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SANTA CRUZ MID-COUNTY GROUNDWATER AGENCY

Groundwater is a vital resource, together let's protect it.

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Policy No.: 10 (Version 1.1)	**Policy Title**: Well registration, metering, and reporting for non-de minimis users
Adopted Date: 6/20/2024	**Approval Resolution No**.: 24-1
Policy Description: A policy adopting a well registration, metering, and reporting for non-de minimis users as required by the Santa Cruz Mid-County Basin Groundwater Sustainability Plan.	

Recitals

WHEREAS, the Sustainable Groundwater Management Act (SGMA) of 2014 authorized the formation of local Groundwater Sustainability Agencies (GSAs) and the development of Groundwater Sustainability Plans (GSPs) to provide for the sustainable management of groundwater basins; and

WHEREAS, SGMA requires that GSAs consider the effects on beneficial uses and users of groundwater in establishing and evaluating sustainable management criteria; and

WHEREAS, the Santa Cruz Mid-County Groundwater Agency (MGA) is a Joint Powers Authority (JPA) formed for the purpose of serving as the GSA for the Santa Cruz Mid-County Groundwater Basin (Basin) and to develop, adopt, and implement the GSP for the Basin pursuant to SGMA and other applicable provisions of law; and

WHEREAS, MGA adopted a GSP in November 2019 following an extensive public process and the Department of Water Resources approved the MGA GSP in June 2021; and

WHEREAS the GSP Sustainability Goal is to:

Manage the groundwater Basin to ensure beneficial uses and users have access to a safe and reliable groundwater supply that meets current and future Basin demand without causing undesirable results to:

- Ensure groundwater is available for beneficial uses and a diverse population of beneficial users;
- Protect groundwater supply against seawater intrusion;
- Prevent groundwater overdraft within the Basin and resolve problems resulting from prior overdraft;
- Maintain or enhance groundwater levels where groundwater dependent ecosystems exist;
- Maintain or enhance groundwater contributions to streamflow;
- Ensure operational flexibility within the Basin by maintaining a drought reserve;
- Support reliable groundwater supply and quality to promote public health and welfare;
- Account for changing groundwater conditions related to projected climate change and sea level rise in Basin planning and management;
- Do no harm to neighboring groundwater basins in regional efforts to achieve groundwater sustainability; and

WHEREAS, SGMA defines "de minimis" extractors as a person who pumps, for domestic purposes, 2 acre-feet of water per year (AFY) or less; and

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WHEREAS, groundwater pumpers who do not meet the definition of "de minimis" extractors under SGMA or a GSP are known as "non-de minimis" (NDM) groundwater pumpers; and

WHEREAS, upon adoption of a GSP, a GSA is authorized to require the registration, metering, and reporting of groundwater facilities of NDM groundwater pumpers; and

WHEREAS the GSP identifies priority zones related to the protection of water quality from threats associated with seawater intrusion and the protection of streamflow in areas of direct connection with groundwater; and

WHEREAS the GSP identified the development of a new metering program to collect groundwater extraction data from those NDM groundwater users of more than 2 AFY in priority zones or more than 5 AFY in all other portions of the Basin; and

WHEREAS the MGA Board of Directors accepted a Groundwater Extraction Metering Plan in December 2022 after holding two public workshops in April 2022; and

WHEREAS SGMA authorizes imposing penalties on NDM groundwater pumpers for violations of a duly adopted rule, regulation, ordinance or resolution by a GSA.

NOW, THEREFORE, the Board of Directors of the Santa Cruz Mid-County Groundwater Sustainability Agency does hereby resolve as follows:

Section 1. The Recitals set forth above are true and correct and incorporated herein by reference.

Section 2. Consistent with its responsibility to implement the approved Groundwater Sustainability Plan for the Santa Cruz Mid-County Groundwater Basin, the April 2022 Groundwater Extraction Metering Plan, and the authorization provided in California Water Code Sections 10725.6 and 10725.8, the Board adopts the *Policy Requiring Well Registration, Metering, and Reporting for Applicable Non-De Minimis Groundwater Users in the Santa Cruz Mid-County Basin,* attached hereto as Exhibit A.

Section 3. The Policy shall become effective upon its adoption.

AYES: Directors Christensen, Lather, Koenig, Baskin, Romanini, Abramson, Kennedy, Kerr; Alternate Director Engfer
NOES: Director Marani
ABSENT: Directors Friend, Keeley
ABSTAIN: None

APPROVED:

DocuSigned by:
Jon Kennedy
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Jon Kennedy
Board Chair

ATTEST:

DocuSigned by:
Jim Kerr
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Jim Kerr
Board Secretary

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Exhibit A
Policy Requiring Well Registration, Metering, and Reporting for Applicable Non-De Minimis Groundwater Users in the Santa Cruz Mid-County Basin

Purpose

The purpose of this Policy is to protect beneficial uses and users of groundwater and to improve Santa Cruz Mid-County Groundwater Sustainability Agency's (MGA) estimates of the sustainable yield of the Santa Cruz Mid-County Groundwater Basin (Basin). The Policy is intended to implement management actions described in the groundwater sustainability plan (GSP) adopted by the MGA in November 2019 (see GSP, Sections 2.1.3.1.2, 3.3.4.3, and 5.1.1.4.3.2) pursuant to the Sustainable Groundwater Management Act (SGMA).

Applicability

Under SGMA, MGA is not authorized to impose metering requirements on "de minimis extractors", defined as any person who extracts, for domestic purposes, 2 acre-feet per year (AFY) of groundwater or less (Water Code, sections 10721(e), 10725.8(e)). As a result, and as described below, this Policy applies only to a subset of "non-de minimis" pumpers who extract groundwater from the Basin and are subject to the regulatory authority of the GSA.

In particular, this Policy applies to the owner(s) ("Owner(s)") of real property within the Basin containing one or more wells that: 1) extract groundwater, as calculated by estimate or other reasonable method, in an amount of 5 or more AFY in any portion of the Basin; or 2) extract, by estimate or other reasonable method, 2 or more AFY of groundwater in priority management zones within MGA. These priority management zones encompass areas along the coastline where the Basin is experiencing seawater intrusion into aquifers, and areas within 1,000 feet of streams that are interconnected with groundwater (Attachment 1 to this Policy is a map showing the location of priority management zones). For the extracted groundwater volumes described above, the requirements of this Policy apply to all wells that are on any Owner's parcel, serve such parcel, or are part of a group of parcels that are operated in a consolidated manner (e.g., a farming operation) that, individually or collectively, produce the volumes of groundwater described in this paragraph. Per SGMA, Owners shall bear all costs associated with compliance with this Policy.

MGA encourages Owners with questions or concerns about the Policy, or who have difficulty implementing the requirements of this Policy, to contact the MGA Basin Point of Contact (MGA POC). MGA POC contact information will be provided to the Owner(s) in a written notice following MGA Board adoption of this Policy. Upon request by an Owner, the MGA POC will work with the Owner to try to identify reasonable accommodations for compliance with this Policy, subject to the ultimate oversight and direction of the MGA Board of Directors.

1. Registration

Owner(s) extracting groundwater from wells qualifying under one or both definitions described in the Applicability section, above, shall register each of their wells with MGA no later than December 31, 2024[1], by completing a form and providing all information specified by MGA. Owners are required to fill in the MGA forms as completely as possible with all information available to each Owner at the time of registration. Registration information provided to MGA shall include the identification of all parcels of the Owner(s) served by a well and a map of the location of the well(s) within each parcel. MGA will provide an opportunity to

[1] There may be instances where MGA becomes aware of a non-de minimis Owner subject to this Policy after the established deadlines. In such a case, the Owner will have 6 months to register their well(s) and an additional 6 months to install a meter(s) following receipt of a notification from MGA.

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submit the required information either electronically or in paper form, which will be described to the Owner(s) in a written notice following MGA Board adoption of this Policy.

The MGA also encourages the voluntary registration of all de minimis (those extracting less than two (2) AFY) and other wells in the Basin not subject to this Policy as a means of MGA sharing information, issues or conditions that could impact users of groundwater (e.g., known water quality concerns in an area).

2. Metering

All Owners subject to this Policy pursuant to the definitions described in the Applicability section, above, shall install water meters on all wells on their real property (unless exempted in writing by MGA) no later than September 30, 2025. Proof of meter installation, including a photograph showing the installed meter and initial meter volume reading, shall be submitted to MGA on or before October 31, 2025.

Installed meters must be capable of recording the volume of groundwater extracted. Meters shall have a manufacturer initial stated accuracy of plus or minus 5 percent, be installed in adherence to manufacturer specifications, and be capable of displaying the total volume of groundwater extracted. A display of the instantaneous flow rate of the meter is recommended, but not required by this Policy.

Owners shall maintain meters in good working order and shall provide proof of meter accuracy upon request of MGA. Proof of accuracy shall include a calibration check, with the method of calibration to be approved by MGA on a case-by-case basis. All calibration checks must be capable of determining accuracy within plus or minus 5 percent. If the installed meter is outside the 5 percent accuracy range, the Owner is responsible for repair or replacement of the meter.

3. Reporting

All Owners, or a person authorized by the Owner(s), shall read the meter for each registered well on approximately the last day of September each year and submit meter readings and any other required information to the MGA on or before October 31st each year.

The information to be submitted to the MGA shall be specified by MGA and shall include, but not be limited to:

- **Contact information:** Name of the individual reading the meter and an email address or phone number.
- **Meter reading:** Date of meter reading, meter serial number (if available), totalizer reading with units and scale (e.g., acre-feet, gallons, cubic feet, hundreds of cubic feet, etc.), and a photograph of the meter face that legibly shows the totalizer numbers.
- **Well identification number:** Assigned by the MGA after registration.

It is the intent of the MGA that meter data submitted to MGA remain confidential pursuant to Government Code §6254(e). Usage data will be maintained for use by the MGA, and publicly available only as aggregate values by water use sector (e.g., Agricultural, Municipal, Institutional, Private Domestic) and the MGA will not release the data of any individual private well owner, except upon court order.

4. Compliance Review Process and Appeal

Failure to meet the deadlines for registration, metering, or reporting described in this Policy will result in the MGA POC sending written notice via certified mail to the Owner describing with specificity the nature of the

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alleged violation and the steps and schedule to achieve compliance. The Owner will have 45 days from the date the notice is received to respond to the MGA notice.

If the Owner is not responsive to the written notice or fails to comply with the steps and schedule set forth in the written notice, the MGA POC will issue a Notice of Non-Compliance to the Owner by certified mail. The Notice of Non-Compliance will restate the nature of the alleged violation, provide the date, time, and location of the next MGA Board meeting, and provide detailed instructions on submitting an appeal.

Any Owner subject to this Policy may appeal the Notice of Non-Compliance by filing an appeal in accordance with the requirements of this Section. Appeals shall be made to the MGA POC no later than 14 days prior to the next MGA Board meeting. Any such appeal should be in a form set forth by MGA and shall include, but not be limited to, the following:

1. A description of the reasons why the well registration, metering, and/or reporting requirements should not apply to the subject parcel(s)/well(s) as well as any other information pertinent to the appeal; and

2. If a meter is not yet installed on all the Owners' well(s), a description of the Owner's current or planned efforts to install a meter on the applicable well(s), including any receipts, contracts with meter installers, contact with meter manufacturers or sale representatives, and any other pertinent information including a schedule for compliance.

5. Enforcement

The MGA Board will consider and act on enforcement associated with this Policy. The MGA POC shall request MGA Board authorization to transmit the Notice of Non-Compliance to Santa Cruz County Environmental Health as an enforcement mechanism. At any time that the Owner comes into compliance with this Policy following the MGA Board action, the MGA POC shall notify Santa Cruz County Environmental Health regarding the MGA's rescission of a previously submitted Notice of Non-Compliance.

MGA also reserves the right to enforce this Policy as authorized by law, including but not limited to, through the enforcement procedures described in SGMA (Water Code, section 10732), which authorizes MGA to impose a penalty not to exceed $1,000.00 plus $100.00 for each additional day that the Owner fails to comply with this Policy.

In addition, MGA reserves the right to enter into an agreement with Santa Cruz County Environmental Health and/or the County (collectively, "County"), or any other member agency with the necessary enforcement authority and within whose jurisdiction subject parcels may exist, to allow such entity to enforce portions or all of this Policy, whether through the County's well ordinance or otherwise.