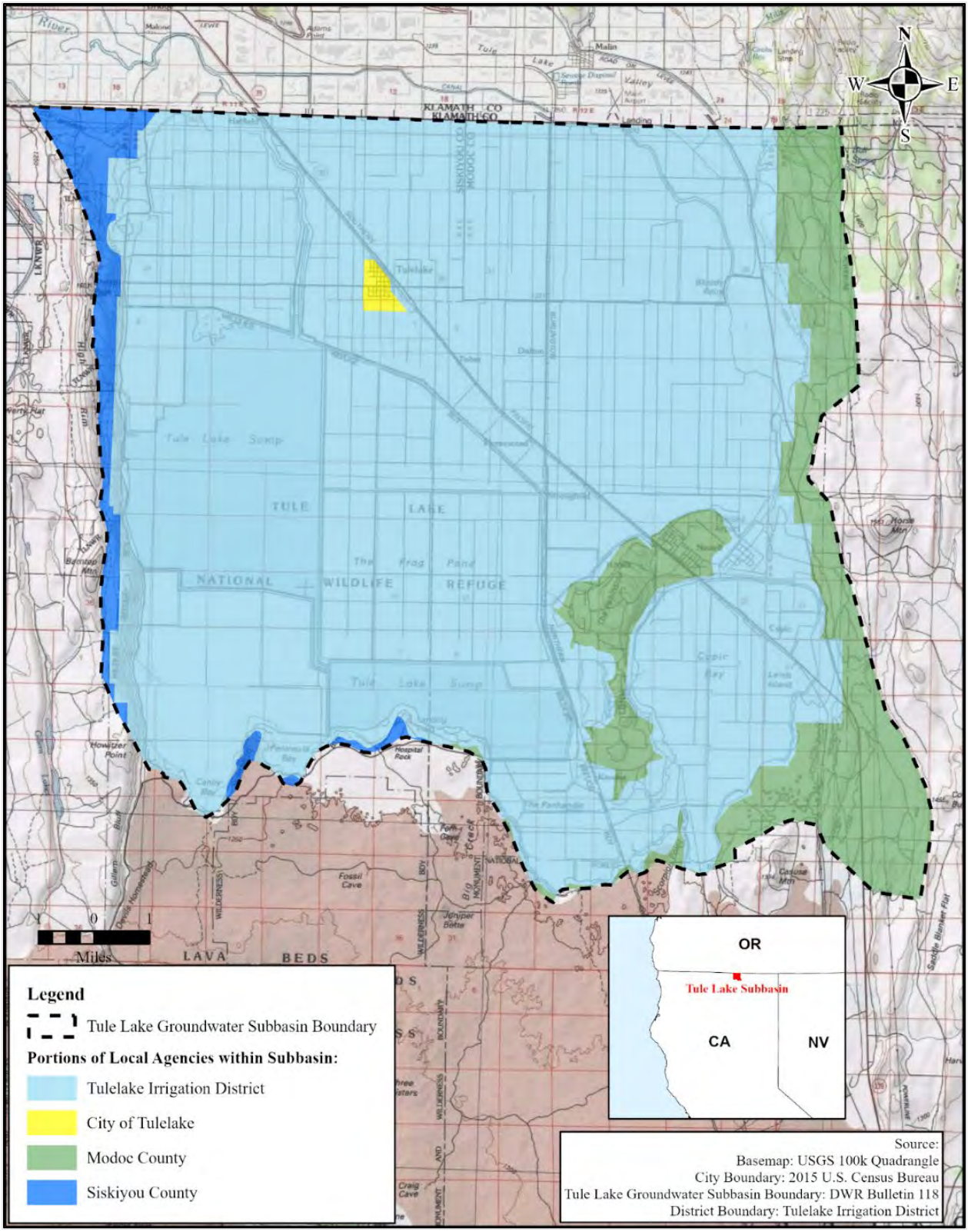


Figure 1-1. Location of the Groundwater Sustainability Agencies within the Tule Lake Subbasin

2 Basin Conditions

As described in the previous section, the drought conditions experienced in the Subbasin since 2019 have resulted in reduced surface water supply from the Klamath Project. The lack of surface water has impacted groundwater conditions, as described in this Annual Report.

Groundwater Conditions

Table 2-1 identifies the representative groundwater monitoring wells for the Tule Lake Subbasin. In addition, Table 2-1 identifies the minimum threshold (MT), measurable objective (MO), interim milestone (IM), and most recent fall measurement for each monitoring location. As identified in the GSP, the IMs are set at the same levels as the MOs.

Table 2-1. Summary of Sustainable Management Criteria and Most Recent Groundwater Level Measurement at Representative Monitoring Wells

State Well Number	Minimum Threshold (ft bgs)	Measurable Objective (ft bgs)	Current Measurement Date	Current Measurement (ft bgs)
48N05E35F001M	32	8	10/22/2022	9.20
48N04E22M001M	50	15	10/20/2022	17.50
48N04E31M001M	48	23	8/22/2022	-*
48N04E19C001M	29	11	10/20/2022	14.5
47N05E04M001M	15	9	10/20/2022	10.20
47N05E01N001M	49	15	10/20/2022	17.20
46N05E21J001M	32	10	10/21/2022	5.60
46N05E01P001M	24	11	10/21/2022	8.20
41S12E19Q001W	50	6	10/20/2022	7.09
48N04E30F002M	80	38	10/1/2022	71.70
48N04E13K001M	212	42	10/1/2022	81.66
48N05E26D001M	304	48	10/1/2022	63.41
46N05E22D001M	99	40	10/1/2022	48.19
TL-T1 Q3B	35	27	10/1/2022	28.60
TL-T3 GP	16	12	10/1/2022	15.7

Note: ft bgs = feet below ground surface

* Well has been discontinued due to issues with measurement as of 1/11/2022. The GSAs are evaluating replacement with a different monitoring well.

Figure 2-1 and Figure 2-2 identify the seasonal high (spring) and seasonal low (fall) groundwater elevations and contours within the Subbasin for 2022. These figures illustrate the general location and volume of groundwater extractions. Groundwater level data were obtained from the GSAs and the California Statewide Groundwater Elevation Monitoring (CASGEM) system. Reported groundwater levels were used to develop groundwater elevation contours. Contours were developed based on available surrounding data, which is very limited; therefore, the developed contours do not encompass the entire Subbasin. There is also limited monitoring in the middle of the Subbasin. The GSP identifies this as a data gap, and the GSAs have applied to DWR for Technical Support Services (TSS) in order to assist with installation of a new monitoring well. In addition, on December 16, 2022, the Tulelake Subbasin GSAs filed a grant application through DWR's Sustainable Groundwater Management Grant Program. If approved, this grant would provide resources that are greatly needed in the Subbasin for both Plan implementation and the projects and management actions described in this section of the report.

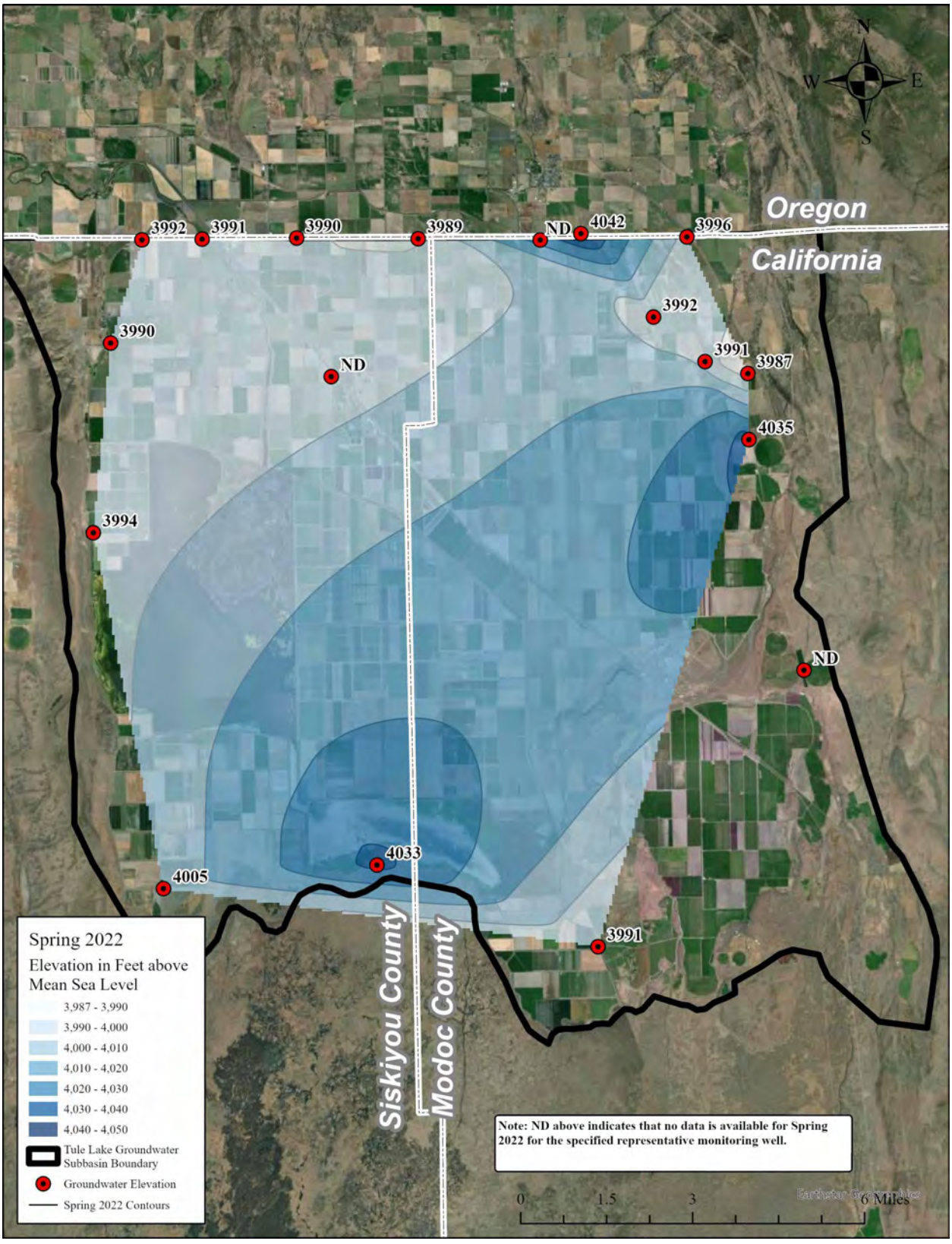


Figure 2-1. Spring 2022 Groundwater Surface Elevations

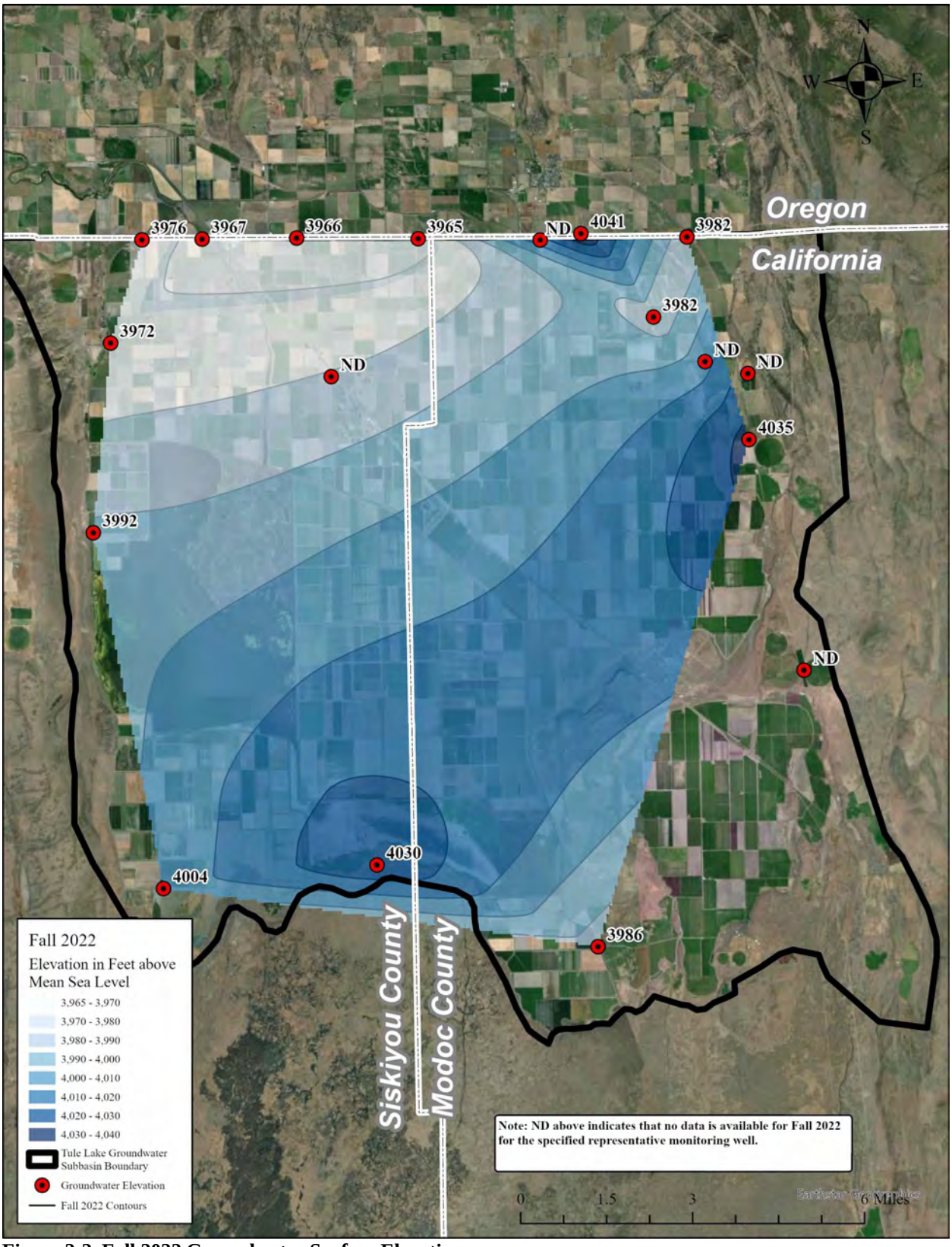


Figure 2-2. Fall 2022 Groundwater Surface Elevations

In addition to Table 2-1, Figure 2-1 and Figure 2-2, hydrographs of groundwater elevations and WY types showing historical data through Fall 2022 are included in Appendix B of this Annual Report.

Water Quality

The GSAs established a minimum threshold of 900 milligrams per liter (mg/L) of Total Dissolved Solids and a minimum threshold of 9 mg/L of Nitrate at all representative monitoring sites for the water quality sustainability indicator within the Subbasin. Table 2-2 identifies the representative groundwater monitoring wells for water quality. In addition, Table 2-2 identifies the MT, MO, and most recent reported measurement for each monitoring location. Groundwater water quality data were obtained from the California Drinking Water Watch website. As identified in the GSP, the IMs are set at the same levels as the MOs.

Table 2-2. Water Quality Quantitative Sustainable Management Criteria[1]

WQ Monitoring Well	Nitrate (mg/L)			Total Dissolved Solids (mg/L)		
	MO	MT	Measurement (Date)	MO	MT	Measurement (Date)
TULELAKE WELL 03	2	9	ND (4/21/2021)	205	900	210 (10/3/2018)
TULELAKE WELL 01	2	9	ND (12/17/2015)	190	900	190 (10/31/2018)
KBNWR WELL 01	2	9	ND (9/28/2021)	n/a	900	n/a
NEWELL WELL 01	2	9	ND (8/19/2020)	540	900	540 (12/19/2017)
NEWELL WELL 03	2	9	ND (8/19/2020)	610	900	610 (12/19/2017)

Footnotes:

[1]Data downloaded from California Drinking Water Watch: https://sdwis.waterboards.ca.gov/PDWW/index.jsp

Notes:

1. There have been no measurements of TDS at KBNWR Well 01 since 2015.
2. ND identifies that the constituent was not detected in most recent measurement.

Change in Groundwater Storage

Change in groundwater storage was estimated using ArcGIS desktop software and Subbasin characteristics. Change in groundwater storage presented in this section is based on an evaluation of spring groundwater levels. The spring contour map included in Figure 2-1 was prepared based on groundwater elevation data collected in spring 2022 and uses Nearest Neighbor interpolation to generate a raster, which is further processed to develop contours at a 10 foot interval. Consecutive contour rasters (e.g., spring 2021 and spring 2022) were then compared to create a change in elevation map, which is shown below in Figure 2-3. From this map, the mean groundwater elevation change within the Subbasin was calculated. This was then multiplied by the total acreage of the Subbasin and an estimated specific yield of 0.05 for the Subbasin[3] to obtain an estimated change in groundwater storage.

[3] (DWR, 2002). Tulelake Subbasin—Hydrogeologic Investigation. [Draft Report]. California Department of Water Resources. California. October 8, 2002.

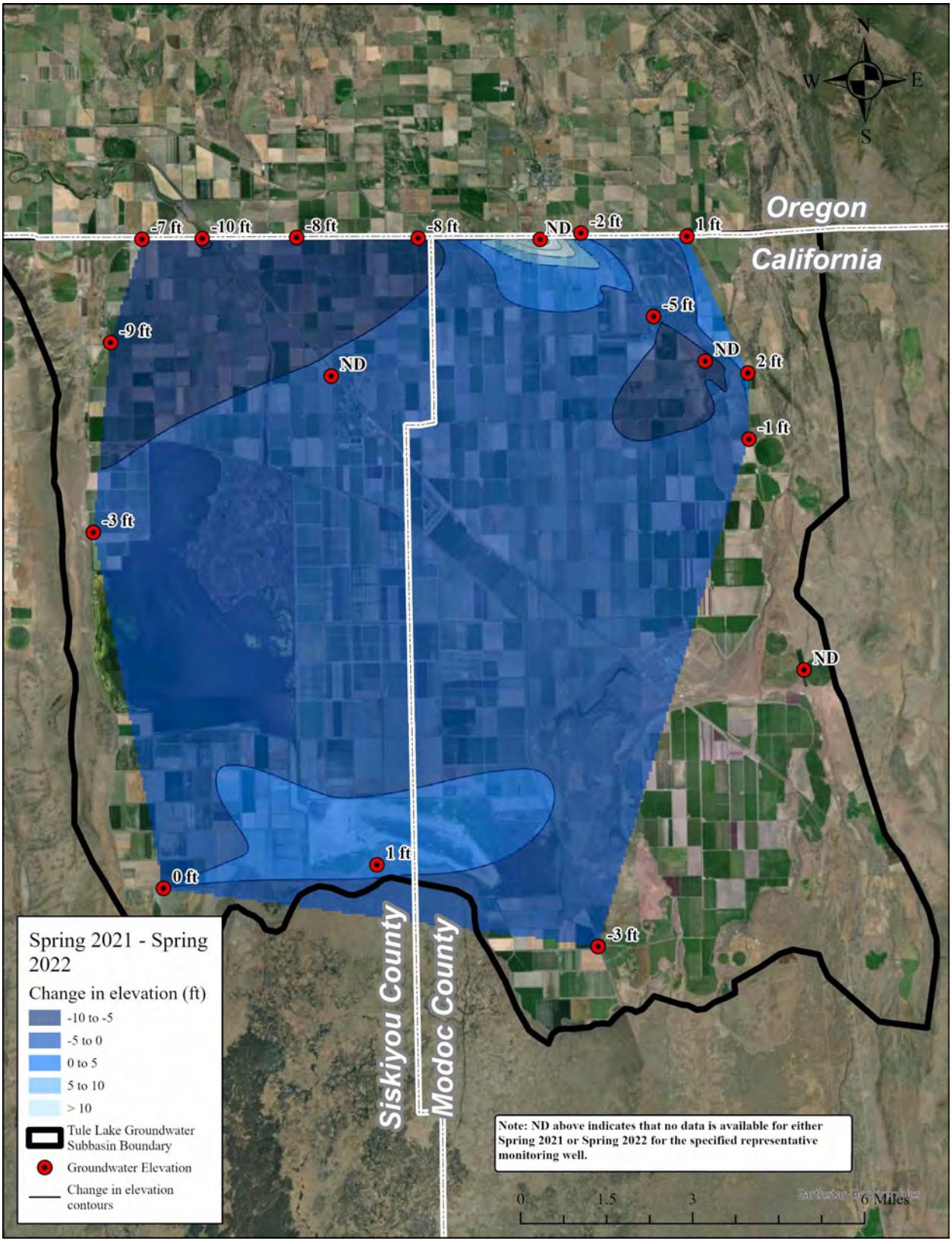


Figure 2-3 Change in Spring Groundwater Elevations from 2021 to 2022

Table 2-3 provides an annual summary of the estimated change in groundwater storage.

Table 2-3. Change in Groundwater Storage (TAF)

WY	Change in Groundwater Storage
2018-2019	(0.08)
2019-2020	5.45
2020-2021	(27.65)
2021-2022	(14.38)

Output from the model developed for the Tule Lake Subbasin GSP was used to estimate the historical change in groundwater storage for the Subbasin for 2000 through 2018. For the purposes of this Annual Report, and as was done in the previous Annual Report, the change in groundwater storage from 2021 to 2022 was estimated by comparing seasonal high groundwater contours. The results of this analysis for 2019 through 2022 are shown in Table 2-3. Figure 2-4 shows the annual change in storage and cumulative change in storage along with an indication of the WY type. In addition, the annual estimated groundwater usage by users within the District service area (Irrigation & M&I Groundwater Pumping) and users outside of the District service area (Private Groundwater Pumping) is shown in Figure 2-4.

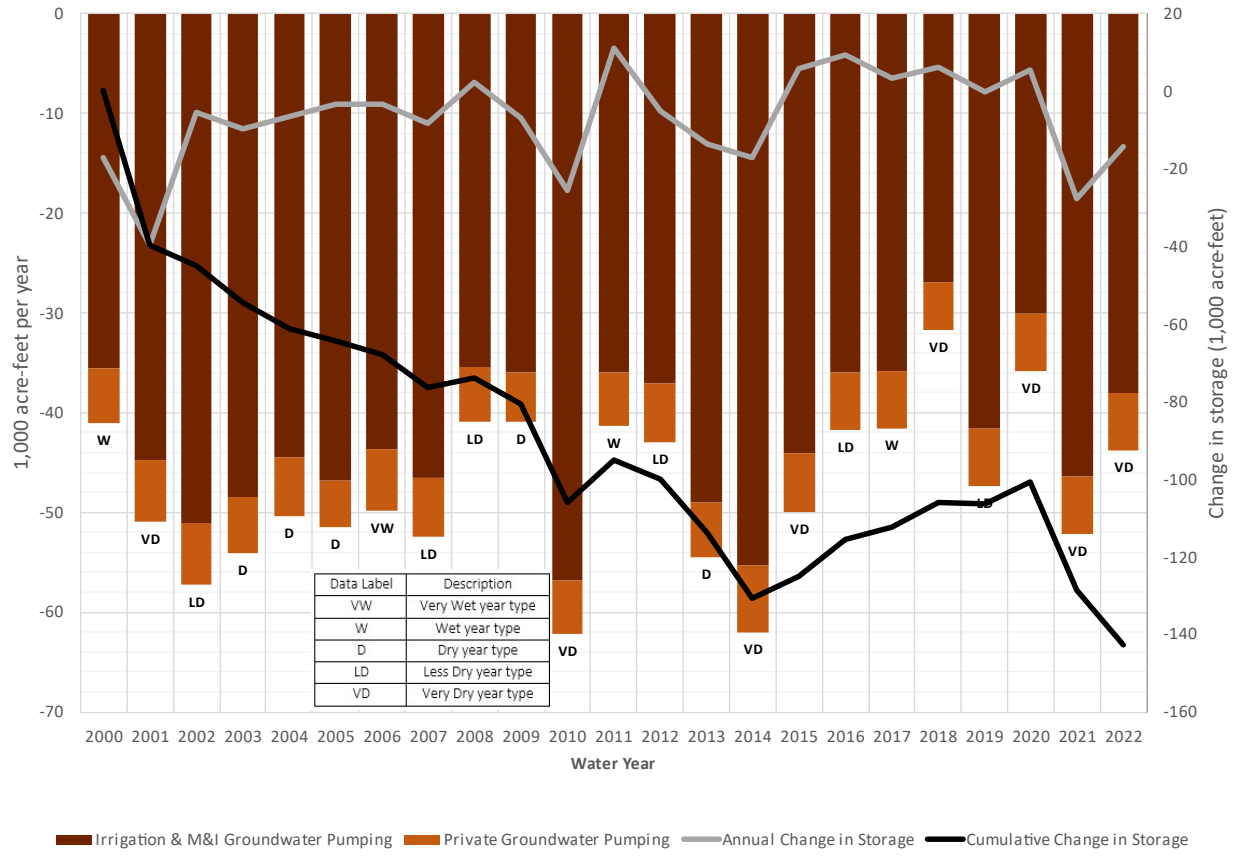


Figure 2-4. Estimated Groundwater Pumping and Change in Storage

Groundwater Extractions

SGMA Regulations require that the Annual Report include groundwater extraction information for each water use sector. Table 2-4 provides a summary of the groundwater extractions within the Subbasin during WYs 2019 – 2022. The notes below Table 2-4 identify how the groundwater extractions were measured or estimated. In addition, Appendix C includes the templates provided by DWR for this information. Figure 2-1 through Figure 2-2 provide a general location of where the groundwater extractions occurred.

Table 2-4. Groundwater Extractions (TAF)

WY	Water Use Sector			
	Total	Urban[1]	Agricultural	
			District	Private[2]
2019	47.4	0.3	41.2[3]	5.9
2020	35.8	0.4	29.6[4]	5.8
2021	52.1	0.4	45.9[4]	5.8
2022	43.8	0.3	37.7[4]	5.8

[1] Values obtained from the City of Tulelake, which measures their extractions with magnetic flow meters.

[2] Values based on the calculated average annual extractions by private groundwater pumping, as calculated by the GSP Model for WYs 2000 through 2018, during similar WY types. The estimated annual extractions for these years are show in Figure 2-4.

[3] Values based on the calculated average annual extractions within the District, as calculated by the GSP Model for WYs 2000 through 2018, during similar WY types. The estimated annual extractions for these years are shown in Figure 2-4.

[4] Values obtained from Tulelake Irrigation District, which measures their extractions with propeller flow meters.

Surface Water Supply

SGMA Regulations require that the Annual Report include surface water supply information for each water use sector. Table 2-5 provides a summary of the surface water supply within the Subbasin during WYs 2019 – 2022. As identified in the GSP, the surface water supplier for the Subbasin is the Reclamation, which is the entity that operates the Klamath Project. The point of diversion for the Tulelake Irrigation District is Station 48, which is located in Oregon. For the purposes of this Annual Report, measured deliveries from the Klamath Project at the J Canal Headworks were used, as that is the location where the supply enters the Subbasin. As identified in the GSP, return flow from agricultural irrigations upstream of TID may also contribute to the surface water supply in any given year. Therefore, the quantities in Table 2-5 represent the volume of Project water and return flow that was available at the J Canal Headworks. In addition, Appendix D includes the templates provided by DWR for this information.

Table 2-5. Surface Water Supply (TAF)

WY	Water Use Sector			
	Total	Urban	Agricultural	
			District	Private
2019	119.7	0.0	119.7	0.0
2020	68.4	0.0	68.4	0.0
2021	16.2	0.0	16.2	0.0
2022	35.4	0.0	35.4	0.0

Total Water Use

SGMA Regulations require that the Annual Report include the total water use for each water use sector. Table 2-6 provides a summary of the total water use, which is the combined groundwater use (Table 2-4) and surface water use (Table 2-5) for WYs 2019-2022 by water use sector. See Table 2-4 and Table 2-5 for additional information on groundwater and surface water use. In addition, Appendix E includes the templates provided by DWR for this information.

Table 2-6. Total Water Use (TAF)

WY	Water Use Sector			
	Total	Urban	Agricultural	
			District	Private
2019	167.1	0.3	160.9	5.9
2020	104.2	0.4	98.0	5.8
2021	68.3	0.4	62.1	5.8
2022	79.2	0.3	73.1	5.8

3 GSP Implementation Progress

As identified in the GSP, the Tule Lake Subbasin is currently being sustainably managed. Therefore, no projects or management actions are required to achieve sustainability; however, the Tule Lake Subbasin GSAs have identified projects and management actions that can improve their understanding of the groundwater Subbasin. Due to the standing of the Subbasin, the projects and management actions identified in the GSP are intended to help reduce or eliminate data gaps and will be implemented based on the availability of resources and funding. Similarly, interim milestones are intended to be set to guide conditions during implementation of the GSP in order to define a pathway to reach sustainability within 20 years. In the Tule Lake Subbasin, the interim milestones were not assumed to be needed, as implementation activities are not required to achieve the measurable objectives. However, for the purpose of the GSP, the interim milestones were set at the same levels as the measurable objectives. See Table 2-1 for an overview of the most recent groundwater level measurements and the associated interim milestones at the representative groundwater monitoring wells. Similarly, see Table 2-2 for a summary of the representative water quality monitoring locations.

Implementation of Projects and Management Actions

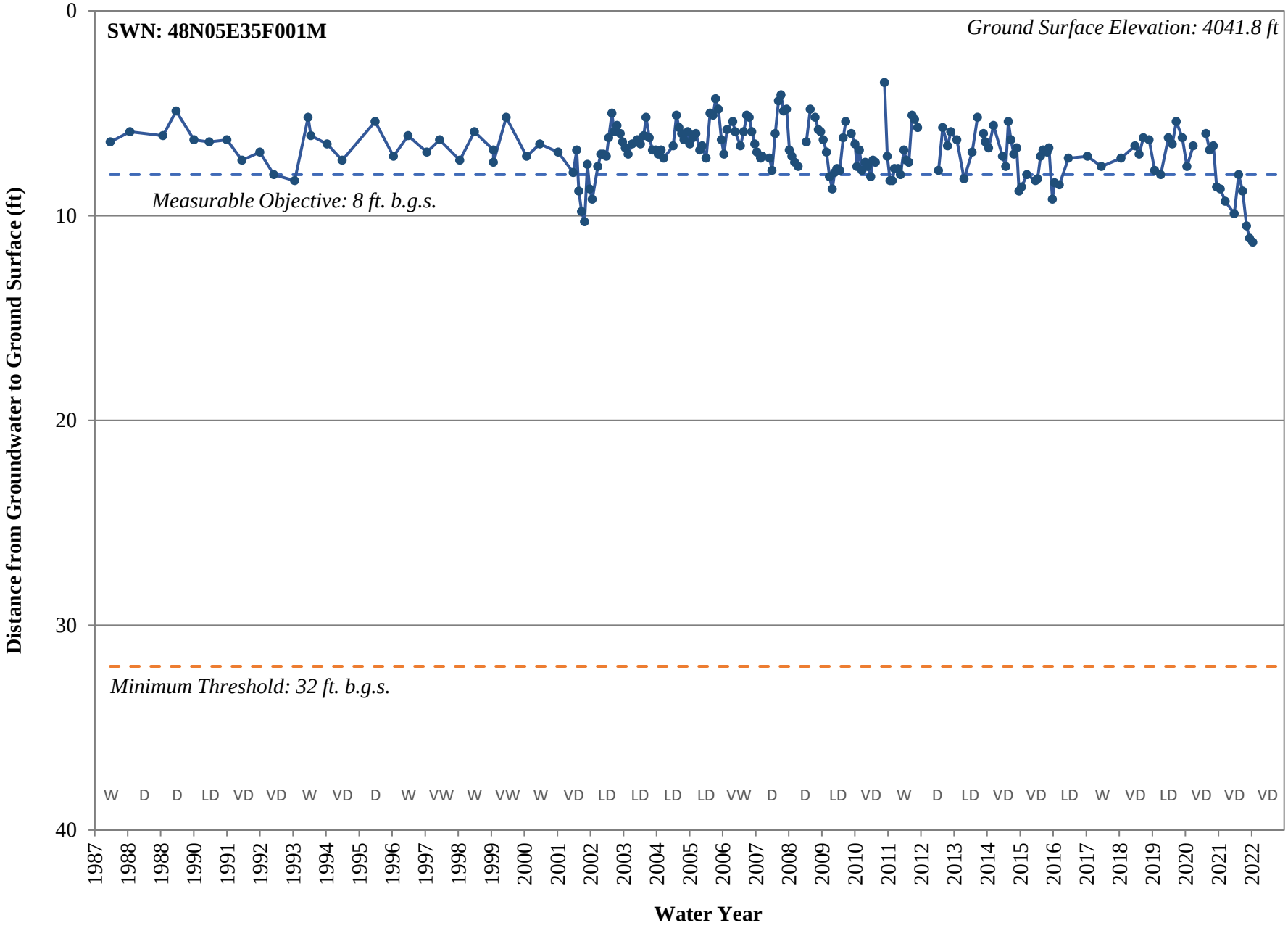
The purpose of this section of the Annual Report is to provide an update on GSP implementation progress of projects and management actions. Projects and management actions identified in the GSP include development of a well inventory, construction of dedicated groundwater monitoring wells, expansion of the water quality monitoring network to include additional wells, potential groundwater dependent ecosystems field investigations, groundwater recharge, domestic well assistance program, and an adaptive management strategy. On December 16, 2022, the Tulelake Subbasin GSAs filed a grant application through DWR's Sustainable Groundwater Management Grant Program. If approved, this grant would provide resources that are greatly needed in the Subbasin for both Plan implementation and the projects and management actions described in this section of the report. Table 3-1 provides a project and management action update summary.

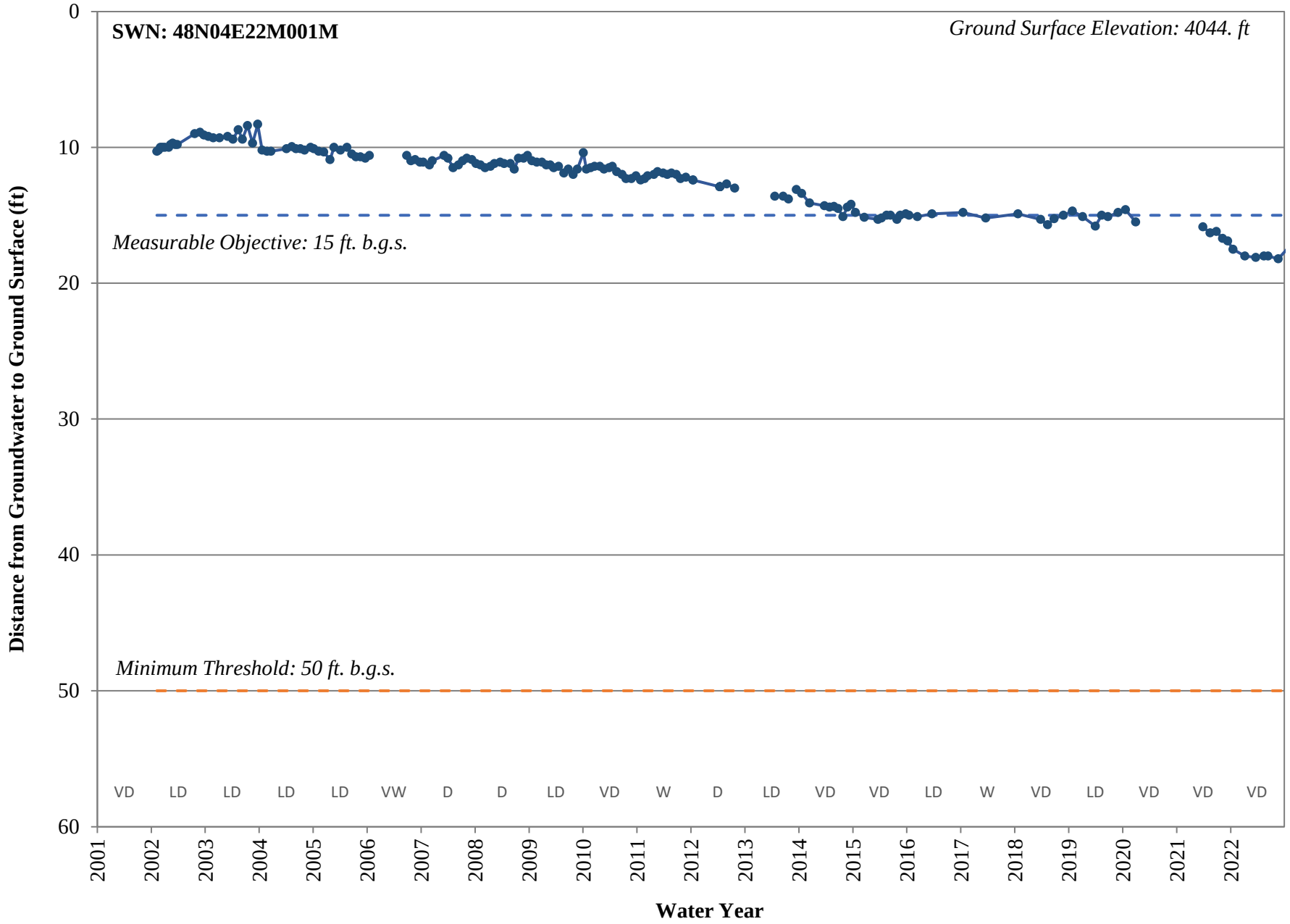
Table 3-1. Summary of Projects and Management Actions

Project or Management Action	Update
Perform Well Inventory	No update to provide at this time. This effort is ongoing.
File for well installation application with TSS	Technical Support Services General Application filed on March 8, 2022. Upon approval the GSAs will work with DWR to prepare and file the Service Request Application.
Add 2 wells to WQ Monitoring Network	No update to provide at this time. This effort is ongoing.
Complete field inspections of GDEs	No update to provide at this time. This effort is ongoing.
Review AEM survey data	The Tulelake Subbasin technical team has performed an initial review of the AEM survey data. This information will be incorporated into the 5-Year Plan update as appropriate.
Recharge via Operation of Station 48	During WY 2022 Station 48 was reoperated such that Lost River Improved Channel flowed along its natural path into the Subbasin, which provided TID with water to charge irrigation canals and drains during the winter. Reviews are ongoing to better understand and quantify the benefit of this reoperation.
Provide Domestic Well Assistance	During 2022, TID coordinated with and assisted local agencies to address domestic well issues.
Adaptive Management Strategy	TID assisted with the Drought Response Agency programs in 2022, which are implemented to address supply shortages from the Klamath Project.

Groundwater Sustainability Plan Annual Report Elements Guide		
Basin Name	Tule Lake Subbasin	
GSP Local ID		
California Code of Regulations - GSP Regulation Sections	***Groundwater Sustainability Plan Elements***	**Document *page number(s) that address the applicable GSP element.***
Article 5	**Plan Contents**	
Subarticle 4	***Monitoring Networks***	
§ 354.40	**Reporting Monitoring Data to the Department**	
	Monitoring data shall be stored in the data management system developed pursuant to Section 352.6. A copy of the monitoring data shall be included in the Annual Report and submitted electronically on forms provided by the Department.	
	Note: Authority cited: Section 10733.2, Water Code. Reference: Sections 10728, 10728.2, 10733.2 and 10733.8, Water Code.	
Article 7	**Annual Reports and Periodic Evaluations by the Agency**	
§ 356.2	**Annual Reports**	
	Each Agency shall submit an annual report to the Department by April 1 of each year following the adoption of the Plan. The annual report shall include the following components for the preceding water year:	
	(a) General information, including an executive summary and a location map depicting the basin covered by the report.	Executive Summary (pages ES-1 through ES-2); Figure 1-1 (page 1-2)
	(b) A detailed description and graphical representation of the following conditions of the basin managed in the Plan:	
	(1) Groundwater elevation data from monitoring wells identified in the monitoring network shall be analyzed and displayed as follows:	
	(A) Groundwater elevation contour maps for each principal aquifer in the basin illustrating, at a minimum, the seasonal high and seasonal low groundwater conditions.	Section 2, Figure 2-1 through 2-2 (pages 2-3 through 2-4)
	(B) Hydrographs of groundwater elevations and water year type using historical data to the greatest extent available, including from January 1, 2015, to current reporting year.	Appendix B

California Code of Regulations - GSP Regulation Sections	*Groundwater Sustainability Plan Elements*	Document *page number(s) that address the applicable GSP element.*
	(2) Groundwater extraction for the preceding water year. Data shall be collected using the best available measurement methods and shall be presented in a table that summarizes groundwater extractions by water use sector, and identifies the method of measurement (direct or estimate) and accuracy of measurements, and a map that illustrates the general location and volume of groundwater extractions.	Table 2-3 (Page 2-7); Figure 2-3 (page 2-6); Figure 2-4 (page 2-8); Table 2-4 (Page 2-8)
	(3) Surface water supply used or available for use, for groundwater recharge or in-lieu use shall be reported based on quantitative data that describes the annual volume and sources for the preceding water year.	Table 2-5; Appendix E
	(4) Total water use shall be collected using the best available measurement methods and shall be reported in a table that summarizes total water use by water use sector, water source type, and identifies the method of measurement (direct or estimate) and accuracy of measurements. Existing water use data from the most recent Urban Water Management Plans or Agricultural Water Management Plans within the basin may be used, as long as the data are reported by water year.	Table 2-6; Appendix F
	(5) Change in groundwater in storage shall include the following:	
	(A) Change in groundwater in storage maps for each principal aquifer in the basin.	Section 2, Figure 2-1 through 2-2 (pages 2-3 through 2-4)
	(B) A graph depicting water year type, groundwater use, the annual change in groundwater in storage, and the cumulative change in groundwater in storage for the basin based on historical data to the greatest extent available, including from January 1, 2015, to the current reporting year.	Figure 2-4 (page 2-8)
	(c) A description of progress towards implementing the Plan, including achieving interim milestones, and implementation of projects or management actions since the previous annual report.	Table 2-1, Table 2-2, and Section 3


SWN: 48N05E35F001M
Ground Surface Elevation: 4041.8 ft
Measurable Objective: 8 ft. b.g.s.
Minimum Threshold: 32 ft. b.g.s.
Distance from Groundwater to Ground Surface (ft)
0
10
20
30
40
W D D LD VD VD W VD D W VW W VW W VD LD LD LD LD VW D D LD VD W D LD VD VD LD W VD LD VD VD VD
1987 1988 1988 1990 1991 1992 1993 1994 1995 1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022
Water Year


SWN: 48N04E22M001M
Ground Surface Elevation: 4044. ft
Measurable Objective: 15 ft. b.g.s.
Minimum Threshold: 50 ft. b.g.s.
Distance from Groundwater to Ground Surface (ft)
0
10
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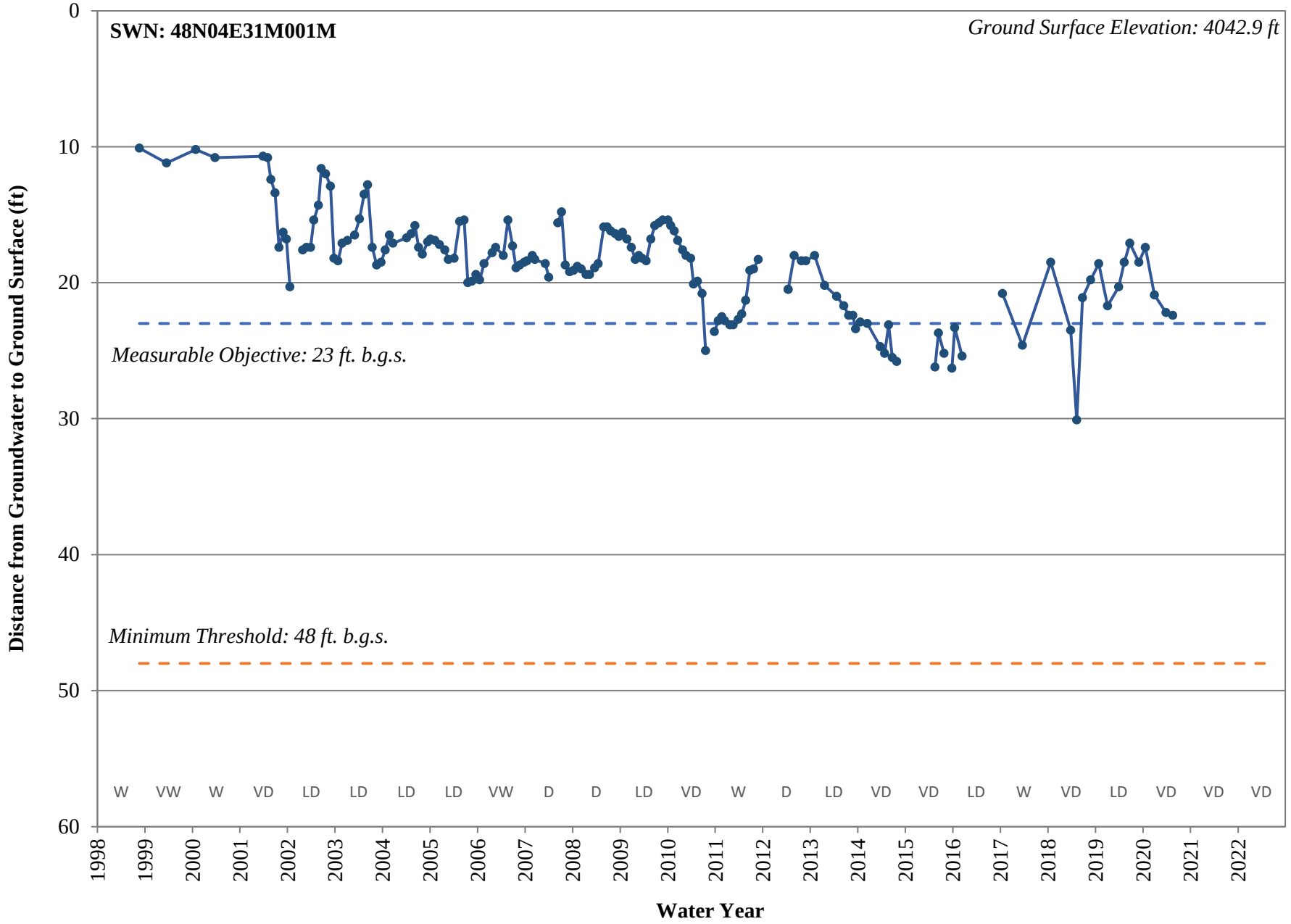
VD LD LD LD LD VW D D LD VD W D LD VD VD LD W VD LD VD VD VD
2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022
Water Year


SWN: 48N04E31M001M
Ground Surface Elevation: 4042.9 ft
Measurable Objective: 23 ft. b.g.s.
Minimum Threshold: 48 ft. b.g.s.
Distance from Groundwater to Ground Surface (ft)
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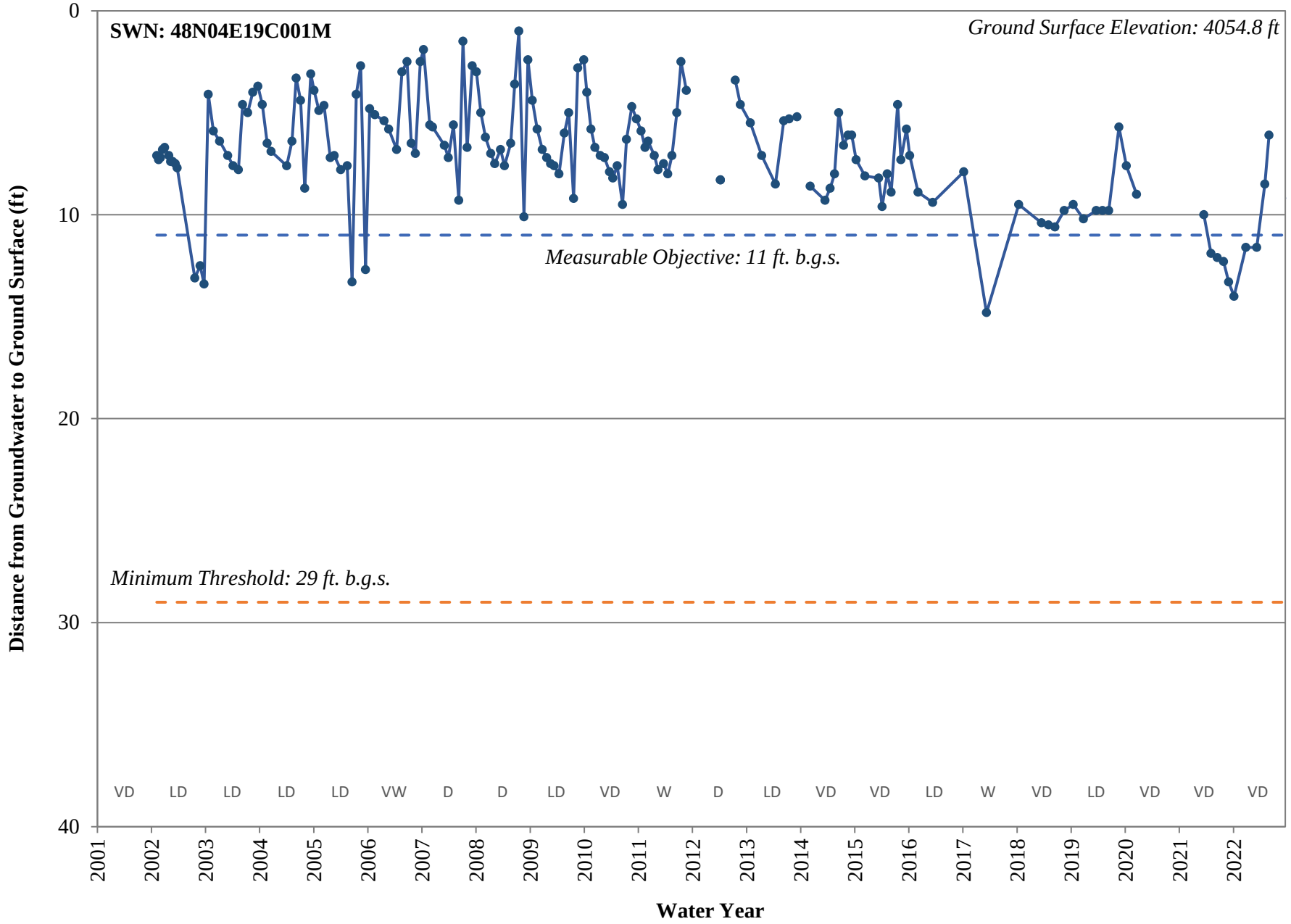
1998 1999 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022
Water Year


SWN: 48N04E19C001M
Ground Surface Elevation: 4054.8 ft
Measurable Objective: 11 ft. b.g.s.
Minimum Threshold: 29 ft. b.g.s.
Distance from Groundwater to Ground Surface (ft)
0
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VD LD LD LD LD VW D D LD VD W D LD VD VD LD W VD LD VD VD VD
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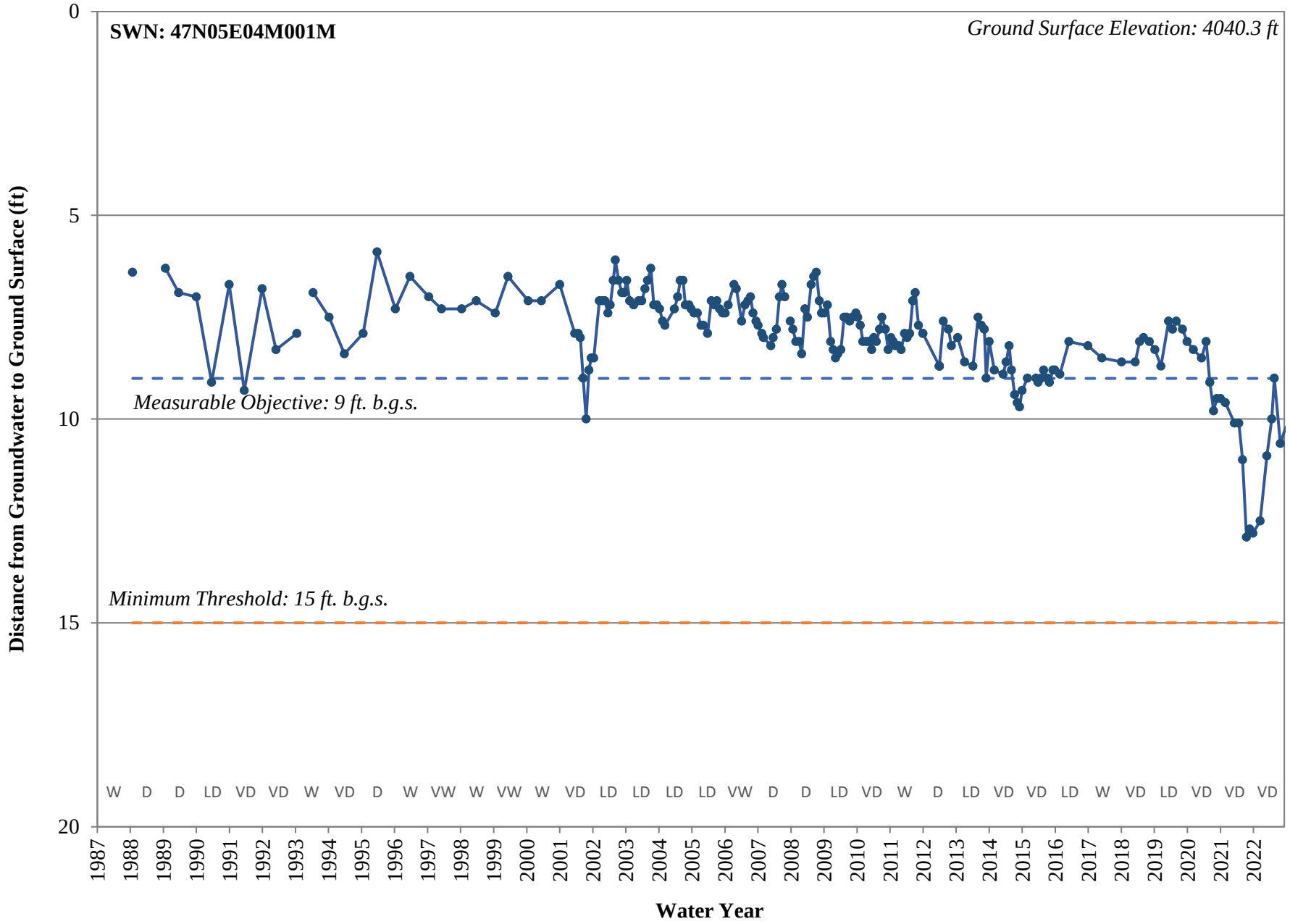
Water Year


SWN: 47N05E04M001M
Ground Surface Elevation: 4040.3 ft
Measurable Objective: 9 ft. b.g.s.
Minimum Threshold: 15 ft. b.g.s.
Distance from Groundwater to Ground Surface (ft)
0
5
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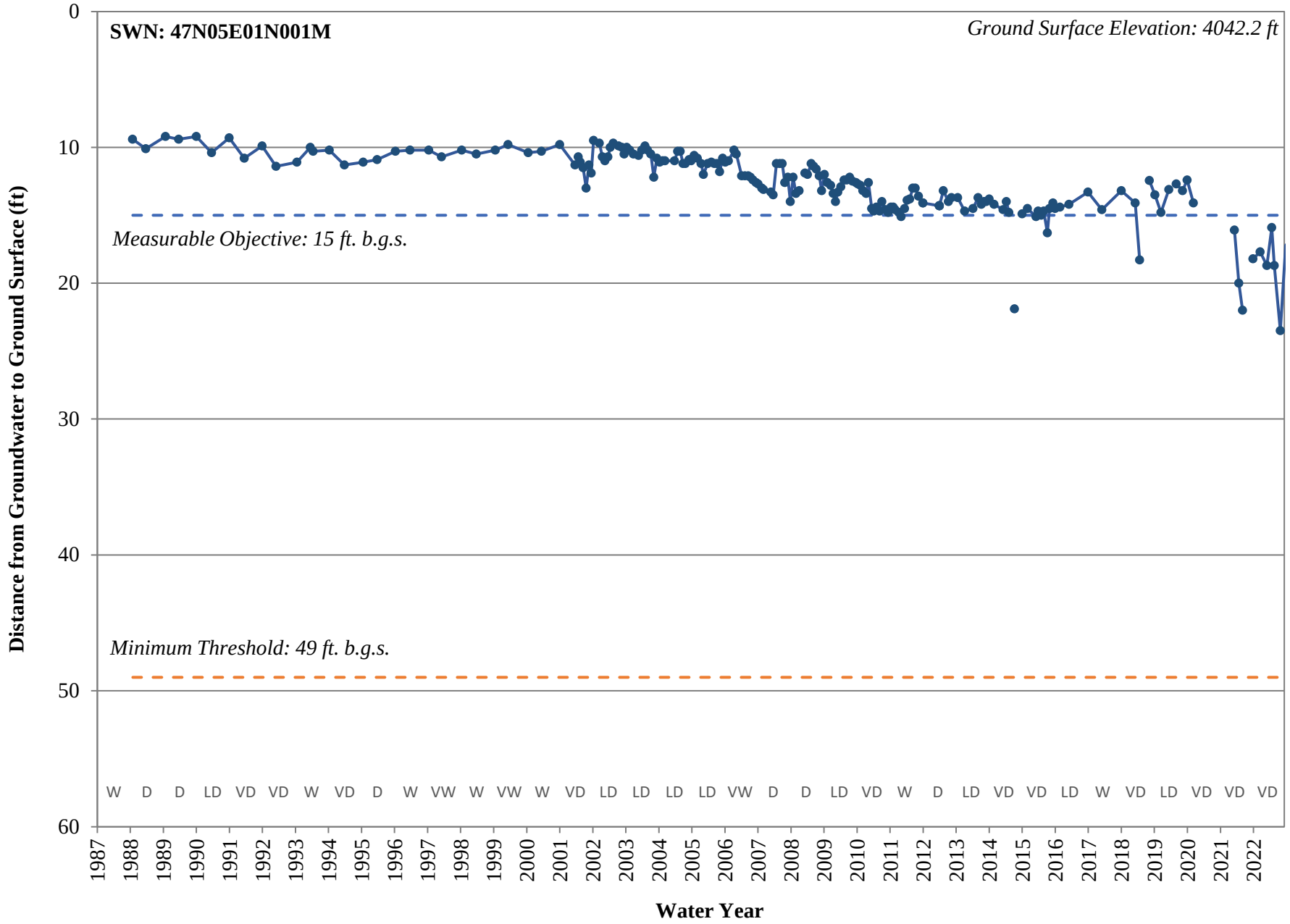
W D D LD VD VD W VD D W VW W VW W VD LD LD LD LD VW D D LD VD W D LD VD VD LD W VD LD VD VD VD
1987 1988 1989 1990 1991 1992 1993 1994 1995 1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022
Water Year


SWN: 47N05E01N001M
Ground Surface Elevation: 4042.2 ft
Measurable Objective: 15 ft. b.g.s.
Minimum Threshold: 49 ft. b.g.s.
Distance from Groundwater to Ground Surface (ft)
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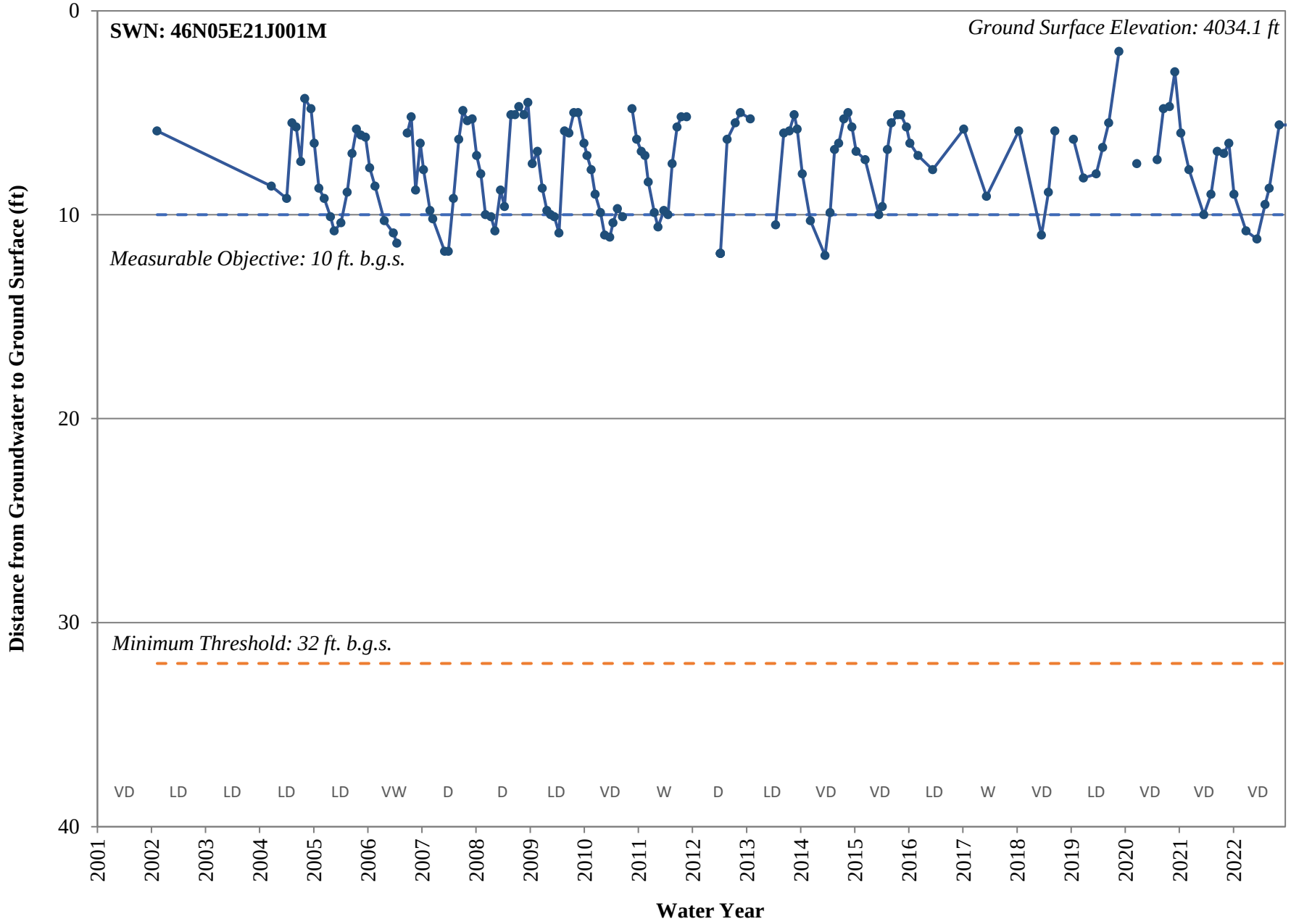
1987 1988 1989 1990 1991 1992 1993 1994 1995 1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022
Water Year


SWN: 46N05E21J001M
Ground Surface Elevation: 4034.1 ft
Measurable Objective: 10 ft. b.g.s.
Minimum Threshold: 32 ft. b.g.s.
Distance from Groundwater to Ground Surface (ft)
0
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VD LD LD LD LD VW D D LD VD W D LD VD VD LD W VD LD VD VD VD
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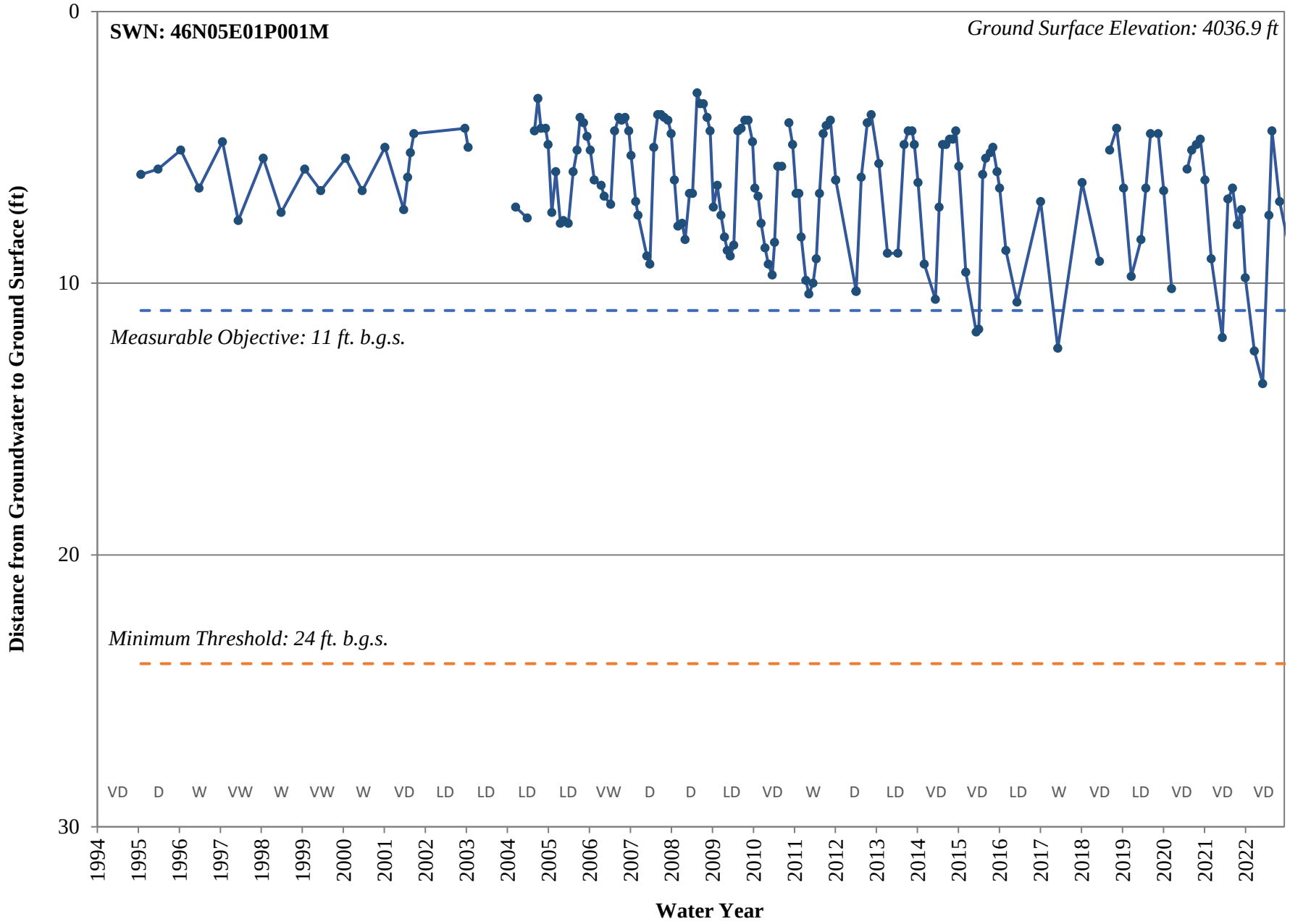
Water Year


SWN: 46N05E01P001M
Ground Surface Elevation: 4036.9 ft
Measurable Objective: 11 ft. b.g.s.
Minimum Threshold: 24 ft. b.g.s.
Distance from Groundwater to Ground Surface (ft)
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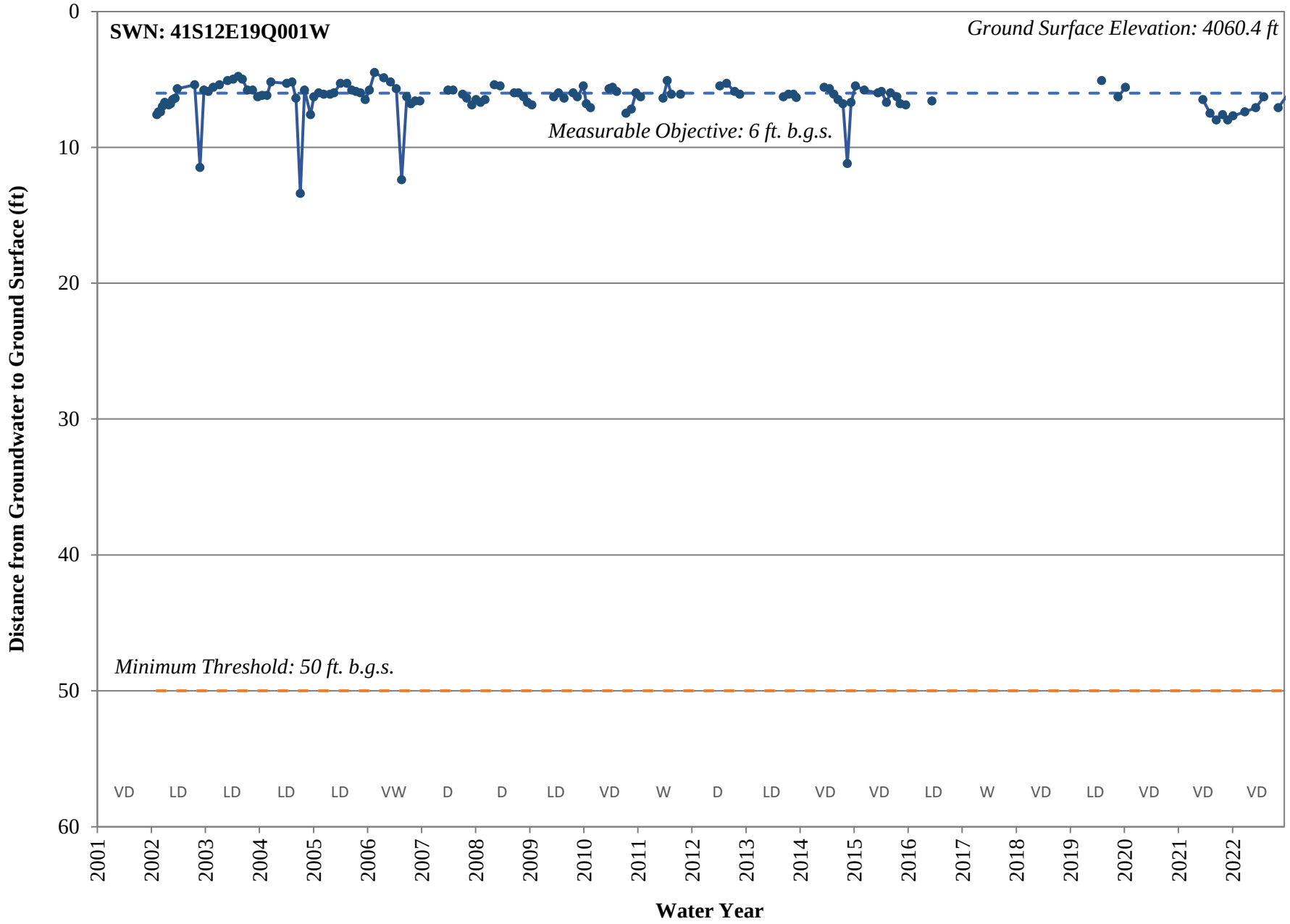
VD D W VW W VW W VD LD LD LD LD VW D D LD VD W D LD VD VD LD W VD LD VD VD VD
1994 1995 1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022
Water Year


SWN: 41S12E19Q001W
Ground Surface Elevation: 4060.4 ft
Measurable Objective: 6 ft. b.g.s.
Minimum Threshold: 50 ft. b.g.s.
Distance from Groundwater to Ground Surface (ft)
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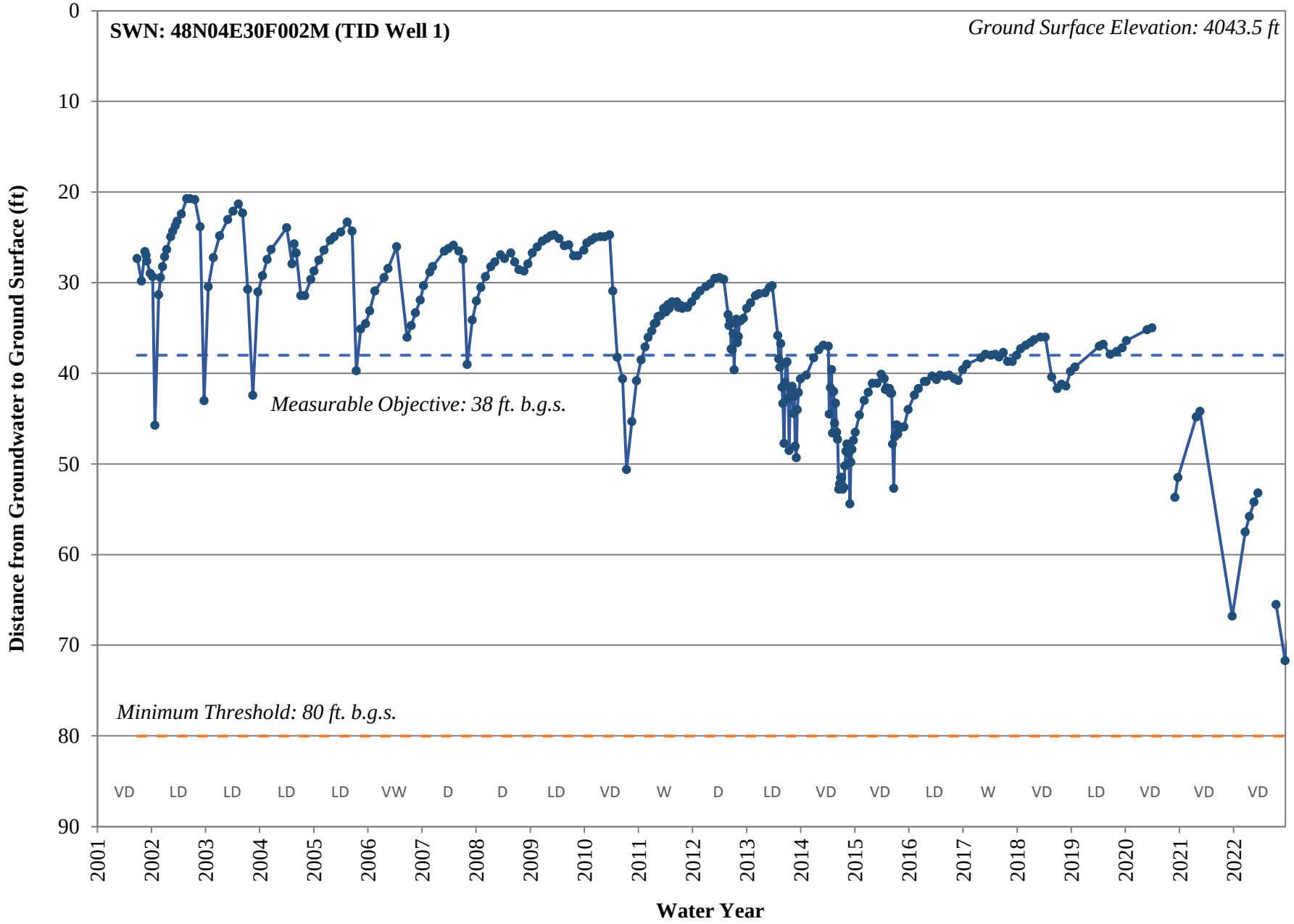
VD LD LD LD LD VW D D LD VD W D LD VD VD LD W VD LD VD VD VD
2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022
Water Year


SWN: 48N04E30F002M (TID Well 1)
Ground Surface Elevation: 4043.5 ft
Measurable Objective: 38 ft. b.g.s.
Minimum Threshold: 80 ft. b.g.s.
Distance from Groundwater to Ground Surface (ft)
0
10
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40
50
60
70
80
90
VD LD LD LD LD VW D D LD VD W D LD VD VD LD W VD LD VD VD VD
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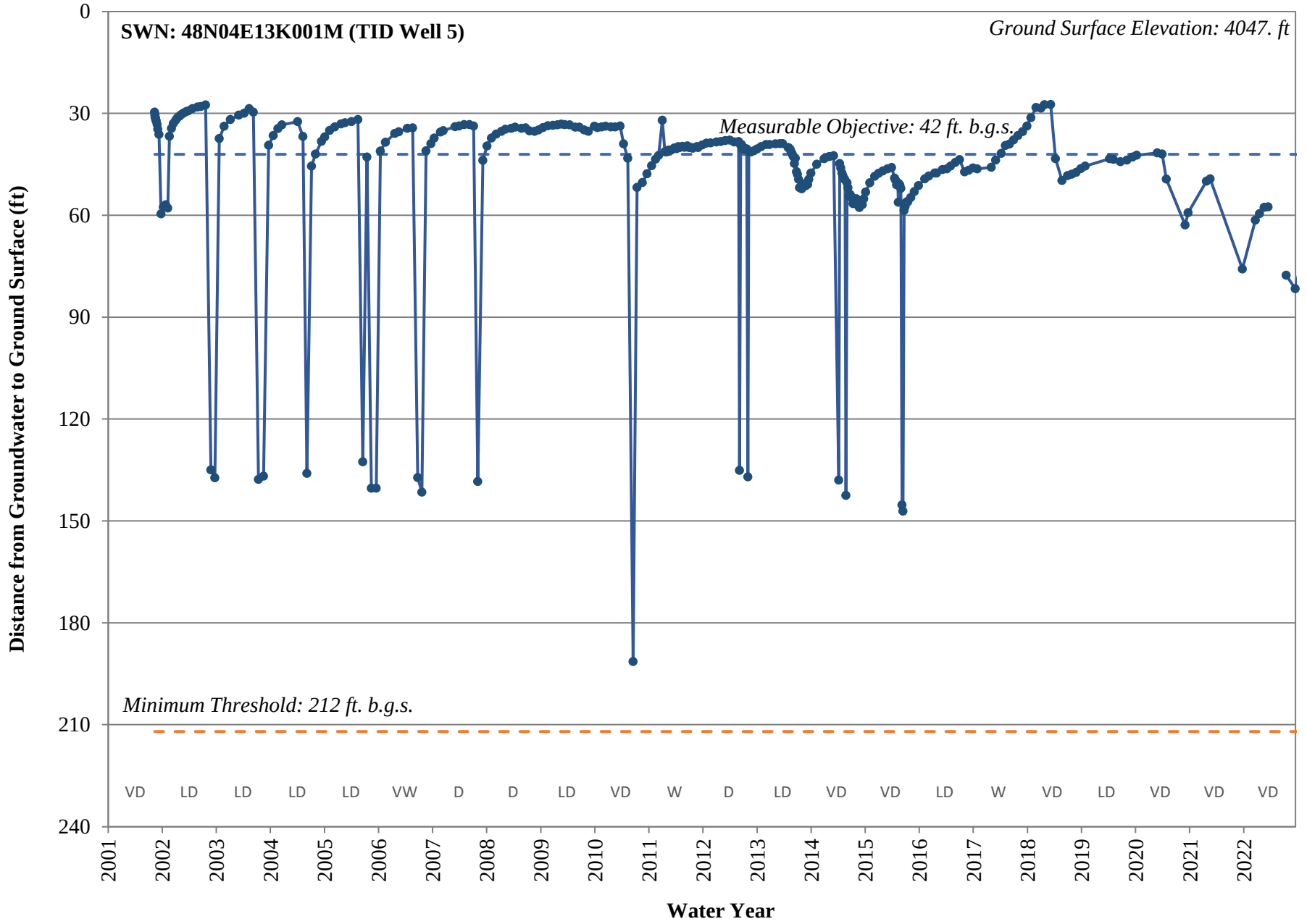
Water Year


SWN: 48N04E13K001M (TID Well 5)
Ground Surface Elevation: 4047. ft
Measurable Objective: 42 ft. b.g.s.
Minimum Threshold: 212 ft. b.g.s.
Distance from Groundwater to Ground Surface (ft)
0
30
60
90
120
150
180
210
240
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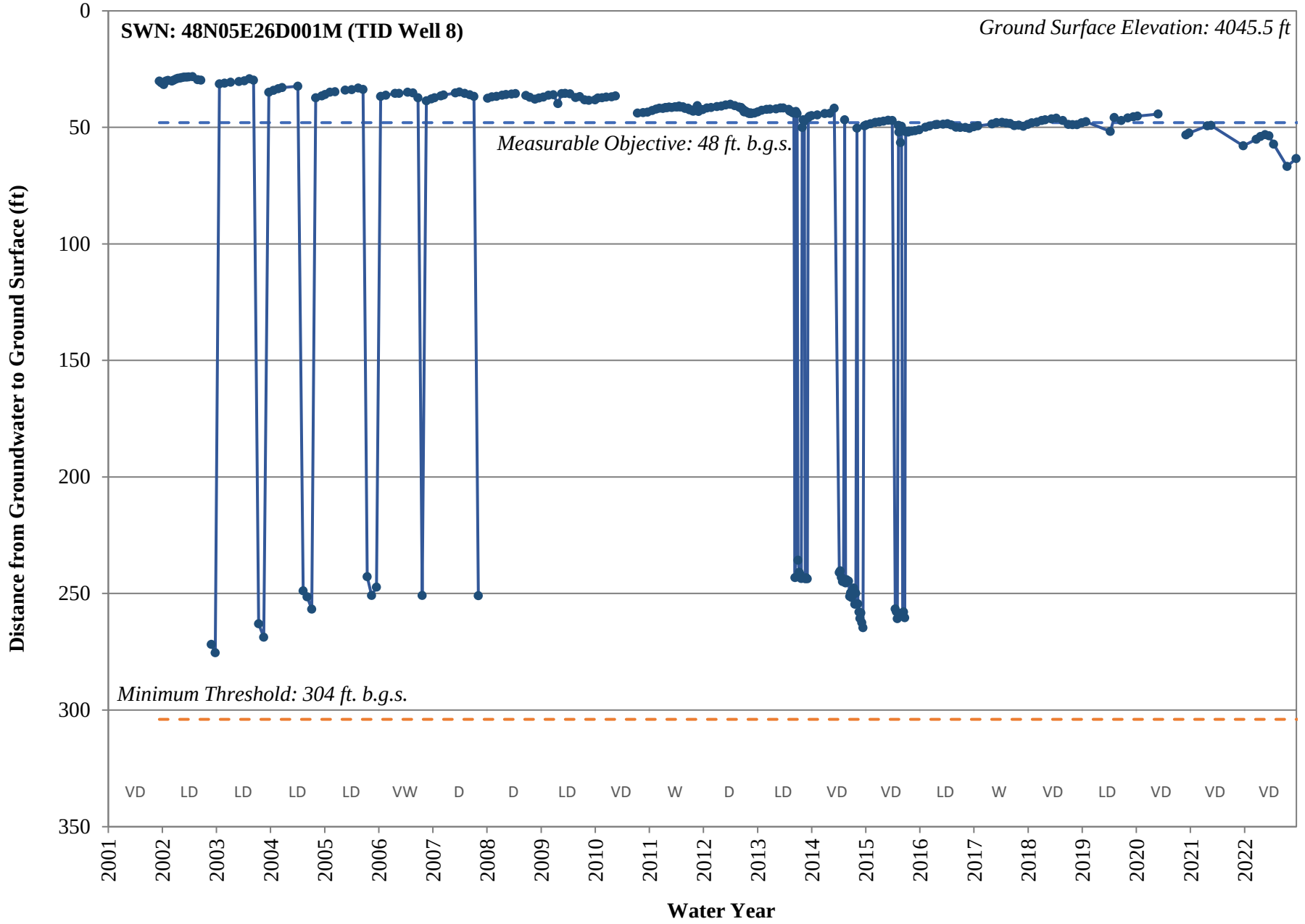
SWN: 48N05E26D001M (TID Well 8)
Ground Surface Elevation: 4045.5 ft
Measurable Objective: 48 ft. b.g.s.
Minimum Threshold: 304 ft. b.g.s.
Distance from Groundwater to Ground Surface (ft)
0
50
100
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200
250
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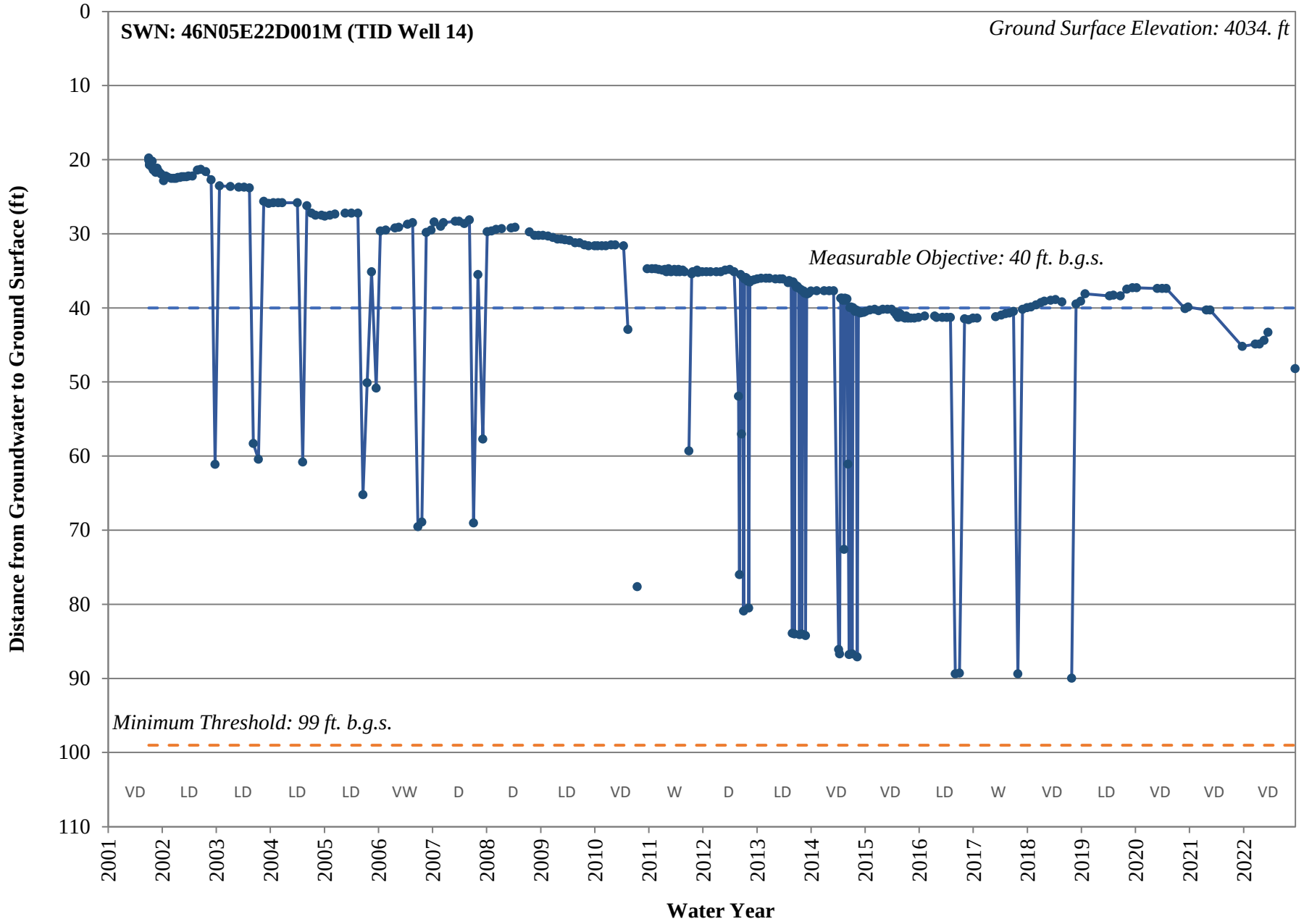
350
VD LD LD LD LD VW D D LD VD W D LD VD VD LD W VD LD VD VD VD
2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022
Water Year


SWN: 46N05E22D001M (TID Well 14)
Ground Surface Elevation: 4034. ft
Measurable Objective: 40 ft. b.g.s.
Minimum Threshold: 99 ft. b.g.s.
Distance from Groundwater to Ground Surface (ft)
Water Year
0
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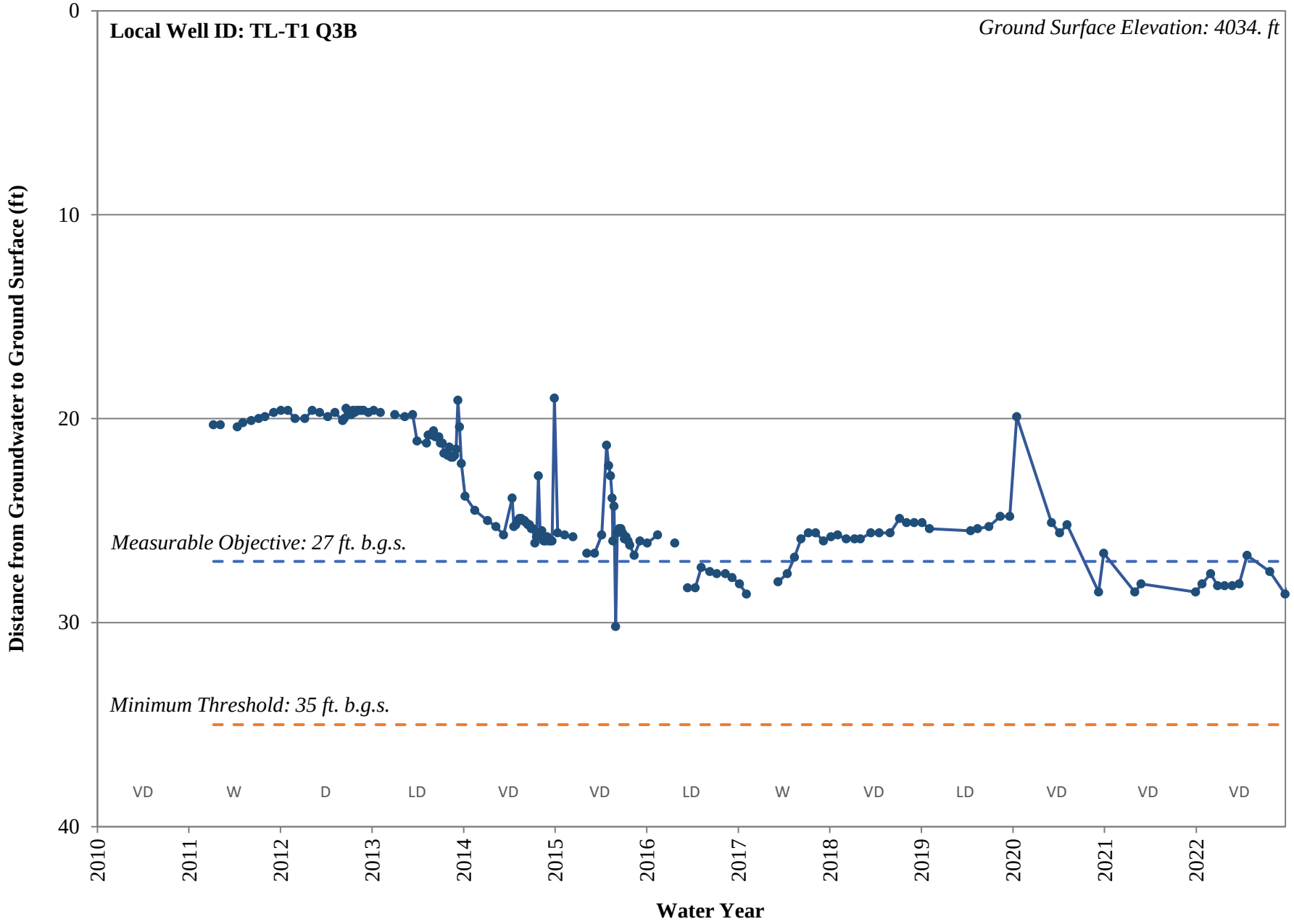
Local Well ID: TL-T1 Q3B
Ground Surface Elevation: 4034. ft
Distance from Groundwater to Ground Surface (ft)
0
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30
40
Measurable Objective: 27 ft. b.g.s.
Minimum Threshold: 35 ft. b.g.s.
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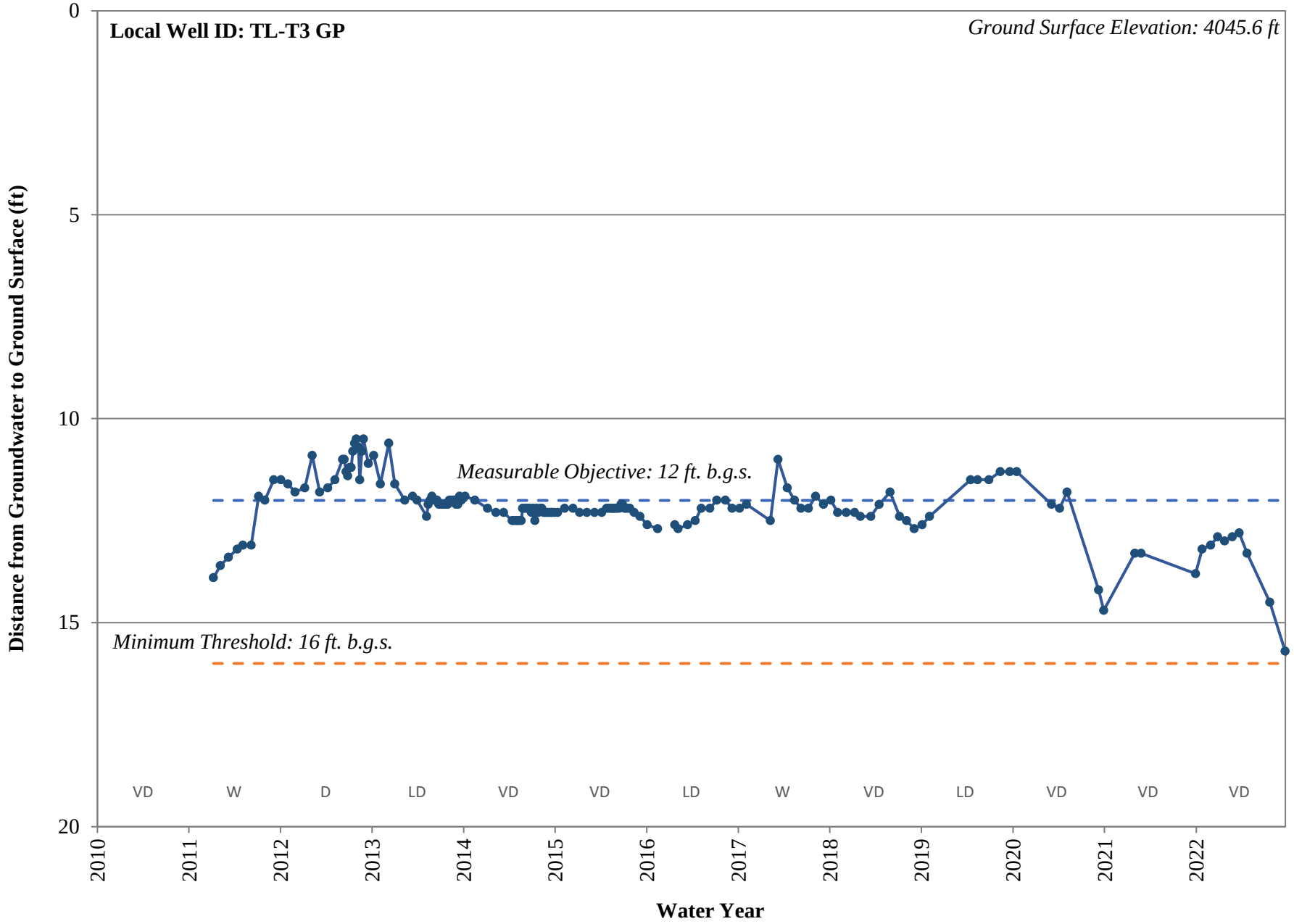
Water Year


Local Well ID: TL-T3 GP
Ground Surface Elevation: 4045.6 ft
Measurable Objective: 12 ft. b.g.s.
Minimum Threshold: 16 ft. b.g.s.
Distance from Groundwater to Ground Surface (ft)
0
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VD
VD
VD
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019
2020
2021
2022
Water Year

Groundwater Extractions

Basin Number	Water Year	Total Groundwater Extractions (AF)	Water Use Sector Urban (AF)	Water Use Sector Industrial (AF)	Water Use Sector Agricultural (AF)
1-002.01	2022 (Oct. 2021 - Sept. 2022)	43800	300	0	43500

Basin Number	Water Year	Water Use Sector Managed Wetlands (AF)	Water Use Sector Managed Recharge (AF)	Water Use Sector Native Vegetation (AF)	Water Use Sector Other (AF)
1-002.01	2022 (Oct. 2021 - Sept. 2022)	0	0	0	0

Basin Number	Water Year	Water Use Sector Other Description
1-002.01	2022 (Oct. 2021 - Sept. 2022)	n/a

Groundwater Extraction Methods

Basin Number	Water Year	Meters Volume (AF)	Meters Description	Meters Type	Meters Accuracy (%)	Meters Accuracy Description
1-002.01	2022 (Oct. 2021 - Sept. 2022)	300	Magnetic Flowmeters	Direct	0-5 %	Manufacturer's Documentation

Basin Number	Water Year	Electrical Records Volume (AF)	Electrical Records Description	Electrical Records Type	Electrical Records Accuracy (%)	Electrical Records Accuracy Description
1-002.01	2022 (Oct. 2021 - Sept. 2022)	0	-	-	-	-

Basin Number	Water Year	Land Use Volume (AF)	Land Use Description	Land Use Type	Land Use Accuracy (%)	Land Use Accuracy Description
1-002.01	2022 (Oct. 2021 - Sept. 2022)	0	-	-	-	-

Groundwater Extraction Methods

Basin Number	Water Year	Groundwater Model Volume (AF)	Groundwater Model Description	Groundwater Model Type	Groundwater Model Accuracy (%)	Groundwater Model Accuracy Description
1-002.01	2022 (Oct. 2021 - Sept. 2022)	0	-	-	-	-

Basin Number	Water Year	Other Method(s) Volume (AF)	Other Method(s) Description	Other Method(s) Type	Other Method(s) Accuracy (%)	Other Method(s) Accuracy Description
1-002.01	2022 (Oct. 2021 - Sept. 2022)	5800	Private groundwater extraction values based on the calculated average annual extractions by private groundwater pumping, as calculated by the GSP Model for water years 2000 through 2018, during similar water year types. The estimated annual extractions for these years are shown in Figure 2 4 of the Annual Report.	Estimate	Other	Accuracy of the model is unknown.

Surface Water Supply

Basin Number	Water Year	Methods Used To Determine	Water Source Type Central Valley Project (AF)	Water Source Type State Water Project (AF)	Water Source Type Colorado River Project (AF)
1-002.01	2022 (Oct. 2021 - Sept. 2022)	Combination of gate rating and spillway rating at the J Canal Headworks.	0	0	0

Basin Number	Water Year	Water Source Type Local Supplies (AF)	Water Source Type Local Imported Supplies (AF)	Water Source Type Recycled Water (AF)	Water Source Type Desalination (AF)
1-002.01	2022 (Oct. 2021 - Sept. 2022)	0	0	0	0

Basin Number	Water Year	Water Source Type Other (AF)	Water Source Type Other Description
1-002.01	2022 (Oct. 2021 - Sept. 2022)	35411	USBR's Klamath Project

Total Water Use

Basin Number	Water Year	Total Water Use (AF)	Methods Used To Determine	Water Source Type Groundwater (AF)	Water Source Type Surface Water (AF)	Water Source Type Recycled Water (AF)
1-002.01	2022 (Oct. 2021 - Sept. 2022)	79200	Combination of direct measurement and estimates.	43800	35400	0

Basin Number	Water Year	Water Source Type Reused Water (AF)	Water Source Type Other (AF)	Water Source Type Other Description	Water Use Sector Urban (AF)	Water Use Sector Industrial (AF)
1-002.01	2022 (Oct. 2021 - Sept. 2022)	0	0		300	0

Basin Number	Water Year	Water Use Sector Agricultural (AF)	Water Use Sector Managed Wetlands (AF)	Water Use Sector Managed Recharge (AF)	Water Use Sector Native Vegetation (AF)	Water Use Sector Other (AF)
1-002.01	2022 (Oct. 2021 - Sept. 2022)	78900	0	0	0	0

Agenda Item 3

STAFF REPORT

MEETING DATE: February 7, 2023

TO: Siskiyou County Board of Supervisors

FROM: Rick Dean, Community Development Director
Matt Parker, Natural Resources Policy Specialist
Natalie Reed, Assistant County Counsel

SUBJECT: Governor Newsom's Executive Order (N-7-22) and the County's Groundwater Well Application Process

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I. INTRODUCTION

Last year, Governor Gavin Newsom issued Executive Order N-7-22 to address the state's ongoing drought conditions. Paragraph 9 of the Executive Order prevents counties from approving permits for the construction of new groundwater wells, or the alteration of existing wells, excepting domestic wells or public wells, unless:

- The well-permitting agency determines that extraction of groundwater from the proposed or modified well is (a) not likely to interfere with the production and functioning of existing nearby wells, and (b) not likely to cause subsidence that would adversely impact or damage nearby infrastructure; and,

- If the well is located in one of Siskiyou County's medium-priority groundwater basins, the Groundwater Sustainability Agency managing the basin must also verify in writing that the proposed groundwater extractions (i) would be consistent with any applicable Groundwater Sustainability Plan, and (ii) would not decrease the likelihood of achieving a sustainability goal for the basin.

Executive Order N-7-22 took immediate effect, and its well permitting requirements will continue "during this drought emergency" until rescinded by the Governor.[1] The new requirements increase the time and administrative costs of well permitting for the County. In regard to increased administrative costs, the Department of Water Resources has indicated there is no state funding available for local permitting agencies or groundwater sustainability agencies to support the Executive Order's new well permitting requirements.[2]

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[1] The Department of Water Resources published a FAQ document in 2022 that indicates the well permitting requirements are "a temporary measure" and "will likely remain in effect the rest of this water year and will be rescinded by the Governor, which typically occurs when drought conditions have subsided." See DWR Frequently Asked Questions Document available at https://water.ca.gov/-/media/DWR-Website/Web-Pages/Water-Basics/Drought/Files/Publications-And-Reports/FAQ-Document_Executive-Order-N-7-22-Action-9_ay11.pdf.

[2] The Department of Water Resources's FAQ document advises that "local agencies and GSAs can exercise local fee authority. Local well permitting agencies can exercise fee authority for the well

Siskiyou County has four medium-priority groundwater basins: the Shasta Valley, Scott Valley, Butte Valley, and Tulelake subbasins. Environmental Health staff has begun staff-level communications with the Groundwater Sustainability Agencies for these subbasins to establish and implement a review process that is compliant with the Executive Order.

The Community Development Department has also evaluated its internal application review process to determine how best to comply with the Governor's Executive Order. As a result of the Executive Order and this evaluation process, there has been a delay in the Environmental Health Division's processing and issuance of groundwater well permits.

II. DISCUSSION

Today staff is bringing forward draft application processing guidelines (attached hereto as Attachment "A"), which are meant to ensure the County's process complies with the Executive Order. These guidelines, which also contain information about the County's obligations under the Public Trust Doctrine and the California Environmental Quality Act (CEQA), are also meant to assist the public with navigating the well permitting process. Staff is only seeking to introduce the draft guidelines to the public and to request Board direction to share the draft guidelines with the local groundwater sustainability agencies' Advisory Committees in order to receive the committees' input on the proposed process.

The proposed application process includes:

- Having domestic well and public well applicants provide a declaration regarding the intended use of the proposed wells.
- Having well applicants, except for domestic well and public well applicants, provide a report signed by a California licensed Professional Geologist with a Certified Hydrogeologist specialty certification that concludes the extraction of groundwater from the well (1) "is not likely to interfere with the production and functioning of existing nearby wells" and (2) "is not likely to cause subsidence that would adversely impact or damage nearby infrastructure." (See Paragraph 9(b) of Executive Order N-7-22).
- If a proposed well is located in one of Siskiyou County's medium-priority groundwater basins, requiring written verification from the Groundwater Sustainability Agency that groundwater extraction by the proposed well would not be inconsistent with the sustainable groundwater management program established in the Groundwater Sustainability Plan adopted by the agency and would not decrease

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permitting process. SGMA also granted GSAs fee authority to raise revenue to support administrative costs." See DWR Frequently Asked Questions Document available at https://water.ca.gov/-/media/DWR-Website/Web-Pages/Water-Basics/Drought/Files/Publications-And-Reports/FAQ-Document_Executive-Order-N-7-22-Action-9_ay11.pdf.

the likelihood of achieving a sustainability goal for the basin. (See Paragraph 9(a) of Executive Order N-7-22).

- If a proposed well is for a production well in the Shasta Valley or Scott Valley, using modeling tools to inform individual well permitting decisions in regard to whether there would be any potential impacts on interconnected navigable surface waters.
- Having well applicants, except for domestic well and public well applicants, sign the standard indemnity agreements currently used in other land use approval contexts.[3]

III. **CONCLUSION**

In conclusion, the requirements of Governor Newsom's Executive Order N-7-22 and its more stringent well permitting process require the County to modify its well application review process. In addition, given the number of authorities under which applications may now be evaluated, staff believes the public would benefit from an informational document that explains the County's application process. Today staff seeks to provide the public with an introduction about its proposed well application process guidelines and to request Board direction to provide the guidelines to the Advisory Committees for the local groundwater sustainability agencies to obtain their comments.

[3] On February 10, 2009, the Board of Supervisors approved Resolution 09-20 finding it is in the interest of the taxpayers of Siskiyou County that the legal defense fees associated with private projects be borne by the project proponents and not by the taxpayers and that the Planning Department shall require indemnity agreements for discretionary land use entitlements and approvals. Counties, such as Shasta County, Humboldt County, Monterey County, San Joaquin County, San Bernardino County, and San Diego County, include an indemnity obligation within their Well Application forms. For example, Shasta County's well permit application states: ""By signing this application I agree to defend, indemnify, and hold the county harmless from any claim, action, or proceeding brought to attack, set aside, void or annul the county's approval of this application." Stanislaus County, rather than including the obligation in the permit application, has a separate required indemnity agreement for well applicants.

ATTACHMENT “A”

Siskiyou County Community Development Department
Division of Environmental Health
806 South Main Street
Yreka, CA 96097
Phone: 530-841-2100
Fax: 530-841-4076

EXHIBIT A

Well for Individual Domestic Use

As the owner of the proposed well or existing well to be altered and as a necessary condition on the issuance of a water well construction permit for a new groundwater well or alteration of an existing groundwater well, I hereby declare for myself, successors and assigns, that no more than two (2) acre feet per year will be pumped from the well AND that all water pumped from the well will be used only to supply water for the **domestic needs of an individual residence**.

Signature: _____ Date:_____

Printed Name: _____

ATTACHMENT “B”

Siskiyou County Community Development Department
Division of Environmental Health
806 South Main Street
Yreka, CA 96097
Phone: 530-841-2100
Fax: 530-841-4076

EXHIBIT B

Well for a Public Water Supply System

The public water system name is: _____.

The public water system identification number is: _____.

As an authorized representative for the water system identified above, I hereby declare that the proposed well or existing well to be altered will be exclusively used to provide groundwater to the public water supply system for human consumption as defined in Health and Safety Code Section 116275.

Signature: _____ Date:_____

Printed Name: _____

ATTACHMENT “C”

AGREEMENT FOR INDEMNIFICATION

(PRODUCTION WELL APPLICATION)

THIS AGREEMENT FOR INDEMNIFICATION ("Agreement"), made and entered into this _____day of _____2022, is by and between the COUNTY OF SISKIYOU, a political subdivision of the State of California ("COUNTY"), and _____("APPLICANT").

WITNESSETH:

WHEREAS, APPLICANT has requested the COUNTY to accept, review, consider and approve APPLICANT's application for the project described on Exhibit "A" attached hereto and made a part hereof, referred to herein as the "Project" and to make any related California Environmental Quality Act ("CEQA") decision and/or consider any impacts to public trust resources in accordance with the Public Trust Doctrine (collectively, "Current Approvals") in connection with APPLICANT's proposed Project located _____, Siskiyou County, California; and

WHEREAS, Applicant will benefit from the County's processing of the application and it is in the public interest for APPLICANT to indemnify and hold harmless COUNTY from any and all claim, action, liability or proceeding against the County connected with or arising out of the granting of the Current Approvals or any action taken or decision made by COUNTY approving, supplementing, or sustaining the Project, or any part thereof.

For purposes of this AGREEMENT, Current Approvals shall include, but are not limited to, any applicable certification/verification under Paragraph 9 of Governor Newsom's Executive Order N-7-22, certification of a categorical exemption, a negative declaration, an environmental impact report or a mitigated negative declaration, making findings, approval of mitigation measures or conditions of approval, approval of mitigation monitoring and reporting programs, or adoption of a statement of overriding considerations as well as issuance of any permits, and any discretionary and/or ministerial approvals.

NOW, THEREFORE, IT IS MUTUALLY AGREED BY AND BETWEEN COUNTY AND APPLICANT AS FOLLOWS:

1. APPLICANT, shall defend, indemnify and hold harmless COUNTY, its agents, officers and employees from any claim, action, or proceeding (collectively, "Action") against COUNTY, its agents (including consultants), officers or employees to attack, set aside, void, or annul the Approvals, or any part thereof, or any decision, determination, or action, made or taken approving, supplementing, or sustaining, the Project or any part thereof, or any related approvals or Project conditions imposed by COUNTY or any of its agencies, departments, commissions, agents (including consultants), officers or employees, concerning the Project, or to impose personal liability against such agents (including consultants), officers or employees resulting from their non-negligent involvement in the Project, which Action is brought within the time period provided by law, including any claim for private attorney general fees claimed by or awarded to any

party from COUNTY. To the extent that COUNTY uses any of its resources responding to such Action, APPLICANT shall reimburse COUNTY in accordance with this Agreement for the documented use of such resources within thirty (30) days within receipt of such documentation. If APPLICANT does not reimburse all costs within thirty (30) days of receipt of such documentation, a penalty shall accrue on the unpaid amount at a rate of 12% per annum compounded daily. Such resources include, but are not limited to, staff time, court costs, or County Counsel's time at a rate equal to its total cost, Defense Counsel for COUNTY or any other direct costs associated with responding to the Action. This agreement and the obligation of APPLICANT to indemnify COUNTY hereunder shall expire upon the expiration of the later of (i) the challenge period (including any Appeal) for the Approval (if no challenge is made) or (ii) the dismissal and/or settlement of any challenge which is timely filed.

2. COUNTY shall promptly notify APPLICANT of any Action. APPLICANT shall defend COUNTY through counsel selected by COUNTY. COUNTY shall cooperate with APPLICANT in the fulfillment of APPLICANT's responsibilities hereunder.

3. COUNTY may, within its sole discretion, determine its degree of participation in the defense of any such Action. COUNTY will cooperate with APPLICANT in any defense. Cooperation does not include taking any action or making any decision that COUNTY does not feel is in its own best interest and COUNTY reserves the right to settle or resolve the action after consultation with APPLICANT.

4. Defense counsel, shall report to and receive direction from County Counsel with respect to representation of COUNTY.

5. Nothing in this Agreement shall be construed in a manner that requires COUNTY to exercise its legislative discretion in a particular manner.

6. APPLICANT shall not be required to pay or perform any settlement of such Action unless APPLICANT approves the settlement in writing. At the APPLICANT's request COUNTY shall consider changes to any Current Approvals granted to the Project, or any part thereof, at APPLICANT's sole cost and expense. Nothing herein shall obligate COUNTY to make or approve any such change and any change shall be made according to such procedures and under such terms and conditions as provided by law or as COUNTY in its sole discretion deems appropriate.

7. In the event that any Action covered by the terms of this Agreement is brought against COUNTY, APPLICANT shall, within ten (10) days of receipt of written notice by COUNTY of such Action , tender to COUNTY the sum of Fifteen Thousand Dollars ($15,000) as the "Initial Deposit" for defense of said Action. Additional deposits, if necessary, shall be made as set forth below.

a. If the COUNTY's reasonable, good faith estimate of the cost of defense of the Action ("Estimate") is Thirty Thousand Dollars ($30,000) or less, then within twenty (20) days of written

notice by COUNTY of the Estimate, APPLICANT shall make an additional deposit equal to the difference between the Initial Deposit and the Estimate.

b. If the COUNTY's Estimate is greater than Thirty Thousand Dollars ($30,000) then, within twenty (20) days of written notice by COUNTY of the Estimate, APPLICANT shall make an additional deposit of Fifteen Thousand Dollars ($15,000.00) plus 50 per cent (50%) of the difference between $30,000 and the Estimate. In no event shall the total amount on deposit at any one time exceed $40,000.

c. COUNTY shall notify APPLICANT of withdrawals of any funds from this account by COUNTY and shall, on a reasonable basis, provide APPLICANT with reasonable documentation, for all funds so withdrawn.

d. If, as a result of withdrawals by COUNTY the balance in this account drops to less than the Initial Deposit ($15,000) and the action is ongoing and unresolved, then APPLICANT shall within fifteen (15) days after receipt of written notice by COUNTY, tender such additional sum so as to maintain the account at $15,000. If and when the total sum deposited to the account by APPLICANT totals the Estimate, the parties agree to meet and confer with regard to any additional deposit, or deposits which may be necessary, if any.

e. At the conclusion of the Action, any excess funds in COUNTY's possession shall be returned to APPLICANT. Conclusion of the action means the dismissal, settlement or expiration of any Appeal period for the action.

8. In the event that any dispute arises between the parties arising out of the terms and conditions of this Agreement, the parties agree to meet and confer to resolve any such disputes on an informal basis. If the dispute is not resolved, the parties agree to attempt to resolve the dispute through mediation. Venue for any proceeding brought in State Court shall be Siskiyou County.

9. All notices under this Agreement shall be deemed valid and effective immediately upon receipt and may be served by personal service, or by recognized overnight carrier addressed as follows:

TO APPLICANT:

TO COUNTY: Community Development- Planning Division

806 South Main Street

Yreka, CA 96097

With copy to: County Counsel

1312 Fairlane Road

Yreka, CA 96097

Any party may, by written notice to all other parties to this Agreement, revise the address at which that party receives written notice under this section.

10. If APPLICANT fails to pay COUNTY the "Initial Deposit" or fails to make timely deposits as required, COUNTY may, after ten (10) days written notice to APPLICANT, declare APPLICANT in default. Such default may be considered by COUNTY, in its sole discretion, as an abandonment of the project and COUNTY may cease processing the project and revoke any Approval or take any action as determined appropriate in its sole discretion. Such default, however, will not relieve APPLICANT of its obligation to indemnify and hold COUNTY harmless as set forth in this Agreement.

11 . This Agreement represents the complete understanding between the parties with respect to the matters set forth herein.

IN WITNESS WHEREOF, the parties hereto have duly caused this Agreement to be executed on the date herein above first written.

COUNTY OF SISKIYOU

By _____

County Administrator

APPLICANT

APPROVED AS TO INSURANCE:

By: Name: _____

Title: _____

_____

Melissa Cummins,
Risk Management

APPROVED AS TO FORM:

OFFICE OF COUNTY COUNSEL

By: _____

Name and Title: _____

EXHIBIT A

PROJECT DESCRIPTION AND LOCATION

The proposed project consists of [installing a new well] [altering an existing well]. The project site is located on XXX, California, Assessor's Parcel Number XXX; Township XX North, Range XX West, Section XX.

SISKIYOU COUNTY
GROUNDWATER WELL APPLICATION PROCESS GUIDELINES
February X, 2023

I. Purpose

These Guidelines are adopted pursuant to Siskiyou County Code section 5-8.06 for the purpose of establishing and memorializing the manner by which the Siskiyou County Department of Environmental Health processes applications to construct new wells, reconstruct, repair or deepen existing wells and destroy abandoned wells in unincorporated Siskiyou County.

II. Authority

WATER WELL STANDARDS

In California, permitting authority over well drilling activities rests with the local well permitting agency. In Siskiyou County, the permitting agency is the Siskiyou County Department of Environmental Health. Environmental Health permits both domestic and production wells pursuant to Chapter 8, Title 5 of the Siskiyou County Code. The California Department of Water Resources developed well standards to protect groundwater quality, including protection against adverse effects caused by improper well construction or abandonment of wells, as published in the "California Well Standards – Bulletin 74-81"[1] ("Bulletin"). The Siskiyou County Code incorporates the standards set forth in the Bulletin.

EXECUTIVE ORDER

On March 28, 2022, Governor Gavin Newsom signed Executive Order N-7-22 ("Executive Order") in response to extreme and expanding drought conditions,

which prohibits Environmental Health from issuing a construction permit for a new (or replacement) groundwater well or for alteration / modification of an existing groundwater well pursuant to Chapter 8, Title 5 of the Siskiyou County Code unless certain requirements are met or the permit falls within the limited exception to the requirements. A complete copy of the Executive Order is available here: https://www.gov.ca.gov/wp-content/uploads/2022/03/March-2022-Drought-EO.pdf (see Paragraph 9).

PUBLIC TRUST DOCTRINE

The Third District Court of Appeal has found that the common law Public Trust Doctrine applies to the County's issuance of well construction permits in the Scott Valley watershed. Under this doctrine, the County, as a political subdivision of the state, considers impacts to public trust resources in the Scott River -- such as navigation, recreation and fisheries -- whenever the County issues a permit for a new well that, through the extraction of groundwater interconnected with the Scott River's surface waters, may substantially impair the Scott River's public trust resources. The Board of Supervisors has adopted a resolution making standardized public trust findings for de minimis domestic and stock wells in the Scott Valley.

Per Board direction, the County's consideration of the Public Trust Doctrine has been extended to well permitting in the Shasta Valley.

As additional hydrological data is obtained in other areas of the County, the County's consideration of the Public Trust Doctrine will extend to those areas for which hydrological data evidences the presence of groundwater interconnected with navigable surface waters.

The state of California, as trustee, holds all navigable water ways in trust for the benefit of the public and has the duty to protect these waterways.[2] The State, through the State Water Resources Control Board, has taken action to protect public trust resources in the Scott River and the Shasta River by adopting and implementing emergency curtailment regulations. Through the curtailment regulations, SWRCB established a priority list of water rights and users, which in some cases prohibit and/or restrict groundwater pumping by well owners in the Shasta Valley and Scott Valley when necessary to help maintain minimum instream flows to protect multiple fish species and the environment.

[2] The Third District Court of Appeal found the County's obligations under the public trust doctrine in the Scott River watershed arose because the County is a subdivision of the state.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

On August 27, 2020, in *Protecting Our Water and Environmental Resources v. County of Stanislaus*, the California Supreme Court held that Stanislaus County could not categorically classify its issuance of groundwater well construction permits as ministerial decisions exempt from environmental review under the California Environmental Quality Act ("CEQA") (Pub. Resources Code, §§ 21000 et seq.); however, the permit approvals might still be ministerial "[i]f the circumstances of a particular project do not require the exercise of independent judgment".

Domestic and stock water well permitting in Siskiyou County is presumed to be ministerial for most projects. Permit approval for production wells will be determined on a case-by-case basis and depending on the circumstances of the particular project may be subject to CEQA review.

These Guidelines explain Environmental Health's application process in the context of the above authorities.

III. Definitions

A. Abandoned: A well is considered abandoned, or permanently inactive, if it has not been used for one year and there is no intention for future use. Abandoned wells must be destroyed (decommissioned) immediately unless the owner demonstrates "intent for future use" and maintains the well in accordance with California Health & Safety Code Section 115700.

B. Accessory pipe: Any tubular device installed as part of the well structure that is not the well casing or conductor casing (e.g., gravel fill pipe, sounding tube, video access tube, chemical injection tube).

C. Admixture: A material other than water, aggregate, and cement that is used as an ingredient in a cementitious material to modify its freshly mixed, setting, or hardened properties and that is added to the batch before or during its mixing. (ASTM C125-03, modified)

D. Agricultural Wells: Water wells used to supply water only for irrigation or other agricultural purposes.

E. Annular space: The space between any well casing and the borehole wall, and the space between any two well casings. The annular space is also referred to as the annulus.

F. Anode (cathodic protection): An object, usually metallic, designed to corrode in place of the object it is designed to protect.

G. Aquifer: A body of rock or sediment that is sufficiently porous and permeable to store, transmit, and yield significant quantities of groundwater to wells and springs. (DWR Bulletin 118: California's Groundwater, 2003)

H. Bacteria: Microscopic single-celled organisms lacking a distinct nucleus.

I. Bentonite: A highly expansive colloidal clay used as primary component of drilling fluids, sealant, and as an admixture for cementitious sealing materials.

J. Borehole: A hole drilled or bored into the earth.

K. Casing: A tubular retaining structure which is installed in the well bore to maintain the well opening. Casing includes well casing, conductor casing, and accessory pipe, including vent pipe used for cathodic protection wells.

L. Cathodic protection well: Any artificial excavation constructed by any method for the purpose of installing equipment or facilities for the protection electrically of metallic equipment in contact with the ground, commonly referred to as cathodic protection. (California Water Code Section 13711**).**

M. Cement: An inorganic material as defined in ASTM C150, synonymous to Portland Cement and hydraulic cement.

N. Cementitious material: An inorganic material or mixture of inorganic materials that sets and develops strength by chemical reaction with water by formation of hydrates and can do so under water. (ASTM C125-03)

O. Competent Clay Layer: A sediment layer with relatively low permeability that is at least 10 feet thick and contains more than 50% fines with a predominance of clay-sized particles.

P. Concrete: A composite material that consists of cement, aggregate, and water. (ASTM C125-03, modified)

Q. Conductor casing: Conductor casing typically are large-diameter casings placed between the borehole wall and well casing to stabilize the upper formation while drilling and/or support the suspended weight of well casing and screen. (Handbook of Groundwater Development, Roscoe Moss Company, 1990, modified)

R. Confined groundwater: Confined groundwater is isolated from the atmosphere by geologic materials of low permeability and generally is present under pressures that are higher than atmospheric pressure. (Groundwater and Wells, 2007, modified)

S. Confined aquifer: An aquifer overlain by a confining layer. (Applied Hydrogeology, Fetter, 1994)

T. Confining layer: A bed or stratum of rock or sediment stratigraphically above or below and significantly less permeable than one or more aquifers.

U. Contaminant: Any physical, chemical, biological or radiological substance or matter in water listed in the Primary or Secondary Contaminant List in the Safe Drinking Water Act (SDWA).

V. Contamination: An impairment of the quality of the waters of the state by waste to a degree which creates a hazard to the public health through. poisoning or through the spread of disease. Contamination includes any equivalent effect resulting from the disposal of waste, whether or not waters of the State are affected.

W. Corrosion: Deterioration of metallic objects by electrochemical reaction with the environment.

X. Crushed stone: The product resulting from the artificial crushing of rocks, boulders, or large cobblestones, substantially all faces of which have resulted from the crushing operation. (ASTM C125-03)

Y. Destruction: Destruction is the permanent, physical removal of a well from service through proper sealing according to these standards. The objective of destruction is to restore, as nearly as possible, the subsurface conditions that existed before the well was installed. Other terms commonly used in place of "destruction" are decommissioning, closure, and plugging.

Z. Fly ash: The finely divided residue that results from the combustion of ground or powdered coal and that is transported by flue gases from the combustion zone to the particle removal system. (ASTM C125-03)

AA. Formation: A body of rock or sediment sufficiently homogeneous or distinctive to be mappable as a unit.

BB. Freshly mixed: A composite material is regarded freshly mixed if it possesses enough of its original workability so that it can be placed and consolidated by the intended methods. (ASTM C125-03, modified)

CC. Gravel: A natural, granular, mineral material of certain particle size greater than sand. (ASTM C125-03, modified)

DD. Gravel pack: typically sand and/or gravel, or other material (e.g., siliceous beads) placed in the annular space to stabilize the borehole wall and to prevent formation material from entering the well during pumping.

EE. Groundwater: That part of subsurface water which is in the zone of saturation, where water pressure is equal to or greater than atmospheric pressure.

FF. Local enforcing agency (LEA): The LEA is designated by duly authorized local, regional, or State government to administer and enforce laws and ordinances pertaining to the construction, maintenance, abandonment, and destruction of wells for the protection of water quality. In most California counties, the LEA is the county department of environmental health, but it can be another entity. The LEA is sometimes referred to as the "well permitting agency."

GG. Measured depth: The length of the borehole measured along the borehole path from the ground surface.

HH. Monitoring well: Any artificial excavation by any method for the purpose of monitoring fluctuations in groundwater levels, quality of underground waters, or the concentration of contaminants in underground waters. (California Water Code Section 13712).

II. Pollution: Pollution" means an alteration of the quality of the waters of the state by waste to a degree which unreasonable affects: (1) Such water for beneficial use; or (2) Facilities which service such beneficial uses. Pollution may include contamination.

JJ. Production well: Ground water well that utilizes more than two-acre feet of water per year and has a well casing inside diameter greater than six inches.

KK. Sand: A natural, granular, mineral material of certain particle size, smaller than gravel and larger than silt. (ASTM C125-03, modified).

LL. Seal, annular: A watertight seal placed between the well casing and the side wall of a drilled hole.

MM. Seal, sanitary: A grout, mastic or mechanical device to make a watertight joint between the pump and casing or the concrete base.

NN. Seal, surface: A monolithically poured concrete platform constructed around the top of the well casing on thoroughly compacted earth.

OO. Slurry: A semiliquid mixture of insoluble matter suspended in water.

PP. Separation Distance. The distance, in feet or fractions of a mile, by which a well, is required to be laterally separated from a potential contamination source to prevent potential water quality degradation as a result of well completion or operation. Horizontal separation distances in these Guidelines may be more

restrictive than state standards.

QQ. Solid rock material: Consolidated rock that is slightly weathered or fresh, with moderately to widely spaced jointing or fracturing, and no evidence of shearing or brecciation. Corresponds with "solid material" as used in the Bulletin when referring to drilling in fractured rock aquifers.

RR. Stock Water well: means a well-used for the watering of livestock and other uses of water directly related to the operation of a pasture, range, feedlot or other confined livestock or dairy operation.

SS. Target aquifer: That aquifer or water bearing zone that is screened to access groundwater.

TT. Tremie pipe: A tubular device or pipe used to place materials in the annular space.

UU. Total Vertical Depth: Vertical measurement of a straight perpendicular line from a horizontal plane at the ground surface to the point of interest, independent of the path of the borehole. For vertical boreholes, the true vertical depth is equal to the measured depth.

VV. Unconfined Aquifer: An aquifer without a confining layer at the top. The top of an unconfined aquifer is the water table, which is the plane where groundwater pressure is equal to atmospheric pressure. (Groundwater Hydrology, 1978, modified).

WW. Water Well: Any artificial excavation constructed by any method for the purpose of extracting water from, or injecting water into, the underground. This definition shall not include: (a) oil and gas wells, or geothermal wells constructed under the jurisdiction of the Department of Conservation, except those wells converted to use as water wells; or (b) wells used for the purpose of (1) dewatering excavation during construction, or (2) stabilizing hillsides or earth embankments. (California Water Code Section 13710)

XX. Well Casing: A tubular retaining structure installed in the well bore to maintain the well opening and protect any pumps or other equipment installed within. Well casing may be used with or without conductor casing.

IV. Informational Resources

Environmental Health will utilize the following information in implementing these Guidelines, which will be used in conjunction with the Bulletin and these Guidelines:

- Groundwater Sustainability Plans and appendices, reports and studies regarding the known hydrology and groundwater water quality conditions associated with Siskiyou County;
- Federal Emergency Management Agency (FEMA) "Flood Mapping Tool" (https://msc.fema.gov/portal/home).

These Guidelines will be revised as appropriate when the State of California releases any amended version of the Bulletin, modifies or terminates the Executive Order, or adopts new legislation or regulations on water well permitting.

In order to assess whether a permit application complies with the standards included in the guidelines, is subject to the limited exceptions of the Executive Order or is a de minimis well for purposes of the Public Trust Doctrine, a checklist and flow chart with simple decision points have been developed and are included as Attachment 1 and 2, respectively.

V. Implementation: Well Standards

Water Well Construction Standards for the State of California are provided in

Department of Water Recourses Bulletin 74-81 and Siskiyou County Ordinance Chapter 8 title 5 of the Siskiyou Code. Domestic wells that utilize less than two-acre feet per year will be issued ministerial permits subject to basic setback requirements. Production wells will be subject to joint review by the Siskiyou County Natural Resources Department and the Environmental Health Division.

VI. Implementation: Executive Order

Applications for De Minimis Domestic, Stock Water, and Public Wells: Declaration Required.

The Executive Order (at Paragraph 9) does not apply to permits for wells that will provide **less than two (2) acre-feet per year** of groundwater **for individual domestic users** or that will exclusively provide groundwater to public water supply systems as defined in Health and Safety Code Section 116275 ("Exempt Well(s)").

If a water well construction permit application for a new groundwater well or for alteration of an existing groundwater well identifies the "intended use" in the "well proposal details" as "domestic," Environmental Health will treat the permit as exempt from the requirements of the Executive Order if and only if **the owner of the well** signs and submits the declaration ("Exhibit A" in Well Permit package).

If a water well construction permit application for a new groundwater well or for alteration of an existing groundwater well identifies the "intended use" in the "well

proposal details" as "public / community water system," EHS will treat the permit as exempt from the requirements of the Executive Order if and only if an authorized representative of the public water system provides the identification number and submits the declaration ("Exhibit B" in Well Permit package).

Production Wells Countywide: Licensed Professional Geologist Report Required.

Regardless of the well's location, the water well construction permit application for new or altered **production groundwater well** must be accompanied by a report signed by a California licensed Professional Geologist with a **Certified Hydrogeologist specialty** certification that concludes both that extraction of groundwater from the well (1) "is not likely to interfere with the production and functioning of existing nearby wells" and (2) "is not likely to cause subsidence that would adversely impact or damage nearby infrastructure." (See Paragraph 9(b) of the Executive Order).

Applications shall also be accompanied by the base application fee, any applicable CEQA review fees, and the County's standard Well Permit Indemnity Agreement. (Exhibit "C".)

Production Wells in SGMA Basins: Verification from Groundwater Sustainability Agency Required.

Environmental Health will not issue a water well construction permit for a new non Exempt groundwater well or alteration of an existing groundwater well located within the Scott Valley Groundwater Subbasin, the Shasta Valley Groundwater Subbasin, the Butte Valley Groundwater Subbasin, or the Tule Lake Groundwater Subbasin as identified by the Department of Water Resources without first obtaining from the relevant **Groundwater Sustainability Agency**[3] the **verification** required by Paragraph 9(a) of the Executive Order (**in addition to the report described above**).

In addition to the fees that are described above, applications for production wells in SGMA basins shall also be accompanied by any SGMA Basin review fee imposed on Environmental Health by the relevant Groundwater Sustainability Agency, which is directly passed through to the applicant.

These requirements will be effective until the Executive Order is lifted.

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[3] The Siskiyou County Flood Control and Water Conservation District serves as the Groundwater Sustainability Agency for the Scott, Shasta, and Butte Valley groundwater subbasins and reviews and provides verfications for production wells in these subbasins.
The Tulelake Irrigation District serves as the Sustainability Plan Manager for the multi-agency Tule Lake Subbasin Groundwater Sustainability Agency, and reviews and provides verifications for production well applications in this subbasin.

VII. Implementation: Public Trust Doctrine

Scott River and Shasta River Watersheds:

Production Wells

In May of 2021, Larry Walker Associates (LWA) introduced the Siskiyou County Board of Supervisors and the public to a hydrologic modeling tool that LWA developed to inform individual well permitting decisions in the Scott Valley and to help the Environmental Health Division evaluate potential public trust impacts to the Scott River. The Environmental Health Division intends to use LWA's modeling tool to make findings on whether the pumping from a proposed production well site in its reasonably foreseeable volumes and seasons will substantially impair or interfere with any public trust uses or values within interconnected downstream navigable waters, including the Scott River.

LWA has also developed the Shasta Watershed Groundwater Model (SWGM) v 1.0, which is an evolving, integrated hydrological model that represents the entire Shasta Valley watershed. It is a preliminary effort to characterize the Shasta River watershed, and will be used to inform individual well permitting decisions on production wells in the Shasta Valley and to help the Environmental Health Division evaluate potential public trust impacts to the Shasta River.

In addition to the other fees referenced under Section V. above, applicants for production wells in the Shasta Valley or Scott Valley shall be financially responsible for the actual cost to the County of LWA's application of its hydrologic modeling tools to a proposed well site.

De Minimis Wells

In January of 2022, the Board adopted public trust findings related to well permitting in the Scott Valley. These findings were set forth in a resolution (see Attachment 3), which found pumping from existing and future de minimis well sites in the Scott Valley watershed in reasonably foreseeable domestic volumes will not substantially impair or interfere with public trust uses or values within interconnected downstream navigable waters, including the Scott River. These findings will be attached to and relied upon for well applications in the Scott Valley wherein applicants represent the intended use of the well is for two acre-feet of groundwater per year or less for domestic or stock water use.

Environmental Health intends to use the form of these findings as a template for its consideration of de minimis well sites in the Shasta River watershed.

Countywide:

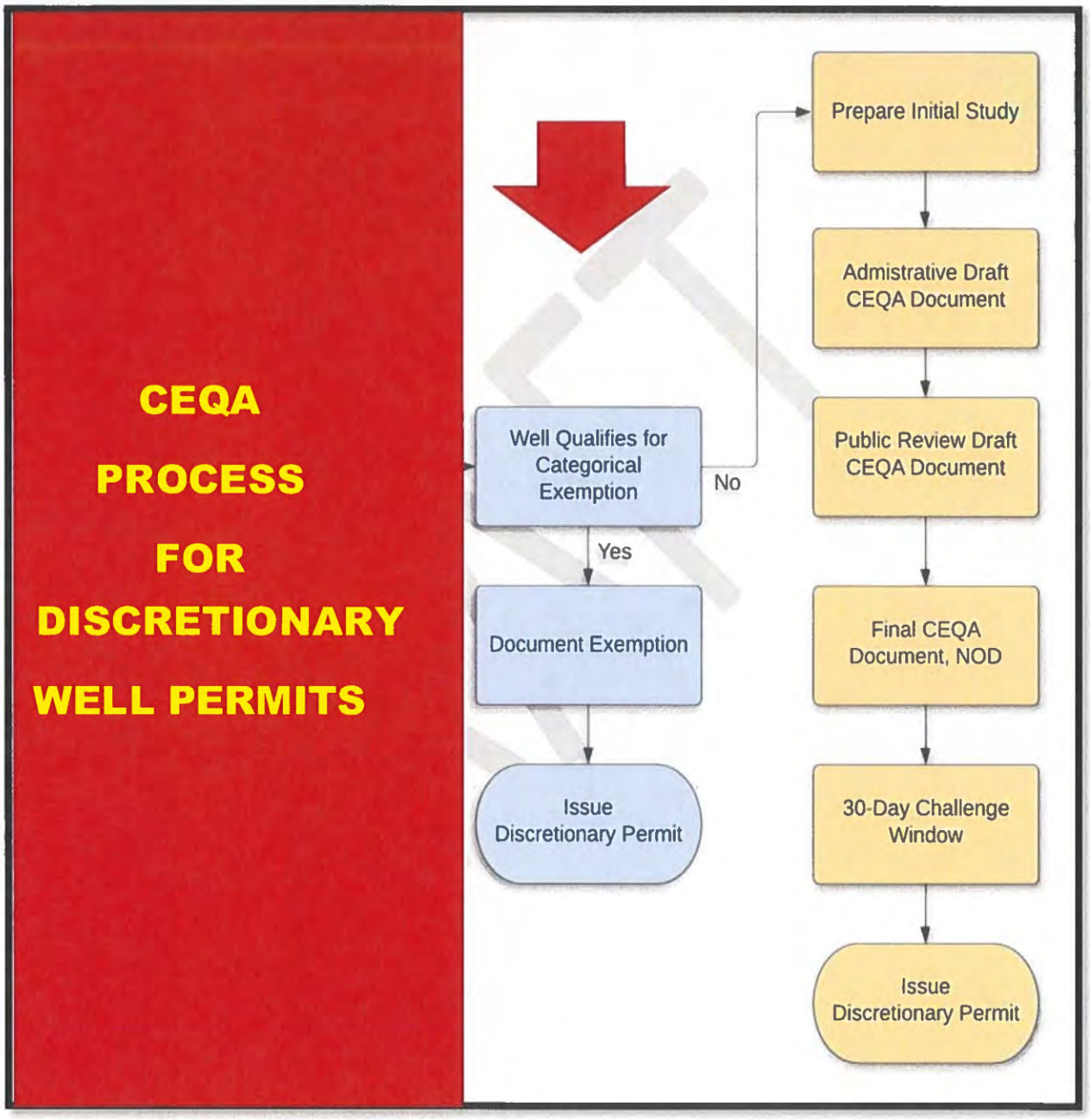
As additional hydrological data is obtained in other areas of the County, the County's consideration of the Public Trust Doctrine will extend to those areas for which hydrological data evidences the presence of groundwater interconnected with surface waters.

VIII. Implementation: CEQA

Domestic well and stock water well permitting in Siskiyou County is presumed to be ministerial for most projects. Permit approval for production wells will be determined on a case-by-case basis. Below is a visual flow chart that sets forth the well permitting CEQA process.

Groundwater Well Permitting Guidelines

Application Processing: CEQA Review



ATTACHMENT 1

Groundwater Well Permitting Guidelines

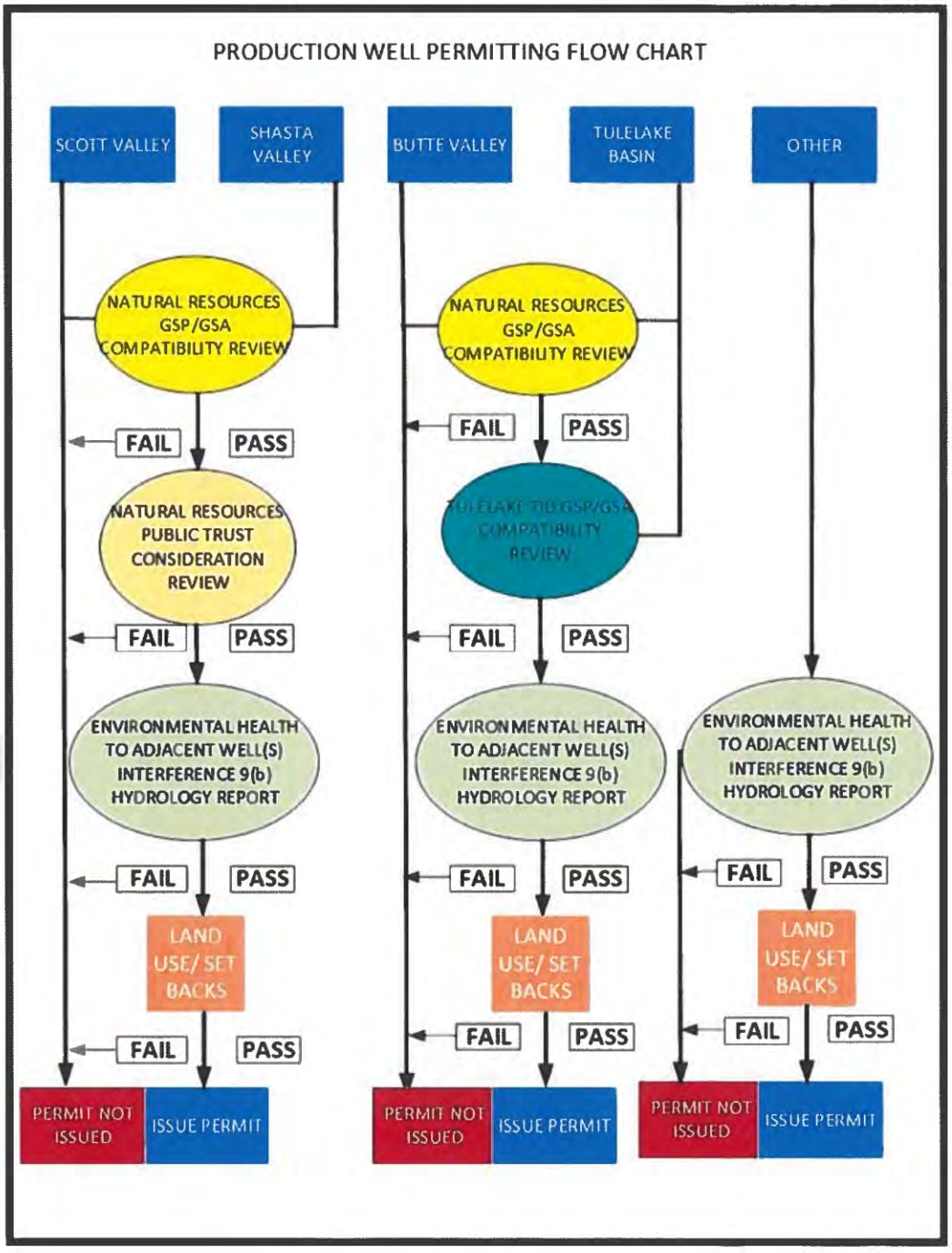
Pre-Application Checklist

- Well Permit Application is complete and accurate – including Plot Plan, with specific distances to potential contamination sources clearly labeled.
- Fees are included- if applicable.
- A letter from a geologist is included – if applicable.
- A signed Declaration is included –if applicable.
- A signed Indemnity Agreement is included- if applicable.
- Additional data may be required.

ATTACHMENT 2

Groundwater Well Permitting Guidelines

Application Processing Flowchart



ATTACHMENT 3

Resolution No. 22-07

RESOLUTION NO. 22-07

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SISKIYOU MAKING PUBLIC TRUST FINDINGS FOR THE ENVIRONMENTAL HEALTH DIVISION'S (EHD) MINISTERIAL ISSUANCE OF DE MINIMIS WATER WELL PERMITS IN THE SCOTT VALLEY AND DIRECTING EHD TO BRING FORWARD AN INTERIM ORDINANCE FOR A MORATORIUM ON NEW PRODUCTION WELL APPLICATIONS AND PERMITS IN THE SCOTT VALLEY, WITH CERTAIN EXCEPTIONS.

WHEREAS, courts in California have held that Siskiyou County, as a political subdivision of the state of California, has an obligation to consider impacts to public trust resources in the Scott River, such as navigation, recreation and fisheries, whenever the County issues a permit for a new well that, through the extraction of groundwater interconnected with the Scott River's surface waters, may substantially impair the Scott River's public trust resources; and

WHEREAS, the Siskiyou County Community Development Department, Environmental Health Division and the Siskiyou County Administrator's Natural Resources Division have committed themselves to meeting the County's public trust obligation and have been working with environmental consultants Drs. Harter and Foglia, as contracted through Larry Walker Associates ("LWA"), to identify interim solutions for obtaining data about the Scott Valley's hydrology to inform well permitting decisions; and

WHEREAS, In May of 2021, LWA introduced the Board and the public to a hydrologic modeling tool that LWA developed to inform well permitting decisions in the Scott Valley and to help the Environmental Health Division and Natural Resources Division evaluate potential public trust impacts to the Scott River; and

WHEREAS, LWA has modeled various pumping scenarios across the watershed using its tool, which has resulted in a series of maps that delineate color-coded impact zones surrounding the Scott River; and

WHEREAS, these maps model impacts from the pumping of either a new non-production well, such as a domestic well, or a new production well in either a year with average flows or in a dry year using data collected over a twenty-year period from 1991-2011; and

WHEREAS, LWA's modeling evidences that new non-production wells, will not substantially impair or interfere with public trust uses or values within interconnected navigable waters; and

WHEREAS, there is a high degree of groundwater aquifer recharge associated with household water use (recycling); and

WHEREAS, there is an overall limited volume of groundwater extracted from non-production wells, such as domestic water wells and stock wells; and

WHEREAS, the majority of domestic wells are located on the margins of the valley where geologic water bearing stratigraphy has reduced hydraulic conductivity and influence on Scott River and its trust resources; and

WHEREAS, the limits of development within the Scott Valley based on density restrictions in the Scott Valley specific plan further limit the potential impact on public trust uses or values from domestic wells in the Scott Valley; and

WHEREAS, non-production wells are de minimis groundwater wells that have a limited potential impact on trust uses or values in the Scott Valley; and

WHEREAS, de minimis groundwater wells are water wells in aggregate on a single parcel delivering two acre-feet of groundwater per year or less for domestic or stock water use on property under the same ownership as the parcel on which the well is located;

WHEREAS, in considering impacts to public trust resources from de minimis wells the Board held a public hearing across multiple days and received and considered public comment from interested members of the public, and then closed the public hearing; and

WHEREAS, contrasting with de minimis wells, LWA's modeling suggests that new production wells in the Scott Valley could create significant additional consumptive use in the watershed that needs to be evaluated more thoroughly for potential impact on public trust uses or values within interconnected navigable waters; and

WHEREAS, the Board desires to direct staff to bring forward an interim ordinance that would implement a moratorium on new production well applications and production well permits in the Scott Valley, with certain exceptions, including when a production well applicant is able to show no significant impact, or mitigate for, increased "consumptive use effects" from a proposed production well as associated with the subject property's overall groundwater use.

NOW, THEREFORE, BE IT RESOLVED that the Siskiyou County Board of Supervisors that:

1. The Board finds the above recitals are true and correct and incorporates them herein.
2. The Board finds that pumping from existing and future de minimis well sites in the Scott Valley watershed in reasonably foreseeable domestic volumes will not substantially impair or interfere with public trust uses or values within interconnected downstream navigable waters, including the Scott River.
3. The Board directs that well applications shall provide space for applicants to represent whether or not the subject well will be a de minimis well delivering two acre-feet of groundwater per year or less for domestic or stock water use on property under the same ownership as the parcel on which the well is located.

4. For purposes of this resolution and its direction, the Board defines a production well as any water well constructed with a well casing having an inside diameter greater than six inches, regardless of use (e.g., agricultural, industrial) or any well delivering more than two acre-feet per year.
5. The Board finds that to the extent a proposed de minimis well may ultimately contribute to cumulative reductions in surface waters in downstream navigable waters, the production of groundwater for livestock, drinking, bathing, cooking, and other domestic uses on parcels in the Scott Valley is within the public interest because these parcels hold inchoate unexercised groundwater rights intended to be put to beneficial use consistent with Article X, section 2 of the California Constitution.
6. These findings shall be included in the Environmental Health Division's ministerial issuance of individual Scott Valley de minimis permits as evidence of the County's consideration of the impacts to public trust resources in the Scott River in its issuance of a permit for a new domestic well.

BE IT FURTHER RESOLVED that the Environmental Health Division is directed to bring forward an ordinance to implement a moratorium on new production well applications and production well permits in the Scott Valley, subject to any staff recommended exceptions, such as repairs, deepenings, replacements or applications that demonstrate no significant impact, or mitigate for, increased consumptive use effects on public trust resources.

BE IT FURTHER RESOLVED that the Board directs the Natural Resources Division to continue to work towards identifying opportunities for the Siskiyou County Flood District and Water Conservation District and the County to partner or share information that will assist the County in meeting its public trust duty in well permitting.

BE IT FURTHER RESOLVED that the Board finds this resolution is exempt from the California Environmental Quality Act (CEQA) because it is not a project under CEQA. Moreover, if it were deemed a project, it would be categorically exempt under section 15321 of Title 14, Article 7 of the California Code of Regulations because it amounts to an action by an agency for enforcement of a law, general rule, standard or objective administered or adopted by the agency. Furthermore, this ordinance is not subject to CEQA under the following sections of Title 14, Article 7 of the California Code of Regulations: i.) Section 15307, because it regulates activities to assure the maintenance, restoration, or enhancement of natural resources; ii). Section 15308, because it regulates activities to assure the maintenance, restoration or enhancement of the environment including groundwater resources within Siskiyou County; iii.) Section 15061(b)(3), because there is no possibility this resolution making public trust findings for domestic wells and directing staff to bring forward a moratorium on production wells in the Scott Valley may itself have a significant effect on the environment.

PASSED AND ADOPTED by the Siskiyou County Board of Supervisors at a special meeting of said Board, held on the 4th day of January, 2022, by the following vote

AYES: Supervisors Kobseff, Valenzuela, Ogren and Criss
NOES: None
ABSENT: Supervisor Haupt
ABSTAIN: None

Brandon A. Criss

Brandon A. Criss, Chair
Siskiyou County Board of Supervisors

ATTEST:
LAURA BYNUM,
COUNTY CLERK

By